



Global Construction Practice

Holding to a Higher Standard of Care

Professional Liability and Defective Construction



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.*



Engaging an experienced consultant to evaluate the design and construction of a distressed project and offer opinions regarding professional design practice and standards of reasonable care can be crucial to achieving a favorable outcome in the dispute resolution process. We have a specialized team of experienced licensed professional architects and engineers to meet the needs of design firms, owners, constructors, insurers, sureties and counsel involved in professional liability and construction defect disputes worldwide.

lead with experience.
expect results.

THE CHALLENGE

DEFENDING \$20M CLAIM

THE SOLUTION

A corporate owner filed a \$20 million claim against the Owner Carried Insurance Program (OCIP) E&O policy in responding to the contractor's claim of defective plans and specs. Our consultants evaluated specific significant errors, omissions and negligent acts of the A/E design professionals. **Our expert report was instrumental in achieving a settlement between the parties prior to any formal ADR or hearings.**

THE CHALLENGE

REVIEWING A/E PROFESSIONAL LIABILITY

THE SOLUTION

Significant issues arose on a \$50 million overseas installation. We were engaged to perform an evaluation of the A/E's professional liability in contract document preparation and construction administration, including review and allocation of approximately 2,000 Requests for Information (RFI's). **We submitted an expert report and presented findings in pre-litigation settlement conferences with the US Government assisting in a pretrial settlement.**

THE CHALLENGE

REFUTING DELAY CLAIMS

THE SOLUTION

A critical exterior balcony waterproofing condition was allegedly tied to significant delays in completing a 200 room hotel/condo project. Our consultants were called in to evaluate the design and construction. **Our expert report and testimony at arbitration refuted the developer's delay theory and led to full counter-damages award in excess of \$7 million for our contractor client.**



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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 PROFESSIONAL LIABILITY AND DEFECTIVE CONSTRUCTION SERVICES - IMPACTFUL EXPERTISE

Our experts have the requisite experience and are successful in communicating our findings in expert reports and multimedia technical presentations in mediation environments, before Dispute Resolution Boards, arbitration panels and in open court. Our professionals can also assist in contemporaneous and after-the-fact evaluations of project close-out and cost reconciliation issues, including change order entitlement and quantum evaluations, reasonableness of punch list and inspection content, and evaluation of defective work.

Navigant consultants are poised to status, document, assess, and report findings and conclusions on a variety of design and construction concerns. Our analytical services include:

- » Design and coordination evaluation
- » Errors and omissions evaluation
- » Design professional standard of care evaluation
- » Constructability review of contract documents
- » Request for information (RFI) evaluation
- » Change order entitlement review
- » Change order and scope growth mitigation
- » Copyright review
- » Forensic analysis
- » Building information modeling (BIM)
- » Water infiltration and intrusion
- » Dispute resolution and claims mitigation
- » Expert testimony