



Lewis Woolcott Commercial Services

The commercial team that resolves the position.

Negotiation, settlement and contract strategy for Australia's major projects.

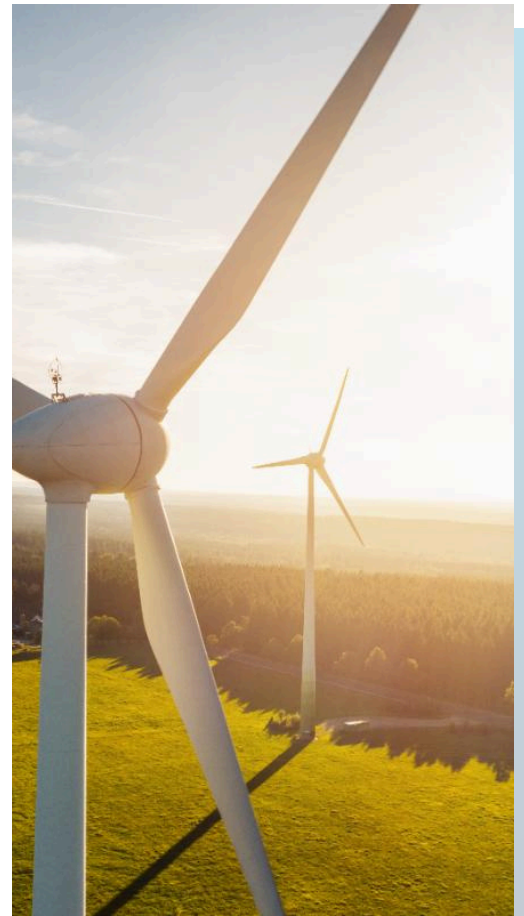
When the Commercial Position Matters

Good commercial advice looks beyond the four corners of the contract. No matter how well drafted the contract if circumstances change the mechanisms prescribed may no longer offer the best solution to the parties. Commercial advice considers changing business priorities, people's individual motivations, and the economic realities of the current scenario. Good commercial advice is adaptable unlike the static provisions of a contract.

Deals are made by people, trading relationships outlast individual projects, and the most valuable commercial work is creative rather than defensive. That is not to say that commercial work is art, it must be backed up by detailed analysis that draws together the facts.

Lewis Woolcott's Commercial division brings that discipline to Australia's major projects across the whole commercial life of a contract: shaping the deal before it is signed, protecting value in delivery, understanding what is really at stake when positions diverge, and finding the route that gives each party the best achievable outcome when it is time to act.

Every stage is delivered by chartered quantity surveyors and commercial managers who have worked both sides of the table, on the same foundation: precise analysis, pragmatic advice, and a forensic quantum and delay bench behind every position we build.



FIVE MOMENTS THE COMMERCIAL POSITION MATTERS

01

BEFORE THE
CONTRACT
Shape the deal

02

DURING DELIVERY
**Protect commercial
value**

03

WHEN POSITIONS
DIVERGE
**Understand what is
really at stake**

04

WHEN IT IS TIME TO
ACT
**Find the route to
resolution**

05

ACROSS ALL OF IT
Commercial intelligence

ISO 9001

CERTIFIED QMS

30+

 SPECIALIST
TEAM

3

 AUSTRALIAN
OFFICES

45+ YEARS

 COMBINED COMMERCIAL
LEADERSHIP

The Deal Shaped, Value Protected

01

BEFORE THE CONTRACT

Shape the deal

The delivery model, the allocation of risk, the estimate the target is set against and the terms agreed in negotiation shape everything that follows. We select the model, test the scope and estimate, allocate risk to the party best placed to carry it, run interactive and ECI tenders, and negotiate terms that both parties can live with. Because the same people stay to administer what they designed, the model is built to work in delivery: simple to run, clear to both sides, and priced for the risk actually held.

PROCUREMENT STRATEGY

MARKET INTELLIGENCE

CONTRACT STRATEGY

SCOPE

ESTIMATING

RISK ALLOCATION

TENDERING

NEGOTIATION

02

DURING DELIVERY

Protect commercial value

Value is protected in the routine: the notice served in time, the change priced while it is still a change, the payment claim that matches the record. It is also protected in the decisions made along the way, such as the terms on which subcontracts are placed and how they sit back to back with the head contract. Our commercial managers, quantity surveyors and contract administrators run that routine inside your team or alongside it, with governance that keeps entitlement preserved rather than reconstructed later, and a risk discipline that shows where exposure is building before it becomes a claim.

