

# PRODUCTIVITY LOSS AND DISRUPTION



BRG's Global Construction practice comprises construction disruption analysis professionals located around the world, including in Asia-Pacific, the Middle East, the Americas, and the United Kingdom, who specialize in applying complex productivity loss and disruption analysis methodologies.

BRG's productivity/disruption experts have authored numerous publications in the field of disruption analysis and sit on international committees for the development of delay and disruption protocols, including AACE International, the American Society of Civil Engineers (ASCE), and the Society of Construction Law (SCL).

Our team has a solid understanding of and extensive expertise in disruption analysis methodologies across various international protocols. Our experts have performed productivity analysis on complex projects around the world and have provided expert reports and testimony in international arbitration tribunals including SIAC, ICC, ICSID, DIAC, IAC, and KCAB.

## Disruption Methodology

BRG's Global Construction disruption experts ascertain methodology selection based on the circumstances of the nature of the dispute, documentation available, and contractual requirements. Complaints of "disruption" or "productivity loss" and additional costs are made routinely during the course of a construction or engineering project, yet they are traditionally difficult to prove.

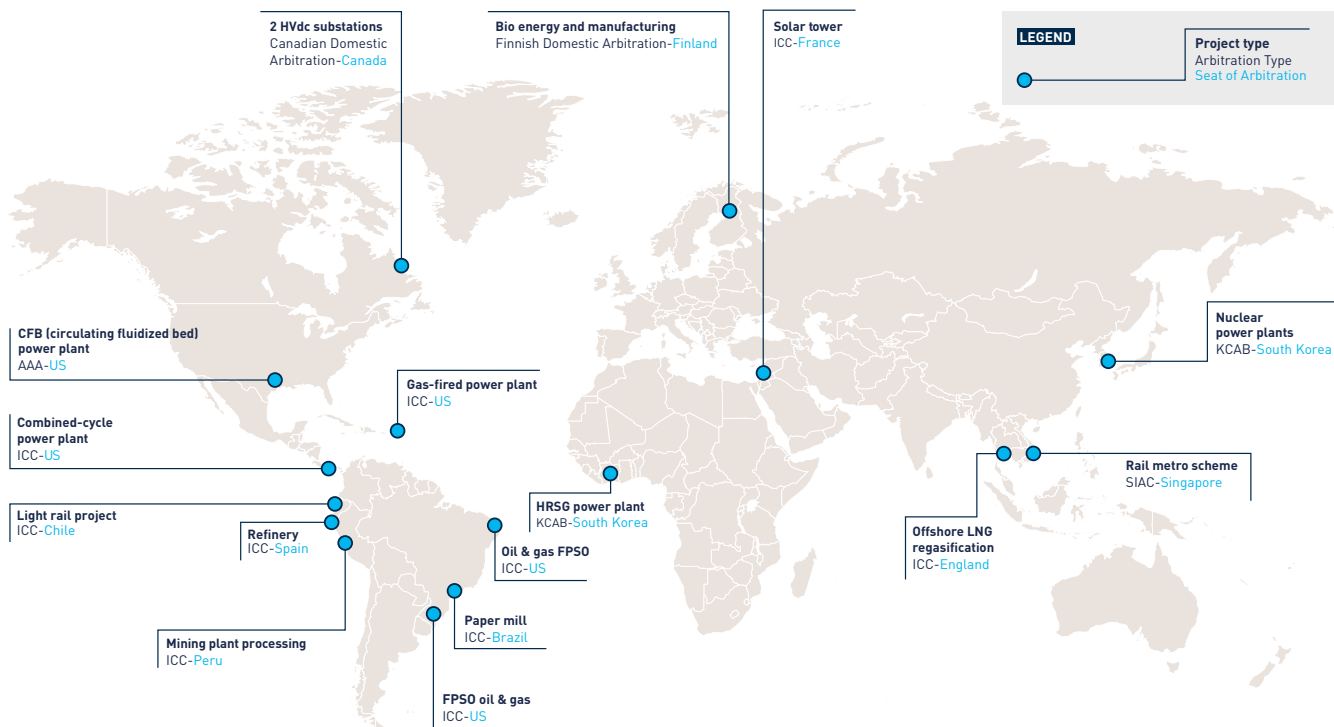
Contractors struggle with disruption claims largely because productivity losses often are difficult to identify and distinguish at the time they arise, as opposed to other monetary claims that are more directly concerned with the occurrence of a distinct and compensable event, together with a distinct and direct consequence, such as an instruction for a variation, change during the normal progress of the works, or a properly notified compensation event. BRG experts have significant experience demonstrating productivity loss over myriad project types around the world.

The cause-and-effect burden of proof is the same for a claim for loss of productivity as for any other claim, insofar as the claiming party first must establish that the event or factor causing the disruption is a compensable risk event under the contract. To do this, the contract needs to be reviewed to understand the basis of the agreement, as certain productivity issues may have been foreseeable and therefore accounted for within the claimant's productivity allowances. The contract also may identify if a party expressly accepted certain productivity risks at tender.

BRG's disruption experts are well versed in a variety of methodologies to demonstrate productivity loss, including:



# Disruption methodology around the world



## About BRG

Berkeley Research Group, LLC (BRG) is a global consulting firm that helps leading organizations advance in three key areas: disputes and investigations, corporate finance, and performance improvement and advisory. Headquartered in California with offices around the world, we are an integrated group of experts, industry leaders, academics, data scientists and professionals working across borders and disciplines. We harness our collective expertise to deliver the inspired insights and practical strategies our clients need to stay ahead of what's next.

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