



TRANSFORMING CONTRACT MANAGEMENT

MISSION

**“WE ASPIRE TO BE LEADER IN CONTRACT AND CLAIMS MANAGEMENT
SO THAT INDUSTRY LEADERS CAN FOCUS ON EXECUTION ON THE GROUND”**



About us

Contract Square is a specialised techno-legal consulting firm comprising of highly qualified team members who come with rich domain knowledge, legal expertise and offer specialized services in the arena of Contract Management and Construction Claims and favourable resolution of disputes.

As techno-legal experts, we manage your contracts & claims and endeavour to assist you for preparation of claims & resolve the disputes through Negotiation, Mediation & Arbitration to the finality of award.

Why Us?

Being experts in contracts and claims management, we take over all your cumbersome paperwork, prepare claims after conducting Delay analysis using STAR approach and ensure evidential compliance to strengthen your claims. We follow all stages of the process until the award is given.

Having an experienced team by your side, that has led several Arbitration Claims of top infrastructure development companies, allows you to focus on the execution of contracts while we manage all your paperwork.

Highly qualified and specialized team for efficient Contract & Claims Management

- ✓ Assisted in arbitrations to the tune of over INR 12 billion (\$150 MM)
- ✓ Presently managing contracts worth INR 24 billion (\$300 MM)
- ✓ Managing client business for top infrastructure development companies
- ✓ Having offices in all key cities of India with a strong presence in South East Asia.

Our Services

Our comprehensive services expand through all phases of Contract Management, Project Management, Insurance Management, Claims Management, and Dispute Resolution. We assist our clients in the administration of contracts, analyze project delivery modules, manage risks, identify & prepare substantial claims, and aid in the Dispute Resolution throughout negotiations, arbitration, and litigation. Entrust us with all your Contract & Claims Management issues while you focus on timely execution & delivery of the projects.





Contract Management

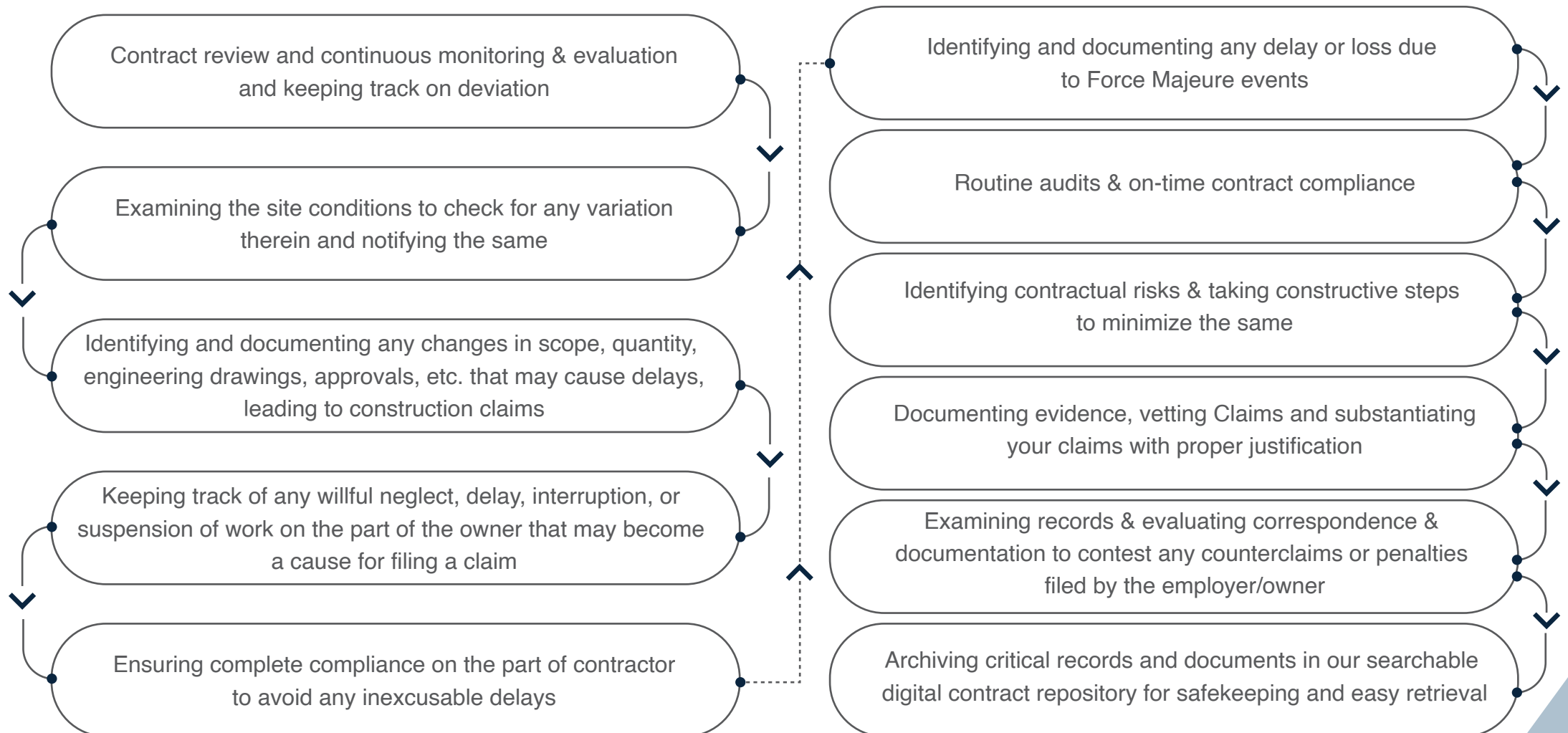
We focus on pro-active Contract Management from the onset phase itself rather than being reactive which ensures that all our efforts are fruitful at any instance in later stage.

