

DATA RECORDING



DATA RECORDING OR THE KEEPING OF RECORDS

Without doubt the successful prosecution of claims for delay and disruption on any contract relies on the availability and clarity of the facts upon which a claim is founded. It is incumbent upon the claimant to ensure the necessary records exist to evidence this. One particular

piece of advice in Max Abrahamson's book 'Engineering Law and the I.C.E. Contracts', (1979), stands out from all the others:

'A party to a dispute, particularly if there is arbitration, will learn three lessons (often too late): the importance of records, the importance of records and the importance of records.'

One might have thought that since its publication nearly 30 years ago and having been read by the majority of project and commercial managers now in the executive ranks of major contracting organisations in the UK, the importance of the mantra 'records, records and records' would not still be an issue today. But it is.

IS Consulting Ltd recommends that the KEY records that should be compiled as a minimum should always include:

- Details of the build up to the contract scope, price and programme
- A signed copy of all the final agreed contract documentation
- Details of the contract programme, including logic and anticipated resourced activities
- A complete record of all correspondence (including emails) exchanged between the parties
- Minutes of meetings
- Progress reports together with related programmes and charts
- Dated progress photographs
- Site diaries
- Drawing registers

- Drawings (including all amendments)
- Weekly labour and plant returns
- Allocation sheets covering all work activities
- Material delivery schedules
- Labour, plant and material procurement and invoiced cost records
- Subcontractor procurement and related account information
- An actual 'as-built' programme
- Schedule of variation orders and/or site instructions issued and requested

The importance of maintaining these records in a timescale contemporaneous with the project should not be under-estimated.

It would be logical to maintain these records chronologically as this is how matters generally arise and decisions are made. It will then be possible to subsequently recount the 'list' in support of any claim for additional cost or expense. Simple isn't it? Well, apparently not.

It is evident that comprehensive record keeping remains a significant problem on the great majority of the projects currently under construction. The cost of subsequently compiling them is often out of

all proportion to the benefit they then provide, not least of which is their credibility when presented retrospectively to a client in support of a claim for additional payment.

With one eye on the list above and the other on the reality of running a highly pressurised project, it is clear how the list of records can become a burden that is soon relegated to the 'to do tomorrow' pile.

But this need not be the case if the company deploys standardized, simple methods for each of the elements on it, applying the requisite degree of importance to each item and, where appropriate, allocating specific resources and appropriate technology to its compilation.

Consistency coupled with simplicity of approach are key components of good record keeping - they facilitate familiarity with what is required and allow everyone in a particular business to input and extract information across all areas in a manner that provides reliable analytical information.

Readily available computer based standard spread sheet software has many of the required features and analytical facilities already written into it, allowing the majority of the required records to be maintained.

Specific programme analysis software is also readily available and while certain aspects of these packages do require some specialist knowledge, this would normally be within the skill sets of the majority of commercial management teams and, if not, it can be procured at reasonable cost.

An alternative approach would be to use intelligent bar charts whereby the required actual progress input data provides output data identifying any conflict with the planned logic of the work. Any

variance in scheduled activities would prompt an immediate action to investigate and record the specific reasons for this variance. In turn, this would facilitate compliance with any contractual requirement eg. notice of delay and/or claim together with any mitigating actions needed to recover any identified delay or potential cost overrun.

The customising of existing systems – eg. labour wage and staff salary payments – can also provide headline numbers and actual cost data of resources allocated to time without any further input above the standard requirement.

All it takes is someone who has knowledge of the end user requirements and appreciates the reality of running a highly pressurised project. They should continually manage the day-to-day variables, construct a framework and detail the nature, content and style of the input required, thereafter keeping a periodic watching brief over its completion.

Simple isn't it? Well no, not always.

Do you need assistance?

IS Consulting Ltd has all the necessary experience and expertise, together with practical application skills and key commercial leadership, that can be provided throughout a project to deliver a cost effective and efficient record keeping system aligned to the specific requirements of all end users.

For further information please visit

www.isconsult.net or contact Ian Skinner at 00 44 (0)1737 228990.