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Current Events

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***Design Build for Green
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Delivery of an Integrated Idea***
Cleveland, OH
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Top 10 Documents Your Expert Will Request and Why

By Michele Nenna Delehanty, P.E., PMP

Hiring an engineering expert shouldn't be an arduous task, although sometimes the process may seem overwhelming. Usually the claim is at the point where you want answers yesterday but because of resourcing, workloads, or budgets you are in a time crunch to find them. Even if you are not initially intending to use the services of an expert, gaining access to certain portions of data during discovery is a proactive way to ease trouble or scrambling down the road. Whether it's for a third party opinion, an independent design, a mediation statement, or a testifying expert, the engineer you hire will likely need information from the sources discussed below.



1. The Claim and Associated Damages

The details of what each party is seeking in the claim are crucial pieces of knowledge for the expert to meet the end goal of stating the facts that are support of the client. It is also important for the expert to know damages, and, when the expert is being tasked with justifying the damages, they need to see the calculation of how you arrived at those damages. The expert must be able to corroborate the calculated damages to facts found during the analysis.

In the case where the expert is tasked with calculating the damages or helping to develop a claim, all relevant correspondence about the issue at hand and the reasons it hasn't been settled should be produced. On occasion, there are times when the expert is hired long after the claim is filed only for the client to find that the facts don't calculate out to the damages they initially sought. Furthermore, there are times when an expert, after their detailed analysis, may find additional damages that are not represented in the original claim. The only way to know this is for the expert to have access to the claim information and damage calculation at the beginning.



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**ASHRAE/MDC's Man in
Pakistan**

[Mitchell Swann, PE](#), completed speaking engagements in Lahore, Islamabad, and Karachi, Pakistan
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Cutting Edge Solutions for
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2. The Contract

It's obvious that everyone involved in the claim will first refer to the contract to figure out what portions are in dispute. The most important sections that your expert will need to see are those specifically related to the engineering or construction items themselves. The scope of work is the most significant, since we need to know exactly what work was required and if it was done according to the contract. Approved change orders, plus all of the supporting documentation, should also be included as part of the contract scope. Depending on the nature of the dispute, the expert may also request to see the invoicing and payment process, subcontracting terms and conditions, and schedule terms, including liquidated damages and agreed upon milestones. These sections of the contract help the expert determine a base against which all of the documentation discussed below will be measured.

3. Schedules

Even if the claim doesn't have anything to do with schedule, the expert might need at the very least the agreed-upon project baseline and the most up-to-date progress schedules. These two documents, along with the contracted milestones, give an expert insight on how the project progressed, the durations of certain activities, and if there was an obvious delay and how it impacted the end date. .

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**MDCSystems® Attending ABA Forum on
Construction Law, Annual Meeting,
April 28-30, 2016; Nashville, TN**

Join MDCSystems® at the American Bar Association's (ABA) Forum on Construction Law, Annual Meeting, in Nashville, TN, April 28-30.



Join MDC® and distinguished colleagues for rich discussions on Ethics of Social Media, Risk Management and Insurance Coverage Issues, Payment-Related Provisions, the Inside/Outside Counsel Relationship, an Analysis of the AIA A201 General Conditions and Defective Work, Effective Litigation.

Take a moment to stop by **MDC's exhibit** to pick up company information, or just to say hello. All visitors will have a chance to drop their business card at our booth for a chance to win our chic, yet practical, give-away!

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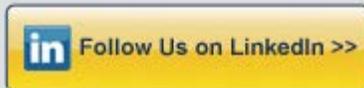
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