CONSTRUCTION SOLUTIONS

EUROPE, THE MIDDLE EAST & AFRICA

CRITICAL THINKING AT THE CRITICAL TIME™
The construction industry is facing increased pressures to successfully deliver projects against a backdrop of finite resources, ambitious time schedules and limited budgets. Optimising resources whilst effectively managing risk, time, quality and cost has become a delicate balancing act for all parties involved.
Leading the way in Construction Solutions

FTI Consulting Construction Solutions offers a leading range of multi-disciplinary services to the global construction community. With a unique breadth of experience and skills, we provide construction expertise and advice to contractors, subcontractors, lenders, developers, funders and lawyers.

**HOW WE CAN HELP**

We advise on contractual, technical and commercial issues relating to construction projects, to ensure every aspect is properly risk assessed, governed, well-executed and fully supported from beginning to end. As internationally-recognised construction advisors and experts, clients benefit from our first-hand experience and knowledge of the technical, business, regulatory and legal challenges facing the industry today.

**GLOBAL REACH**

With over 200 experienced construction professionals located in major commercial centres across the globe, and supported by FTI Consulting’s international network of offices, we can mobilise and resource teams wherever and whenever our clients need us.

**MULTI-DISCIPLINARY TEAM**

Our consultants are drawn from both commercial contracting and professional practice backgrounds, covering a range of disciplines and services, including:

- Chartered arbitrators
- Delay analysis
- Engineering
- Expert witness
- Mediation/Adjudication
- Planning/Scheduling
- Project management
- Quantity surveying
- Quantum assessment

**SUPPORTING YOUR BROADER NEEDS**

At FTI Consulting, we are home to world-class economists, valuation experts and communication specialists, and can draw on this wealth of expertise to support your broader needs, such as:

- Communicating effectively with stakeholders
- Dealing with direct claims
- Managing valuation disputes
- Navigating complex regulatory requirements
Drawing on decades of experience working on some of the world’s most complex, high profile construction projects, FTI Consulting has a proven track record in providing solutions that help clients **prevent, manage** and **resolve** construction issues.
Our services

Our solutions focus on effectively allocating risk, minimising costs and delays, managing resources, and encouraging best practice that helps ensure the smooth running of a construction project.

From project planning, procurement, construction and commissioning through to completion, we provide support at every stage of the project. With a dedicated point of contact and ready access to our team, we work closely with you to deliver the insight and assistance you need.
No project is risk free. Identifying risks and mitigating them appropriately, whether in the pre-contract phase or during construction, ensures that projects can be managed effectively and future problems avoided. We work with you to identify, allocate and mitigate risk across the entire construction project, helping to minimise delays or disruption and preventing costly disputes.

Whether preventative action is taken before work commences or as soon as a risk is identified, we have the industry-based knowledge and foresight to provide cost effective and timely advice during the life of a project.

The pre-contract and early construction stages offers an invaluable period to implement proper budgetary, planning and commercial procedures. The earlier risks are identified and planned for, the greater the chance of financial success. Many risks encountered in the construction phase can be prevented or minimised by initiating appropriate commercial and contractual practices.

We can assist with financial and budgetary advice, production and evaluation of baseline programmes, procurement, and project risk assessments. As the physical works commence on site and the risk profile evolves, we offer unparalleled advice on potential risks to project performance and profitability by way of regular project reviews, dedicated commercial placements and training.

Our services include:

**PRE-CONTRACT**
- Capital planning and budgeting
- Contract drafting, negotiation and execution
- Contract strategy advice
- Tender process management
- Policy and procedure development
- Procurement advice
- Programme preparation and management

**DURING CONSTRUCTION**
- Audit and due diligence
- Budget management support
- Commercial placements
- Contractual and commercial training
- Document control and retrieval systems
- Project controls administration
CASE STUDY
RISK, OBLIGATIONS & MITIGATION REVIEWS

We are retained by a major design and build construction contractor with an annual turnover of over £300 million, to review risk and obligations during the tender bidding processes for all its significant new and repeat work.

