

**Construction Claims Reference Library - Listing of Articles by Topic**

Issue	Case Name	Abstract	Author
<b>Arbitration, Mediation &amp; Dispute Resolution</b>			
2-30	<a href="#">The Society of Construction Arbitrators - 100 Day Arbitration Procedure</a>	The Society of Construction Arbitrators (United Kingdom) released in July 2004 its 100-Day Arbitration Procedure. This is an admirable attempt to set schedules and reign in the prohibitive costs of dispute resolution. We think the American Arbitration Association should consider something similar as an alternative to its current "Fast Track" and regular procedures.	Staff
2-11	<a href="#">Non-Party Issues</a>	Recently, we covered a case in which a "non-party" to an arbitration was able to rely on the arbitrator's ruling on the issues in dispute before the arbitrator, and could not be sued in a separate legal action. Here are two additional cases involving non-party issues.	Staff
4-47	<a href="#">Summary of CPR Rules for Expedited Arbitration for Construction Disputes</a>	With hopes of curbing lengthy and costly court and arbitration proceedings, the Conflict Prevention & Resolution (CPR) Institute offers new rules to expedite the arbitration process in construction disputes.	J. Barry Grove
4-23	<a href="#">Attorney's Toolbox - Part 1</a>	In the first article in this four-part series, attorney Kent B. Scott enumerates and explains the tools every construction attorney should have at the ready. This article is published with permission from the <i>Utah Bar Journal</i> , where it originally appeared.	Kent B. Scott
4-24	<a href="#">Attorney's Toolbox - Part 2</a>	In the second article in this four-part series, attorney Kent B. Scott explains the anatomy and strategy of a mediation proceeding. This article is published with permission from the <i>Utah Bar Journal</i> , where it originally appeared.	Kent B. Scott
4-25	<a href="#">Attorney's Toolbox - Part 3</a>	In the third article in this four-part series, attorney Kent B. Scott explains the process and players involved in arbitration. This article is published with permission from the <i>Utah Bar Journal</i> , where it originally appeared.	Kent B. Scott
4-26	<a href="#">Attorney's Toolbox - Part 4</a>	In the final article in this four-part series, attorney Kent B. Scott explains the make-up and process of a dispute review board. This article is published with permission from the <i>Utah Bar Journal</i> , where it originally appeared.	Kent B. Scott
4-19	<a href="#">Construction Mediation</a>	Mediator Ernest C. Brown offers a primer for mediation procedures, including who to involve, what to take and what to expect.	Ernest C. Brown
4-7	<a href="#">Arbitration Law</a>	Shelly Ewald presents a concise and informative look at a year's worth of developments and changes in arbitration laws, including procedures, jurisdiction, standard of review and interim review.	Shelly Ewald
2-3	<a href="#">Forum Choices in Federal Bid Protests</a>	A disappointed bidder or offeror on a federal government procurement has several potential choices on where to file a bid protest challenging the award of a contract or the terms of a solicitation. These choices generally include the United States Court of Federal Claims ("the court"), the United States General Accounting Office ("GAO") and the procuring agency. <sup>1</sup> Where you file a protest is often a judgment call based on the type of issues presented, expense and timing. This note addresses some of the significant considerations.	Jonathan D. Shaffer
<b>Bidding, Claims Pricing, Labor Inefficiencies and Audits</b>			
4-38	<a href="#">Anticipating Site Access Problems</a>	The best time to anticipate site access complications occurs in the pre-bid stage. Planning ahead may help reduce future problems and minimize delays.	Staff
2-1	<a href="#">Bid Protest and Preparation</a>	The General Accounting Office now accepts bid protests by email. Currently, there are over 172 cases sitting on the docket to be heard through April 22, 2004. (Note, protest rulings must be issued within 100 calendar days of filing.) Complete requirements, instructions and procedures to file protests are included at the GAO website. ( <a href="http://www.gao.gov/decisions/bidpro/bidpro.htm">http://www.gao.gov/decisions/bidpro/bidpro.htm</a> ) Here are a few short procedures and suggestions for preparing bids as well as filing protests.	Staff
4-37	<a href="#">Be Alert with Unbalanced Bidding</a>	With the ever-present need to increase profits and profit margins, contractors may be tempted to unbalance their bids in the hopes of a windfall payout. This practice offers some definite pros and cons, as explained here.	Staff
