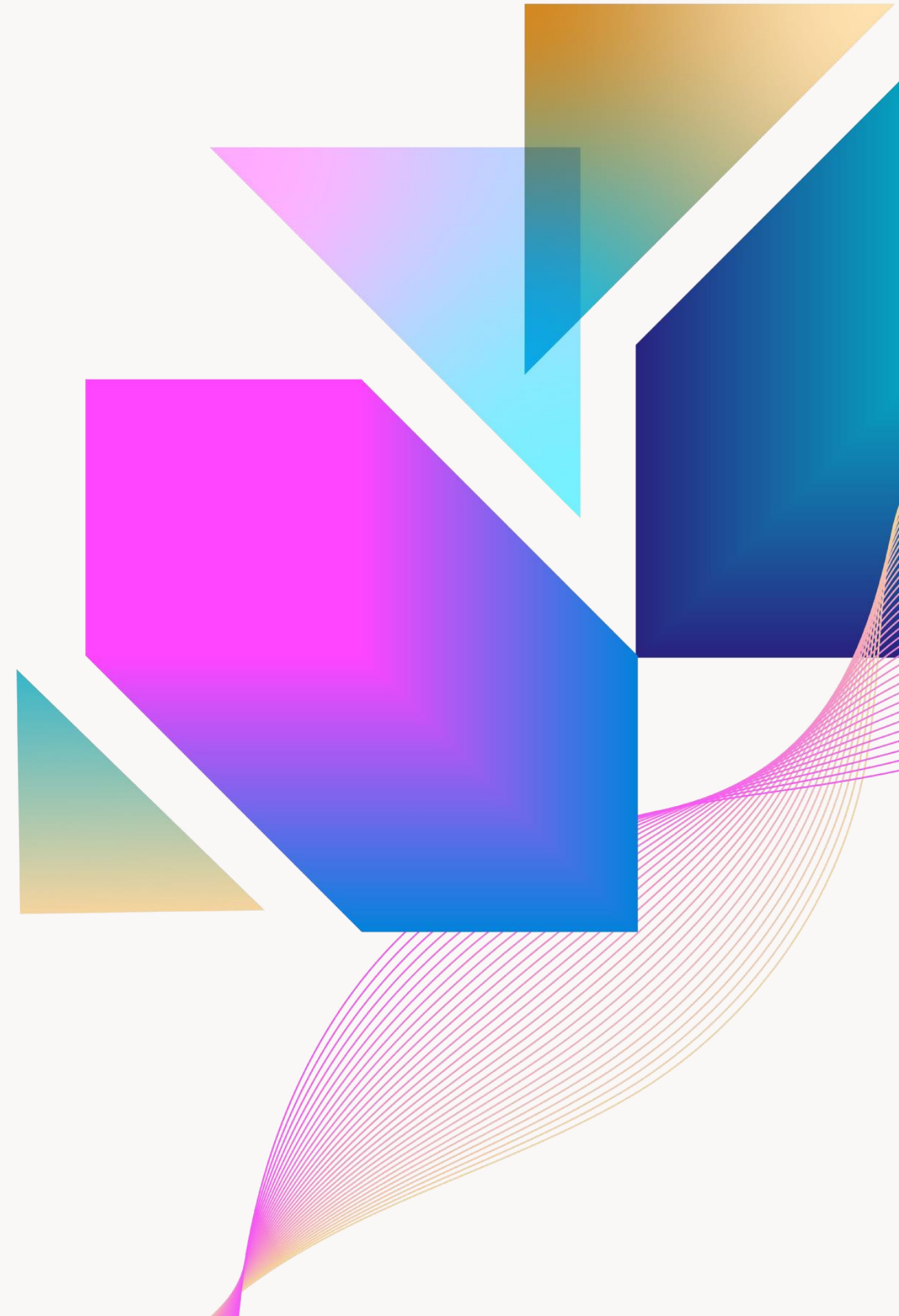




# Innovating Construction Litigation Analysis

With Bluebeam

Robby Ward







# Robby Ward

Technical Lead,  
Pete Fowler Construction Consultants

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# Standard Workflows

## Most of You Have Seen

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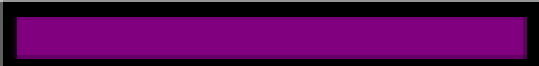
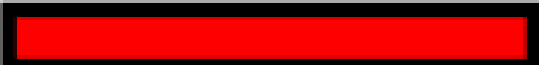



