



ProjectNotice[®]

Project Specific Software

Provide Your Project Staff
With All Contractually
Required Notice Letters on
A User-Friendly CD



Peckar & Abramson
Legal Services to the Construction Industry

Now you can provide your project staff with all contractually required Notice Letters on a user-friendly CD.

A differing site condition is encountered that will require the expenditure of large sums of money to overcome. >> Problems with design documents are causing delays. >> The owner directs the performance of work that the contractor contends is extra work. >> The project is in jeopardy of being very late, and the only way to recapture the lost time is through an expensive program of acceleration. >> If proper notice is not given, the right to recover that time and money may be waived.

Sound familiar? The reality is that even experienced project management teams are challenged by strict contract notice and documentation requirements, potentially resulting in the inadvertent forfeiture, waiver, or loss of important rights and remedies.

Now you can manage and eliminate the risk of required notice procedures with ProjectNotice®, a new software risk-management tool on CD developed by Peckar & Abramson for the Construction Industry.

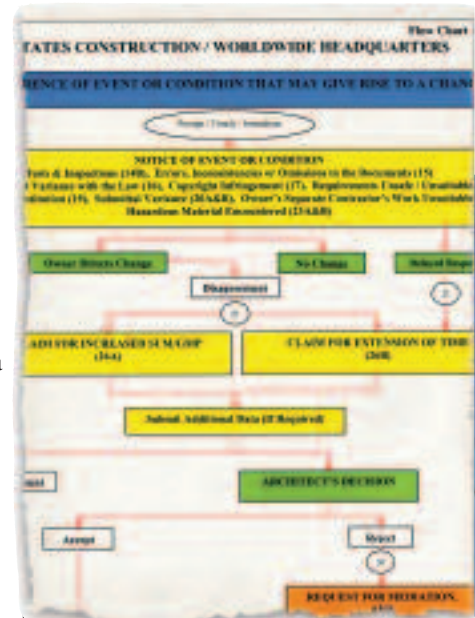
Peckar & Abramson is pleased to offer a new software product to the Construction Industry

ProjectNotice® has been designed by this leading construction law firm's experienced Construction Industry lawyers to provide instant access to all notices mandated by any specific Contract for events that occur on that project. Loaded into the job-site computer, your management team will no longer have to wonder what to write, whom to address and what to say. Available on CD, the user-friendly

format of ProjectNotice® facilitates quick, hands-on access to Notice Letters that comply with your specific contract requirements. Each ProjectNotice® package is customized by Peckar & Abramson's attorneys to respond to the unique requirements of each Contract after a thorough review of your Contract, General and Special Conditions and other contract documents. Your package will include the following:

- For every event that requires giving notice or obtaining consent - a separate Notice Letter will be provided together with excerpts of pertinent portions of the Contract and detailed Instructions for inputting required information, meeting delivery time limits and taking follow-up action to that letter.
- A Quick Index identifying each Notice Letter along with time requirements for delivery.
- Flow Charts showing the interrelationships between events, owner's directions, Notice requirements and follow-up actions.

The benefits of ProjectNotice®
Your ProjectNotice® package



Allstate Worldwide Communication Headquarters and Facilities Co

Quick Index

For Which Notice Is To Be Given	Time
is Impeding the Joint Venture's ability to Meet its Affirmative Action and Discrimination Obligations	Within 7 Days after has Not referred a by the Joint Ventu
ission of Statement of Work to be extracted and Identification of the contractor	Upon Selection of Days before Work
st for Approval to Replace a DVBE contractor	Not later than 10 Previously Selected Supplier must be
st for Approval for Reimbursement of equipment Rented at a Rate in Excess of Listed in the Contract	At least 7 Days pr Force Account Bu lists in the Contr

provides your company with important benefits and advantages, including:

- The elimination of potential loss of valuable rights resulting from the all too common failure of field management personnel to adhere strictly to Contract Notice requirements. Instead, with little training, field management personnel can simply and literally comply with these requirements.
- Project management teams will save valuable time and eliminate

uncertainty by easily accessing Notice Letters prepared by specialized Construction Industry legal counsel.

- Management staff will be trained in the required step by step Contract Management processes including:
 - ▶ Design Build procedures,
 - ▶ GMP Increase, Cost Reimbursement and Contingency Access requirements,
 - ▶ Change Order Submissions,
 - ▶ Documentation of Delay and Entitlement to Extensions of Time,
 - ▶ Claim Assertion and Dispute Resolution requirements.
- Owners will receive timely Notices that comply with their requirements, allowing them to make informed decisions as the project proceeds and forcing them to deal with you without the benefit of traditional technical defenses of “missing Notices” or “lack of adequate Notice.”