4-40	<a href="#">Methodologies and Technologies - Basic Elements</a>	Construction claims analysis is never a simple matter. Over the years, the rules surrounding claims have changed, methodologies have come and gone, and technological advances have changed the way business is done. Experts from Warner Construction Consultants begin a series that delves into the nuances of pursuing a successful claim.	John C. Livengood
3-32	<a href="#">Contract Delay and Disruption</a>	Attorney and resolution dispute guru John Darling takes the guesswork out of contract delay and disruption problems in this Tips & Techniques article.	John Darling
2-25	<a href="#">The Case Against Offsets When Pricing Changes and Delay Claims in Federal Government Contracts - Update</a>	In the April 26, 2004 issue of the Construction Claims Advisor we reported on an article from the Public Contract Law Journal written by Gregory L. Fordham of K&F Consulting, Atlanta, GA showing there is no basis for offsetting Eichleay overhead with amounts received as markups on change orders. The full article is now available and can be accessed at the link included with the online copy of this article.	Staff
2-26	<a href="#">Estimating Lost Labor Productivity in Construction Claims - Recommended Practices</a>	The final approved version of recommended practices for estimating lost labor productivity in construction claims has been released by the Association for Advancement of Cost Engineering International (ACEI). The 32-page paper provides a comprehensive overview while delivering some long overdue structure to this complex subject. (Available for download.)	Staff
2-12	<a href="#">Cumulative Impact and Cardinal Changes</a>	A contractor may be working on a project on which the owner makes continuous changes or so many changes that they ultimately impact the very essence of the contract. The contractor is then forced to perform more work than it expected or out-of-sequence or differently than it had planned. This is likely to result in the contractor performing its work less efficiently than it estimated. Can the contractor recover the costs resulting from this inefficiency against the owner? The answer may depend on whether the contractor can prove a claim for "cumulative impact".	Thomas D. Czik, Esq.
2-14	<a href="#">Excel, Ideal Tool for Productivity Analysis, Progress Tracking and Construction Claims</a>	This is the first of a two part tutorial on using Excel to analyze and support claims type data. This week, we look at the use of the Pivot Table function for productivity analysis.	Paul Levin
2-15	<a href="#">Productivity Analysis, Progress Tracking and Construction Claims with Excel</a>	In this part, we look further at Excel pivot tables to track actual progress over time against the planned schedule. This can be a valuable tool for determining areas to focus productivity improvement, analyze delays and compare relative progress of trades on the job.	Paul Levin

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3-2	<a href="#">Using Productive Time to Calculate Labor Inefficiencies</a>	This article begin a series on quantifying labor inefficiencies by Dr. H. Randolph Thomas of Penn State University. Dr. Thomas is an expert in the field and has written on the subject for the American Society of Civil Engineers (ASCE), the Electrical Contracting Foundation (associated with NECA) and Aspen Publishing. The series focuses on acceptable standards of accuracy and starts with a discussion of the measurement of productive time vs. non-productive time to determine inefficiency. Other articles in the series include the use of industry average curves, measured mile and baseline calculation techniques.	Dr. H. Randolph Thomas, P.E.
3-3	<a href="#">Using Industry Average Curves to Calculate Labor Inefficiencies</a>	In this second part of our series on various methods for computing lost labor productivity, Dr. Thomas examines the various technical problems with using industry average curves.	Dr. H. Randolph Thomas, P.E.
3-4	<a href="#">Causation and Cause-Effect Analysis</a>	This article begins a discussion of the proper way to conduct an inefficiency analysis with particular attention to causation, which is one of the three elements in the triad of proof.	Dr. H. Randolph Thomas, P.E.
3-5	<a href="#">Resultant Injury and the Measured Mile</a>	In part four of our series on labor inefficiency calculations, Dr. Thomas looks at issues that affect measured mile analyses.	Dr. H. Randolph Thomas, P.E.
3-10	<a href="#">Construction Learning Curves: Factual or Imagined?</a>	Dr. H. Randolph Thomas offers his views, based on nearly a quarter century of productivity data on construction projects, of the applicability of learning curves on claims of contractor labor inefficiencies.	Dr. H. Randolph Thomas, P.E.