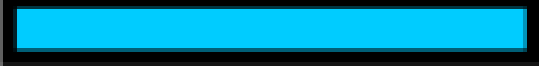


Studio

Sets

Drawing Markups

Takeoffs



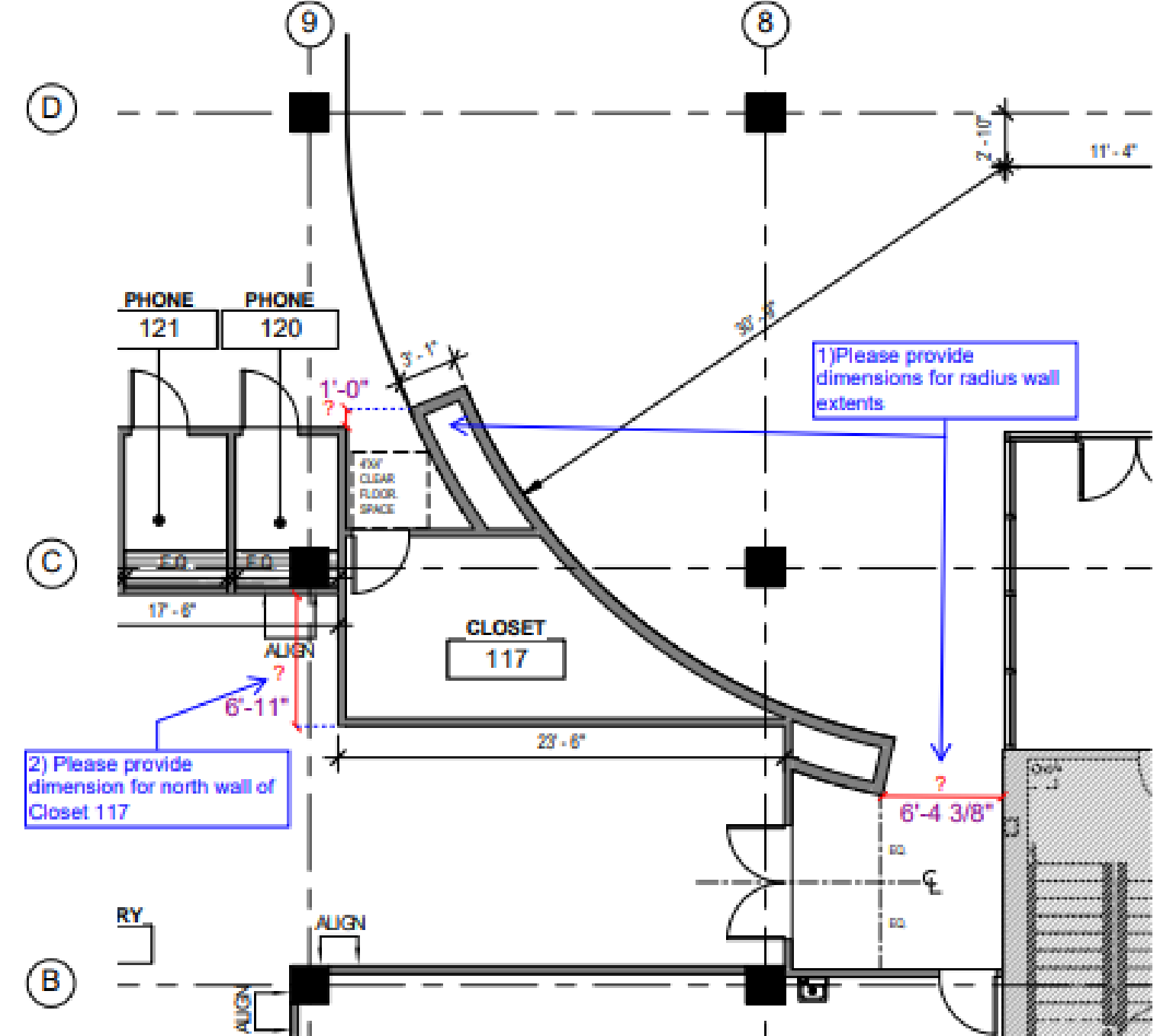
REVIEWER:	COMMENT COLOR:
ARCHITECT	
STRUCTURAL	
GENERAL CONTRACTOR	
MECHANICAL	
AUDIO/VISUAL	
LANDSCAPE	
OWNER	
SUBCONTRACTOR	

Please use your designated color while adding notes.