CONTRACT ADMINISTRATION

CHANGE

PAYMENT

SUBCONTRACT MANAGEMENT

COMMERCIAL GOVERNANCE

ENTITLEMENT

RISK

IN PRACTICE: BEFORE THE CONTRACT

Heavy haul rail renewals. A Target Cost pain/gainshare model designed and tendered with seven months to procure, then administered through delivery. Approximately \$25M saved. [Case study 01.](#)

IN PRACTICE: DURING DELIVERY

Gas transmission pipeline. An independent record of plant and resource activity across a 20km front, turning variation and weather-event argument into evidence. [Case study 02.](#)

What Is at Stake, And the Way Through It

03

WHEN POSITIONS DIVERGE

Understand what is really at stake

When the parties see a position differently, the first job is to understand it. Our commercial risk process starts there. There is always a range in the numbers; the useful question is where the likely outcome sits, and what you should defend or walk away from. We bookend time and money for every head of claim with forensic delay, quantum and estimating analysis, then capture what the engineers, planners, lawyers and commercial staff each know but rarely aggregate, and model it into a probability-weighted range of recovery. That range informs how the claim is then built: a defined strategy that deploys expert time and cost analysis alongside legal advocacy in one coordinated approach. You get a clear view of the exposure, yours and theirs, before significant cost is committed.

CLAIMS

CONTRACT INTERPRETATION

EVIDENCE

QUANTUM

DELAY

RISK MODELLING

PROBABILITY OF RECOVERY

COMMERCIAL EXPOSURE

04

WHEN IT IS TIME TO ACT

Find the route to resolution

Most claims settle by negotiation, and one of its strengths is that matters outside the dispute can be brought to the table to create value for both sides and break a deadlock. We recommend the route on the numbers, whether structured negotiation, a short-form process, mediation, expert determination or adjudication, and then run it: position papers, a standstill, engagement level to level, controlled escalation, and board briefings so mandates are set before the room, not in it. The measure is value recovered or protected without proceedings, on a project you still have to deliver alongside the other party. Where a matter must escalate, it moves to Lewis Woolcott's independently ring-fenced expert practice rather than to a cold start.

NEGOTIATION STRATEGY

POSITION PAPERS

RECOVERY STRATEGY

SETTLEMENT

ADR

ADJUDICATION SUPPORT

EXPERT INTERFACE

IN PRACTICE: WHEN IT IS TIME TO ACT

Structured claim negotiation. Eight heads of claim, twelve months unresolved, modelled to a recovery range and taken through a structured process instead of arbitration. Approximately \$55M recovered without proceedings. [Case study 03.](#)

WHAT EVERY RESOLUTION IS BUILT TO DO

Whatever the route, the objectives do not change: build trust, bring the parties together, and leave a platform for the next contract. The other side of this dispute is usually the other side of the next job.

Commercial Intelligence

Precise analysis and pragmatic advice run through every stage. Lewis Woolcott was founded on the belief that data can take the guesswork out of commercial decisions. In practice that means three things. Statistical and probabilistic analysis that forecasts outcomes rather than assumes them. Site and programme data captured as evidence rather than recollection. And a current view of the market, from people working inside commercial functions across resources, energy, rail, water and government.

WHAT SITS UNDERNEATH THE FIVE STAGES

01

Data

Project, programme and site records structured so a position can be shown rather than believed.

02

Statistical analysis

Range, regression and cost trend analysis where the data allows; benchmarks and structured expert judgement where it does not.

03

Risk modelling

Decision-tree and simulation modelling that converts a team's knowledge into a probability-weighted range: for negotiation parameters, financial provision, revenue recognition and litigation funding.

04

Market knowledge

A current view of which contracting approaches, prices and resolution paths are actually working across Australian major projects, applied within strict confidentiality.

05

Technology

LWARE SMART as an independent GIS record of plant and resource activity and LOGIC+ for critical-path analysis across multiple programme files.

06

Training and commercial systems

In-house programmes for client commercial and delivery teams, and the set-up of processes, templates, reporting and governance so the routine holds when the people change.

Commercial Support Shaped to the Problem

Different problems need different shapes of support. We tailor every engagement to the project, the contract and the organisation running it, and we are clear from the outset about which shape you are buying.



Scoped commercial advisory

A defined outcome to a defined scope: a contracting strategy set, a claim built, a final account closed. We hold the pen, the method and the professional risk.



Commercial resolution

A negotiation-led mandate to close a position: entitlement built, strategy set, and a senior commercial negotiator at the table with you.



Embedded commercial teams

Commercial managers, quantity surveyors, contract administrators and delay experts working inside your team under your governance, each with a named Lewis Woolcott lead, our method, templates and peer review behind them.



Technology-led

LWARE SMART deployed across the works as an independent record of plant and resource activity, turning commercial argument into commercial evidence.



Flexible commercial models

How we are paid should follow the shape of the problem. Scoped engagements are typically priced as a fee for the phase or the deliverable, embedded teams by role, and where a matter suits it we can structure arrangements that share in the outcome.