4-34	<a href="#">DCAA Manual Review - Part 1</a>	A contract audit manual designed for federal government contractors provides useful information to all contractors, not just those that pursue public projects.	Staff
4-35	<a href="#">DCAA Manual Review - Part 2</a>	A contract audit manual designed for federal government contractors provides useful information to all contractors, not just those that pursue public projects. This is the second half of CCA's review of the manual.	Staff
<b>Construction Defect Issues, Warranties, Insurance and Contract Close-out</b>			
3-31	<a href="#">The Designer's Role in Claims Prevention</a>	A do-it-yourself home construction and relocation project turns into a string of lawsuits when the homeowner sells the property without disclosing the structure's defects.	Thomas Frisby
2-35	<a href="#">Seven Ways to Reduce Construction Claims</a>	This checklist provides valuable tips on pre-construction and commissioning steps to help avoid and reduce disputes.	Dr. Malcolm Lewis, P.E.
3-21	<a href="#">Mold Problems in Buildings Continue to Increase as do Lawsuits, Insurance Costs</a>	More than 10,000 families vacated their homes over the last two years alone due to mold claims, according to Ronald Wright, senior VP, R.V. Buric Construction Consultants and a noted authority in molds and the problems they cause. Wright explores the construction issues and the three types of mold claims contractors, consultants and their attorneys should be familiar with.	Ronald E Wright, P.E.
3-14	<a href="#">Third Party Practice and the Complex Construction Defect Litigation</a>	Troubled construction projects frequently result in litigation in which the owner sues the general contractor who, in turn, "implies" the subcontractors, bringing them into the same suit in an effort to pass liability downstream on legal theories such as indemnification or contribution. As such, the subcontractors are required to incur legal fees and participate in the litigation even when the general contractor is ultimately found to have no liability to the owner.	Randall C. Allen, Esq., and Bryant M. Farland, Esq.
3-36	<a href="#">It's Not Over Until ... : Guidelines to Prevent Post-Construction Claims</a>	A building defect statute of limitations, whether four months or 14 years long, shouldn't be ignored. Tom Frisby offers guidelines for staying on top of the post-construction phase of any project to avoid late date claims.	Tom Frisby
2-37	<a href="#">Internet Resources on Mold, Claims Identification, and Lost Labor Productivity</a>	Mold and mold litigation avoidance, claims identification and documentation, and lost labor productivity are the subject of these valuable reports found on the Internet.	Staff
2-17	<a href="#">Five Steps to Prevent Warranty Conflicts and Keep Final Payment on Track</a>	Contributing editor and attorney Jayne Czik provides practical steps to forestall warranty problems that sometime arise at the end of a project.	Jayne Czik, Esq.
4-41	<a href="#">Architect-Engineer Liability Action (AELA) for Design Errors and Omissions</a>	Any number of factors can force a project over budget and delay its scheduled completion. Proving liability can then become a game of pass the buck. Gerald P. Byrne, an expert in architect-engineer liability actions (AELA), provides tips for determining liability when design-related errors and omissions add up to legitimate damages.	Gerald P. Byrne, P.E.
1-2	<a href="#">Construction Litigation Reporter - November 2003</a>	In this month's lead article, Charles S. LiMandri, Esq., discusses mold claims, insurance coverage and exclusions. The article focuses on cases from California, which apply an efficient proximate cause analysis to place responsibility. Included in this issue are ten(10) case summaries, including topics such as declaration that a Dispute Resolution Board (DRB) was biased, an architect was enjoined in an injury liability suit and two cases where total cost recovery was disallowed (one against a contractor and one against an owner). [The citations and complete digests are found in this week's Construction Claims Advisor.]	Staff
<b>Contract Start-up, Contract Administration, Claims Avoidance and Claims Management</b>			
2-4	<a href="#">Claims Administration Programs can Save Contractors Money</a>	Over the years, we have seen many claims and claim-related problems cause contractors to suffer serious cash flow problems, or worse, to lose substantial sums of money. In more cases than not, these losses and deferred payments could have been avoided by the early identification of claim situations, proper notice, proper records, and properly prepared claim packages. This article explains the elements and benefits of an organized claims administration program designed to identify, document, price and resolve claims and change orders.	Paul Levin
1-5	<a href="#">The Daily Report</a>	The Daily Report is the single most important document concerning a construction project. It not only serves as a record of work, the daily report helps the author think about the day's work and aids in planning for the next day. It also serves as a communications device between the field and the office. Finally, it provides supporting data for settling changes orders, claims and disputes.	Paul Levin
2-24	<a href="#">The 10-Point Mid-Project Sanity Check</a>	Construction owners (and construction managers) can accurately assess the true status and health of a project by answering these questions.	Paul Levin
4-11	<a href="#">12 Steps to Effective Contracting - Part 1</a>	From learning lessons from history to choosing the right team players, Tom Frisby offers effective ways to improve the construction contracting process. This week's article presents the first six concepts in his 12-step approach.	Tom Frisby

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4-12	<a href="#">12 Steps to Effective Contracting - Part 2</a>	From adopting a team player approach to always looking for ways to improve, Tom Frisby offers effective ways to enhance the construction contracting process. This week's article presents the final six concepts in his 12-step approach.	Tom Frisby
2-5	<a href="#">Digital Photography</a>	A few brief notes on the use of digital photography for record keeping of construction progress. Affordable, easy and well worth the effort.	Paul Levin
1-1	<a href="#">Finality of Change Orders</a>	The Project is complete, several Change Orders have been executed, and the Contractor submits a claim for extended performance and impact costs allegedly resulting from changes. Does the Contractor have a cause of action? Savvy contractors insist on use of the AIA contract documents to solve this problem.	Lawrence E. Conley, AIA, Esq.