Our specialists at Contract Square understand that Contract Management is all about minimizing risks and strengthening relationships. Any delay, variance, or deviance from the contract, that may cause loss of time & money for our clients, is nipped in the bud, and claims prepared for the same. We ensure contemporary records are in place to avoid potential disputes that may arise. Our focus is on taking over all the paperwork, identifying potential pitfalls that may arise, fill the gap between delays & claims, and help our clients execute the contract with complete financial stability & profitability.

- ✔ **Currently handling contracts worth INR 2400+ Cr (\$300 MM)**
- ✔ **Handling Contract Management in multiple sectors viz. Railways, Highways, Buildings, Irrigation Works, Power Transmission.**



Contract Management Process



Claims Management

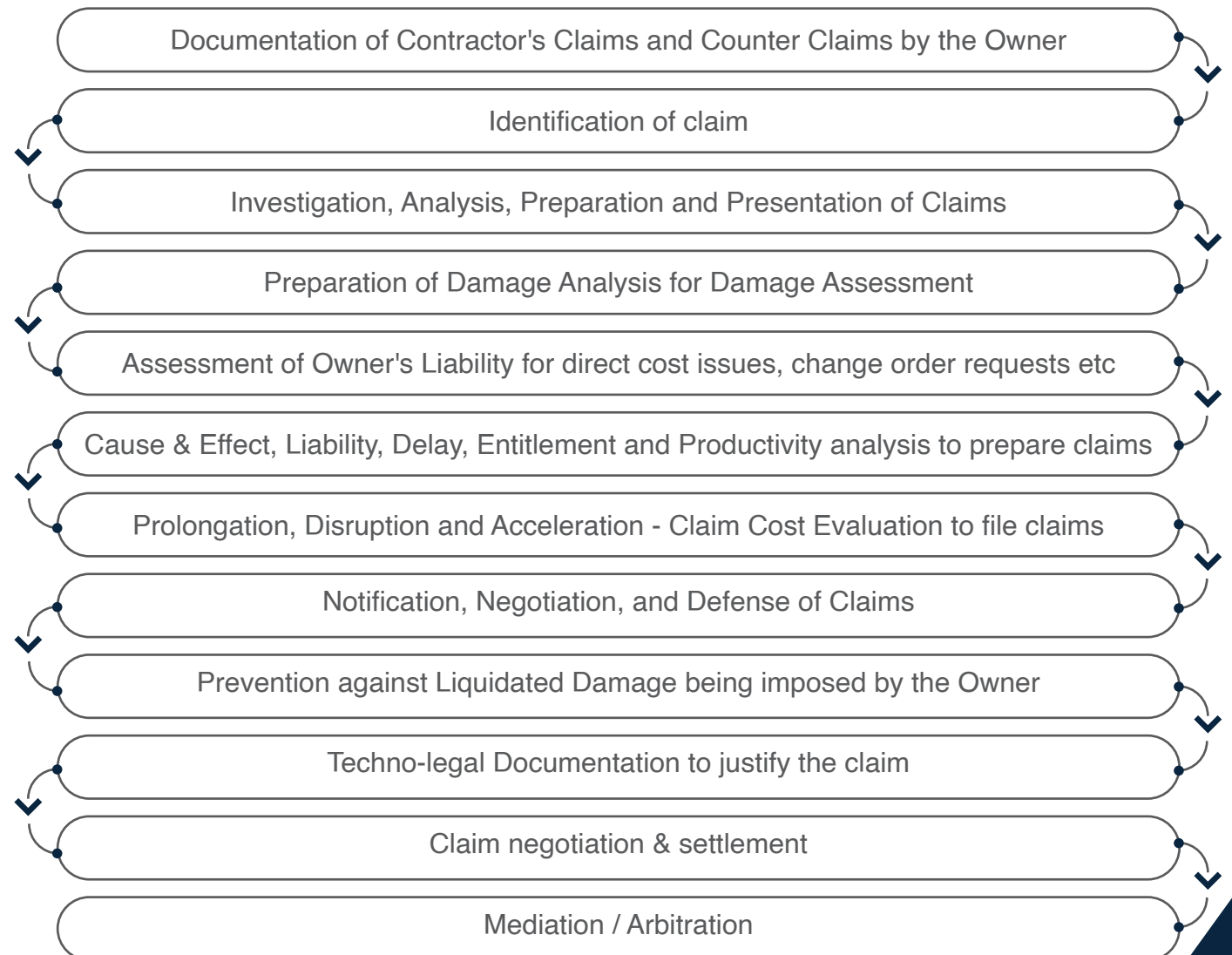
While construction companies are great at engineering and execution of the project, we at Contract Square stand behind them at every step to ensure expert Claims Management. We take over all the documentation, correspondence, review, analysis, and evaluation required to strengthen the claims. Our immensely qualified & experienced team takes over the tedious Claims Management tasks, leaving you free to execute the project at your best.

- ✔ **The professionals at Contract Square hold a significant recognition for successful arbitrations with a cumulative value of INR 1200+ Cr (\$150 MM)**
- ✔ **Our specialist team offers you complete Claims Management assistance for the speedy resolution of any claims in construction projects.**



