

ENGAGING COMMERCIAL SPECIALISTS EARLY TO AVOID/MITIGATE DISPUTES

Nathan Minear, Jesse Finke, Anden Lovig



Nathan Minear

AVP, Commercial Business Leader, HNTB

- 32 years of construction industry experience, including aspects of both project delivery and project management, from field personnel and designer production staff to senior executive personnel.
- Performed services as a construction attorney for a wide range of clients from 1990 until 2011 focusing primarily on national contractors engaged in public works.
- Develops contract documents, commercial business practices and procedures for early avoidance and resolution of potential disputes.



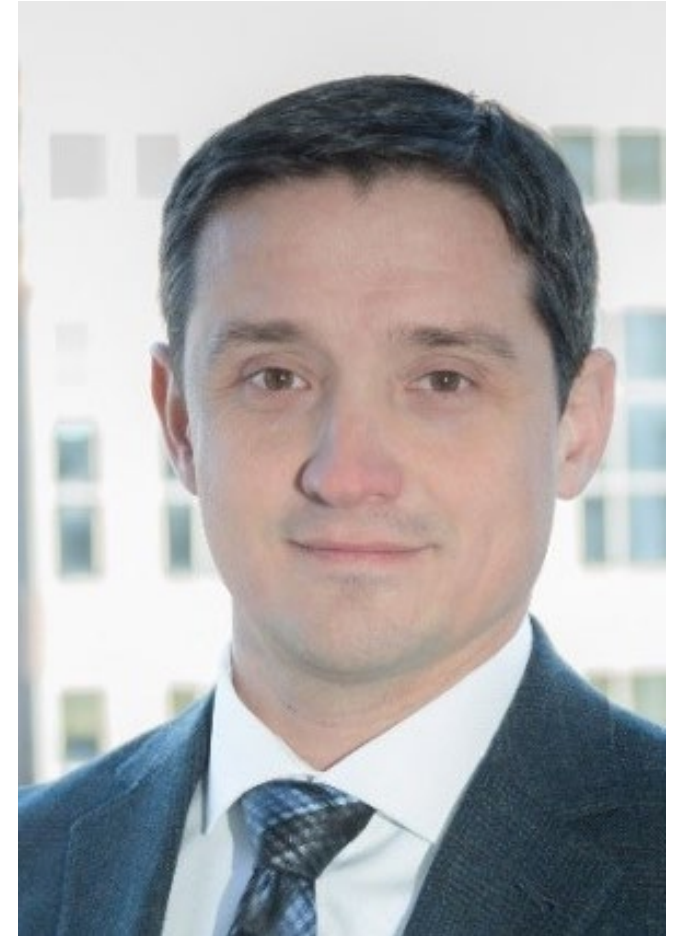
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Jesse Finke

PMP, PMI-SP, HNTB

- 20+ years in transportation and energy sectors; primarily construction
- Roles included field engineering, construction PM, scheduler, claims and change order development/review
- 9+ years on Contractor side
- Developer of SQL tools to expedite schedule reviews and forensics
- 16+ years of working with P3 or P6 daily



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Anden Lovig PE, HNTB

- BS and MS in Civil Engineering from Iowa State University
- 3+ years construction experience (hands-on and inspection services)
- 2+ years of claims related schedule analysis, TIA review, and preparation of graphics to demonstrate time impacts to construction.



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AGENDA

- INTRODUCTION TO CLAIM SPECIALISTS
 - WHO ARE CLAIMS SPECIALISTS?
 - WHAT DO CLAIM SPECIALISTS BRING TO THE TABLE?
- WHY ENGAGE CLAIMS SPECIALISTS EARLY?
 - IDENTIFY EARLY WARNING SIGNS
 - GUIDANCE ON HOW TO AVOID / MITIGATE
 - CLAIMS RESOLUTION
- AUDIENCE EXPERIENCE & QUESTIONS





CLAIMS SPECIALISTS

Who are claims specialists & what do they do?



WHO IS ON THE TEAM?