1-2	<a href="#">Importance of Clarity and Specificity</a>	This week's cases illustrate the importance of being clear and precise when preparing, negotiating and settling change orders.	Staff
2-7	<a href="#">Read the Contract, Ask Questions, and Give Notice</a>	For the contractor or subcontractor in a hurry, we provide a few basic recommendations to improve contract administration and reduce claims mishaps.	Staff
2-10	<a href="#">Releases Must Make Clear the Monies It Applies To</a>	When drafting and signing releases, general contractors and subcontractors must make certain that they are not inadvertently releasing or keeping open claims. Typically, when a general contractor makes a progress payment to a subcontractor it requires the subcontractor to sign a partial release in which it gives up its right to make a claim against the general contractor based on the work it did during the progress period. The general contractor's goal is to protect itself against surprise claims later for the work the subcontractor performed during that period.	Jayne Czik, Esq.
2-51	<a href="#">Outside the Box - Shared Project Control</a>	Farid W. Saddik of R&L Brosamer, Inc. makes a case for shared project controls, along with some practical suggestions for increased use through common data exchange standards.	Farid W. Saddik
2-27	<a href="#">Claims Avoidance before Signing the Contract</a>	In an article submitted by reader Dennis Hittle of Russell Construction Company, Davenport, IA, we are reminded of some important preparations contractors can take to get projects off on the right foot. Mr. Russell looks back on his 40-year construction careers, finding his best claims avoidance techniques is grounded in the principles of establishing common goals, open communications and selection of the proper delivery method.	Dennis Hittle
3-26	<a href="#">Claims Prevention</a>	Some years ago, Congress tasked the National Research Council to study the issue of cost growth of construction contracts. Conclusions from that study determined that there was no perfect or complete set of specifications and drawings. The reality is that most projects are not really "design-bid-build," but rather "design-bid-build-figure out the design-build-change the design-build-argue over the design-build ...."	Thomas Frisby
4-43	<a href="#">Do the Specifications Really Govern?</a>	It is commonly said within the construction industry that in the event of a conflict, the specifications govern the drawings. There is logic to this principle. Drawings are typically general depictions of the work. Specifications include the details. The principle is also grounded in contract. Construction contracts typically contain an "order of precedence" clause reciting the maxim.	Staff
2-35	<a href="#">Interview of New Editorial board Member Dr. Lewis - Focus on Claims Avoidance</a>	This checklist provides valuable tips on pre-construction and commissioning steps to help avoid and reduce disputes.	Staff
<b>Owner Issues, Risk, Insurance and False Claims</b>			
4-48	<a href="#">Coping with Site Condition Disclaimers</a>	Too often, site conditions prove problematic to even the seasoned contractor. Owners want to sign away any risk through disclaimers without paying for an inflated contingency in the contract price. Where should the parties draw the line? This primer offers some suggestions.	Staff
4-49	<a href="#">Working with Electronic Documents</a>	As the world presses forward along a global superhighway of technology, users generate and accumulate electronic data at breakneck speeds raising questions about how to store it, who needs access, what should be saved, etc. Warner senior consultant Larry Conley answers these questions as they apply to the construction industry	Larry Conley
3-17	<a href="#">A Checklist to Avoid False Claims</a>	False claims liability has raised various questions for construction contractors involved in publicly funded projects. This article focuses on one of those questions; specifically, how can contractors ensure that any claims for extra money are properly prepared and submitted?	Dr. William Ibbs, Long D. Nguyen, Ron Shumway, and Roger M. Hughes
4-14	<a href="#">Cost Control for the Owner: Protection Against Claims</a>	Protective contract language won't always protect an owner against claims on fixed price contracts. Due diligence from the owner must be given to cost controls throughout the course of the project, says cost controls expert Larry True.	Larry True
2-34	<a href="#">Discussion of Physical Injury Issues as Decided in F &amp; H Construction v. ITT Hartford</a>	Commercial general liability (CGL) coverage for construction defect-related problems seems to be a hot topic lately, with a half-dozen decisions in the past two months. For more information and insight, we turned to construction insurance expert attorney Scott Turner, who filed the depublication request on the recent <i>F &amp; H</i> decision.	Scott Turner
