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In a contentious situation, our words or actions, however innocently or even benevolently conceived, are often used to make a case against us. In the case of a delay and disruption claim, this attack often begins with a project's baseline schedule. The very tool created to help plan and manage a project suddenly becomes both a target and the first weapon in the opposing arsenal. Therefore, it is fundamentally important that the baseline schedule is beyond, or at least sufficiently shielded from, attack. Fortunately, building the baseline schedule on a few guiding principles goes a long way toward that end.

First, and what should be most obvious, is to create a baseline schedule that is in keeping with contract provisions. For example, many contracts have specific provisions regarding the length of activities and types of relationships. These provisions may include requirements such as, "no activity shall have a duration of greater than 10 workdays," or, "in scheduling the work only finish to start relationships shall be used." Also, many contracts place seasonal, weather, or temperature related restrictions on certain work. Whatever the contractual provisions may require, it is important that they be adhered to. By following this simple principle, an easy avenue of attack is eliminated.

Equally important is that the baseline schedule be realistic. Durations should be neither optimistic nor pessimistic, but realistic, and based on sound and reasoned judgment, knowledge, and experience. This same principle also applies to other discretionary items in the schedule, such as restrained start and finish dates, periods of performance or inactivity, and preferential sequencing and relationship ties. Although a motivation may exist to create an optimistic or even "aggressive" schedule in an attempt to impress a client, when optimistic forecasts are not met, that same client may use these schedules in asserting its claims.

Finally, when developing a critical path method (CPM) schedule, the performance of the work, as scheduled in accordance with the above two guidelines, must be realistically achievable on both an "early date" and a "late date" basis. Without proper attention to relationship ties and sequencing, a baseline schedule that is realistic and achievable when viewed by early date basis can become impossible or at least impractical in a late date scenario.

This can become problematic not just during the performance of the work, but also in a dispute claim situation in which delay is typically measured against the late performance dates.

In the event of a claim, everything that was done during a project will be called into question, and the baseline schedule is often one of the first targets. Unfortunately, even following all the best practices may not prevent a dispute or a claim. The above guidelines will, however, neutralize one of the first lines of attack, and just as (or more) importantly help in effectively and efficiently planning and managing the work.

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About the Author

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