



AXIOM Claims Analytics

Resources for Construction Defect Claims Handling
Consulting Services, Expert Witness, Training

CD INVESTIGATION & RESOLUTION APPROACH GUIDELINES

- Receipt of Pre-litigation (Right to Repair) CD Notice of Claim by developer or general contractor from claimant(s). Contact Neutral Consulting Insurance Expert and a Mediator;
- Schedule meeting with subcontractors and any other parties that were involved in the construction. The Neutral Consulting Insurance Expert will explain how the investigation will proceed and the benefits of following the Guiding Principles Agreement (GPA). If there are sufficient interested parties explain how the investigation will be funded and sign up participants;
- Designate a Neutral General Contractor Expert who will lead the investigation with the claimant(s) and the participants;
- Utilize a Neutral Accountant who will administer the funding of the investigation on behalf of the participants;
- Obtain the construction contracts, billing, design, insurance and other necessary documents to conduct the investigation from the developer or general contractor, the participants and other sources;
- Identify additional participants from the construction and insurance documents. The Neutral Consulting Expert will convince those parties of the benefits of being included in the CD damage investigation. As part of this step the Neutral Consulting Expert would identify the insurance and construction gaps;
- Develop an agreed scope and method of repair and determine the building materials to be utilized during repairs. The Neutral General Contractor Expert will work with the claimant(s) experts and the participant experts;
- Determine the need for destructive testing. The Neutral General Contractor Expert will identify any participants who do not need to participate in the additional cost for the destructive testing;
- Utilize the Mediator to resolve any investigation disputes regarding the defects, damages, destructive testing and other procedural issues;



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- Conduct destructive testing as necessary. This will be agreed upon by the Neutral General Contractor Expert, claimant(s) experts and the participants experts. Mediator will resolve any issues regarding the need and extent of destructing testing;
 - Develop an agreed cost of repair. Claimant(s) will utilize their own cost estimator to develop a cost of repair. The General Contractor Expert and the participant experts will use their own neutral cost estimator to develop a cost of repair. The two costs of repair will be compared and analyzed. The differences would be discussed and compromised as necessary to reach an agreed cost of repair that the claimant(s) would agree to accept to resolve their claim. The Mediator would be utilized to resolve any disputes;
 - Analysis by the Neutral General Contractor Expert of the investigation including the agreed cost of repair. He will allocate the liability for the damage to the claimant(s), the participants and any other parties who did not participate in the agreement but who are potentially responsible either directly or indirectly for the defects and damages on an equitable basis;
 - Resolution of the claim. Mediator will contact all participants and determine if they are willing to settle their portion of the damage claims based on their allocated repair figures. The Mediator will work with the participants, claimant(s) and the developer/general contractor to obtain an issues release for any participant who is willing to pay their allocated percentage of the damages.
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- More info @ www.axiomclaimsanalytics.com