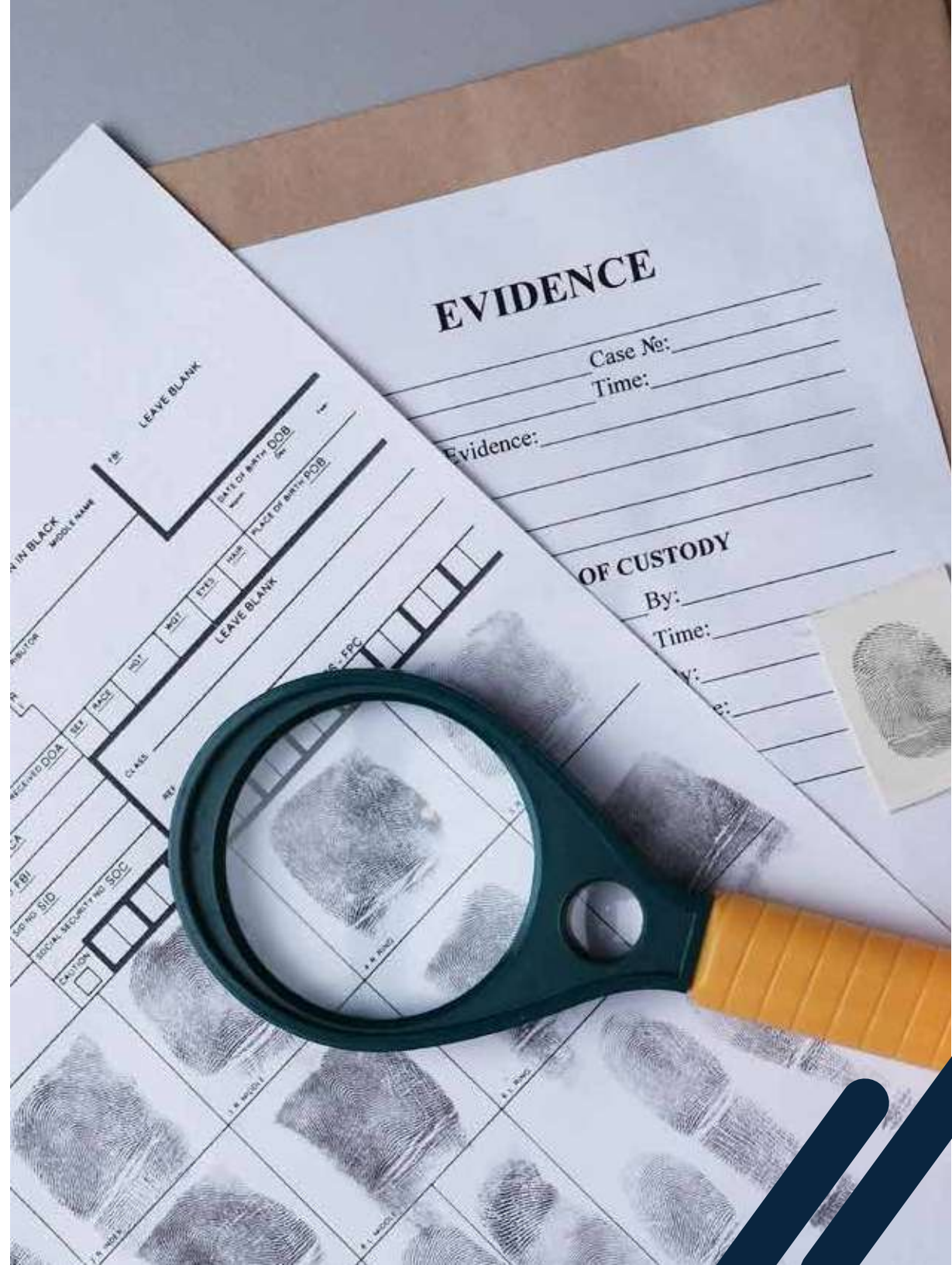
**CLAIM
DENIED**

Claims Management Process at Contract Square



Delay Analysis

Delays have significant financial impact for both the contractors and the clients which leads to disputes in quantification and ownership of these delays. At Contract Square, we undertake preparation of delay analysis by investigation of the tasks and analyse the delay through various method of delay analysis including Forensic Delay Analysis through perusal of the contemporaneous project records for determining the impact on project schedule which would have occurred owing to one (or) multiple reasons.



Introduction

Case study of a contractor for “Provision of E&M System which includes Supply, Erection, Testing and Commissioning of 33 KV and 11 KV HT power cable network, GIS substation, DG sets, tunnel ventilation system, tunnel lighting, SCADA system and Fire Fighting system etc. for Tunnel T-6, T-9, T-10, T-11 & T-12 between Km 39 to 61 on Katra-Dharam section of Udhampur-Srinagar-Baramulla rail link project”.

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- 03 >>> Analysis “STAR Model”

Situation (S) | Task (T) | Actions Taken (A) | Result (R)



S.T.A.R ANALYSIS

A Presentation of Our Approach

1. Project Information

Name of Contractor	:	Contractor*
Name of project	:	Udhampur-Srinagar-Baramulla rail link project (E&M works of tunnels)
Name of Client	:	Client*
Commencement date of project	:	20-04-2020
Contractual completion date of project	:	19-10-2021
Contractual completion period	:	548 days
EOT granted till	:	30-09-2022
Commencement of Service with CSQ	:	May 2021

*Due to NDA , we can not reveal names here

2. Commencement of Service with CSQ

Scope of CSQ:

- a) Perusal of documents
- b) Preparation of CAD (Contract Appreciation Document)
- c) Preparation of Contract Management Plan
- d) Drafting of contractual letters
- e) Vetting of MPR
- f) Compliance of contractual requirement
- g) Implementing document management system
- h) Capturing delays in project
- i) Drafting of EOT letters
- j) Advisory on creation of claim
- k) Identification & notification of disputes.
- l) Advisory on contractual remedies of dispute



