New Developments in Cumulative Impact Disputes

Description: Understand the impact changes have on projects and the cumulative impact disputes that can arise when there is a large amount of changes.

Project changes are becoming increasingly difficult to manage. And when a project has many changes it may enter into a tipping point called cumulative impact. The result is that it may become very difficult to measure the source and full damages of changes when they reach this tipping point. This topic helps owners and contractors understand the impact changes have on projects, particularly when the amount of changes becomes quite large. We will cover some of the project management, cost and schedule control, and legal concepts that underlie change management.

Learning Objectives:
- You will be able to define cumulative impact changes and claims.
- You will be able to identify why it is important to understand cumulative impact claims.
- You will be able to recognize how changes can ripple through and result in large sums of money and time.
- You will be able to review how to resolve the cause, liability and damages associated with each change.

Contents: What Are Cumulative Impact Changes and Claims?
- When Projects Suffer Large Amounts of Change, a Contractor May Request Extra Compensation for the Synergy of Multiple Change Orders
- This Extra Compensation Can Be Claimed Even If Change Orders Have Already Been Signed and Paid
- The Law Is Changing and Making It Easier for Contractors to Pursue Cumulative Impact Claims

Why Is It Important to Understand Cumulative Impact Claims?
- Large Amounts of Money Are at Stake
- They Affect a Project's Value Proposition for an Owner
- They Affect a Project's Profitability for a Contractor

How Should Owners and Contractors Deal With Cumulative Impact Claims?
- Contractors Should Notify Owners Promptly of Any Change, and Begin to Collect Pertinent Project Information
- Try to Resolve the Cause, Liability and Damages Associated With Each Change as Quickly as Possible
- Owners: Get Contractors to Sign Change Orders With No Reservations of Rights; Contractors: Don't Sign Change Orders Unless You Are Comfortable Waiving Your Rights
- When the Amount of Change Becomes Large (Say 10% or More), Look for Evidence of Cumulative Impacts
- Develop Strong Evidence of Change's Causation and Liability, Measure the Damages Using Accepted Practices

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