How to Negotiate a Win-Win Delay Claim

- for Contractors

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CONSTRUCTION CLAIMS

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1.

Setting Negotiation Objectives:

- Establish clear and attainable goals aligned with contractual rights, project requirements, and business objectives.
- Objectives may include compensation for additional costs, project timeline extensions, and protection against penalties.

SLIDE #1

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2.

Understanding Employer Perspectives:

- Gain insight into the employer's challenges, such as tight deadlines, budget constraints, and project goals.
- Tailor negotiation strategies to address employer priorities, promoting collaborative problem-solving.

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3.

Building a Compelling Case:

- Document all relevant information related to delays, including schedules, change orders, correspondence, and on-site records.
- Use factual evidence to illustrate the impact of delays on timelines, costs, and performance, strengthening the negotiating position.

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4.

Establishing Communication Channels:

- Maintain open, transparent, and frequent communication with employers to foster dialogue and mutual understanding.
- Address concerns and provide updates promptly to mitigate misunderstandings.

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5.

Crafting Negotiation Strategies:

- Leverage contractual rights, industry expertise, and interpersonal skills to optimize outcomes while preserving relationships.
- Present persuasive arguments, explore alternative solutions, and engage in principled negotiation for mutually acceptable compromises.

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6.

Exploring Collaborative Solutions

- Leverage contractual rights, industry expertise, and interpersonal skills to optimize outcomes while preserving relationships.
- Present persuasive arguments, explore alternative solutions, and engage in principled negotiation for mutually acceptable compromises.

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7.

Presenting Evidence Effectively:

- Communicate evidence clearly and persuasively using visual aids like timelines, charts, and graphs.
- Enhance argument persuasiveness and instill confidence in claims' validity.

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8.

Handling Counterarguments:

- Approach counterarguments with professionalism and strategic acumen.
- Listen to employer concerns, acknowledge perspectives, and offer reasoned responses supported by evidence.

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9.

Navigating Deadlocks and Impasses:

- Demonstrate resilience and flexibility when negotiations stall.
- Explore alternative solutions, revisit previous offers, or seek external mediation to overcome obstacles.

SLIDE #9

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10.

Documenting Negotiated Resolutions:

- Prepare detailed agreements outlining adjusted schedules, costs, and responsibilities.
- Provide a roadmap for implementation and accountability to ensure clarity, transparency, and trust.

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