

CONSTRUCTION DELAY – SPECIALIST & EXPERT SERVICES



This is an overview of the specialist services John Stuart Associates can provide and the various stages that such services are of assistance, if not essential, to a contractor, employer or contract administrator faced with understanding, implementing and/or addressing the processes and procedures involved when issues of delay arise on a construction project.

 **John Stuart Associates**
Construction Delay – Analysis and Expert Services

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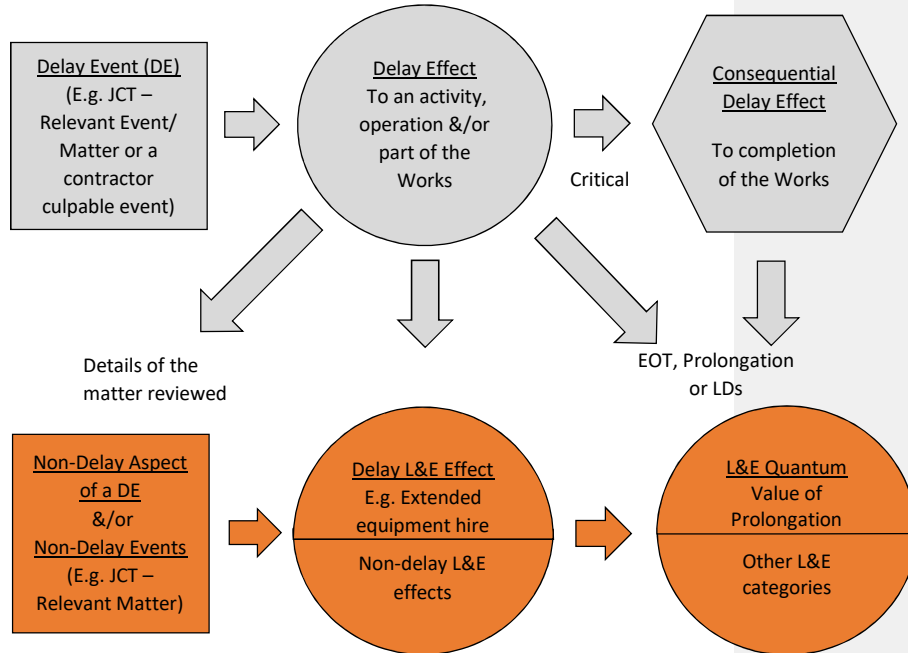
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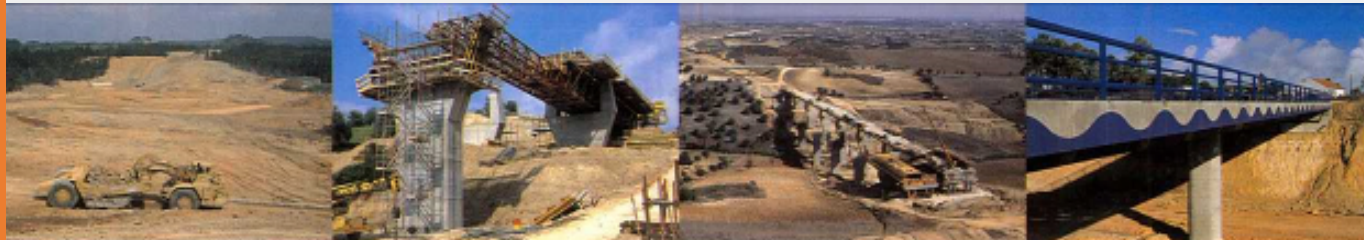
DELAY – JSA can help identify, analyse and prepare particulars, or interrogate same, in relation to the following aspects of delays to construction projects (in grey); and by doing so facilitate and/or support the activities of others (e.g. ascertainment of L&E in orange).



