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MDC[®] Advantage

- Credentials
- Knowledge
- Experience

MDCSystems[®] provides clients with comprehensive expertise to prevent and resolve disputes throughout the life of a capital project. Serving clients first is the hallmark of MDC's[®] corporate mission.

Features in this Issue

- Recent Seminars and Conferences
- Future Conferences
- Systems Thinking – A new paradigm for successful projects
- Successful School Design and Construction: Mission Impossible or Impossible Mission?
- “Can't We All Just Get Along?” – Keeping Your Eye on the Prize Despite Getting Poked in It.

Recent Seminars & Conferences

“Can't We All Just Get Along?” – Keeping Your Eye on the Prize Despite Getting Poked in It,” October 27, 2004 at The Marriott Rivercenter, San Antonio

“School Construction Seminar” October 29, 2004 at The Union League, Philadelphia

For more information on these seminars, please visit our website at www.mdcsystems.com and **click on the Leadership 2004 conferences tab.**

Future Conferences

November 1-5, [Urban Land Institute](#) Fall Meeting, New York
November 9-10, [PLRB/Regional Adjusters Conference](#), Philadelphia
December 9-10, [A/E Construction Superconference](#), San Francisco
January 27, [ABA](#) Mid Winter Meeting, New York
February 5-9, [ASHRAE](#) Winter Meeting, Orlando
April 7-9, [ABA](#) Annual Meeting, New Orleans
May 19-20, [A/E Construction Superconference](#), London

Systems Thinking – A new paradigm for successful projects.

By Robert C. McCue, P.E.
President

How can a large well-funded capital project fail to achieve its technical, cost and performance goals and why is this still a common outcome? These projects are typically undertaken by teams of personnel from the Owner, Architect and Engineer firms and Contractors. How can such a collection of talent, carefully selected based upon experience and references, fail to deliver? The answer lies in part in the inherent instability¹ in the contractual structure of the participants which results in incentives/disincentives to proactively solve problems and engage in CYA activities. Systems Thinking provides a new way to understand and thereby avoid these problem.

A fundamental precept of Systems Thinking is that the overall goal is to optimize the

Past Presentations:

[Utilization of the Expert in Construction Litigation, 1 July 2004, Philadelphia, PA](#)

[HACCP-Design Responses to New Food Processing Regulations \(Mad Cows and Salad Bars - The Kitchen is the New Hot Zone\). 30 June 2004, Nashville, TN](#)

Does your company have a need for a seminar in our areas of expertise? We can help you out! Please contact our Marketing Representative: smeyer@mdcsystems.com

Hot Links on our Website:

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entire system and its output and not the individual parts of the system. Wouldn't having all the best assets naturally lead to the optimum output? Not necessarily. In fact, optimum output is unlikely to be the result of individual component optimization.

Consider that a friend desires to have the best sports car in the world and asks your help in obtaining it. One approach, and the most fun, would be to test drive all of the models available and select one. However, another approach would be to take the best parts from the best production cars and assemble them, a solution that has inherent appeal to engineers and architects². Consider which approach is likely to lead to a predictable cost and schedule result. Ultimately, the collection of best parts can be optimized to yield the best sports car, but the interactions of the various parts and their integration into an efficient working sports car lead to obvious compatibility and integration challenges with unpredictable intermediate outcomes.

Purchasing a finished sports car made up of a system of sub-optimized parts that has been integrated allows one to have confidence in the overall performance of the assembled system, certainty of cost and predictable delivery date.

With this in mind, now look at the typical project delivery process in your organization including contract drafting and development, selection of professionals, vendor and contractor selection system and the construction plan for your next capital project. Which of the above models are being employed?

To break the cycle of failure, MDCSystems[®] can help in providing solutions to these types of challenges!

¹ Unstable equilibrium can be envisioned as a ball bearing balanced upon a shallow depression in a block. Once the ball bearing moves off center it cannot recover and instability rapidly accelerates.

² Apparently there is a similar desire on the part of drafters of contracts to take the "best" contract clauses and assemble them to make the "best" contract.

Successful School Design and Construction: Mission Impossible or Impossible Mission?

Friday, October 29, 2004 from 8:00am-11:30am
The Union League, Philadelphia.

The presenters will be: Robert C. McCue, P.E., President of MDCSystems[®], Robert A. Prentice, Partner of Duane Morris LLP, and Walter T. Wolf of Walter T. Wolf, LLC.

Our distinguished panel will present an interactive presentation utilizing project examples to highlight issues surrounding school construction.

Topics to be discussed will include:

- Request For Proposals
- Bids
- Contract Management
- Scope Management
- Bulletins
- Request For Information
- Shop Drawings

Representative Clients

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PPG Industries
PSEG Enterprises, Inc.
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Schiff-Hardin & Waite
Skellenger Bender PS
Stradley Ronon
Sun Oil Company
Taylor Colicchio & Silverman LLP
Trammel Crow Development
Turner Construction Company
Toll Brothers, Inc.
Toyo Engineering Corp.
Warner Norcross & Judd LLP
Williams Montgomery & John Ltd.
Wisler Pearlstein, et al.
US Department of Justice

- Change Orders
- Approvals
- Schedules
 - Bid Schedules
 - Phasing Plans
 - Start No Later Than
 - Finish No Later Than
 - Schedule Updates
- Impacts to Scope, Schedule and Budget
- Key Contract Clauses
 - Changes
 - No Damage For Delay
 - Force Majeure
 - Dispute Resolution
 - Notice Provisions

“Can’t We All Just Get Along?” – Keeping Your Eye on the Prize Despite Getting Poked in It.

By: E. Mitchell Swann, P.E.
Vice President

Wednesday, October 27, 2004 from 9:00am-11:45am
International Society for Pharmaceutical Engineering Annual Meeting
Marriot Rivercenter, San Antonio

Alternative Dispute Resolution (ADR) has a long history of use in labor, workplace and construction disputes. In fact, the construction industry is often seen as the lead innovator in the use of ADR techniques to address and resolve disputes in ongoing projects while keeping the project moving forward. ADR is a broad subject. ADR is applied in all types of business and personal negotiations - from employment disputes to business mediations to neighborhood groups to international refugee crises. The use of ADR techniques may arise out of an impromptu confluence of circumstances or from a formal pathway for resolution defined by the contract. The program will touch upon the core principles and practices of Alternative Dispute Resolution (ADR) with a special emphasis on contractual situations, such as construction, contract manufacturing and service outsourcing. The program will present sample contractual ADR clauses, discuss the various forums and approaches to ADR, both domestic and internationally and will include a short role-play scenario to illustrate how the process can play out in the real world.

Blake Construction Co. vs. C.G. Cookby, Inc.

“Except in the middle of a battlefield, nowhere must men coordinate the movement of other men and all materials in the midst of such chaos and with such limited certainty of present facts and future occurrences as in a huge construction project....”

