



# Construction Dispute Support

*Construction disputes are messy.*

*They don't have to be. Better  
yet, they don't have to happen.*

*We help you avoid disputes. And  
if you're in a claim, we make  
the process less painful.*

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



# About Aurora

Aurora Professional Group delivers research and advice to organizations seeking to protect their strategic advantage and improve their capital efficiency. Aurora's strategic consultant network rapidly delivers top-tier services, without the leverage model. Clients receive genuine collaboration via tailored fee arrangements.

## Why Aurora?

Our model provides exceptional advantages over traditional consulting firms:

1. We engage clients only when we have the exact experience required. Our insights and reports are unique for every job.
2. Our overhead is much lower than our peers. In cost-driven projects we meet and exceed your requirements with *fees for service*. In schedule-driven projects we can provide the time and genuine collaboration often missing from our competitors.

## Our Expertise

APG consultants are often experts in their fields. Collectively, we have several decades of experience across a variety of industries. Our areas of expertise span over sixty specialties in the following categories:

- Engineering, Piloting, & Project Advisory;
- Management Advisory;
- Regulatory Assessments and Advisory; and,
- Technology Research & Advisory.

# Industries

## **PROJECTS**

APG can advise or integrate with owner or contractor teams in commercial, industrial, and institutional projects. We are also here to assist with your claim development or defence.

## **ENERGY**

Expect tailored solutions for the industrial, cleantech, power / transmission, and renewables industries. APG is adept at contextualizing cross-value chain opportunities to improve business models and exceed the requirements of regulatory frameworks.

## **PROFESSIONAL SERVICES**

The professionals' professional – we understand the needs of our consulting and legal firm peers, and are positioned to improve operations or provide bandwidth and services as required.

# Services

## **RESEARCH**

APG offers research solutions based on a collaborative, phased framework to maximize relevance and insights. By utilizing data-driven analyses with unique graphics and visuals, APG provides a polished work-product tailored to your specific needs.

## **ADVISORY**

Owners and contractors face challenges when it comes to technology evaluation, design, and project execution. APG provides solutions through the different phases of the project life-cycle to ensure that delivery is efficient and controls are operating effectively. The ultimate goal is the organization's successful delivery of their capital programme and protection against stakeholder and litigation issues.

## **SPECIALTY ASSIGNMENTS**

APG can work within your organization. Workshops, facilitation, and cooperative development of internal systems, procedures, and initiatives are our specialty!

# Construction Dispute Support

At APG, we are happy to offer dispute support to owners, contractors, and legal services organizations. Our service model is designed to provide exceptional services while keeping costs low.

# Owners

## **NOTICE STRATEGIES**

Your project correspondence is the first line of defense for demonstrating contract fair play. Are you using it to your advantage? Are you covering your risks by utilizing change management provisions and notice and cure mechanisms? APG will provide you with technical expertise to analyze possible indications of default and strategies to see your project through completion.

## **CHANGE ORDER ASSESSMENTS**

Change orders are often the focus of construction disputes. APG offers objective analysis for change orders. We evaluate the responsibility, materiality, and severity of scope changes. Leveraging our experience, we validate the accuracy of T&M estimates and the legitimacy of completed work.

## **PROJECT DOCUMENTATION**

Your contiguous project record is the one source of truth that will protect you for dispute defense. Proper, compliant document management is the bellweather of your project delivery health. If it is poorly managed, it could be a liability for you. APG will assess your document management methodologies and open project file weaknesses. We will recommend solutions that help you maintain the contemporaneous project record required for successful litigation defence.

## **REFUTE OF EQUITABLE ADJUSTMENT REQUESTS**

Where possible, you want to work with your contractors and avoid litigation. We will work with you to rebut compensation requests in a fair, objective manner. APG will provide detailed, fact-based analyses that address claims and help clear the doubt for all parties.

## **DESIGN & REGULATORY ASSESSMENTS**

Aurora's in-house expertise can quickly provide you design and regulatory assessments on complex issues. We deliver expert analysis as it relates to: legislative acts, design codes, constructability, and quality of design. This includes adherence to jurisdictional authority policies and directives (ABSA, AER, Safety Codes Council, etc.).

## **LITIGATION TEAM INTERFACING**

Construction litigation is tedious and costly. It requires the time and effort of in-house counsel, project team members, litigators, experts, and discovery teams. APG speeds up the the process and reduces overall cost, with a specific focus on construction document organization.

