

## **Abstract**

The construction industry is changing; we are entering a new era of billion and trillion dollar projects. A vast majority of these megaprojects are being delivered internationally; making project success even more difficult. Research has shown that nine out of ten megaprojects have cost overruns, with overruns of up to 50% being common. As projects grow larger, more complex, and with claims becoming more prevalent, the implementation of an effective claims management program becomes imperative to project success. This program is greatly dependent on two factors: (1) having a detailed contract strategy for dispute resolution, and (2) assembling the correct dispute resolution team.

There are various methods used to resolve disputes on international megaprojects. The most prevalent methods include: arbitration, expert determination, litigation, mediation, adjudication, and several interim resolution measures. Each has its own benefits and challenges when implemented on a megaproject experiencing a dispute. The method used on a specific project is often dictated by what is included in the dispute resolution section of the construction contract. Therefore, having a detailed dispute resolution clause in the contract is vital. Even more important than the contract strategy is having the correct team assembled for dispute resolution. This team is made of both internal resources with experienced outside counsel and experts. Therefore, a balance must be found and the appropriate experts involved at the correct time.

This session will provide participants information on:

- Background on the size and complexity of international megaprojects
- Information and examples of how the various methods of dispute resolution are used on these projects
- The importance of having the right team assembled to resolve a claim in timely and cost effective manner