- The elimination of weak bargaining positions and bad settlements resulting from the failure to meet the technical requirements of the contract provisions.

How ProjectNotice® works

As soon as you decide to implement ProjectNotice® for one of your projects, a member of Peckar & Abramson’s ProjectNotice® team will carefully review your full set of contract documents for that project and prepare a customized CD package of Notice documents that comply with the Contract in all respects. The Notice Letters will refer specifically to the contract provisions, both by designation of the contract section and by utilizing the particular words that meet the requirements of that section. The package will also include instructions for each Notice, such as *when* it must be sent, *to whom* it must be sent, *what information* or other documentation must accompany the Notice, and *what follow-up*, if any, must occur — and when. Your field staff will easily be able to diary follow-up based on those instructions. Thus, with very little training, your field staff will be able to easily access the appropriate Notice Letter in response to virtually every project event for which the Contract contemplates required notice.

The types of notices typically required include:

- Notices required in the process of obtaining bids and awarding sub-contracts
- Notice of an event that may delay the project, entitling the contractor to an extension of time and, perhaps, additional compensation
- Notice of an event that entitles the contractor to an adjustment of its price
- Notice of a differing site condition
- Notice of a changed condition





- Notice of interference by the Owner's other contractors
- Notice of objection to the Owner's or Architect's determination that the Work is deficient
- Notice of request for required prior approval of costs on a GMP or Cost Plus contract
- Notice required during each step of the dispute resolution process
- Notice of the owner's failure to perform an act required of it under the contract
- Notice of receipt of a sub-contractor's claim for additional compensation
- Notice of a conflict, deficiency, discrepancy or ambiguity in the plans or specifications
- Notice of a request for indemnification and defense for damages that have been or may be incurred by the contractor
- Notice of reservation of Claims prior to Final Inspection or Payment
- Notice of the contractor's discovery of hazardous materials on the site

The above listed Notices are *typical*. If you opt to put ProjectNotice® to work on your job, there will be nothing "typical" about your program. Your program will be com-

pletely customized to the specific requirements of your contract.

By simply checking the customized Table of Contents, which reflects a menu of events that require a Notice, and then clicking on the appropriate event, a *hyperlink* will bring up the requested Notice Letter on your Project Manager's computer screen. It will be that fast and that easy.

Customized content and easy-to-follow instructions

Imagine that a work stoppage has occurred due to an event beyond your control or responsibility. In order to get time and financial relief, your Contract requires that you give Notice to the Owner and the Architect. This common practice occurs in one of two ways; either someone on your project staff writes a memo or letter using his or her best judgment as to what they *think* the Contract requires, relying upon the generalized knowledge of what is required under *most* Contracts in such circumstances, or alternatively, the staff member properly researches the Contract, drafts a letter and has it reviewed by a superior or your attorney to ensure that it complies with the Contract. In either case, the result is often neither efficient nor effective. In the first case, there is a very good chance that the notice is insufficient, untimely and will be the source of legal problems later on. In the alternative case, the letter may be fine, but the time it has taken to ensure that result distracts the project staff from other important responsibilities. If enough such circumstances arise, both situations can be harmful.

With ProjectNotice® all of the doubt about what to do is removed from the situation. With ProjectNotice®, contractual compliance is achieved efficiently,

minimizing the time your project staff has to spend on paperwork. After bringing the proper form of Notice to the screen, your field staff will simply insert the date, insert the relevant information pertaining to the notice-triggering events as required in the open fields of the draft, and then send it on by hard copy or electronically. Once completed, your obligation to notify is fulfilled and your rights are protected.

Getting started: Don't let another project begin without ProjectNotice®

If you believe — as we do — that this program will protect your company, assist your staff and avoid the potentially serious consequences of failing to give timely and adequate notice, you should contact Peckar & Abramson before your next project gets underway to implement this important new program.

Getting started with the program could not be easier: Simply send copies of your project's contract documents and then leave the details to the lawyers at Peckar & Abramson. When the inevitable events that require notice do happen, protecting your rights and remedies will now be simple and effective.

You can rest assured that with ProjectNotice®, the right notices are only a click away! ■

For More Information

If you would like to purchase ProjectNotice® or learn more about its features and benefits, please contact:

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