We produce timely reports to allow our client’s in-house bidding and submissions teams to understand and appraise key risks to project delivery. This applies across all variants of contractual frameworks. We provide independent advice on the proposed contractual basis, documentation and terms, which allows our client to fully understand and review its responsibilities for each project and to mitigate risk where possible and appropriate. This facilitates the prevention and escalation of subsequent disputes.

Our individual reviews support our client in delivering projects aligned with both its own business strategy and the needs and requirements of its employers.
A successful construction project delivered on time and within budget relies on strong leadership, ongoing team collaboration, and implementation of an effective management strategy. We offer contract and project management services, both tactical and strategic, either as an integrated part of clients’ existing teams or by providing a dedicated consultancy solution.

We rely on well-proven processes and state-of-the-art project management technologies to improve collaboration among project stakeholders and optimise performance. Our team can also carry out evaluations and audits to ensure best practice is being followed and project goals are reached. Consisting of surveyors, engineers and planners/schedulers, our project management teams are all experienced working in both the field and the project office.

Every construction project is unique which is why we offer flexible solutions to match our clients’ specific requirements, whether for a particular aspect of a project or as part of the project team, providing project management and controls services.

Our services include:

- Change order management
- Close-out management
- Commercial placements
- Contract administration
- Contract compliance reviews
- Construction programme review and revision
- Project controls
- Project monitoring
- Valuation and measurement
- Variation assessment
CASE STUDY
SUPPORT & MANAGE

We are retained by a government entity in the Middle East to provide in-house independent support and advice across many high value schemes, including major infrastructure projects.

Our primary role is to support the management of our client’s ongoing operations, as well as assist in the resolution of legacy projects, claims and disputes.

Working with our client’s project teams, we assess and manage the obligations, responsibilities and commercial impact of issues arising between our client and those with whom it is in contract. In respect of claims received, we regularly provide a detailed review of liability, and of delay and quantum, to assist the respective parties in the early resolution of their differences.

Where appropriate, we present and discuss our findings with the involved entities to clarify the merits of their opposing positions to help quickly conclude any disputes. Our feedback enables forward-looking, proactive management for our client, so they can focus on project delivery.

Our day-to-day role also includes all aspects of commercial management, dealing with the review and response to contractual correspondence. We also assist with front-end procurement and the drafting of contracts, so that risk is appropriately apportioned depending on specific project requirements.
Effective and swift resolution of disputes is essential to help construction projects stay on track and minimise costs. FTI Consulting has a world-class reputation in dispute resolution and offers an award-winning panel of experts, having been recognised by Who’s Who Legal as the Arbitration Expert Witness Firm of the Year 2015.

We help resolve disputes by establishing a clear, commercially-driven strategy, promoting early resolution. Where litigation or arbitration is unavoidable, our experts work as an integrated part of our clients’ legal teams or with external legal counsel, providing support across the entire dispute life cycle, from research and analysis to arbitration, mediation or trial.

Our team has in-depth experience of preparing and evaluating claims, analysing delays and costs, and giving evidence in court and arbitral panels on contractual, delay and quantum matters. We also prepare and evaluate claim submissions to the client, engineer, adjudicators, dispute boards, courts and arbitral panels in both common and civil law jurisdictions. As a leading provider of courtroom technology, we provide skilled trial communication and graphics consulting, that presents complex information in a cogent, easy-to-understand format.

Our services include:

- Alternative dispute resolution
- Arbitration
- Claim preparation and defence
- Data management and electronic discovery, including computer forensics, litigation data analysis and email reconstruction
- Delay analysis
- Disruption and loss of productivity assessment
- Expert determination
- Expert witness on project management services
- Expert witness on quantum and delay
- Loss of profit determination
- Mediation
- Overhead and project analysis
- Quantum assessment
- Settlement negotiation
CASE STUDY

EXPERT OPINION

On behalf of an international joint-venture power generation company, we were engaged to provide expert opinion on delay and quantum issues regarding a construction dispute on a new 400-megawatt combined-cycle power plant in Russia. The dispute was referred to international arbitration by the contractor.

