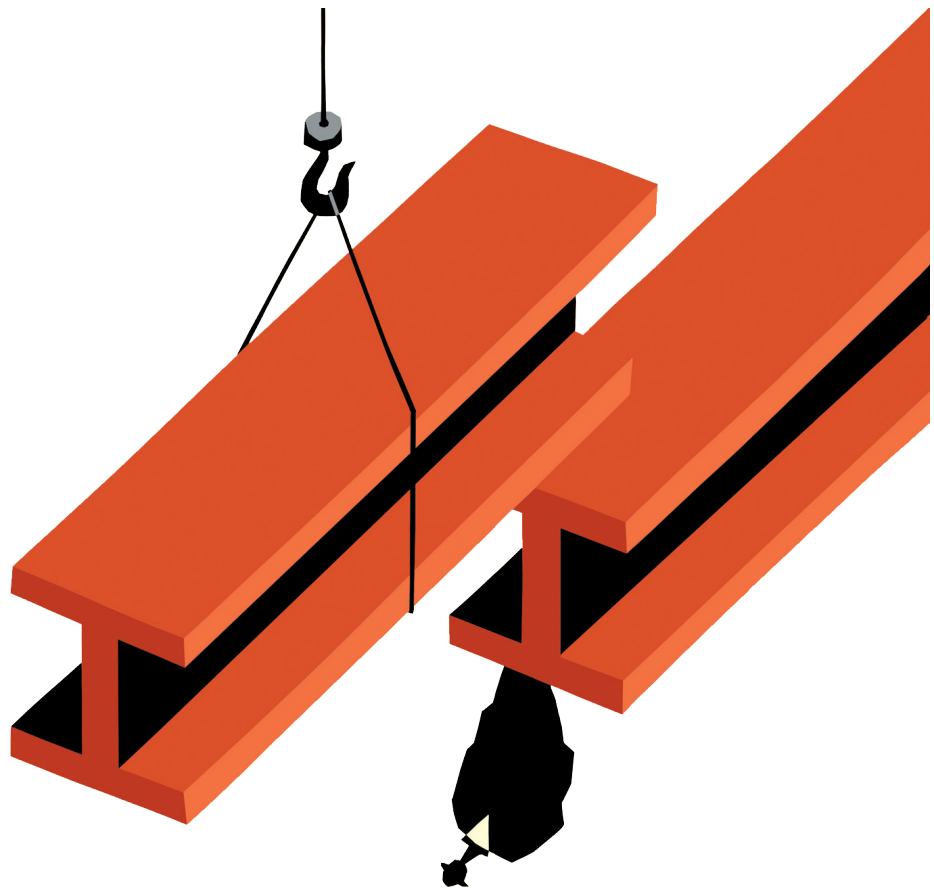


# NAVIGANT

GLOBAL CONSTRUCTION PRACTICE

## *Experience Results*

International Construction Arbitration



DISPUTES & INVESTIGATIONS • ECONOMICS • FINANCIAL ADVISORY • MANAGEMENT CONSULTING

**About** *Navigant (NYSE: NCI) is a specialized, global expert services firm dedicated to assisting clients in creating and protecting value in the face of critical business risks and opportunities. Through senior level engagement with clients, Navigant professionals combine technical expertise in Disputes and Investigations, Economics, Financial Advisory and Management Consulting, with business pragmatism in the highly regulated Construction, Energy, Financial Services and Healthcare industries to support clients in addressing their most critical business needs.*



The largest industrial and infrastructure construction projects around the world typically involve parties from the many nations. Arbitration is firmly established as the forum of choice for resolving international construction disputes and claims. Successful arbitration of large, international construction disputes requires a strong working knowledge of the various forms of contract that govern the rights, responsibilities and obligations of the parties as well as an appreciation for the local laws, regulations, customs, language and cultures of the project's host country. Our seasoned construction professionals have the requisite technical backgrounds, analytical skills, international project experience and testimony credentials to enhance our clients' ability to achieve the best possible outcome.