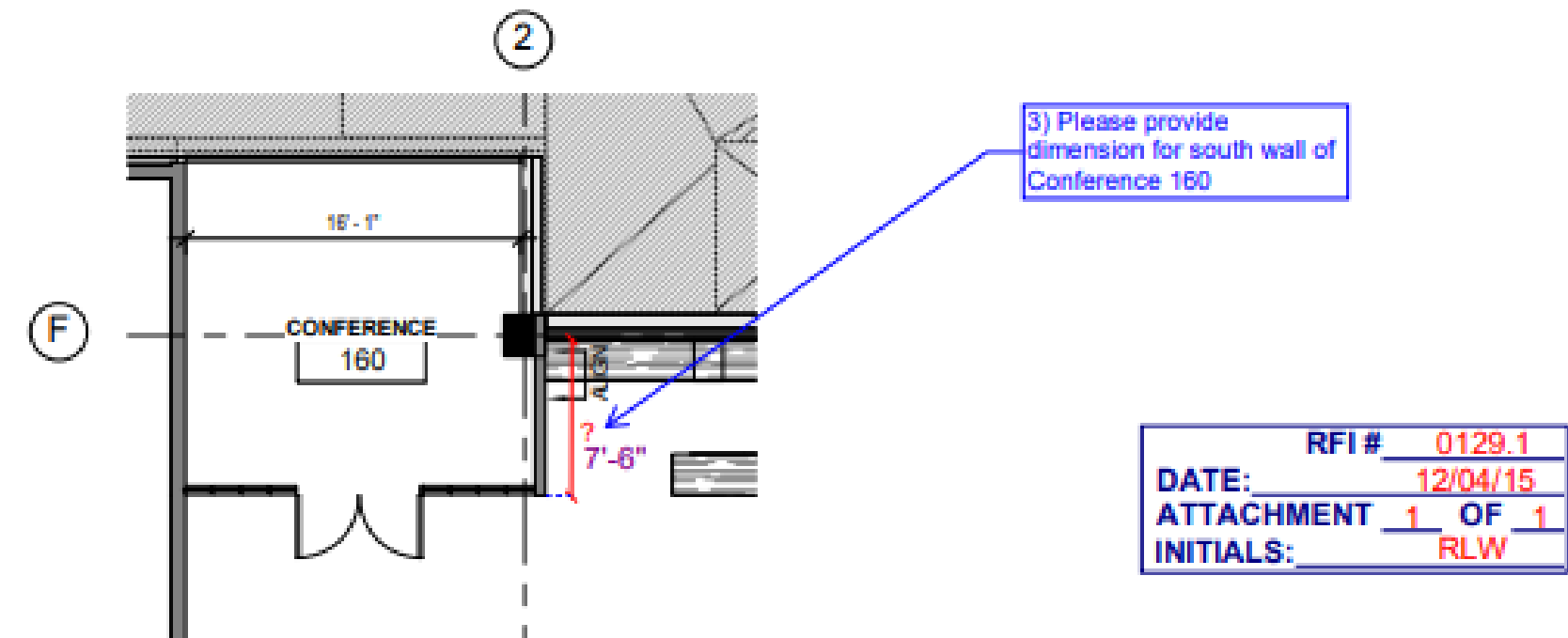
If your intent is to respond, please set your status as "Reviewing".  
Once your review is complete, please set your status to "Finished".

