



## Qubist Commercial, Contracting and Dispute Resolution Advisory Capability Statement

Providing decision makers with accurate and commercially astute contractual and dispute resolution analysis and advice

Qubist Pty Ltd is an advisory business that provides expertise to clients with utility and infrastructure assets.

We assist clients working with them to diagnose, avoid, manage and resolve commercial conflict. We provide services for arbitration, dispute and litigation.

Qubist personnel and partners are recognised leaders in the contractual advisory of major infrastructure and resources assets.

Our clients rely on our expertise and independence to provide factual, accurate and commercially astute contractual analysis as the basis for making informed contractual decisions.

### Qubist Approach

Qubist's approach to independent commercial and dispute resolution advisory services is conditioned by a wealth of industry experience and understanding client, contractors, government, community and other relevant stakeholders.

Qubist understands reliable and good commercial advice requires a thorough understanding of the commercial matters, contractual entitlements, claims drivers, contract management and risk allocation by practitioners with subject matter expertise.

Qubist staff are subject matter experts in cost, schedule and large-scale commercial management and have built this expertise over decades of experience dealing with commercial issues. Qubist offers staff experienced in drafting expert reports and understand the painstaking work that is required for success.





Wherever appropriate, Qubist's approach is based on first principles. First principles for Qubist means:

- understanding the contract and project objectives;
- understanding the commercial framework, development process, funding, operational, customer, client and other relevant stakeholders needs in order to understand the fundamentals driving the contractual matters;
- understanding contractors and client view of risks, how those are allocated on a contractual basis, and why the commercial differences arise;
- understanding the tender documentation and the commercial history that underpins the commercial issues;
- relentless drive for evidence and facts to support a claim;
- understanding how these matters are dealt for a commercial or legal resolution process; and
- assisting with resolving these matters acting independently and in a fair and reasonable manner.

For Qubist experts, good commercial resolution advisory comes from a robust understanding of the contract, the project facts, risk allocation and contract management mechanisms and how they have been managed.

## Equipped to address commercial advisory services

We support clients' portfolio, program, and project advisory opportunities and challenges by providing expert advice on commercial strategies, transaction, risk allocation, capital cost estimates, risk assessments, project and program delivery support, whole of life commercial and operational advice.

We also work during the acquisition, divestment, expansion and transitional process with due diligence, independent reviews and expert witness services to ensure the best commercial outcome.

### The opportunity and challenge

### Our capability

Providing a suitable commercial strategy	We apply a risk-based approach to develop a commercial strategy to resolve commercial matters. This includes an understanding of the risk allocation strategy, residual risks, potential underlying commercial issues including claims, and other variables to analyse projects or program of works.
Project readiness prior to commercial commitment	Qubist uses a structured process to assess project readiness prior to entering into a commercial commitment. When linked to a quantitative risk assessment, the readiness assessment can be used to test suitability of the proposed risk allocation as well provide guidance on appropriate reserves to be held in addition to the contract amount.





## The opportunity and challenge

## Our capability

Reflecting the project execution plan	Qubist takes a commercial, cost and planning approach, using our deep subject matter knowledge, we understand the gap between what is required to satisfy project or program of works completion and what is shown in the current plan including an adjusted commercial and risk point of view.
Contract administration	Qubist can supply experienced professional staff, individuals or teams, on an ad-hoc or full-time basis to supplement and support the project team.
Project execution health check and early warning detection	Through first-hand experience delivering projects as well as advisory commercial services, Qubist has developed a checklist of early warning signals that can be used to help owners and contractors identify looming execution problems. Qubist's diagnoses provide actionable recommendations for the project and corporate home office.
Evaluating commercial strategies including avoidance and resolution	Qubist works with clients to develop and model and assess commercial outcomes for different resolution scenarios included dispute avoidance, conflict management and legal resolution scenarios.
Aligning commercial, schedule and costs	Qubist develops an integrated commercial view that considers design, procurement and construction packaging, work sequencing, and construction methodologies.
Quantifying the impact of differing site access and site conditions	Especially for projects in long established and densely populated areas, differing site access and latent conditions can have far reaching consequences on project outcomes. Qubist employs a variety of methods to validate and quantify claims associated with differing site access and latent conditions.
Benchmarking cost estimation	Qubist conducts cost analysis based on our experience of working in this area for public and private owners over 25 years of experience.
Schedule analysis: acceleration, suspension of work and extensions of time	Qubist can identify key schedule drivers including critical path and other key elements that will assist resolving the commercial matters associated with changes to project duration. Qubist forensic schedule analysts work with the cost engineering team to provide a comprehensive view of time impacts.
Providing expert estimates for dispute resolution	Our cost estimation capability covers the full range of estimating requirements from high level cost assessment to detailed forensic analysis and cost determination.
Managing alliance and incentivised contracts	Qubist's commercial expertise in alliance and collaborative contracting ensures a greater level of cost transparency and cost assurance.

**qubist**

PO Box 6108  
North Sydney NSW 2059

info@qubist.com.au  
www.qubist.com.au