3. Analysis “STAR Model”

SITUATION (S)

- ✓ Improper management of documents
- ✓ Local issues encountered at site were not captured properly
- ✓ Stoppage of works due to non-availability of work fronts were not recorded properly
- ✓ Notification for handing over of work fronts were not done on timely manner
- ✓ Location-wise issues were not captured and recorded properly
- ✓ Delay in approval of drawings were not captured through correspondences
- ✓ Hindrance register was not maintained at site
- ✓ Impacts due to stoppage of work at site were not recorded properly through correspondences
- ✓ Notifications regarding additional works/change in scope were not done properly
- ✓ Impact of COVID-19 was not highlighted in details
- ✓ Notification of hindrance was not done in a timely manner
- ✓ Statutory compliance were not fulfilled (or) renewed



TASKS (T)

- ✓ Proper document management
- ✓ Identification of obligations of parties
- ✓ Identification of loopholes in the contract
- ✓ Preparation of records for stoppage of works due to non-availability of work fronts
- ✓ Preparation of hindrance register and maintaining proper records
- ✓ Capturing the impacts of hindrances on project schedule
- ✓ Recording the location-wise issues in details through correspondences
- ✓ Capturing of delays on part of client like, delay in approval of material and drawings
- ✓ Delay in approval of drawings were not captured through correspondences
- ✓ Stoppage of work due to other contractors
- ✓ Capturing the impact of COVID-19 in details for EOT
- ✓ Notifications regarding additional works/change in scope through correspondence with reference to relevant clauses



ACTIONS TAKEN (A)

- ✔ **Perusal of contract documents:** Thorough study of the contract documents in order to identify the loopholes in the contract and also to identify the obligations of employer and contractor.
- ✔ **Segregation of letters by Date & Topic:** Segregation and sorting of all previous letters/ correspondences of the project, by date and topic was done to identify and prioritise the issues prevalent in the project.
- ✔ **Digitization:** After segregation, all correspondences and contract documents were stored in the cloud and the link was shared with Contractor for easy access to these documents.
- ✔ **Sequence of events:** Preparation of sequence of events in details to identify the issues and client risk delays. This encouraged us to draft additional letters on behalf of contractor showing the impact on project and losses suffered by contractor in terms of time and money and consequently led to build record required for EOT applications.
- ✔ **Contract Appreciation Document (CAD):** In order to make the contract documents handy, CAD was prepared with reference to important clauses of the contract. All information regarding the project were also incorporated in the said document (CAD) and the same was shared among the project/site team to avoid any negative risks on part of contractor.
- ✔ **Notification of events:** Timely notification of the hindrances/ challenges/ issues to client through contractual letters highlighting the relevant clauses to derive future time and monetary claims.