# Standard Workflows Most of You Have Seen

Studio  
Sets  
Drawing Markups  
Takeoffs

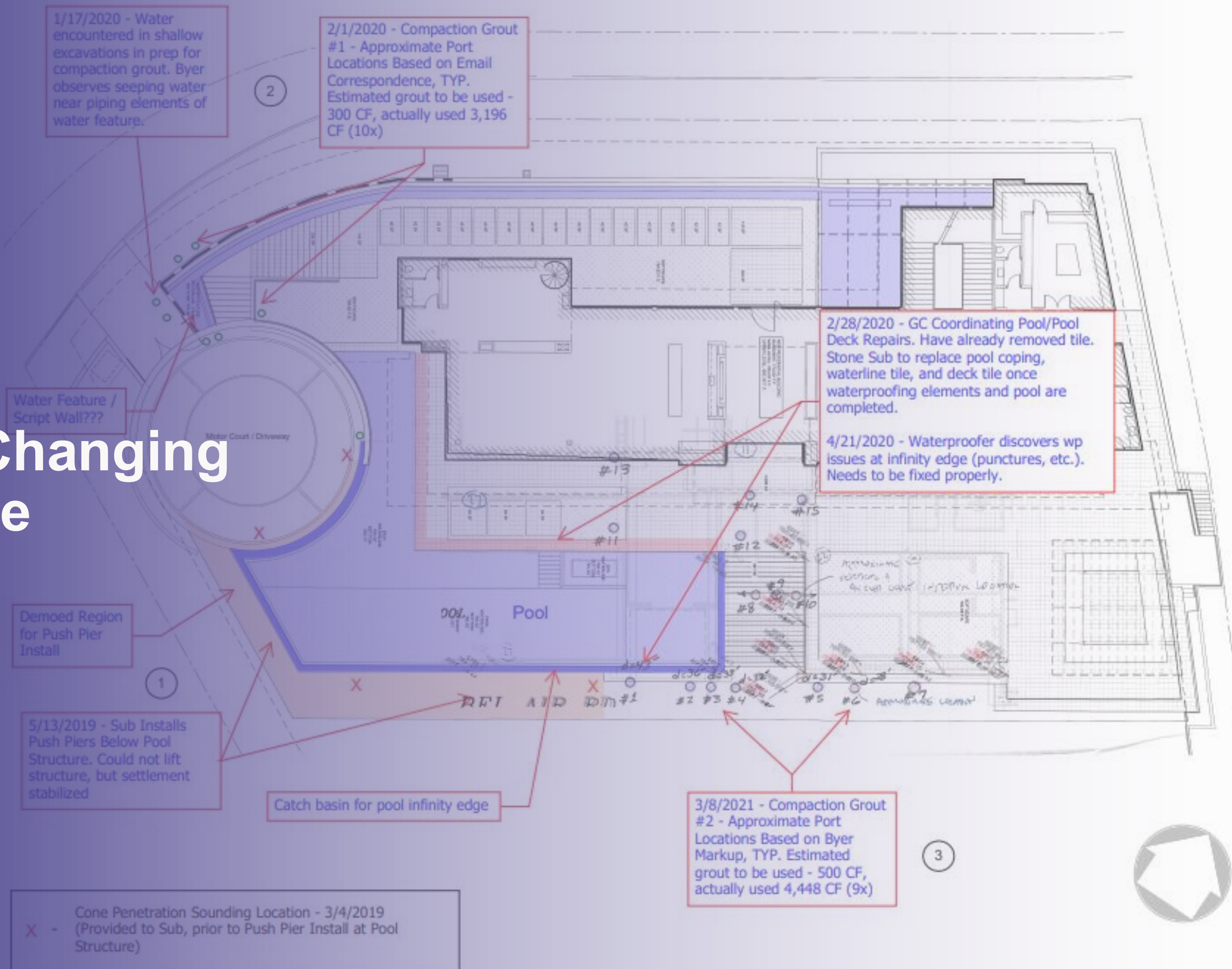


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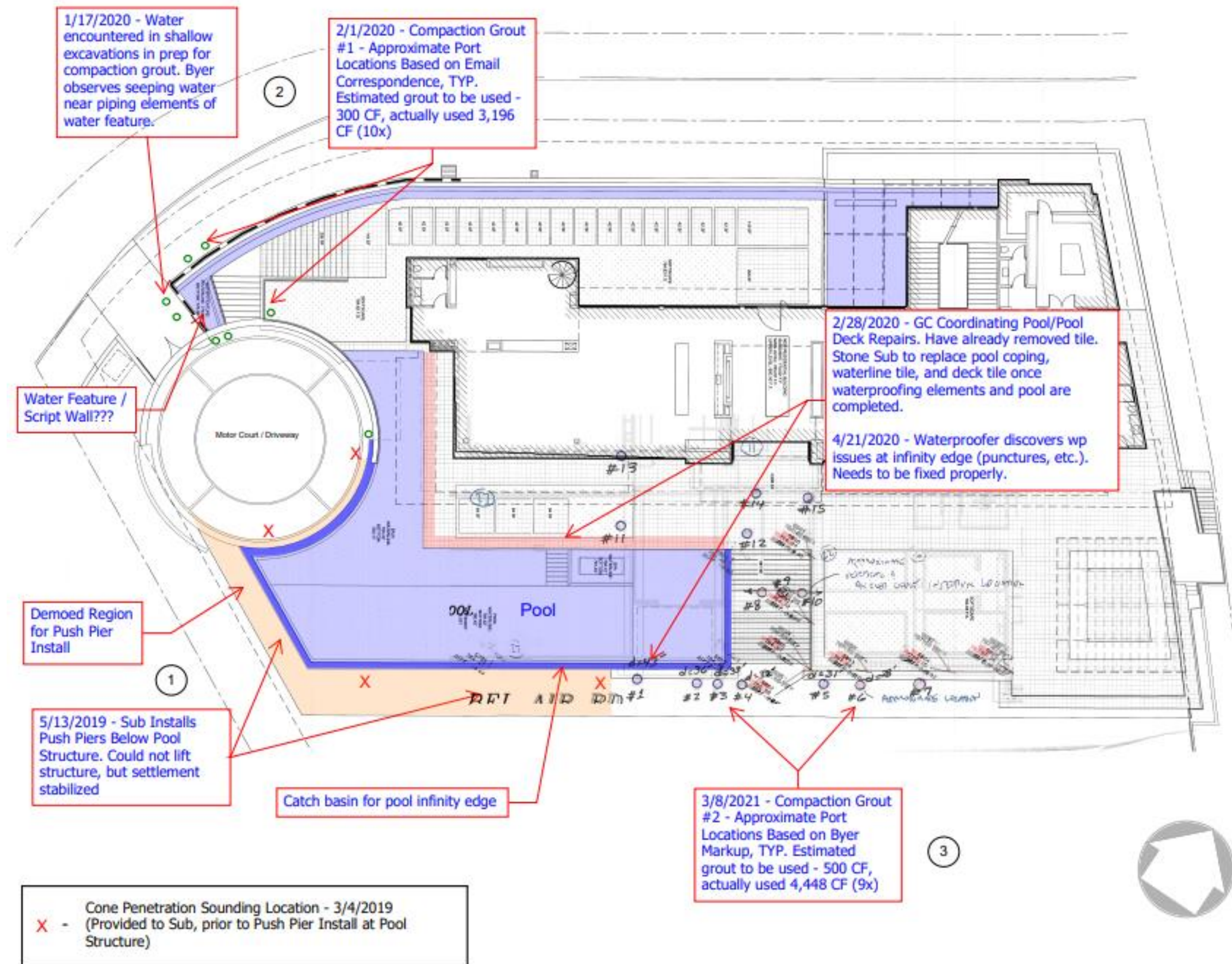




# Game Changing Example







# What is Construction Litigation?

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## Section 2

### Audience Question:

Does anyone here have any experience in construction litigation?



