

Construction Claims: A Picture is Worth More Than a Thousand Words



“A picture is worth a thousand words” is an old proverb that suggests complex stories can be described by just a single picture. The same is true with respect to proving construction claims, where one visual or graphic can be more persuasive and influential than a thousand words.

Construction is a complex and risky process requiring extensive planning, engineering, procurement, and construction management. When all of these activities operate in concert with each other, the result is a successful project. However, when any one of these activities fails, the result can be a troubled project, often resulting in construction claims.

The claimant typically has the burden of proof in preparing and proving its damages in construction claims. However, often the decision makers are company executives who may not be intimately familiar with the project details. Therefore, it is essential to boil down and capture the essence of the claim without losing critical details, such as the root causes and resulting damages. Company executives are unlikely to read a 100-page claim, but they will read and study a one-page summary of the dispute. Therefore, it is critical to illustrate in graphical form the nature of the claim.

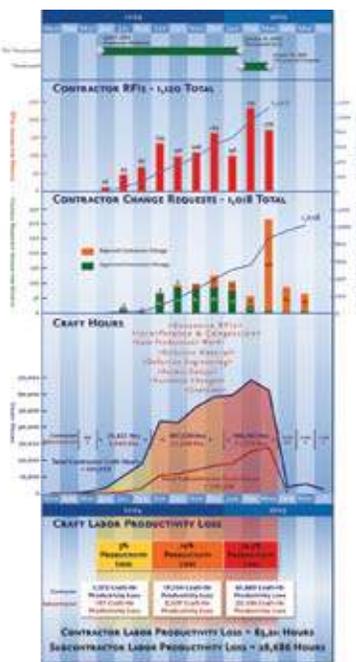


FIGURE 1

Some of the more persuasive construction claims graphics are illustrated in this article along with a brief explanation of why these graphics are effective.

Stacked Graph

A stacked graph can illustrate the interrelationship between various items over time. In Figure 1, change orders, requests for information (RFIs), the project schedule, and the labor histogram are plotted over time to illustrate that late project changes and RFIs can have a detrimental impact on labor productivity.

As shown in Figure 1, excessive RFIs or late changes decrease labor productivity and result in increased labor hours.

Measles Diagram

Another effective illustration is the so-called “measles” diagram. A measles diagram illustrates the approximate location of various project problems, such as engineering errors, RFIs, or changes. As shown in Figure 2, a measles diagram can be effective on heavily disrupted projects to illustrate that virtually every aspect of the project was impacted.



FIGURE 2

3-D Model

Loss of labor productivity claims can sometimes be difficult to prove if project data is not available. However, 3D models can be used to illustrate the technical challenges associated with a work activity. For example, Figure 3 illustrates an engineering or



FIGURE 3

fabrication error with a pipe that was fabricated three inches too long. While this may seem like a relatively simple fix, this section of pipe was approximately 120 feet in the air on top of a distillation tower platform. When viewed using the 3D model in Figure 4, the inherent difficulty and resultant decrease in labor productivity of working almost 120 feet above grade becomes obvious.



FIGURE 4

Construction claims are successful when the claimant artfully and persuasively explains why it is entitled to additional compensation, or in many instances, an extension of the schedule. Graphics can greatly enhance your chances of success with construction claims if they capture the essence of your claim and provide a linkage between the act or omission and the resultant damages. A well-designed graphic may well be worth more than a thousand words, and on large construction disputes, perhaps worth thousands (or millions) of dollars.



ABOUT THE AUTHOR:

Chris Sullivan is a Vice President and Principal Consultant with Interface Consulting International, Inc. Mr. Sullivan specializes in preparing engineering- and construction-related claims and providing litigation support, including consulting expertise and expert testimony, and has testified in various courts and arbitration forums. Mr. Sullivan has over 22 years of engineering and construction experience in the refining, petrochemical, chemical, and oil and gas industries and has worked on projects in Europe, the Middle East, Africa, Asia, and South America. He has lived and worked overseas in various capacities including Director of Lump Sum Turnkey Proposals and Business Manager on a \$200 million lump sum EPC project. He was most recently Project Manager for Foster Wheeler prior to joining Interface Consulting.

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