We carried out forensic analyses of critical delays to defend a claim for extensions of time and addressed a €41m primary dispute and a €55m counterclaim, both comprising of multiple contentious issues. Our input assisted the parties’ eventual settlement.

The client’s instructing lawyers said:

“Thanks for the super-human effort that all of you have put into the preparation and finalisation of the reports. We have just received confirmation that the parties expect to sign and exchange the settlement agreement tomorrow, so it appears the case will not go forward. It’s a bit disappointing after all the effort and the very convincing reports that you have produced but, in the end, it’s probably the best result for the client.”
Industry expertise

Our multi-skilled team has worked on corporate, non-profit and government construction projects around the world. We draw on a wealth of industry experts across FTI Consulting.
Why FTI Consulting for Construction Solutions?

As a leading independent consultancy firm to the construction industry, we have the deep experience and knowledge that clients need to complete their projects successfully.


- We offer complete support at every stage of a project without having to outsource any services.

- Being wholly independent of the traditional industry roles of designer, project manager, cost consultant and contractor, we are uniquely suited to give impartial advice and assistance.

- FTI Consulting’s forensic heritage ensures our advice is always supported by a robust evidence base grounded in rigorous analysis.

- Our integrated, multi-disciplinary team comprises a mix of skilled specialists who can draw on the wider expertise across FTI Consulting.

- Our global presence means we can swiftly deploy teams on a construction assignment wherever in the world our clients need us.
Key contacts

Tim Haynes
Senior Managing Director
Head of Construction Solutions, EMEA
tim.haynes@fticonsulting.com

Tim leads FTI Consulting’s Construction Solutions practice across EMEA and has nearly 30 years’ experience as a project manager and commercial & contractual advisor gained with major building contractors and contract consultancies. Tim acts as an expert in quantum and construction/project manager disputes and is a specialist in commercial and contractual audits on major projects.

David Murphy
Senior Managing Director
Head of Construction Solutions, UAE
david.murphy@fticonsulting.com

David leads our Construction Solutions practice in the UAE and has worked extensively on major international infrastructure, building, and petrochemical projects. David has drafted numerous claim documents, rebuttal documents, case statements and letters of acceptance, and been a major contributor in numerous adjudications and arbitrations on behalf of employer organisations and main contractors.

Keith Elliott
Senior Director
Head of Construction Solutions, Qatar
keith.elliott@fticonsulting.com

Keith leads our Construction Solutions practice in Qatar and has extensive experience of building, engineering, rail and marine projects. In litigation and international arbitration Keith acts as an expert on matters of quantum. He has given oral testimony. He regularly provides advice in connection with claim preparation and defence and the avoidance of disputes.
About FTI Consulting

We combine unparalleled expertise and industry knowledge to address critical challenges for clients.

We are a global advisory firm that provides multi-disciplinary solutions to complex challenges and opportunities.

Expertise across a range of industries:
- Real Estate
- Energy
- Power & Products
- Financial Institutions & Insurance
- Healthcare
- Life Science
- Retail & Consumer
- Telecom
- Media & Technology

Advisor to the world’s top 10 bank holding companies

FTI Consulting offices

Founder in 1982 and $1.4BLN equity market capitalization*

With over 4,600 employees and offices in 28 countries on six continents, our breadth and depth extends across every major social, political and economic hub around the globe.

48 of the Global 100 corporations are clients

Advisor to 92 of the world’s top 100 law firms

Trusted advisors serving clients globally with diverse expertise and exceptional credentials including accountants, economists, engineers, former CFOs and strategists.

*Total Shares outstanding times the closing share price as of December 31, 2015.
About FTI Consulting

FTI Consulting, Inc. is a global business advisory firm dedicated to helping organisations protect and enhance enterprise value in an increasingly complex legal, regulatory and economic environment. FTI Consulting professionals, who are located in all major business centres throughout the world, work closely with clients to anticipate, illuminate and overcome complex business challenges in areas such as investigations, litigation, mergers and acquisitions, regulatory issues, reputation management and restructuring.

www.fticonsulting.com