
PREFACE

For more than a century, applied science and engineering have created major avenues for advancements in building and roadway construction, materials testing, and project delivery methods. Beyond technological achievement, however, three elements remain basic to the success of any construction project — cost, quality, and schedule. All three elements are mutual, and all three must be carefully executed to produce satisfying results. Still, even the best-planned projects can encounter challenging obstacles or disputes, often threatening the successful completion of a contract or increasing risk due to unresolved issues.

Before his recent passing, Carl P. Meglan, P.E., P.S. (1937-2018), author of the *Construction Claims Topics Guidance Series*, brought more than 40 years of engineering experience to the forefront of dispute and claims resolution. He specialized in the risk management practices that are vital in today's construction marketplace. As a notable benchmark, he provided mediation or arbitration services for the American Arbitration Association on nearly 120 construction claims cases addressing more than \$7 billion worth of projects across the United States. Combined with training in construction forensics and organizational leadership, Meglan's professional reach extended to more than 200 projects in both the public and private sectors. His construction expertise encompassed a wide array of engineering projects, including dams, sewers, and water and waste treatment facilities; streets and highways; tunnels, bridges, and airports; educational institutions; hospitals and health care facilities; prisons; warehouses, office complexes, and retail malls; power plants and marine, mining, and industrial facilities; and athletic complexes.

Risk is an inherent element in all successful businesses and industries, particularly construction, but avoiding risk totally may not be all that prudent, according to Meglan. One could lose a substantial share of marketplace potential. He pointed out that what consultants call risk avoidance is actually the practice of not placing one's self in jeopardy or harm's way by exposure to unnecessary liability. This is generally accomplished through carefully structured contract documents and reliable insurance underwriters. Equally important, though, Meglan emphasized, is having a defined risk mitigation plan in place *before* a construction claim or project dispute arises. Hopefully, this *Construction Claims Topics Guidance Series* will assist in that challenge.

DISCLAIMER

Construction Claims Topics serve as guidance documents only and are written for the expressed purpose of helping construction industry executives and supervisors learn better ways of identifying the sources and causes of construction claims and preventing disputes. For exact interpretations on matters of law, always consult with expert legal counsel.
