CONTRACT SOLUTIONS THAT DELIVER CERTAINTY OF BUSINESS OUTCOMES
Arcadis is the leading global Design & Consultancy firm for natural and built assets. Applying our deep market sector insights and collective design, consultancy, engineering, project and management services, we work in partnership with our clients to deliver exceptional and sustainable outcomes throughout the lifecycle of their assets.

We employ approximately 28,000 professionals worldwide operating in over 70 countries, 300 offices and generating in excess of €3billion in revenue. We have been working in Asia for 70 years and can call upon the skills of almost 5,000 people based in over 50 offices across the wider region. We believe that the best possible outcomes for clients are generated when global best practice is customised and seamlessly integrated with local understanding.
Contract Solutions is one of our key service lines; and our primary function is the avoidance, mitigation and resolution of complex construction and engineering disputes. As the leading international contract advisory and dispute resolution consultants, we mobilise large teams of highly qualified individuals at short notice to where our clients need us. Our key differentiators are;

- Aligning technical skills to deliver a solution that is focused on a business outcome
- Our blend and range of skills
- Our access to live and current project data
- Our flexible and mobile workforce
- Our geographical reach and strategic office locations
- The involvement of our experts offers experience from both professional and contracting fields, provides a mixture of dual-qualified legal and technical staff and enables a fast and effective transfer of both corporate requirements and contractual objectives.
“We found that the sourcing of delay analysis and quantum expertise from the same firm assisted greatly in delivering for our client qualitative, cohesive and comprehensive advice. The quality of the inputs has been excellent and brought great clarity to a complex delay, disruption and mitigation claim”.

European Legal Firm commenting on a €100 million arbitration
We deliver business outcomes, our interest is in maximising these not revenue from disputes. We do this by using our unparalleled knowledge of the planning, delivery and operation of assets, which we integrate into our solutions.

Our approach is solution based combining technical, sector and location expertise and knowledge that delivers the most relevant and credible expert opinions.

Current and relevant construction knowledge based on actual experience and data is used to form and demonstrate credible opinions.

Our broad, international consultancy delivers service excellence from a broad range of capabilities where it is needed and looks to identify and resolve issues quickly.

Whether it’s a hospital, a high speed railway, an oil production platform or corporate real estate, we understand the complexities across our client sectors.

Taking a one dimensional approach to the avoidance, mitigation and the resolution of disputes is usually not the best route to delivering successful results. Principally we work closely with our clients to understand their needs and develop a solution that provides speedy, cost effective and proportionate advice that delivers the required results.

Our offices span Asia, the Middle East, Europe and The Americas, and we are able to offer real international capability, coupled with local support, resource and knowledge.
The nature of this work is such that a greater proportion of our client engagement is remote from an office location. Examples of these locations are Turkey, Colombo, Australia, Sakhalin, Seoul, Yokohama, Nanjing, Vietnam, Moscow, Serbia and Houston.

We are proud to say that our people are:

- academically and professionally qualified to the highest standards
- accredited to enable them to deliver services to a standard we and our clients expect
- recognised as industry experts and are often asked to speak at public events and
- leading academic institutions
- involved with professional bodies and industry societies at the highest level
- people who our clients and their lawyers enjoy working with.

Our team of over 120 are based across our network of offices.

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“I have worked with Arcadis for some years and have come to accept that they do not talk about high professional standards - they achieve them.”

Michael Cohen
The Academy of Experts
We often provide a bespoke mix of services including, where appropriate, other specialist advice from across Arcadis’ business. Our core skills span the project lifecycle and cover all aspects of ‘avoidance’, ‘mitigation’ and ‘resolution’. All commissions are Partner-led with fully trained commission managers deployed.

**SERVICES**

**DISPUTE AVOIDANCE**
A focus on client objectives, project constraints and the contractual framework to provide conscious decision making and entitlement based discussions

**DISPUTE RESOLUTION**
Effective and proportionate investigation, which informs strategy, options and delivery to pre-determined outcomes

**FORENSIC DELAY ANALYSIS**
We win using fact based analysis to identify where the time has gone, who caused this and possible recovery measures

**EXPERT WITNESS**
A range of expertise that is credible, persuasive and reliable, with experts that have a proven track record in this area of service

**STRATEGIC PROCUREMENT & CONTRACT ADVICE**
Strategies that embrace clients’ objectives, address risk and build dispute avoidance mechanisms

**CLEAR & CONCISE RECOMMENDATIONS**

**FLEXIBLE RESOURCE**

**ABILITY TO IDENTIFY KEY ISSUES**

**TECHNICAL SKILL ACCREDITATION**

**RELIABLE PROJECT DATA**

**CERTAINTY OF BUSINESS OUTCOME**

**RESOLVE**
STRATEGIC PROCUREMENT AND CONTRACTUAL ADVICE

Pre-Contract Advice covers specialist procurement advice, complementary technical work with lawyers in contract drafting, the review of documentation produced by others, due diligence for financial transactions, PFI and its variants around the globe, mergers and acquisitions and Insolvency support. Procurement advice will typically include a review of our Client’s business and project objectives, or assisting them in articulating those objectives and proposing a procurement approach that directly supports those objectives.

