

## **Another Contractor Claims Tool: ASCE 71-21 Identifying, Quantifying, and Proving Loss of Productivity**

### **Executive Summary**

Loss of productivity claims for contractors are common, and always difficult to be successful with against an owner. ASCE (American Society of Civil Engineers), primarily an Owner's advocate, has provided contractors with another tool for their toolbox: *ASCE Standard 71-21 Identifying, Quantifying, and Proving Loss of Productivity*. It was published in 2021.

### **What makes this ASCE 71-21 document helpful?**

Basically, it's written by Owners. If it's written by owners and you follow the guidance provided therein, Owners will have a difficult time challenging it.

### **How can I get this document and how can I learn more about productivity loss?**

You can buy the document here [QR] and you can join in and listen to a free roundtable discussion (at which I'm honored to be a panelist) at the link provided at the right.

### **What does ASCE 71-21 say and do?**

The title says it all. But more specifically, there is a ranking of the preferred order of loss of productivity quantification methods (from ASCE 71-21 Paragraph 5.2):

- Tier 1: Measured Mile
- Tier 2: Academic and Industry Productivity Factor Studies, Modified Total Cost
- Tier 3: Total Cost

This ASCE Standard 71-21 "...presents guidelines and recommendations for how to collect productivity data and apply these standard practices... It presents standards for"

- Defining productivity and related terms
- Preparing, collecting, and validating productivity data
- Analyzing productivity data
- Detecting disruptive events
- Identifying causes and effects of productivity loss
- Quantifying productivity loss



*Scott Jennings participating as panelist.*



This document was written “from the viewpoint of preparing a productivity change request or claim.”

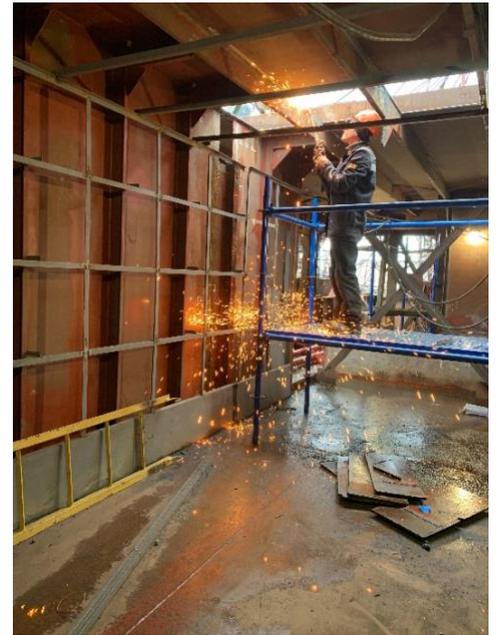
## What doesn't ASCE 71-21 do?

It does not prescribe a specific course of action. The methodology used in productivity loss claims remains, and always will be, subjective at some level.

## My Story

This document, *ASCE 71-21 Identifying, Quantifying, and Proving Loss of Productivity* is so important because it's written by an Owner's advocate.

So, in the case of a labor productivity claim, excerpts from this ASCE Standard 71-21 can be referenced in defense of methodology and quantification.



Contractors now have answers to challenges and questions from owners:

**Owner:** You can't use the measured mile approach here because your production was poor everywhere in the job. You estimated the job wrong and that's not our problem.

**Contractor:** I estimated the job correctly and I'm going to use the “least-impacted period” on my job, or a “measured mile from a similar project” per ASCE 71-21 Paragraph 5.2.1.

**Owner:** You can't use that portion of the work as a measured mile, it only represented 15% of the work.

**Contractor:** ASCE 71-21 Paragraph 5.2.1 states that 10% is the rule of thumb and 15% is greater than 10%.

Each claim prepared has a different approach. This document is prepared by the industry's best claims professionals. Read it. Rely upon it. But know that it's just one of several defenses, or offenses, you will need to use to be successful.

## Work Safe!