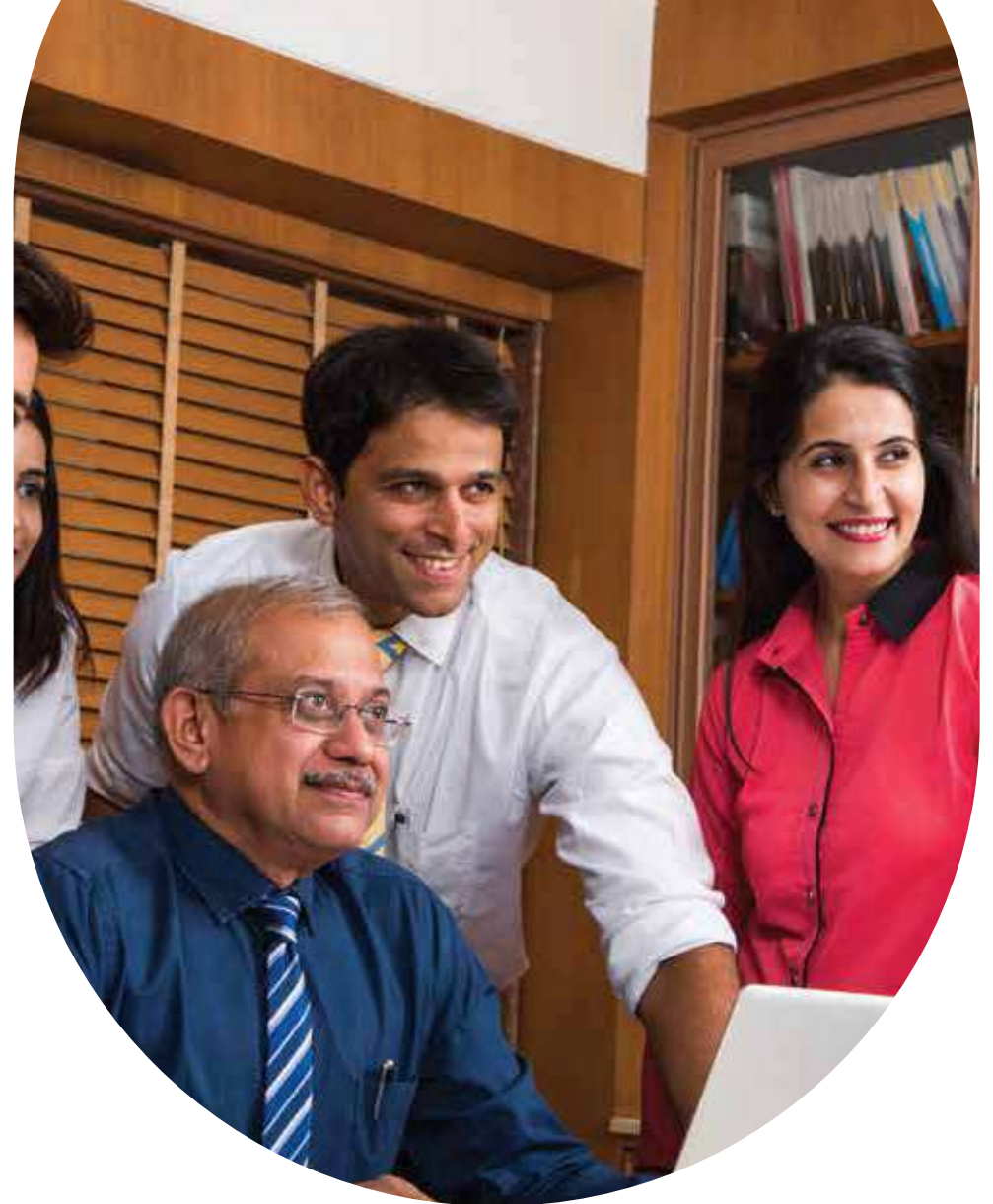


- ✓ **Record building:** Contract Square started building record of the previous delays due to approval, work front and local hindrances encountered at site highlighting the period elapsed due to each such event vide correspondences.
- ✓ **COVID-19:** In previous correspondences impact of the COVID-19 was missing, which we captured through contractual letters highlighting the timeline of the pandemic.
- ✓ **Hindrance Register (Site):** Prepared hindrance register and advised the site team to maintain properly duly signed by the client's representative against each hindrance thus certifying the delays beyond the control of the contractor.
- ✓ **EOT application:** Preparation of EOT application upon completion of Stipulated Contractual period for extension of the project completion period.
- ✓ **Delay Analysis:** Preparation of Delay Analysis for hindrances encountered at site which were beyond the control of the contractor and the same was enclosed with EOT application. This helped the contractor to highlight the issues caused to delay the project.
- ✓ **Monitoring:** Day to day monitoring of contract through coordination with project/site team and also conducted weekly review meetings with head office. This helped in proper flow of information and thus effective contract management.
- ✓ **Additional works:** Notified the client regarding additional works/change in scope through correspondence with reference to relevant clauses within time frame.



RESULT (R)

- ✔ With effective contract management, Contract Square assisted contractor in availing Extension of Time (EOT) for 9 months in this case without imposition of any liquidated damages.
- ✔ Contract Square also prepared contemporaneous records through timely notification to client throughout its tenure which will give rise to monetary claim in future.
- ✔ We have captured all the hindrances on part of client via strategical drafting of correspondences to record delays which helped in getting EOT and will also help the contractor in getting prolongation claims which in turn maximize the profit.