Claims Scheduler

Team Integrator

Damages Experts

Industry Experts



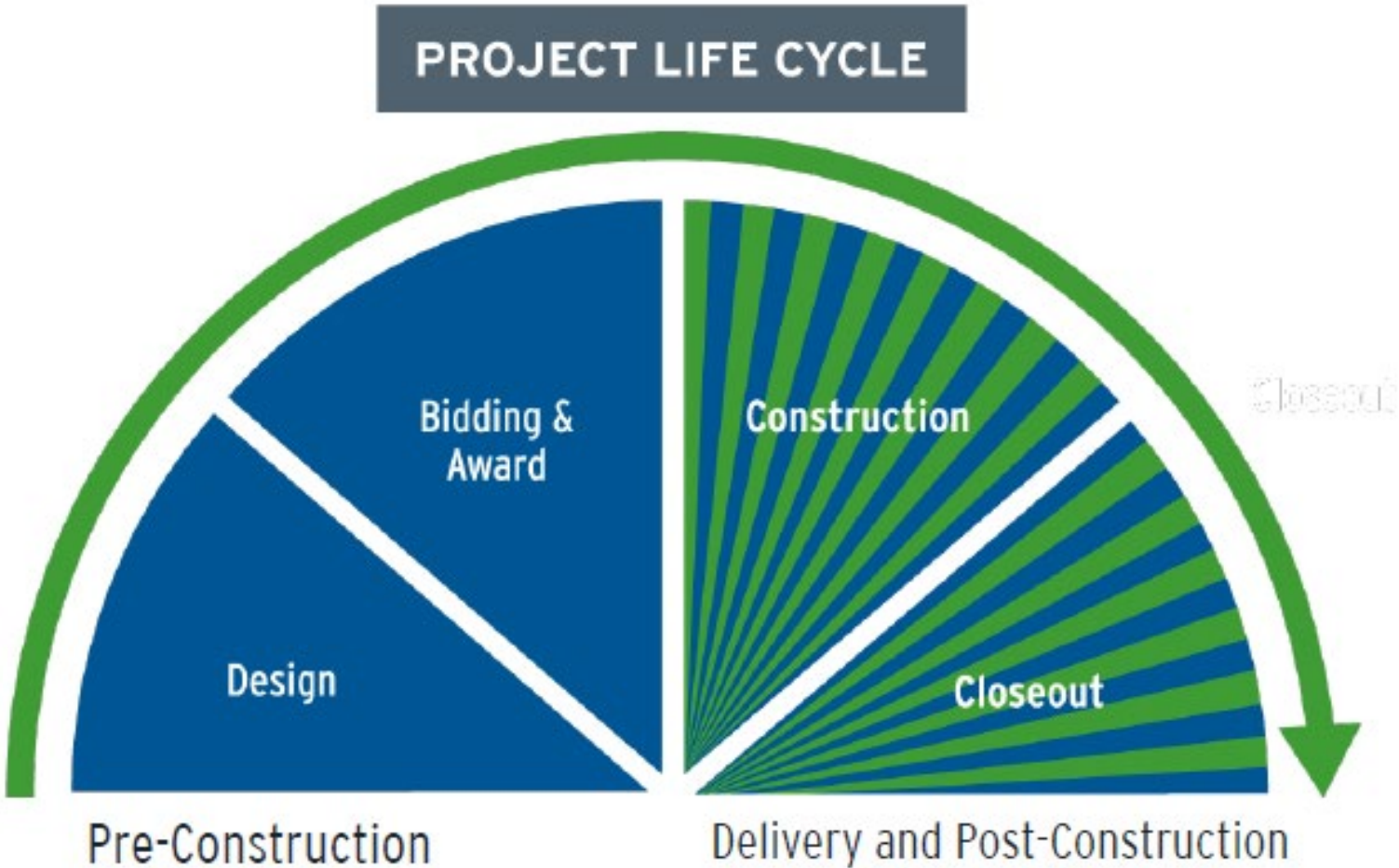


EARLY ENGAGEMENT

The value claims specialists bring.



