

Legal Assistance

IN the year of 2019, 1st Expert was approached to investigate a claim to a demolition project that had major cost and time overrun issues, yet the staff had no spare availability to prepare the documentation to prove this.

The Project was awarded as a JCT Contract and as is typical in many cases, very little evidence was available to prepare the case.

From the Contract it was established the start and finish dates and the time line needed to carry out the works.

With demolition, the scope of works is very limited so identifying change is critical to cost recovery.

Fortunately from the quotation it is relatively simple to establish the cost against scope, based on time, so as the increased time line is produced based on emails, communications, instructions, delays, applications for payments, etc.

A benefit of this is that the Client is generally advising Program activities and additions, these are priced and submitted on the applications but become a point of argument on cost and time as it is usually carried out with the delayed works using the same staff yet time entitlement is needed.

Negotiations were held between both parties with a view to prove entitlement and obtain payment.

Unfortunately at this time the Client refused to accept the claim.

A fully detailed submission was prepared by 1st Expert and presented to a Barrister who was appointed to act on behalf of The Client with the view of the claim going to arbitration, as the evidence produced was mostly directions to the Company from the Client and the program entitlement showed the contract overrun and the extension of time, the Barrister advised that the claim would probably go in my Client's favour.

My Client were then able to revisit their Client and negotiate a satisfactory final account sum made payable to my Client.