# Construction Defects

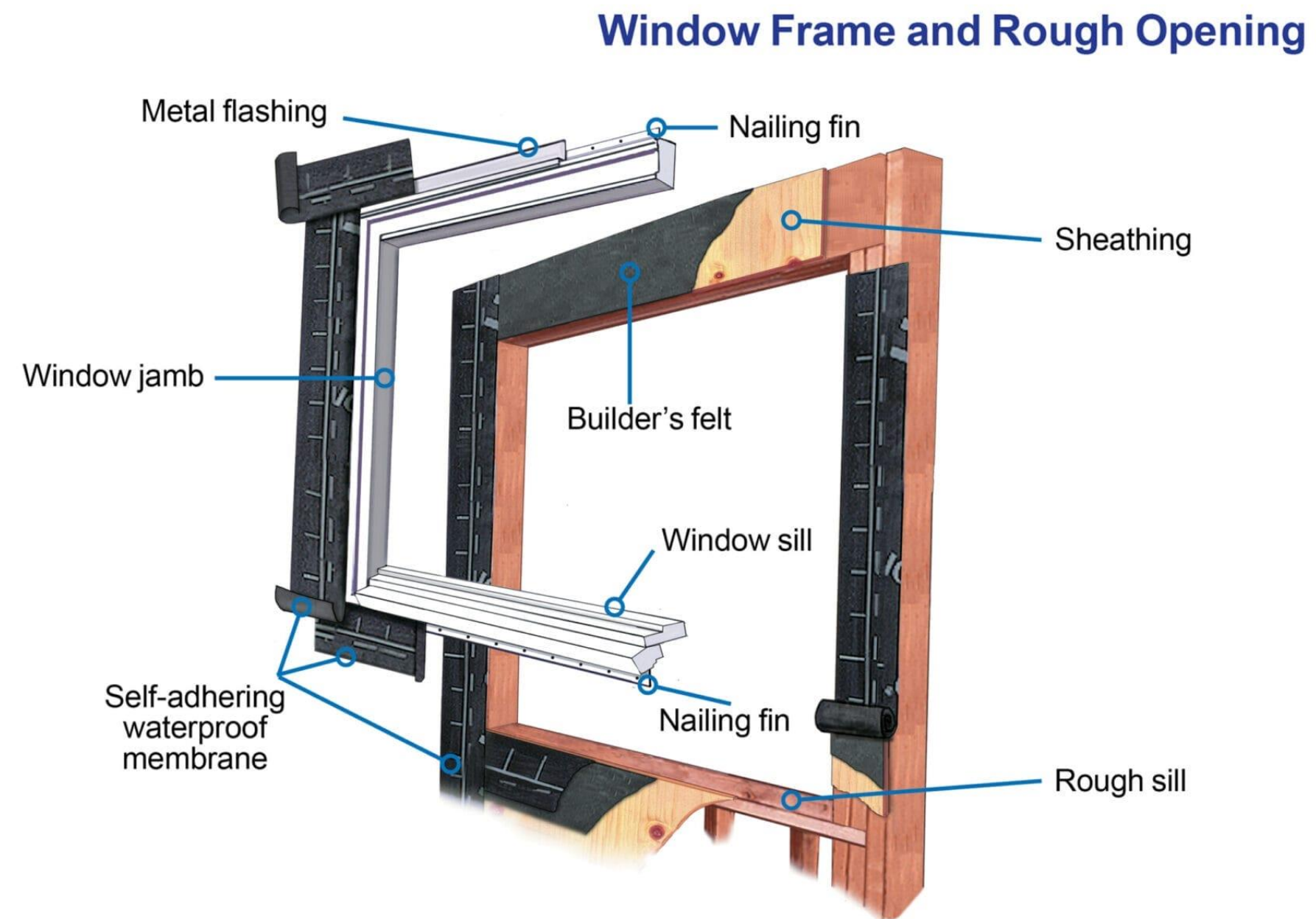
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What are they?





## Window Installed at Stucco Assembly





# Construction Defect Example

No Waterproofing on Retaining Wall





# Property Claims

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What are they?





# Property Claims Example

## Property Line Dispute





# Property Claims Example

## Basement Flooding





# Contract Claims

What are they?

**D-4 Payments:** OWNER agrees to pay CONTRACTOR as listed below:

**SCHEDULE 1**

PAYMENT	PAYABLE - DESCRIPTION	AMOUNT DUE
#1	Contract Deposit	\$ 1,000.00
#2	Critical Materials: Cabs/Slab/Flooring/Tile/Wdws/Drs/Lmbr/Trench	50,000.00
#3	Start of Work	5,000.00
#4	Upon Completion of All Demolition	10,000.00
#5	Upon Passing Rough Inspection/Combination	43,000.00
#6	Opt#2– P&I Manual Transfer Switch / Future Generator	3,600.00
#7	Opt#3- P&I 36” LED Tape Light w/ Alum Diffuser/Pole	582.00
#8	Upon Delivery of Cabinetry	42,000.00
#9	Upon Completion of Drywall	8,500.00
#10	Upon completion of Finish Carpentry	4,486.00
#11	Upon Completion of Solid Surface/Counter Tops	7,500.00
#12	Upon Completion of Painting	8,000.00
#13	Upon Completion of Flooring	7,000.00
#14	Upon Passing Final Inspection	10,087.00
#15	Upon Final Punch List & Retention	1,000.00
Total of Payments		<b>\$201,755.00</b>

# Contract Claim Example

## Schedule Delays & Liquidated Damages

### **AIA**® Document A401™ – 2017

*Standard Form of Agreement Between Contractor and Subcontractor*

#### **§ 3.4 Claims by the Contractor**

**§ 3.4.1** Liquidated damages, if provided for in the Prime Contract, shall be assessed against the Subcontractor only to the extent caused by the Subcontractor or any person or entity for whose acts the Subcontractor may be liable, and in no case for delays or causes arising outside the scope of this Subcontract.