LOSS AND EXPENSE (Formulated Or Ascertained By Others)

INTRODUCTION

When Delay has or is expected to occur John Britain, working through his practice John Stuart Associates (JSA), can provide experienced specialist assistance in advance of or subsequent to a dispute crystallising. This assistance can be provided within a number of chronological stages derived from the typical contractual processes that involve the identification and review of delays, award of extensions of time and the ascertainment of related loss and expense and/or liquidated damages. The broad nature of the assistance John can provide is illustrated opposite. Such assistance has been provided by John to contractors, employers or contract administrators in relation to various forms of construction contracts including JCT, FIDIC, NEC as well as bespoke forms.



THE SPECIALIST SUPPORT SERVICES JOHN STUART ASSOCIATES CAN PROVIDE BEFORE A DISPUTE ARISES

A number of stages exist prior to a dispute crystallising where the engagement of an experienced delay specialist to provide targeted, objective and proportionate assistance can serve to;

- Increase the likelihood of issues being satisfactorily resolved and avoid a dispute arising.
- Place the engaging party in a robust position in the event a dispute should arise.

John has experience in assisting contractors, employers or contract administrators in respects of interim and final review stages typical of construction contracts.

Assistance at Interim Application and Award Stage

The preparation for contractors, or alternatively the review when assisting employers or contract administrators, of particulars of delay effects and related estimates of delay to completion of the Works.

The preparation, or alternatively the review, of particulars of L&E elements linked to delay events included within applications for loss and expense.

The preparation, or alternatively the identification and subsequent review, of further information required by a contract administrator within an interim review.

The preparation, or alternatively the review, of further submissions made subsequent to an interim award.

Final Review Stages

Extensions of Time Final Review Stage

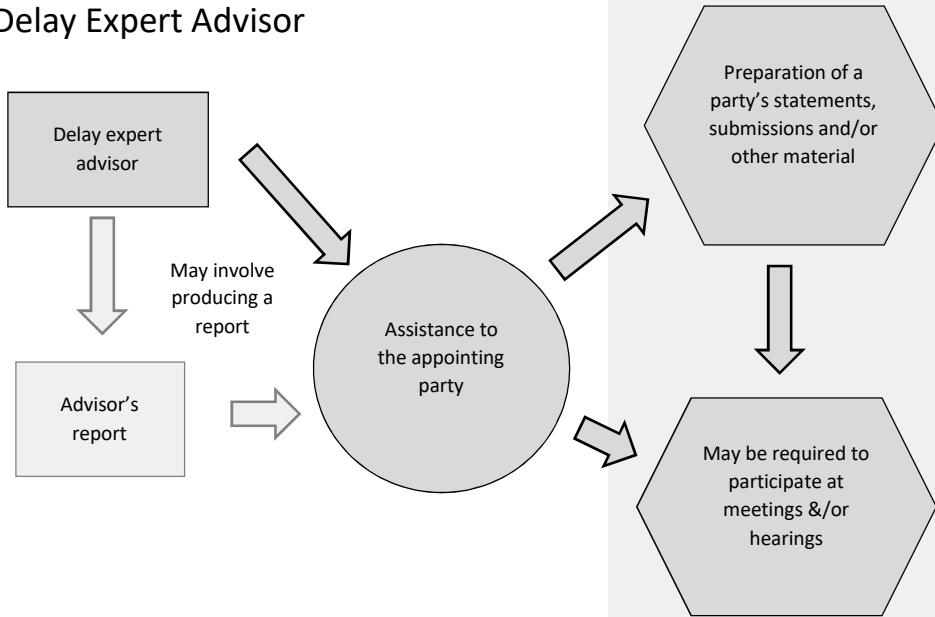
Assistance with carrying out a final review, including review of any related further submissions and/or analyses. Or alternatively the review of the details of a final review and preparation of further responses where appropriate.

Final (Contract Sum) Adjustment Stage

Allied to the above, assistance with the development, or alternatively the review, of loss & expense elements linked to delay events within documentation submitted in relation to final account settlement.



Delay Expert Advisor



THE ADVISORY EXPERT SERVICES JOHN STUART ASSOCIATES CAN PROVIDE

In the event that one party or the other believes a dispute has crystallised or is close to crystallising, or where a dispute has crystallised, the services of an independent delay expert advisor to provide objective impartial and proportionate assistance with matters of delay and the delay related loss and expense effect(s) is essential to be adequately prepared for the potential subsequent processes and/or proceedings.

