

Evaluating Contract Claims

By R. Peter Davison, John Mullen

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Most medium to large construction contracts include a claim for extra payment for variations or disruption to the programme. Whilst the causes of the claim are often well documented, what can and cannot be included in the payment is often misunderstood and the calculation of quantum consequently becomes vague and poorly substantiated.


Thoroughly updated over the previous edition, reflecting pertinent Court decisions on damages and the duty to mitigate, the new edition covers new provisions of the revised JCT 2005 contracts and the 2005 New Engineering Contract. There is substantial additional material on issues arising from time and delay analysis and the financial consequences of changes to time – issues that regularly cause real problems in the evaluation of quantum for construction claims.

Most current books on the subject concentrate on the establishment of liability and the requirements of individual standard forms of contract. This book, however, concentrates on the quantification of claims after liability has been established, regardless of the form of contract used, and sets out the principles and methods that should be reflected in the evaluation of claim quantum and the standard of substantiation required. It will therefore appeal to those working with both building and engineering contracts.

Reviews of the previous edition

"Well written and highly informative" *Building Engineer*

"His observations on the assessment of productivity and the use of facilities and equipment are particularly helpful for lawyers, who deal with construction claims" *Construction Law*

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Editorial Review

Review

"[The book] covers a wide range of topics.... It may serve as a stimulus for debate and an introduction to further research on subjects that continue to test the most experienced practitioners." (*The Expert and Dispute Resolver*, Spring 2009)

Praise for previous editions:

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From the Back Cover

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About the Author

Peter Davison BA MSc FRICS FCI Arb has spent much of his career as a quantity surveyor working on

projects in many parts of the UK, Europe, and the Middle and Far East. He worked for civil and mechanical engineering contractors, client organisations and consultants before founding Davison George and Partners in 1982, now Driver Consult Ltd. A Fellow of the Royal Institution of Chartered Surveyors and the Chartered Institute of Arbitrators, he has also sat as an Arbitrator on major international disputes administered by the International Chamber of Commerce.

John Mullen BSc(Hons) MSc FRICS FInstCES FCIArb MAE began his training with a national firm of contractors, subsequently moving into private practice and has specialised for the last 25 years in providing consultancy services to the building and engineering construction industries. He has enjoyed over 40 appointments as an expert witness in cases at the High Court, International Chamber of Commerce arbitration, and in domestic arbitration.

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