SHIN & KIM

Construction Claim Center

Shin & Kim LLC established a construction claim center consisting of professional engineers and lawyers with expertise in construction and real estate sectors, which reflects contemporary needs for comprehensive and integrated responses that combines specialized technical support and legal services, in order to address various construction-related disputes arising during the course of the implementation of large-scale infrastructure projects, real estate development projects and public and private construction projects at home and abroad.

Shin & Kim LLC's construction claim center brings together technical experts with deep understanding of on-site operations and contract structures and lawyers with extensive experience in litigation and the provision of advice on construction disputes to provide its clients with strategic solutions to prevent and resolve disputes across the entire cycles of a construction/real estate project. Shin & Kim LLC's construction claim center will operate as 'One Team' that seamlessly integrates technical analysis and legal judgment on technical issues to provide its clients with the best solutions at various stages of a dispute, including litigation, arbitration, appraisal and the provision of advice.

Key Services

Shin & Kim LLC's construction claim center provides its clients with the following services.

- **To provide advice, and respond to litigation, on claims for the payment of additional construction costs due to design change, price fluctuation, construction period extension, etc.**
  (e.g.: To make a reasonable request for cost and establish a defense strategy based on defects in designing or changes in on-site conditions)
- **To provide advice, and respond to litigation, on various claims for compensation for damages from safety accidents, such as fires, collapses and explosions at construction sites, and respond to various disputes related to ground subsidence, crack, water leakage, condensation, noise, etc.**
  (e.g.: To formulate counterarguments, and make responses, based on technical data and support the development of substantiation strategies)
- **To respond to disputes over public/private construction contracts**
  (e.g.: To provide advice on various issues related to construction contracts, such as the adjustment/settlement of construction costs and the termination of the contract)
- **To analyze the contract structure, and examine risk factors, at the initial stage of the project**

(e.g.: To clarify the relationship of responsibilities/liabilities among the contractor, supervisor and designer and draft special terms of the contract)

- **To analyze, and respond to, claims for rush fees/loss compensation/liquidated damages due to construction delays**
  (e.g.: To analyze the construction schedule, keep track of causes of the delay and assess the validity of the indirect cost)
- **To draw up strategies for responding to appraisal and provide technical support and advice**
  (e.g.: To provide technical opinions and rationales on the appraiser, formulate counterarguments and present supplementary opinions)

Experience

1. Dispute over additional construction cost

- To calculate the amounts of public works adjusted for price fluctuation based on the Act on Contracts to which the State is a Party and the Act on Contracts to which a Local Government is a Party
- To provide technical support the calculation of the amount adjusted for price fluctuation due to a delay in the commencement of a private project
- To develop rationales for a claim for each item (reason) of design changes in the urban improvement project and examine whether additional construction costs are reasonable
- To calculate additional construction costs (including costs of the extension or reduction of the construction period, public/weekly holiday allowances and price fluctuation) through the analysis of impacts of changes in the construction environment of private projects (such as reduced working hours, non-working days and the Saturday off-day system for ready-mixed concrete workers)

2. Dispute over defect or compensation for damages

- To provide technical support for a lawsuit of compensation for damages caused by ground subsidence in an industrial complex
- To provide technical support for a lawsuit of compensation for damages caused by the termination of a contract on an urban improvement project
- To respond to a claim related to an accident in which a structure collapsed during the construction of port facilities
- To provide technical support for defects in the buoyancy design of, and construction liabilities for, an underground buoyant structure
- To provide technical support related to compliance with construction standards in a lawsuit of a claim for insurance proceeds for construction damages

3. Dispute over public and private construction contract

- To calculate site management costs for a period of extension (or suspension) based on laws related to public construction and standards under the contract
- To examine whether the costs of the treatment of contaminated soil and wastes in a private development project are reasonable

- To analyze the reasonableness of the amount of a contract on the construction of a noise barrier tunnel in the Seoul metropolitan area and support the designing of the contract structure
- To provide technical advice on the potential termination of the contract due to the worsening of the primary contractor's managerial conditions (including the seizure of receivables) and any resultant dispute

4. Analysis of the contract structure, and examination of risk factors, at the initial stage of the project

- To examine whether the payment of additional costs for the obtaining of licenses and permits related to the construction of a golf course and those involved in the construction is reasonable
- To prevent risks through the establishment of new key provisions of, and special terms and conditions on, a supervision service contract

5. Provision of technical advice and support at the appraisal stage

- To collect underlying data for the analysis of the number of days of a construction delay and the calculation of a resultant rush fee prior to the commencement of the appraisal
- To present supplementary opinions after verifying the reasonableness of the number of days of a construction delay through the analysis of the CP process in the appraisal report
- To present supplementary opinions after verifying the reasonableness of the calculation of additional constructions costs for design change, price fluctuation, etc. in the appraisal report

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