We are familiar with the roles and processes of the litigation team. We work with you and your litigator to quickly and accurately re-build the project file and then re-create a file structure that suits your statement of claim. With a robust structure in place, we can then rapidly fulfill document requests from your experts. If you don't have experts yet, we can assist you with determining the best fit for the case. Or, APG can assist with the go/no-go decision, offering preliminary assessments and investigations.

APG is particularly well placed to assist in very large cases where construction document volumes burden the discovery (questioning) process.

# Contractors

## **CHANGE ORDER DEVELOPMENT**

Adherence to scope and working with the provisions of your contract are beneficial to all contract parties. Lapsing on change management invites ambiguity. If left until the end of your project, changes may not be compensable due to notice provisions. Further, your ability to untangle multiple change issues is compromised by the lack of timely consideration from all parties. APG will work with you to ensure your change management program is working according to your contract. Our consultants will provide strategies for change order development that ensure you have met the requirements of your contract and are receiving due compensation.

## **TREND ASSESSMENTS**

Considered together, certain change orders reflect larger trends that may be affecting your productivity and overheads. If you are not monitoring and managing trends, it may be at the cost of your own cashflow and to the enrichment of the owner. APG will help you assess trends and provide strategies for building them into defensible arguments for additional compensation.

## **ACCELERATION IMPACTS**

Has your project been accelerated? Overcoming owner material and deliverable delays may be burdening you with additional costs and/or lost productivity. In fixed cost arrangements, you will not be adequately compensated for this directed acceleration. APG will assist you in determining the effects of owner-driven acceleration and provide you with strategies for obtaining additional compensation.

## **DELAY ASSESSMENTS**

Oftentimes, delays can be traced back to key events early on in the project that have direct and indirect impacts to the contract parties. Using simple analyses and visuals, we illustrate the root-cause, magnitude of delays, and affected programs.

## **REQUEST FOR EQUITABLE ADJUSTMENT**

APG helps you settle disputes early on and avoid construction litigation altogether. We use your project data to detail how and when your project was impacted, and to what extent. Using best practice analyses, we support you with visualizations, productions, and assessments that make your request compelling and effective.

## **OVERHEADS ANALYSIS**

Projects that have been delayed, accelerated, or impacted with extensive design issues could be placing demands on site-management or office resources that are over and above what was originally bid. As part of larger trend, delay, and acceleration assessments, APG will make sure that overheads are captured for additional compensation.

## **PRODUCTIVITY ASSESSMENTS**

Site conditions, delays, remobilizations, and project acceleration can all have an impact on your labour productivity. On larger projects, this could be substantially impacting your profit needs to be addressed with detailed analyses. Working with your project data, APG can provide you with the assessments required to make defensible lost productivity arguments.

## **ESCALATION ADJUSTMENTS**

Project delays and unforeseen circumstances may create additional labour, consumable, material, and equipment costs on your project. If escalation is not adequately captured within your contract, you could be warranted additional compensation. APG will work with you to ensure escalation adjustments are properly captured on your project or form part of your delay argument.

## **LITIGATION TEAM INTERFACING**

We are principled project managers familiar with the processes of your litigation team. If you do happen to find yourself in a construction litigation event, APG will work with your organization, legal counsel, and expert witnesses to speed up the process and help reduce the overall cost of the effort. Our document management experts can rapidly coordinate technical and document requests at the lawyer and expert witness interfaces.

# Law Firms

## **INTERFACES**

Are you looking for creative ways to improve your processes, keep costs competitive, and address changing client requests? We are the low-hanging fruit when it comes to construction claim document coordination. Instead of second guessing client's and expert's needs, refer back to us. We interpret technical requests to help you communicate better and proceed more efficiently. If we've rebuilt your project file, we can immediately guide you to fulfill timely and accurate document requests.

## **ASSESSMENTS**

We are seasoned professionals in design, construction, and project controls. We can quickly assess your statement of claim and construction project file, providing you with insights regarding the strengths and possible weaknesses of your arguments. Alternatively, we can provide you with considerations for defense preparation.

## **ADVISORY**

Every engagement in our world is a project. This means, every matter has its own document structure, its own cost structure, and its own project controls. Efficiency comes from practical project management and utilization of the right project tools. If your firm is searching for innovative ways to improve efficiency and client engagement, come to us for construction litigation case management advice. We are your resource for planning, training, and evaluation of new software.