1-3	<a href="#">2003 Superconference for Owners - Top Ten List of Owner Peeves</a>	The annual Construction Superconference went without a hitch last week. That conference promoter Robert Cushman was too ill to attend did not stop the 500+ attendees from enjoying a solid two-days of workshops and networking. This year's theme focused on the construction owner, which comprised approximately 30% of the conference attendance, with public agencies and school systems a visible majority. Not surprising, a full 50% of the conference consisted of attorneys and claims consultants, with the leading workshop topic related to claims. The remaining 20% of the attendance included contractors, construction managers and engineering companies. This is Part I of a two part article listing the top ten peeves owners are encountering with their contractors.	Paul Levin
1-4	<a href="#">Owner Top Ten Claim Issues - Part II</a>	This is Part II of the Top-Ten List of Owner Peeves voiced at the 2003's Construction Superconference in San Francisco. In Part II we describe the strategies and techniques employed by owners to deal with Top Ten List issues. Contract clauses, bidding methods, contract administration strategies and claims analysis techniques head up this arsenal of defenses. Its not war, but the fact that over 40% of the 38 sessions addressed these issues indicate some owners still feel besieged. In addition to effective contract administration procedures, there are some innovations and instructive tips that are worth considering when dealing with early completion, RFI, delay and lost productivity claims. Contractors can benefit from this article too, as improved notice and documentation help preserve and establish the factual basis needed for successful claims resolution.	Paul Levin
3-27	<a href="#">Claims Prevention: The Owner's Role</a>	Owners play a key role in overseeing the success of any construction project. Regardless of the project type or delivery system, these tips will guide owners and contractors through a successful project.	Thomas Frisby

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2-49	<a href="#">Fall 2004 Construction Lawyer - Payment Clauses Survey</a>	We look at the Fall 2004 <i>Construction Lawyer</i> published by the American Bar Association, including a lengthy, state-by-state survey of payment clauses, trust fund statutes and prompt payment acts.	Staff
2-8	<a href="#">Reservation of Rights</a>	Owners, both public and private, need to know the final price of a change order. In theory, most change orders are short duration and do not have an impact on the job, and signing an accord and satisfaction is harmless. However, projects with extensive delays have future risks, such as pushing a contract into another winter season, an unplanned wage increase or, as in the Perini case, into political turmoil with an economic impact. Reservation of rights can be critical to a successful delay and impact claim.	Staff
2-17	<a href="#">The Procurement Lawyer - Spring 2004</a>	This issue of The Procurement Lawyer contains an interesting article on Eichleay offsets as well as an article on Abandonment and Cardinal Change on State and Local Construction Projects.	Staff
<b>Delay and Impact Claims</b>			
4-29	<a href="#">Impact Claims - Part 1</a>	Impact claims play a major role in any construction project. Tom Frisby tackles this all-encompassing subject in a five-part series.	Tom Frisby
4-31	<a href="#">Impact Claims - Part 2</a>	Impact claims are preventable. Mr. Frisby explains the four major hitters in prevention of labor impact claims.	Tom Frisby
4-33	<a href="#">Impact Claims - Part 3</a>	With proper documentation manifested through daily reports and schedule updates, a contractor stands a good chance to successfully pursue an impact claim. Tom Frisby delves into the nitty-gritty details of what to include on the daily report.	Tom Frisby
4-39	<a href="#">Proving Delay Damage and Impact Claims (Impact Claims - Part 4)</a>	Delay and impact claims can be a headache for everyone involved—contractor, owner, subcontractors, field personnel, attorneys, etc. By preparing proper documentation throughout the project, a contractor stands a far better chance of proving a claim. Tom Frisby offers a comprehensive list of documents to prove delay damage and impact claims.	Tom Frisby
4-44	<a href="#">Contractual Defenses--Working through "No Damage for Delay" Clauses (Impact Claims - Part 5)</a>	"No Damage for Delay" clauses can wreak havoc on contractors who do not negotiate fair contract terms with project owners. In this final article in his five-part series on claims prevention, Tom Frisby proffers a list of hazards and exceptions to look for in pursuing a successful claim.	Tom Frisby