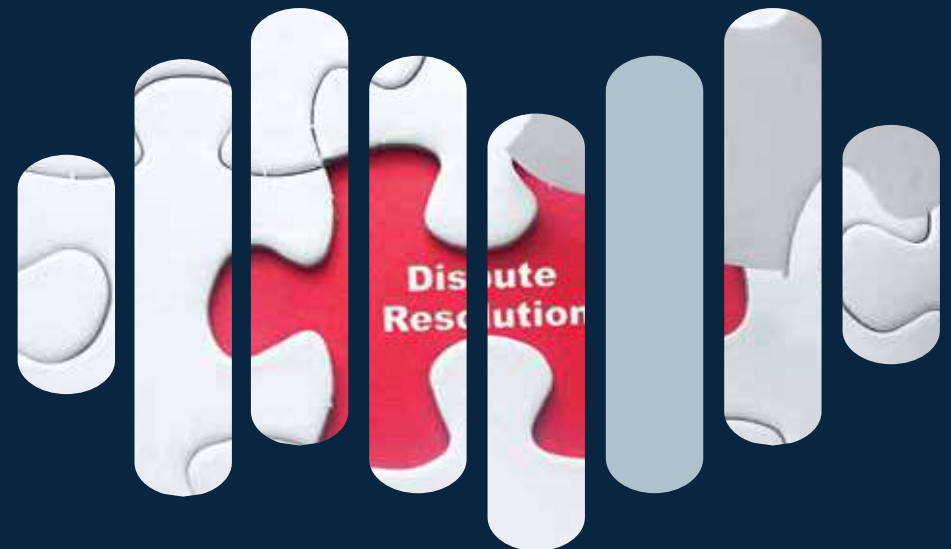
Disputes Resolution at Contract Square



- ✓ Identification of loopholes, delays, or any such occurrence that may give rise to any claims
- ✓ Notification of disputes / issues
- ✓ Review and analysis of all letters stating the claims
- ✓ Building concrete evidence in the form of records, data, and correspondence to support the claims
- ✓ Creation of accurate citations and accounts to support the claims
- ✓ Advise and assist our client in mediation & conciliation proceedings and preparing the documentation for the same
- ✓ In case mediation & conciliation fail, our experts assist the clients in invoking arbitrations and proceedings as per the contractual/legal provisions
- ✓ Preparation of SoC, creating rejoinders and providing all correspondences / evidences to justify the claims
- ✓ Assistance in obtaining interim protection orders
- ✓ Assistance in court during arbitration proceedings
- ✓ Assistance in enforcing settlement awards
- ✓ Assistance in challenging the settlement award in court, if required and many more

DISPUTE RESOLUTION

Construction Contracts, if not processed amicably, may turn into disputes, leading to cost overruns and conflict between owners and contractors. Alternative Dispute Resolution (ADR), that includes negotiation, mediation & arbitration, is a better way to settle disputes without litigation. However, if a construction dispute is placed in the court of law, our techno-legal team can fight for your rights with solid evidence and documentation.



Project Management

Project Management entails direction & coordination of resources, both people & materials, to ensure successful completion of the project. Our expert consultants render continuous monitoring & evaluation of projects to avoid slippage & facilitate timely decisions.

Project Management at Contract Square

- ✓ Continuous and objective assessment of the project
- ✓ Regular update and maintenance of onsite progress records received from the client
- ✓ Constant review of the Project Implementation Programme
- ✓ Preparation of Management information System on project progress
- ✓ Evaluation of comparative analysis report between planned and actual progress, and recommendation for corrective action, in case of any deviance
- ✓ Active participation in project meetings and discussions, as required
- ✓ Analysis and quantification of delays, if any
- ✓ Conducting site visits and collecting field data, as required by the project



Document Management

Proper documentation and systematic management of documents are the foundation of any construction project as they guide the execution and provide credible supporting evidence in case of claim and arbitration. Reliable evidential documentation not only substantiates a claim but also plays a key role in filing & defending the same. In the emerging scenario of large & complex construction projects, proper documentation and digital record-keeping have become significant. The world is moving towards digitization, and record-keeping in digital format will not only save huge costs but also be much easier to track and retrieve.