## **FRONT END PLANNING**

Project delivery continues to evolve, albeit at different paces in different industries. Teams are becoming integrated, contracting strategies are evolving, and the transition to electronic data make for new and uncharted territory. We are proponents of including outside counsel early on in project planning. However, this is an investment that organizations often shy away from. APG can work with you to further develop this offering, with strategies for service profiles, positioning, and collateral.

## **ALTERNATIVE FEE ARRANGEMENTS**

We are used to performing lump sum work - in many cases we prefer it. Think of APG when your clients are looking for cost certainty.

# Specialties

## **ENGINEERING / PROJECT ADVISORY**

- Asset Integrity Management
- Commissioning & Turnover Planning Assessments
- Constructability Assessments
- Debottlenecking & Optimization
- Design Assessments
- Design Data Aggregation for Operations & Maintenance
- Engineering Risk Assessments (HAZOP, SIL)
- Equipment Sizing & Standardization Assessments
- FEED Completeness Assessments
- FEL / Gating Assessments
- Forensic Contract Analyses, Claim Development, & Productions
- Modularization - Fabrication & Assembly Assessments
- Modularization - Philosophy & Design Assessments
- Process / Facility Performance Analysis
- Process & Control Narrative Assessments
- Process Simulations (HYSYS, UNSIM)
- Procurement Strategy Assessments
- Project Controls (Schedule & Cost) Assessments
- Project Delivery & De-risking Assessments
- Project Engineering Assessments
- Project Execution Assessments
- Project Feasibility Analysis
- Refining / Upgrading Process Assessments
- Safety Engineering Assessments
- Specification Development
- Steel Design Assessments
- Utilities & Offsite Engineering Assessments
- Value Engineering Assessments

## **MANAGEMENT ADVISORY**

- Economic Modelling & Evaluations (DCF, scenarios, sensitivities)
- Energy Efficiency & Conservation Assessments
- Procedures & Policies Development
- Program Management
- Project Documentation Analyses
- Project Execution Risk Analysis
- Strategic Planning & Management
- Training
- Workshop Planning & Facilitation

## **REGULATORY ASSESSMENT & ADVISORY**

- Boiler, Boiler External Jurisdictional Requirements
- Code Interpretation Analyses
- Design Registration Jurisdictional Requirements
- Foreign Equipment Jurisdictional Import Requirements
- Jurisdiction / Code-break Determinations
- Pressure Relief Jurisdictional Requirements
- Pressure Relief Systems Assessments
- Regulatory Requirements & Compliance (Alberta)
- Regulatory Requirements & Compliance (BC)

## **TECHNOLOGY RESEARCH & ADVISORY**

- Biomass / Hog Fuel Utilization
- Carbon Capture
- CO2 EOR Advisory
- Electric Vehicle Implementation
- Experiment Planning
- Fresh Water & Brackish Water Treatment
- Hydraulic Fracturing Produced Water Management
- Phase Separation - New Tech
- Pilot Planning
- Steam Process & Blowdown Optimization
- Technology Evaluations (Manufacturing Readiness)
- Technology Evaluations (Technology Readiness)
- Technology Scoping & Landscaping
- Technology Scouting
- Thermal Produced Water Management
- Water Chemistry & Analytical Testing
- Water Management – Alkalinity Reduction
- Water Management – Filtration
- Water Management – Ion Exchange
- Water Management – Lime Softening
- Water Management – Regeneration Systems
- Water Management – Sludge Management
- Water Management – Slurry Systems
- Water Management Jurisdictional Requirements
- Water Management – Evaporators
- Water Technology Assessment – Lifecycle Costs

# Meet Our Team

- James Bremner – Process & Simulation Expert
- Darlene Clarke – Sustainable Energy & Program Management Consultant
- Tammy Cooper – Document Management Expert
- Bradley Fossen – Managing Director
- Ross Harper – Design & Construction Expert
- Caroline Mussbacher – Water Expert
- Scott Mussbacher – Water Process Expert
- Jackie Pearce – Document Expeditor & Records Professional
- Nick Quinn – Project Controls Specialist & Forensic Analyst

# Our Pedigree

You can rely on our experts to provide effective, practical, multi-faceted advice. Aurora consultants are engineers, MBA's, economists, technologists, scientists, and seasoned veterans in their field. This combination of industry, technical, managerial, and financial experience, ensures that all of your business elements are considered.



## CONTACT

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