ADR Processes (such as Mediation, Adjudication or Arbitration) and/or Litigation

John can assist with the preparation of a referring or responding party's statements, submissions and/or other communications/exchanges, relating to the causes of delay and the related effects that bear on extensions of time, delay related elements of loss and expense and/or the ascertainment of liquidated damages.

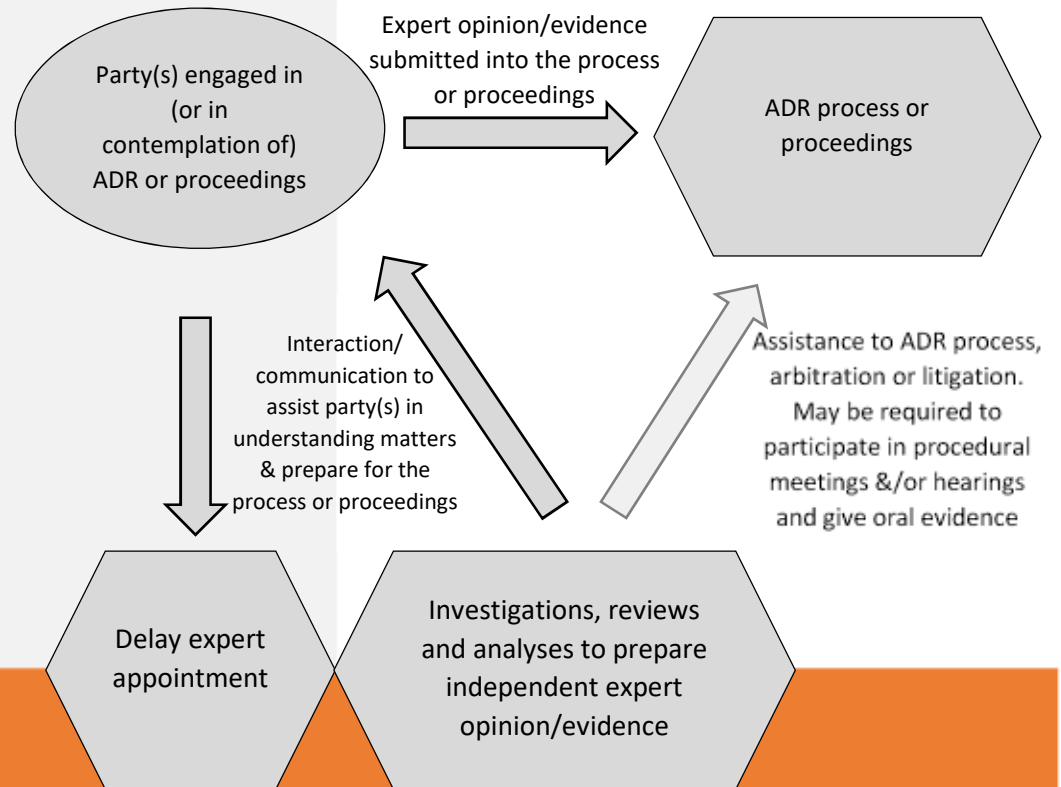


THE EXPERT WITNESS SERVICES JOHN STUART ASSOCIATES CAN PROVIDE WHEN A DISPUTE ARISES

It may become necessary to appoint an independent delay expert to prepare expert opinion/ evidence in respects of disputed matters of delay. Such an appointment may be made by one or other party or jointly by both parties, or more rarely by the court or tribunal.

In preparing such opinion / evidence the expert assists the appointing party (or parties) in understanding the nature and extent of delay matters in dispute and ultimately assists the court or tribunal in deciding those matters.

Delay Expert Witness- Party Appointed or Jointly Appointed



ADR Processes and/or Litigation

John can provide expert witness services producing objective opinion/evidence in relation to disputed matters as to the causes of delay and the related effects that have relevance to extensions of time, delay related elements of loss and expense and/or the ascertainment of liquidated damages.