



## KGC Growth

### Spotlight on Derek Sayers, MRICS: Your Go-To Expert for Quantum and Delay Claims in Construction Law

Since joining KGC Consulting Services in July 2024, Derek Sayers has excelled as a consultant and project leader on KGC assignments. As a KGC Executive with roles in multi-billion-dollar projects, Derek brings a wealth of international experience from many projects around the world where he worked in positions including Contract Risk Manager, Project Contracts Manager, Lead Contract Administrator, and Lead Cost Control.

Derek Sayers has extensive experience in the Oil and Gas Industry. Over the course of his career, he has worked on projects ranging from oil sands to nuclear to commercial and residential projects. Derek brings this expertise to the construction law sector. Together with a stellar reputation for settling disputes, managing contracts, and controlling costs, Derek is the ally you need to navigate complex construction disputes.

Derek has a track record of fostering growth-oriented cultures and delivering exceptional client service and excels at building strong connections and implementing innovative solutions tailored to client needs. From contract tendering to procurement and negotiation, Derek understands the commercial implications and delivers results.

Derek's recent testimony here in Canada underscores his deep expertise in claims mitigation and dispute resolution, ensuring clear, effective communication and strategic interactions.

Derek Sayers is the go-to expert for construction lawyers seeking insight and assistance. His comprehensive understanding of contracts and claims, strategic approach, and independent review ensure that your clients receive the best possible outcomes. Connect with Derek to elevate your practice to new heights.

## Adjudication News Update

ARCANA (AB) has been hosting or will be hosting several presentations to many organizations and associations throughout the province in 2024 regarding the practical application considerations of utilizing the adjudication process. For a seminar regarding the current state of adjudication in Alberta, follow up at [arcana@adralberta.com](mailto:arcana@adralberta.com)

Several judicial challenges have emerged in Ontario and Alberta, challenging the authority of the adjudicator's powers or written determinations.

- Ontario - Arad Incorporated v. Rejali et al. (Recovery of Monies Paid into Court)
- Ontario - Jamrik v. 2688126 Ontario (Contract Completion Challenge)
- Ontario - Anatolia Tile v Flow-Rite Inc. (Procedural Fairness Challenge)
- Alberta - Heldar El-Mais v Travel Gurus (Exemption from Relief)
- Alberta - Laferriere v. McLoughlin (Contract Completion Challenge)



## Commercial Management / Contract Administration Training / Document Retention

Throughout 2024, KGC received more requests to provide in-person or online Commercial Management & Contract Administration Training to organizations in public sector departments and private enterprise companies.

While different forms of contract procurement continue to emerge as better delivery solutions using IPD and Progressive Design Build models, staffing shortages and skill gap challenges associated with contract procurement, administration execution and good record keeping remain problematic in all category sectors.

The importance of a well-established document retention protocol was brought to light in the H2 Canmore LP v. Comrade & Dickson Construction Edmonton Ltd. decision. <https://canlii.ca/t/k5tjm>

The Court found that “[the defendant’s] suggestion that emails may have been deleted is not persuasive. It is more likely that [the] ad hoc search methodology just did not work properly or was not consistently applied.” The Court concluded “that undisclosed relevant and material emails likely still exist” and ordered the defendant to locate and provide a variety of records. The defendant will have to pay costs to the plaintiff (in an amount yet to be determined) and, on top of that, will have to pay a \$7,500 penalty directly to the Court itself for its non-compliance with its records obligations under the Alberta Rules of Court.

## AI - Shawn Gray, P.Eng - CEO, ConstructIQ Advisory

KGC Consulting believes AI (Artificial Intelligence) won’t replace jobs anytime soon, but people who leverage AI will. While many are talking about AI, Shawn Gray, P.Eng. - CEO of ConstructIQ Advisory, is recognized in the industry for the results of the numerous data-driven initiatives he spearheaded for top AEC firms and businesses now recognized as the most innovative and fastest growing in construction. Shawn’s unique experience helps firms explore AI and produce meaningful results with less risk, time, and cost.

Recently, KGC Consulting was tasked with producing an unbiased dispute case position paper, requiring the review of over 3GB of data—a task that would traditionally take 50-100 hours. Collaborating with ConstructIQ, Shawn applied a hypothesis-based “Proof-of-Value” approach to explore how AI could expedite the process. By organizing complex files, applying key prompts and leveraging his deep industry knowledge, Shawn delivered a draft dispute-case paper in under 5 hours with high accuracy.

The experiment showed that AI can speed up the process by 5x-10x, but success depends on more than technology. Key factors include data security, handling scanned documents, and construction-specific AI models. The best results came from a combination of AI tools rather than a one-size-fits-all approach, while having deep construction industry expertise was crucial in defining prompts and validating AI outputs. Moving forward, KGC will integrate these tools to enhance client outcomes.

### Previous Clients



LAWYERS