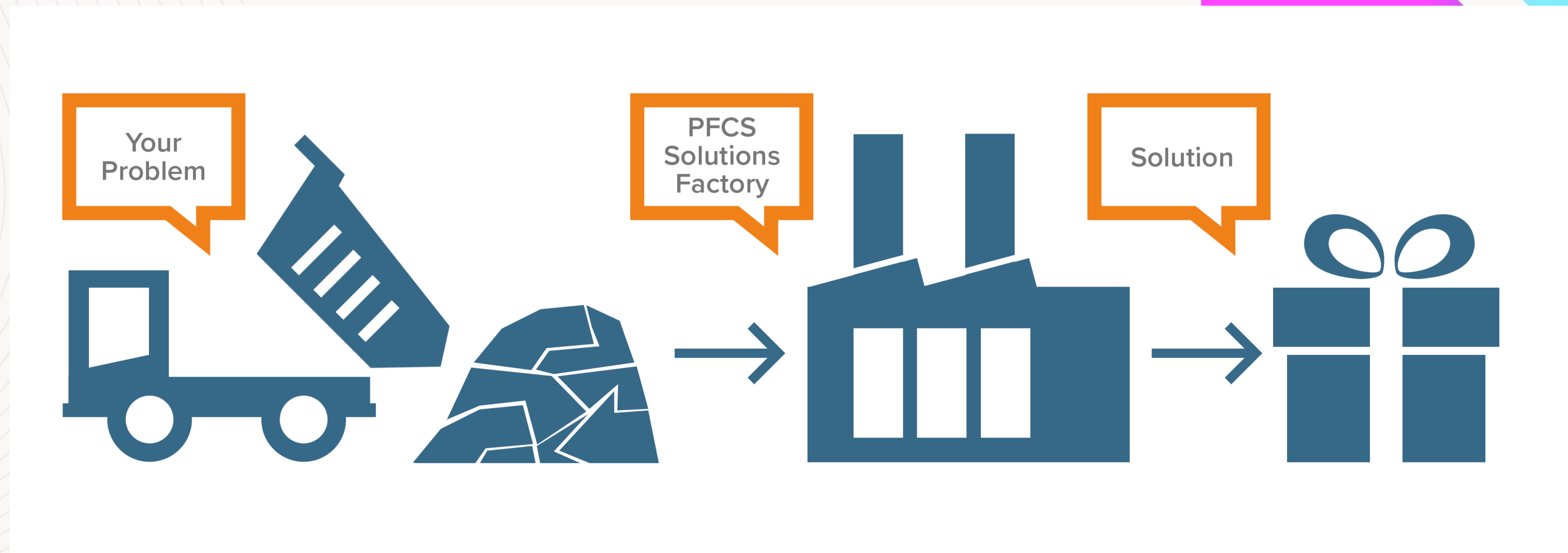
- .1 Liquidate damages are listed at \$250 per day for late delivery on a unit and \$5000.00 per day for late delivery on an amenity.

**§ 3.4.2** The Contractor's Claims for the costs of services or materials provided due to the Subcontractor's failure to execute the Work shall require

- .1 seven days' notice prior to the Contractor's providing services or materials, except in an emergency; and
- .2 written compilations to the Subcontractor of services and materials provided by the Contractor and charges for such services and materials no later than the fifteenth day of the month following the Contractor's providing such services or materials.



