

Enhance Your Claims Entitlements

Contractors focus on the successful delivery of projects but do not always get paid fairly for doing so!

Whilst contractors are experts in construction, Systech are experts in claims, and we can help contractors prove and recover their time and quantum claims at a reasonable cost.

There are three key problems commonly facing contractors when pursuing their contractual entitlements:

- ① Meeting the strict time limitations for notices and supporting documents
- ② Submitting the right documentation and supporting evidence
- ③ Dealing with reluctant certifiers (rejection)

These problems often lead to key members of the project team being diverted away from their daily activities, increased administration costs and a reduction to the out-turn profitability of the project. However, where there are problems, Systech has solutions!

Problem 1: Meeting the strict time limitations for notices and supporting documents

The Problem

Most contracts have specific requirements for the recovery of claims that necessitate the submission of notices followed by estimates (or quotations) for programme and cost effect within a stated (often short) timescale. Failure to meet these contractual timescales can result in entitlements being significantly reduced or lost altogether. With the site team busy on day to day activities, the submission of information can often be late or missed altogether as this activity becomes secondary to other project demands and priorities. Failure to secure an extension of time will expose the contractor to additional costs (acceleration, liquidated damages and extended preliminaries), reducing the profitability on a project and potentially creating a loss.

The Solution

Systech offers experienced construction professionals (at short notice) who can provide guidance/advice, recommend a commercial strategy, and prepare the contractual notices with supporting documentation, on time to ensure that the contractor is commercially protected. We can carry out this role on site or at a Systech office.

Problem 2: Submitting the right documentation and supporting evidence

The Problem

Project teams are often unclear on the documentation and records to submit to the certifier to allow an opinion on a claim to be reached. Too little can result in rejection whilst too much can be confusing and expensive to produce. The balance of keeping the level of documentation and the costs of claim preparation proportionate to the potential claim recovery is often difficult to manage.

The Solution

When an event occurs that causes delays and additional entitlements to the contractor, Systech has skilled claims professionals who provide a rapid, cost effective solution so that the best possible contractual submissions for extensions of time and/or loss and expense are made in accordance with the contract conditions. We will ensure that quality documents are timely submitted, including claims narratives and forensic delay analysis, maximising the likelihood of a positive outcome from the certifier, whilst allowing site staff to focus on their daily activities. Where appropriate, we can call upon our in-house visualisation team to prepare high impact animated presentations and video that help to explain complex issues and arguments so that they can be more easily understood by the certifier.

Problem 3: Dealing with reluctant certifiers (rejection)

The Problem

Far too often the certifier either wholly or partly rejects the claims. Once again the contractor is faced with the dilemma of whether to divert key members of the project team from their daily activities to pursue the claim. How can the contractor avoid being forced to compromise when it has a good case, just because the certifier demands additional (perhaps unreasonable) further particulars? Or perhaps the certifier has a strong view and the contractor needs to consider an alternative approach?

The Solution

Systech will provide an honest and open opinion on the merits of the contractor's case and recommend a strategy by which the claim entitlements can be recovered. Our advice would adopt a commercial emphasis – for example, we may suggest that certain parts of the claim are re-worked so that recovery is sought through the variation account, entitlement quickly established and payment received, aiding cash flow. Whereas other, more contentious, elements would be pursued as a claim under the relevant contract mechanism.

Our claim specialists will work with your team to prepare (evaluate, justify and evidence) and present a professional and persuasive claim document. We will endeavour to negotiate the best possible outcome whilst working within given budgets and our cost will be proportionate to the value of the claims sought.

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