Our core services are:

- Procurement advice and contractual strategy
- Contract drafting, negotiation and execution
- Tender and contract programmes
- Contractual and schedule risk management
- Due diligence
- Contract procedures and training.

Our Client’s business and procurement strategies are translated into robust but practical legal and contractual documentation to provide a solid basis for their delivery during the creation of the built asset and through to the operational phase.
“Your team installed a culture of ‘ownership’ amongst our site team and your particular brand added credibility in the eyes of our client. We were able to agree a final account settlement very quickly (indeed before Practical Completion) at a level we were comfortable with and perhaps most importantly we maintained a very positive relationship with our client.”

Commercial Director
Major International Contractor
Dispute Avoidance involves the provision of contract knowledge, skills and experience to create a strong and informed contractual position for our Clients. This is achieved through the creation of a robust set of contract terms and management procedures supported by contemporaneous documentary evidence.

Our skills in training and influencing people enables us to create the culture change that is required for successful implementation of standard contract administration and record gathering procedures, thereby providing practical and workable dispute avoidance and mitigation solutions.

We deliver:

- Tactical analysis of key project risks
- Advice on progress and performance / Progress reporting and monitoring
- Project and site audits / Project risk management
- Contract administration and commercial issues
- Dispute Avoidance and pre-action recovery advice
- Contract procedures and training / Contract risk analysis.

The data we collect provides dependable information on which to make effective and informed decisions and also is the information required to defend against future claims or disputes.

We work with our Clients to embed the information gathering ethos into the working methods on site, as well as preparing submissions to other parties to demonstrate entitlement and supporting in the negotiation of and resolution of any issues.
There is an acute shortage of experienced planners across the international construction industry. The failure to properly plan and control the works, can and does lead to a complex and expensive unravelling of the facts to achieve an acceptable negotiated settlement at best; and expensive and time consuming formal dispute resolution procedures at worst.

To avoid some of these pitfalls Arcadis can offer bespoke and cost effective planning and project controls services, on single or multiple projects to reduce risk and improve recovery under the contract.

We provide

- Project programme analysis
- Progress updates and audits
- Project controls and earned value analysis and 4D planning
- Forensic delay analysis and time audits.

Delay and disturbance in project programmes can be a very complicated thing to sort out. When this leads to dispute there is generally an increase in the client’s uncertainty in an unfamiliar and adversarial environment. The benefit of the service is to reduce the uncertainty while maintaining the client’s business interest and objective. We understand that it is a major proposition for any client to embark upon detailed forensic programme analysis without sound expertise and backing.
Dispute Resolution involves supporting our client through the problems, challenges and pressures that are placed on their business if a project finds itself in dispute. We have the ability to work with the parties and their lawyers in the preparation or defence of claims, either with a view to promoting commercial negotiation, for Adjudication, at Alternative Dispute Resolution (ADR) or for formal litigation or Arbitration proceedings.

Our experience is founded on the ability to undertake effective but proportionate forensic investigation, to analyse the evidence against the issues, identify evidential gaps and assist in obtaining document disclosure or other evidence to plug those gaps.

We focus on:

- Formalising and resolving disputes
- Claims strategy (extension of time and financial claims)
- Claims preparation and defence, assessment and resolution
- Strategic negotiation and concession strategy planning / Mediation / Adjudication and Alternative Dispute Resolution / Arbitration and litigation support service.

When dealing with contractual claims our approach is founded on the provision of clear and persuasive positioning, demonstrably contractually based, and backed with supporting evidence. As well as providing the technical claim preparation or defence we provide our Client with clear and unbiased advice on options and potential outcomes to enable them to make informed decisions on how to proceed. We can close out claims by calling on our strategic negotiation skills to optimise recovery against the cost and time of pursuing the claim.

“The Hong Kong Office of Arcadis has been involved in this project for longer than I have been its Project Director. From the outset the Arcadis team managed to develop a strong relationship with us, providing us with key strategic advice on ways to move forward as well as performing exceptionally in the role of Dispute Manager.”

Project Director
Large International Contractor
EXPERT WITNESS SERVICES

Expert Advice involves the provision of specialist guidance and opinion on a contractual and technical aspect of an issue at any stage of the project life-cycle. Expert Advice may at times be given at an early stage to maximise a possible bargaining position for negotiation.

Our expertise covers:
- Quantum
- Planning and Programming
- Project Management
- Building Surveying
- Defective works and Architectural professional practice
- Dilapidation / Party Wall Matters
- Health and Safety
- Facilities Management.

Our Expert’s can act as Advisors or Witnesses and are seasoned practitioners with particular relevant experience and knowledge of the subject matter, and are fully aware of their primary and overriding duty to the Court or Tribunal. We provide independent opinion evidence on technical aspects of a dispute in formal proceedings such as Adjudication, Mediation, Conciliation, Arbitration or Litigation.

“The Expert Witness from Arcadis had the ability and capability to immediately understand the issues and work carefully and thoughtfully on the details of the problem. He remained fully focussed and confined himself to his expert role and did not stray into areas outside his expertise.”