# The Role of the Expert Witness Or Consultant





# How Does Bluebeam Come into the Picture?

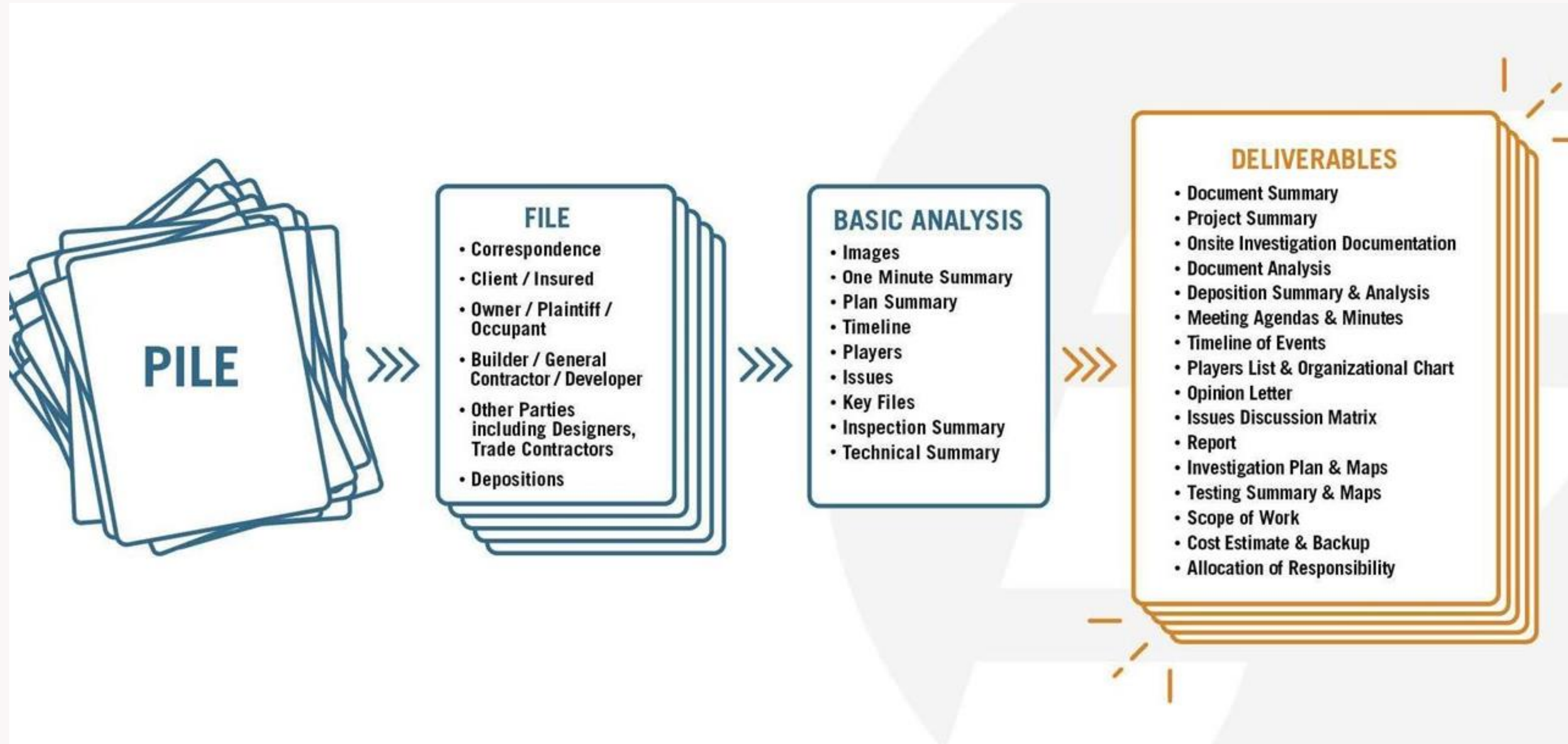
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## Section 3



