

# Construction Solutions Seminar But-for Analysis



Modern delay analysis relies, as far as possible, on actual events to establish the extent and cause of delay. However, there are situations in which it is desirable or even essential to carry out theoretical analyses to explore what would have happened in an alternative, ‘but-for’ world.

In this seminar we will explain some of the techniques we have applied to ‘but-for’ analyses in the past and also discuss some of the potential pitfalls that can be encountered when undertaking what is, inevitably, a largely hypothetical exercise.

## ‘What would have happened but for the events that are in dispute?’

In delay analysis terms, a ‘but-for’ analysis is used to extract key events from the as-built programme to give a residual programme of works and therefore a theoretical duration and completion date if the extracted events had not occurred.

The ‘collapsed as-built method’ is described in the SCL protocol, where an as-built programme is ‘collapsed’ by extracting events which are the liability of one party. This method is often used as a strong defensive technique when faced with the more usual ‘as-planned v as-built’ or windows forms of analysis.

A more radical ‘but-for’ analysis is sometimes encountered when a claim centres on a particular crisis event which has led to a fundamental change in the performance of the remaining project. This is often encountered in insurance claims which are related to damage or collapse to part-completed structures or the collapse of existing building works during renovation or re-modelling.

Such analyses involve a high degree of hypothetical and even speculative programming, which has to be drawn as far as possible from actual events on the project under analysis, or from similar projects. These often involve complex decision trees in the hypothetical out-turn of real-world events, (events which still occurred and would have impacted the project in any case) when applied to a programme of ‘but-for’ world events.



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Andrew is a planner and project manager with extensive experience in the management and planning of building, construction and engineering projects gained over thirty-five years within the industry. His early career was spent as an engineer and project manager with contractors before specialising in the provision of planning on complex projects.

Andrew is a practicing expert witness and has provided expert advice and evidence relating to delays on a variety of construction and engineering projects throughout Europe, the Middle East, Africa and the Caribbean. Projects have included rail, roads, airports and power stations together with commercial and residential building projects.

Andrew has been cross examined as an expert in international arbitration including expert witness conferencing (“hot-tubbing”). He has also been cross examined as a witness of fact in the Technology and Construction Court. He is an accredited member of the Academy of Experts.