2-42	<a href="#">Delay Claims</a>	Many readers have asked for information on preparing or analyzing delay claims. Several past articles have offered analysis techniques for use on different components of a claim, such as progress curves, productivity analysis and six-ways to create as-built schedules, but we have not yet presented an encompassing start-to-finish treatment of the topic. To address the issue, we will run a series of articles that will address the basics of delay claims.	Staff
2-43	<a href="#">Delay Claims - Introduction to Types of Delays</a>	In the first article in an ongoing series on delay claims, we review the established definitions of the different types of delays	Staff
2-44	<a href="#">Types of Delays: Prerequisites for a Delay of Claim - Proper Causes</a>	One important prerequisite for a delay claim is to recognize a delay when it occurs and to determine the causes, particularly in the context of the contract's time extension clauses.	Staff
3-1	<a href="#">Delay Claims - Proper Notice</a>	Lack of notice can cause an otherwise valid delay claim to be barred in many state and local courts. This article emphasizes the importance of providing prompt notice and looks at some recent court rulings, including a decision last month that summarizes the position of the courts on federal contract clauses.	Staff
<b>Delay and Impact Claims - Schedule Analysis</b>			
3-6	<a href="#">The Baseline Analysis</a>	A baseline analysis is a cause-effect analysis that overcomes some of the limitations of a measured mile analysis. Baseline analyses provide another way to establish the data from which labor inefficiency damages are measured.	Dr. H. Randolph Thomas, P.E.
2-2	<a href="#">As-Built Schedules: 6 Methods to Prepare and/or Present As-built Schedule</a>	In addition to its value for ongoing planning, the as-built schedule is an essential component of any delay claim, as it is necessary to compare planned progress for various time frames versus actual progress in order to identify the cause(s) of delay. Here are 6 methods to collect, analyze and present as-built information for a delay claim.	Paul Levin
2-50	<a href="#">CPM Schedule Review and Time Impact Analysis - Step by Step Tutorial</a>	Until more universal best practices are developed, we found this excellent set of guidelines to CPM schedule development and baseline/update reviews using Primavera P3 at the TxDOT website. In addition, the Guidelines includes a chapter on TIA analysis using both Pre-Impact and Post-Impact methodologies.	TxDOT
2-25	<a href="#">Association for Advancement of Cost Engineers Annual Meeting is a Scheduling Success</a>	This article discusses several highlights on forensic scheduling from the Association for Advancement of Cost Engineers International's (AACEI) 47th annual meeting.	Staff
3-19	<a href="#">An English Perspective on Delay and its Management</a>	British contractors and owners, much like their U.S. counterparts, grapple with perceived problems related to time management and scheduling delays through all stages of a project.	Keith Pickavance
<b>CPM Schedules, Weather and Other Time Impact Issues</b>			
3-52	<a href="#">Benefits of CPM Scheduling</a>	Construction consultant Abhi Basu provides eight compelling reasons why contractors and construction managers should put more emphasis on the active use of CPM scheduling beyond merely fulfilling a specification requirement.	Abhi Basu
3-8	<a href="#">Time for Change in Scheduling Philosophy</a>	Mike Stone offers a plan for returning to common sense in partnering relationships between owners and contractors.	Michael E. Stone, PMP
3-7	<a href="#">Time for Change in Scheduling Philosophy</a>	Mike Stone presents his argument for favoring a major philosophical shift in specifying scheduling requirements for large construction projects.	Michael E. Stone, PMP
4-27	<a href="#">Recovery Schedules</a>	Warner's Mark Anderson reviews various facets of schedule management when an owner requests a recovery schedule.	Mark I Anderson

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3-24	<a href="#">Risk Assessment and Best Practices in Scheduling</a>	In an ever-changing industry, scheduling and risk assessment have become increasingly important to contractors, owners and other construction-industry professionals. Pinnell/Busch, Inc., a firm specializing in critical path method scheduling and dispute resolution, conducted a survey of construction scheduling practices to determine the correlation between current operations and delays and claims. Presented to the Project Management Institute College of Scheduling in its annual conference earlier this year, Pinnell/Busch president and consultant Steve Pinnell set forth "best practice" recommendations to help contractors and owners avoid the common pitfalls that lead to changes, delays and claims.	Steve Pinnell