# How Does Bluebeam Come into the Picture?

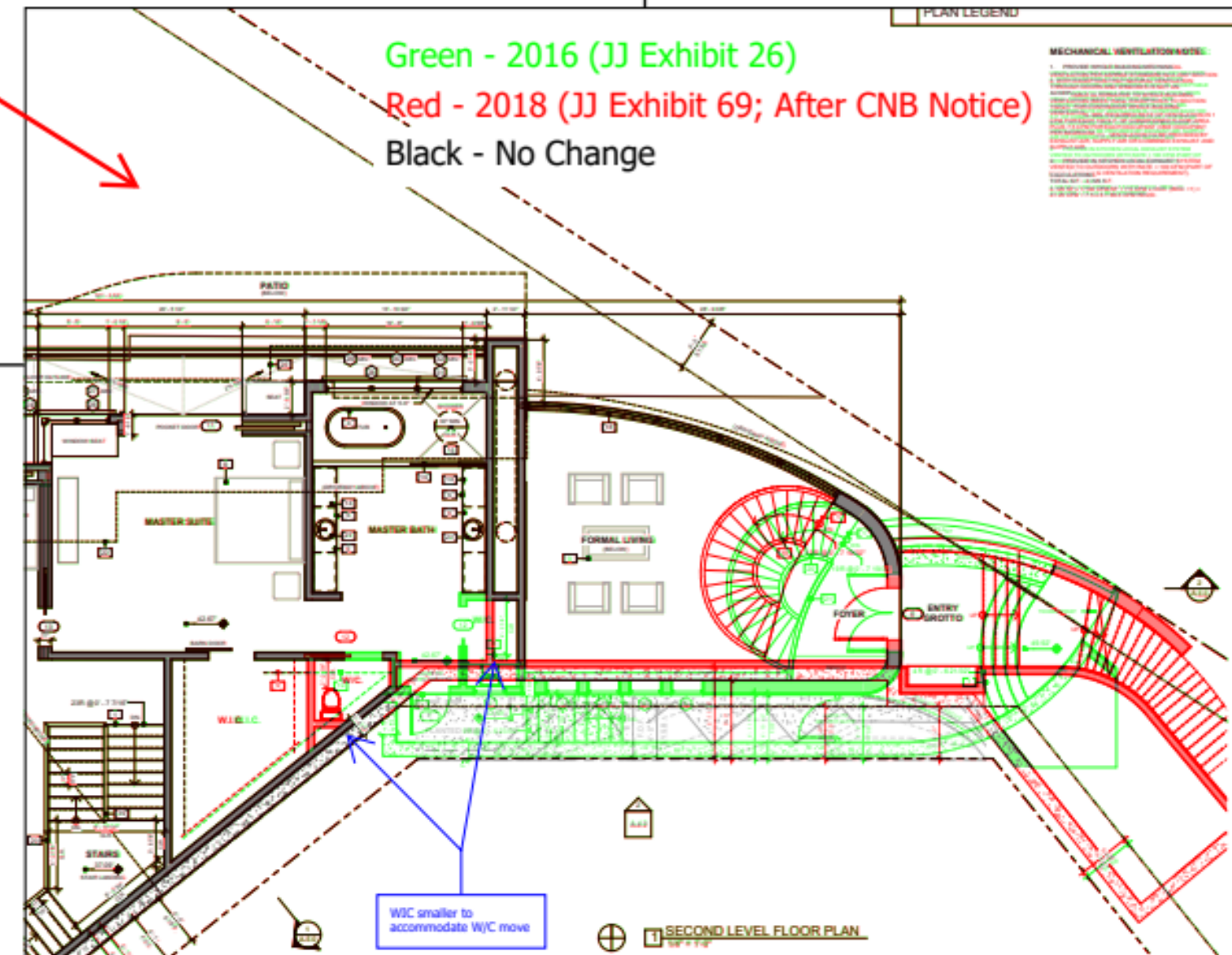
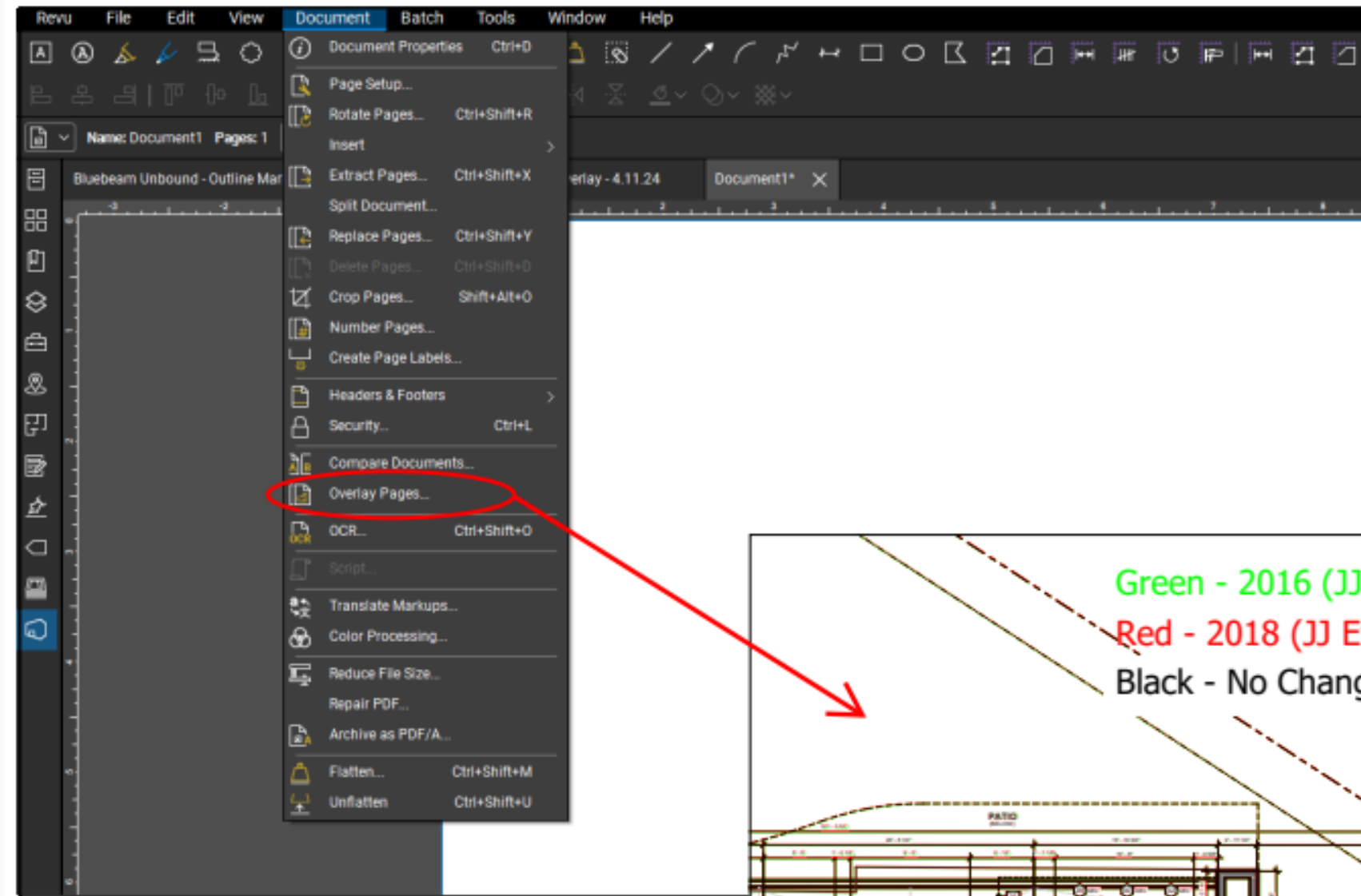
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# Tools that Hold Value

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# Thank you

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[www.petefowler.com](http://www.petefowler.com)

**Robby “Rob” Ward**  
Technical Lead  
Pete Fowler Construction Consultants

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