PROJECT LIFE CYCLE



AREAS OF EXPERTISE

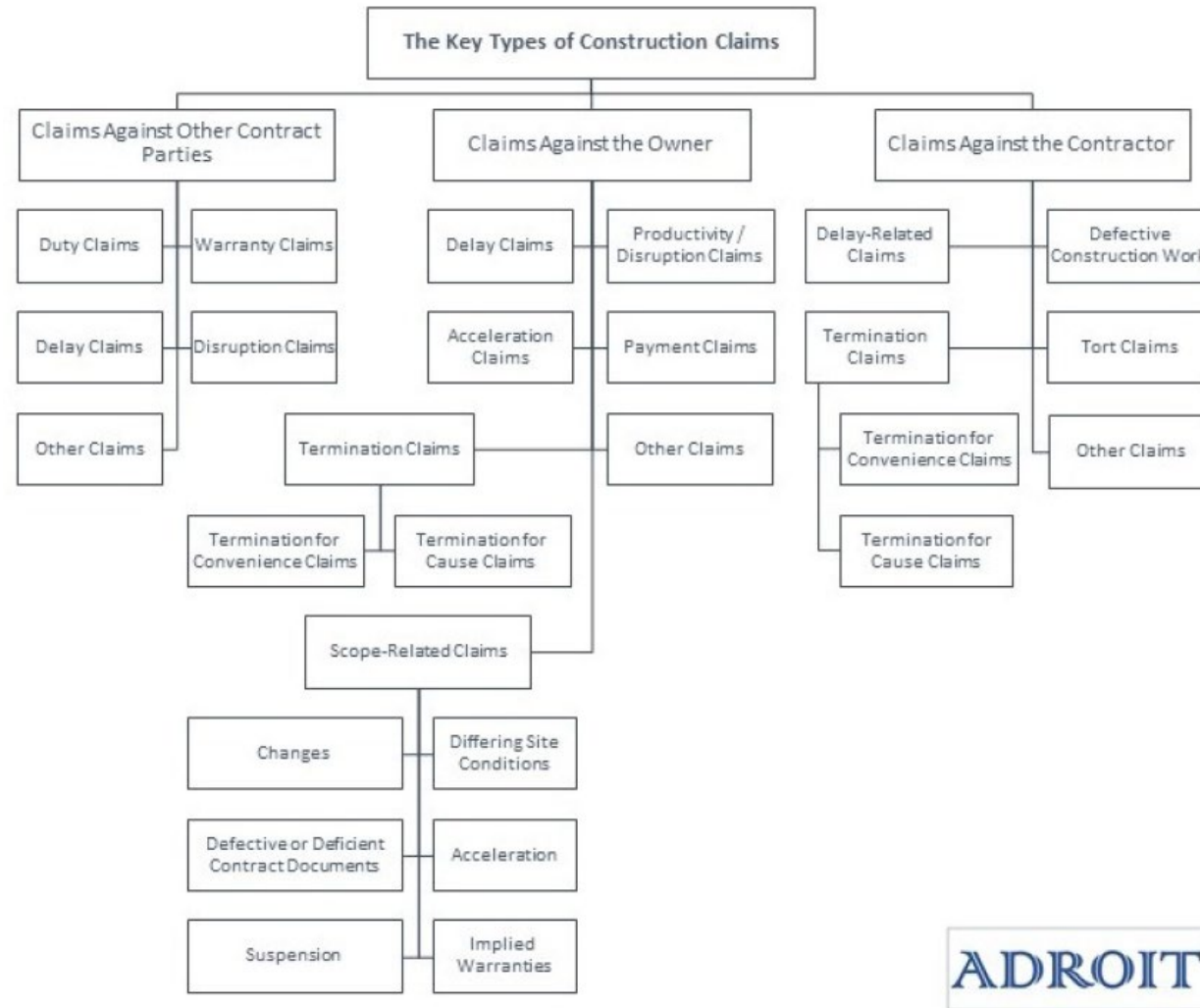
Contract Playbook

Communication and Documentation

Guidance when Contract and Procedures Fall Short



CONTRACT PLAYBOOK AND HOW TO USE IT



- Every project is different and knowing which method to use and what documentation to obtain can be confusing.

Posted on May 4, 2017 by Adroit
<https://www.adroitprojectconsultants.com/2017/05/04/construction-claims-types>



Construction Claims and Their Types



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COMMUNICATION AND DOCUMENTATION

- Effective Communication

- Mars v. Venus – mutual understanding of the dispute
- Contractor & Engineer
- Vertical (internal) and Horizontal (external)

- Informed Decisions

- Documentation of the Dispute – if it isn't in writing it never happened
- Battle of the Narrative - Correct application of the right documentation



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WHEN CONTRACT AND PROCEDURES SEEM TO FAIL





AUDIENCE QUESTIONS



SCOPE

SCHEDULE

WHEEL OF MISFORTUNE

CHANGE/DISPUTE/ RISK
ALLOCATION

FEE / DAMAGES

