

Maximize your Cash Flow on Differing Site Condition Claims Agenda

07:30 a.m. – 08:00 a.m. - Registration

08:00 a.m. – 08:30 a.m.

I. Overview

- A. Explanation of why Claims have escalated since 1979
- B. What will be covered in the seminar today

08:30 a.m. – 10:15 a.m.

II. Brief History of Differing Site Conditions Provisions in Contracts

- A. Effort by owners and contractors to shift liability
- B. How is the liability being shifted
- C. Basics of Differing Site Conditions
 - a. Type 1 & Type 2
- D. Hazardous Materials

10:15 a.m. – 10:30 a.m. - Break

10:30 a.m. – 11:15 a.m.

III. Where Does the Differing Site Conditions Apply?

- A. Underground Work
- B. Renovation Projects

Differing Site Conditions Contract Clause

- A. Case Studies No. 1 & 2
 - a. McArthur Park Excavation
 - b. Central Library Renovation
- B. What the courts have ruled

11:15 a.m. – 11:30 a.m.

IV. Differing Site Condition Clauses

- A. Intent of the Clause - Recognizes practical realities
- B. Notice Requirements
- C. Weather Exclusions
- D. Exculpatory clauses
- E. Estimated quantity clauses

11:30 a.m. – 12:30 p.m. - Lunch Break

12:30 p.m. – 02:30 p.m.

V. Differing Site Condition Clauses (Cont'd)

- A. How to Handle Classified Excavation
- B. Best practices for Owners & Contractors
- C. Adequate pre-bid site investigation
- D. Legal remedies if no Differing Site Conditions Clause

02:30 p.m. – 02:45 p.m. - Break

02:45 p.m. – 04:00 p.m.

VI. Construct and Defend DSC Claims

- A. How to Prepare a Winning DSC claim
 - a. Documentation Required
- B. Pricing and Proving a DSC claim
 - a. Using Measured Mile
- C. How does the Owner Defend a DSC Claim?
- D. Threshold of Materiality
- E. Reverse DSC – Owner's Best Friend
- F. Resolution using Partnering & Dispute Review Boards
- G. Case Studies No. 3 & 4
 - a. Los Angeles Horizontal Drilling for Highway Department
 - b. National Park in Nevada