

# Maximize Your Cash Flow on Differing Site Conditions Claims

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**Instructor: Anwar Hafeez** is a nationally recognized and respected Civil Engineer and construction industry consultant who has personally supervised over \$1.4 billion in major construction projects. Mr. Hafeez has also successfully negotiated and settled over \$350 million in construction claims and change orders for SDC clients nationwide. His most notable projects include the San Diego Convention Center, Los Angeles Central Library, Los Angeles International Airport Expansion and Washington DC Subway System. To learn more about Mr. Hafeez please visit [www.sdccassociates.com](http://www.sdccassociates.com).



### *Especially Applicable to Excavation and Renovation Contractors*

#### This seminar teaches...

- **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 (Type I and Type II)
- **Where Does The Differing Site Condition Apply?**
  - A Underground work
  - B Renovation work
- **Differing Site Conditions Contract Clause**
  - A Case studies 1 & 2
    - a McArthur Park Excavation
    - b Central Library Renovation
  - B What the courts have ruled
- **How to Handle Classified Excavation**
- **Legal Remedies if no Differing Site Conditions Clause**
- **How to Prepare a Winning DSC Claim - Documentation required**
- **Pricing & Proving a DSC Claim - Using the Measured Mile**
- **How Does the Owner Defend a DSC Claim?**
- **Reverse DSC - Owner's Best Friend**
- **Case Studies 3 & 4**

**\$100 Early Bird Savings**

Send 3 People and the 4th Person is Free

#### SEMINAR TIME:

8:00 am to 4:00 pm  
7:30 am Registration  
(Includes Lunch & Course Book)

#### DATES & LOCATIONS:

**Wednesday April 5, 2017**  
**Newark, NJ 07114**  
Newark Liberty Intl. Airport  
Marriott 1 Hotel Road

**Thursday, April 6, 2017**  
**New York, NY 10010**  
NYC Seminar and Conf. Center  
71 West 23rd St.

**Friday, April 7, 2017**  
**Long Island, NY 11779**  
Courtyard by Marriott  
Mac Arthur Airport  
5000 Express Drive South

**FEE FOR THIS SEMINAR IS \$399**

**Early Bird Special \$299 if registered by 3/24/17**

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# 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