Partner
Major Legal Firm
Major Cement Manufacturer
Reducing Project Overrun costs by 15%

Confectionary Factory Rebuild
That Cost the Client Nothing

Asian High Speed Rail Project
Maximising Time and Cost Recovery

Bronx County Hall of Justice
Successfully settled multiple disputes
We were commissioned to offer pre-construction contractual advice on one of the 15 largest cement plants in the world, with a capacity of 1.8 million tonnes per year and a build cost of $400 million.

Our key areas of service covered:

- Contractual Advice and expertise enabled an ITT package to be “fine-tuned” which protected the client’s interests and had a clear method of reimbursement.

- Scope Definition was reviewed to ensure alignment between the client and their contractor.

- Preparation of Tender Documents in conjunction with our client’s legal team. We prepared an ITT package which reflected “best practice”, both protecting the client’s interests and ensuring clarity and the correct appropriation of risk in the contract.

- Tender Appraisals were both logical and transparent. A detailed analysis identified “rogue” rates and areas of miss-pricing, with clear, management level summaries.

- Assistance with Contractor Appointment - were heavily involved in the final negotiations with a selected contractor, enabling queries and adjustments to the tender price to be brought to a satisfactory conclusion, whilst ensuring accuracy and consistency.

We ensured any additional cost and risk attached to the pre-contract and contract formulation period was alleviated and reduced project overrun costs by 15%.
CONFECTIONARY FACTORY REBUILD

THAT COST THE CLIENT NOTHING

This project centred on the rebuilding of a 90,000 Sq M factory destroyed by fire which was funded by an insurance claim valued at $120 million. The client was under-insured and the potential existed for the insurance community to not fund the full cost of the project. Our role became that of an honest broker - providing technical and commercial evidence to the insurance community which fully supported the recovery of all costs incurred.

Our approach to this project included:

- Assembling a team of project, cost, engineering and contract experts able to deconstruct the activities of the contractor in a way which facilitated the development of disallowed cost and contentious issues registers
- Developing direct relationships with the insurance community that helped secure full funding of the project for the client
- Analysing the contractors cost plans and programmes enabled us to advise where the contractor was going to fail (months before they did so); and providing the
- necessary evidence for the client to mount a negligence claim.

By building a sound relationship with the insurance and loss adjuster communities, we were able to represent the client directly to the insurers which legitimised the basis for extra cost applications and helped trigger full reimbursement the client.

The project was a success and ensured the project cost the client nothing.
DELIVERING POSITIVE OUTCOMES FOR OUR CLIENTS

ASIAN HIGH SPEED RAIL PROJECT

MAXIMISING TIME AND COST RECOVERY

The project covered over 200 miles of High Speed Rail Link in Asia with twin track and numerous viaducts. The original work scope was relatively straightforward but no sooner had the project been let, works were suspended for 3 months and revised. The contract was dramatically transformed which resulted in sectional delays of almost one year, disruption to earthwork activities, additional cost and exposure to liquidated damages.

We were challenged with securing the constructor’s entitlement to additional time and cost and ensuring that contractual and commercial interests were protected.

In addition to drafting all requisite notifications, we had to measure and recover the direct and indirect cost of every additional item of work. This eventually represented a 40% increase in contract value. After additional works had been valued, we then drafted, substantiated, submitted and negotiated the additional time and cost claims. We provided our client with suitably experienced contract managers with relevant rail sector and claims experience.

The rigour of our approach meant that:

- All Variations were measured, substantiated and submitted within 5 months (+40% value)
- An agreement in respect of all variations was reached in two months
- All claims were researched, drafted, substantiated and submitted in two months (+19% value).

Our client’s expectations were exceeded with all extensions of time secured and recovery of cost reached 59%.
When the New York City Law Department was the daunting task of defending numerous law suits on a 750,000 sf, two block long court house it turned to Arcadis. We were engaged by the New York City Law Department to untangle $100m in claims, $100m in cost overruns, $25m in defects and years of delays to the two block long $450m Bronx County Hall of Justice. Making the assignment even more challenging for all of the involved parties with the rapid litigation schedule.

Our key areas of service covered:

- Analysis of entitlement and damages of $100m in direct cost and delay claims from 14 different prime contractors
- Assistance in scoping and then overseeing the repair of $25m in defects to complex mechanical, electrical and structural building components
- Allocation of responsibility of direct, delay and repair costs to the various contractors, designers and construction manager
- Management of the electronic litigation document system where we organized and issue coded millions of project documents
- Acting as a trusted advisor to the City of New York, providing deposition support and presenting the City’s position at over 35 mediation sessions, where nearly every dispute has been settled.

By assembling a group of experts from across the organization and then implementing assignment management controls, Arcadis was able to ensure the City of New York would always be prepared at the highest standards for every court imposed deadline or hearing, no matter the scale. We are proudest of the trust the City of New York has built with Arcadis during our relationship that spans over a 20 years and numerous assignments.
BECAUSE WE CAN BE EVERYWHERE, WE ARE NEVER FAR FROM WHERE OUR CLIENTS NEED US.