*lead with experience.  
expect results.*

## THE CHALLENGE

### QUANTIFYING DELAY AND DAMAGES

## THE SOLUTION

The contractor for a multimillion dollar commercial port facility in the Middle East was terminated by the owner for allegedly ceasing work and permanently removing its personnel from the site. In its Request for ICC Arbitration, the contractor claimed damages for wrongful termination and a declaration that it was entitled to an extension of time for the delays to the works. Our experts provided reports on delay and damages and testified at the ICC hearing in London. **The tribunal overwhelmingly decided in the contractor's favour in deciding that it was entitled to extensions of time and damages in excess of 80% of the claimed amounts.**

## THE CHALLENGE

### NEGOTIATING A FAVORABLE SETTLEMENT

## THE SOLUTION

A US\$2.5B EPC contract for two floating production storage offloading (FPSO) vessels to be moored off the coast of Brazil experienced significant cost overruns and extensive delays. Navigant provided the fact finding, and cost / quantum and schedule / programme analysis resulting in a claim requesting an extension of time, relief from liquidated damages and additional compensation to recover a large portion of the cost overruns. **Navigant supported counsel and client in the claims negotiations and dispute resolution process which resulted in a favorable settlement for the client.**

## THE CHALLENGE

### TESTIFYING TO DELAY, ACCELERATION AND DAMAGES

## THE SOLUTION

A sewer and water system in southern Egypt originally planned to be constructed over 36 months could not begin until almost 18 months after notice to proceed due to survey data errors, design changes, and late right-of-way acquisition attributable to the owner. Navigant was appointed to provide expert testimony on delay, acceleration and damages issues before a Tribunal in the Cairo Regional Centre for International Commercial Arbitration. **Our client was awarded the entire claimed delay period and a substantial monetary recovery.**

## About Navigant's Global Construction Practice

We work with owners, contractors, providers of capital and their counsel to proactively manage large capital investments through our advisory services and to manage the risks associated with the resolution of claims on those projects, with an emphasis on the infrastructure, healthcare and energy industry.

115 Dedicated Construction Consulting Professionals. Located in North America, South America, Europe, the Middle East and Asia.

- » Professional Engineers
- » Certified Business Appraisers
- » Certified Cost Engineers
- » Certified Quantity Surveyors
- » Certified Fraud Examiners
- » Certified Management Accountants
- » Certified Public Accountants
- » Chartered Financial Analysts
- » Licensed Architects
- » Licensed Real Estate Professionals

### OUR INTERNATIONAL CONSTRUCTION ARBITRATION TEAM - IMPACTFUL EXPERTISE

#### World Class Expert Credentials

- » Multi-disciplined teams of construction experts, including Licensed Architects, Engineers and Accountants, Quantity Surveyors, Program/Project Management Professionals, and PhD. Economists
- » Multi-lingual capabilities (conversant in 14 languages)
- » Expert testimony in more than 100 arbitrations filed in more than a dozen forums around the world including:
  - » Belgian Centre for Mediation and Arbitration (CEPANI)
  - » Conflicts Resolution Centre (CRC – Hong Kong)
  - » Disputes Resolution Board (DRB)
  - » Dubai International Arbitration Centre (DIAC)
  - » International Centre for Settlement of Investment Disputes (ICSID)
  - » International Chamber of Commerce (ICC)
  - » London Court of International Arbitration (LCIA)
  - » Permanent Court of Arbitration (PCA – The Hague, The Netherlands)
  - » Singapore International Arbitration Centre (SIAC)
  - » Cairo Regional Centre for International Commercial Arbitration (CRCICA)
  - » Brazil-Canada Chamber of Commerce – Arbitration (CCBC)
  - » United Nations Commission on International Trade Law (UNCITRAL)
  - » American Arbitration Association (AAA)

Our experts have performed forensic analysis of more than 5,000 projects in 95 countries on six continents. Our project experience includes:

- » Airports
- » Chemical and Petrochemical Facilities
- » High Rise Office/Residential and Mixed-Use Projects
- » Highways, Roads & Bridges
- » Hospitality (Hotels, Resorts & Casinos)
- » Manufacturing
- » Mining
- » Oil & Gas
- » Paper Mills
- » Pharmaceutical Plants
- » Pipelines
- » Ports & Marine Construction
- » Power Plants
- » Rail & Light Rail
- » Shipbuilding and Repair
- » Stadiums
- » Steel Fabricaton
- » Telecommunications