Challenges in Document Management

- ✓ We collate & maintain a digital repository of all documents to ensure safety and ease of accessibility
- ✓ We digitize, store, sequence, and easily record your documents in one safest place
- ✓ Our cloud-based documentation solution system allows the key parties to access documents from any location, across the world, through their mobiles and laptop
- ✓ We ensure that all variances in documents are recorded and safely stored for easy retrieval
- ✓ We keep track of all the versions created, update the same, and preserve the version trail to back any future claims
- ✓ Our solution ensures easy filing, prompt searching, and swift retrieval of all information at the click-of-a-button
- ✓ We thoroughly scrutinize all paperwork to create the relevant paper trail to support your claims
- ✓ We document & check all correspondence, ensure responses to any communication or notices received, and file appropriate replies/rejoinders substantiated by documentary evidence



Insurance Management at Contract Square

- ✓ Evaluation of insurance portfolio and establishing insurance priorities
- ✓ Analysis of underwriting facets to ensure picking the right insurance solution
- ✓ Negotiation of premium rates and coverage with the insurance companies
- ✓ Custom-built value-added solutions to secure complete risk coverage
- ✓ Conduct of regular insurance audit to keep up with any insurance renewals and potential claims

Insurance Claims Management

- ✓ Maintaining comprehensive documentation and records to file claims
- ✓ Coordination with approved surveyors and loss assessors
- ✓ Handling negotiations for better claims recovery
- ✓ Expedition of the Claims Management process
- ✓ Undertaking post-claim reviews & solutions
- ✓ Legal representation for negotiations & litigation, if required

Risk Management Solutions

- ✓ Methodical identification and assessment of all kinds of project risks
- ✓ Accurate risk analysis & evaluation
- ✓ Stating effective measures for risk control and risk mitigation
- ✓ Continuous monitoring of risk factors and their impacts



Opportunities for Contract Square in Mining And Mineral Industry

The Mining and Mineral Industry is a critical sector that involves numerous complexities pertaining to operations and the involvement of multiple stakeholders, therefore leading to various disputes arising out of different aspects. Here are the main areas of litigation in this industry where Contract Square's expertise can play a vital role:

1. Disputes with the Government regarding:

- a. lease conditions and the data provided while bidding for mineral blocks.
- b. royalty payments and extension of the lease period during mining

2. Conflicts between the mining company and the mining contractor, such as the case of Coal India Ltd. and its mining contractor

1. Insufficient Land Acquisition and Encroachment

Cases where the mining contractor is unable to commence work due to issues with land acquisition or encroachments on the mining site

2. Improper Mine/Excavation Planning

Disputes arising from inadequate or flawed mine/excavation planning, lead to operational difficulties and losses.

3. Delayed Service Provision

Instances where the employer fails to provide essential services, such as blasting, as per the agreed-upon schedule.

4. Regulatory Changes

Disputes resulting from changes in regulations after the contract has been awarded, impacting the mining contractor's operations.

5. Delayed Material Supply

Cases where contractual materials are not provided on time, affecting the mining contractor's ability to meet project timelines.

6. Changes in Working Conditions

Conflicts arising from alterations in working conditions that were initially agreed upon in the contract.



Examples of Clients and Projects Served

Name of work	Type of work
1. Construction of two lane with hard shoulders of Changtongya Longleng Road on EPC basis from existing KM 0.0 TO KM 16.592 [Design KM 0+000 to KM 18+779] (Design Length- 18.779 KM) in the state of Nagaland (Pkg-1) under NH(O) Plan.	Roads (MORTH)
2. Construction of LILO of one Circuit of 400 KV D/c Akal-Jodhpur (New) (Quad Moose) Line at Jaisalmer-2 on Turnkey Basis against bid enquiry no. RVPN/KFW/ICB-8/BN-9019001831	Power
3. Improvement of water supply in Susner, Pankhedi and Makdon Nagar Parishad in Agar, Shajapur and Ujjain Districts respectively in Madhya Pradesh , Contract Package No. MPUSIP 3B.	Water Supply
4. Lift Irrigation Scheme for Filling 12 Tanks in Gandhigrama Village and others in Nanjangud and Gundlupet Taluks of CNNL	Irrigation
5. NCLT Matter	NCLT
6. Construction of foundation & Substructure over pile foundation for Tall Bridge no. 115(6x103.50 + 1x47.24 m steel girder) at ch: 34765m including all other ancillary works and protection works in between sation Bhairabi & sairang in connection with construction of New Railway Line Project from Bhairabi-sairang (Mizoram)	Bridge project



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