2-25	<a href="#">A Move Toward Better Schedule - Certified Schedulers!</a>	The Association of Advancement of Cost Engineering International's (AACEI) Planning and Scheduling Professional (PSP) certification program debuts with 23 certificates issued and two more tests scheduled this year.	Staff
2-18	<a href="#">PMI College Scheduling Holds First Conference</a>	Highlights of the Project Management Institute College of Scheduling's first annual conference. This is the first of several articles on the conference.	Staff
2-19	<a href="#">A Solution to Schedule Misuse Underway</a>	This paper is about a critical path method (CPM) scheduling methodology called Enhanced Precedence Diagramming Method (EPDM). The result of EPDM is the ability to print out understandable reports prioritized by float path, overcoming some of the problems with PDM. This article explains how EPDM works, and attaches a copy of the paper presented at the PMI College of Scheduling first annual conference in Montreal this past April by EPDM's developer - Scott Herold.	Staff
2-41	<a href="#">News and Analysis from the Primavera Annual Users Conference - Part I</a>	This article examines features in Primavera's newest critical path scheduling (CPM) program, <i>Primavera Contractor</i> , and Primavera's role in evolving scheduling standards.	Staff
2-41	<a href="#">News and Analysis from the Primavera Annual Users Conference - Part II</a>	The trouble with these conferences is there are always multiple tracks and one does not get an opportunity to sit in on all of them. In Part II of our 2004 Primavera Conference coverage, we report on sessions that offered some new twists, including weather delays and two-week schedule update cycles.	Staff
2-5	<a href="#">Primavera P3e/c Preliminary Notes</a>	Primavera's new P3e/c for Construction includes many enhancements and new features. Its primarily designed for enterprise use, that is, for multiproject, multiuser environments. However, it is expected a number of current Primavera Project Planner (P3) users will convert over. We look at some of the changes that these users need to be aware of.	Staff
2-47	<a href="#">Using Historic Weather Information to Create Better CPM Schedules and Support Delay Claims</a>	Some schedules are better than others but virtually all fail to address a basic problem that we all intuitively recognize: work planned for summer but pushed into winter takes more time to accomplish than originally planned. The problem is commonly claimed for owner-caused delays but often times the claims lack any true supporting data or calculations to demonstrate the impact. Recognizing the occurrence of the situation and proving it are two very different matters. This article demonstrates an approach to support weather-impact claims and, more importantly, create better CPM schedules.	Michael E. Stone, PMP
2-47	<a href="#">Weather Impact Follow-Up</a>	These follow-up comments to Michael Stone's weather impact article discuss the limitations of calendars in the current version of Primavera and the timely opportunity for more realistic schedules in the not-too-distant future.	Staff
4-6	<a href="#">How to Handle the Weather</a>	Unanticipated adverse weather can wreak havoc on any project. From wind chill to heat waves, learn which steps to take to avoid getting caught in a hailstorm of time extension paperwork.	Beth Blair
<b>Use of Experts</b>			
2-28	<a href="#">Scheduling Experts - Part I</a>	In multi-million dollar litigation involving delays and time-related impact costs, scheduling experts may be key to determining the outcome. Who is a scheduling expert and what does he/she do? What characteristics make a good expert? This two-part article presents an overview of scheduling experts and their role in the claims process, so the person hiring an expert, working with an expert to develop a case, or the expert him- or herself can have guidelines of important issues.	Thomas Martin, P.E.
2-29	<a href="#">Scheduling Experts - Part II</a>	In multi-million dollar litigation involving delays and time-related impact costs, scheduling experts may be key to determining the outcome. Who is a scheduling expert and what does he/she do? What characteristics make a good expert? This two-part article presents an overview of scheduling experts and their role in the claims process, so the person hiring an expert, working with an expert to develop a case, or the expert him- or herself can have guidelines of important issues. Part two focuses on expert testimony.	Thomas Martin, P.E.
4-46	<a href="#">Choosing an Expert</a>	In Warner's continuing series on construction claims, two experts weigh in on what constitutes an effective expert. What do you need to look for? What should you avoid? Should the expert testify or just consult?	Mark I. Anderson & Larry Conley
2-27	<a href="#">How to Choose a Lawyer</a>	In response to a question posed to readers of the ABA Journal (American Bar Association), we found the following replies of interest...	Staff
<b>Miscellaneous Topics - Material Escalations, Book Reviews and Subcontractor Legal Issues</b>			
4-42	<a href="#">Calculate Lien Claims with Accuracy</a>	Errors in a mechanic's lien may carry stiff penalties, depending on state statutes. From punitive damages to a complete invalidation, it pays to calculate a lien with documented precision.	Staff
2-31	<a href="#">Keeping the Peace</a>	As a construction lawyer, I spend one-third of my time writing contracts, one-third troubleshooting construction projects and one-third in the formal resolution of construction claims. The overall goal for each of these phases is to ensure that the client's expectations have a good chance of being fulfilled. Making money is generally the expectation of all the participants in the project. It is when participants are projecting losing money where most projects experience problems.	Joseph A. McManus, Jr.
2-33	<a href="#">Subcontract Change Orders 101</a>	Tips to help subcontractors better document and price change orders, with an eye to prevent mishaps on troubled jobs.	Staff
2-22	<a href="#">Minimize Risks when Relying on Subcontractor Quotes</a>	Often, a subcontractor is legally bound by a quote to a general contractor, who in turn relies on that quote when submitting a bid on a project. However, situations arise where the subcontractor is not bound. Attorney Jayne Czik discusses a few of these situations and provides practical pointers to general contractors to minimize these risks.	Jayne Czik, Esq.
2-18	<a href="#">Why Do Contractors Fail?</a>	The Surety Information Office (SIO) has released an updated version of <i>Why Do Contractors Fail?</i> to explain the root causes of default, the symptoms of a contractor in trouble, and the protection and prevention surety bonds offer.	Staff

**Construction Claims Reference Library - Listing of Articles by Topic**

2-23	<a href="#">AGC Responds to Volatile Material Prices with Price Adjustment Amendment</a>	In response to the steep increase in steel prices beginning in January 2004 and more recent price increases in cement and other materials, the Associated General Contractors (AGC) issued a price adjustment amendment to its fixed price construction document (No. 200).	Jayne Czik, Esq.
2-16	<a href="#">Three Steps to Minimize Losses do to Steel Crisis</a>	Recent steel prices have hit certain segments of the construction industry quite hard, particularly bridges, high-rise buildings, and chemical and power plants, for example. The first option for contractors is to double-check their purchase orders supplier agreements. This article offers some strategies for dealing with owners to recover extra costs.	Jayne Czik, Esq.
2-20	<a href="#">Watch out for Ties with Government Team that Could Cost you a Big Project</a>	Before you invest too much time in preparing a bid for a government project, find out whether your company or anyone in it has a relationship with someone on the government's project team, including those involved in preparing the bid documents. Some relationships could prevent you from being awarded the project even if you're the low bidder. Government agencies are concerned that awarding a project to a contractor that has a relationship with the government's team will create an appearance of impropriety.	Jayne Czik, Esq.
2-6	<a href="#">Visual Graphics - The Tufte Books</a>	When assembling a claim, the consultant is faced with the task of presenting complex data in a manner designed to emphasize impacts incurred and the relative increases in costs due to the impacts. For disputes that end up in arbitration or litigation, additional supporting graphics become necessary to allow juries (or judges) the ability to reason about a series of verbal presentations by witnesses. The Tufte books are not litigation-support specific, but do offer philosophical, psychological and technical guidance on visual displays. The practitioner of graphical presentations and demonstrative evidence should find the books useful for both improving existing methods and for inspiration to think "outside the box" in finding new ways to illustrate project impacts.	Staff
2-9	<a href="#">Book Review - Contractor's Plain-English Legal Guide</a>	As stated in chapter one, this book is "...written to help small builders, subcontractors and remodelers recognize and manage legal tasks." The book is a basic business management and legal handbook, with chapters on business formation and basic contract documents. Additional chapters contain legal guidelines on employee hiring, the IRS and liens; legal problems on the jobsite including codes, zoning, permits, OSHA, injuries and subcontractors; and legal issues such as warranties, consumer protection laws, financial protection, retirement, and choosing a lawyer.	Staff