Working with your other advisers

We work alongside your lawyers, not instead of them. Our analysis supplements legal prospects advice with a commercial view of what a position is worth and what it will cost to hold; where a matter needs an independent expert, the interface between our commercial team and the expert is managed so that the expert's independence is protected.

CONTRACT MODELS WE WORK ACROSS

Design & construct lump sum · Schedule of rates including RCC, PICA and TIC-CO · Collaborative project agreements · Target cost and pain/gainshare · NEC / ECC · Alliancing · Dual-stage ECI · PPP · FIDIC and bespoke models.

Heavy Haul Rail Renewals

A Model Built Against the Clock

CLIENT

Global mining company

SECTOR

Mining · rail

VALUE

\$300M programme

LOCATION

North-West Australia

The challenge

A new commercial model was needed for eight kilometres of mainline track renewal, with less than seven months to procure and design only 70% complete. Conventional lump-sum risk transfer would have priced the unknowns back to the client through contingency it could neither see nor control.

What we did

- Designed a Target Cost pain/gainshare model in place of conventional risk transfer.
- Ran the tender, locking Target Cost only once design was sufficiently defined so design and procurement could run in parallel.
- Mobilised a full multi-disciplinary commercial team of QS, contract administrators, lawyers and controls specialists inside three months.
- Administered the contract through delivery: cost, change, quantitative risk and direct commercial interface with the contractor.

The value

Approximately \$25M saved against the conventional risk-transfer approach, and one of the most cost-effective renewals the client's programme had seen.

In their words

"LW brought high quality systems and processes and worked collaboratively with the leadership team. Lewis Woolcott plays a vital role in the delivery of the Framework."

CLIENT PROJECT MANAGER, RAIL RENEWALS PROGRAMME

01

Gas Transmission Pipeline

Turning Argument Into Evidence

CLIENT

Energy company

SECTOR

Energy · pipelines

VALUE

\$400M+ project

LOCATION

Regional NSW

The challenge

A buried gas transmission pipeline across multiple work fronts along a 20km alignment, with variation, disruption and weather-event exposure building through delivery, and no record capable of substantiating any of it beyond recollection and daily diaries.

What we did

- Deployed LWARE SMART across the full 20km front, with GIS tracking on all key plant.
- Used heat-mapping and movement-trail analysis to expose unproductive activity at laydowns.
- Substantiated weather-event impacts and validated variation claims through SMART playback.

The value

\$4.4M of schedule recovery and \$0.7M of plant efficiencies, and an immutable as-built record that turned commercial argument into commercial evidence.

02

Structured Claim Negotiation

\$55M Recovered Without Proceedings

CLIENT

Tier 1 civil contractor

SECTOR

Road & transport infrastructure

RECOVERY

c. \$55M

COUNTERPARTY

State road authority

The challenge

Eight heads of claim against a state road authority had sat unresolved for twelve months. A formal determination carried real downside: a binary outcome, inevitable counterclaims, and liquidated damages exposure large enough to cancel out the recovery.

What we did

- Built a claim baseline: forensic, project controls and estimating analysis setting upper and lower bookends for every head of claim.
- Modelled likely recovery rather than best case: structured interviews across the project team, run through quantitative risk modelling to produce a defensible recovery range.
- Mapped the other side's position: contingency exposure, competing disputes, security-of-payment rights, cost of capital and the value of the relationship.
- Recommended structured negotiation over arbitration and designed the process: a standstill, engagement level to level, controlled escalation, agreed positions locked.
- Strengthened the claims before the table: positions reframed, time-bar responses developed, evidence built, further heads identified.

The value

Approximately \$55M recovered, comfortably ahead of the modelled midpoint, on positions outstanding for twelve months, resolved without proceedings and without the counterclaim exposure a formal process would have carried.

In their words

"Lewis Woolcott provided the strategic insight and expert analysis that supported the resolution of disputes that had remained outstanding for twelve months."

PROJECT DIRECTOR

03

The People Who Hold Your Position

A commercial outcome is produced by the judgement of the people holding your position, and by the confidence the other side has in dealing with them. Our division is led by two senior practitioners whose experience between them covers the full commercial life of a project: the deal agreed before anyone signs, and the position closed out once it is live.



Dan Woolcott, Managing Director, Operations & Delivery

B.Sc. (Hons) Construction Management | MCIQB, Chartered Builder & Chartered Construction Manager | CEnv | FRSA | Past President & Chairman, QMCA

Some 30 years across public and private infrastructure in Australia, Asia and Europe, spanning road and rail, utilities, power and transmission, water and resources, advising from business case through procurement strategy, negotiation, delivery and close-out.

Deep experience of collaborative models including dual-stage ECI and Incentivised Target Cost alongside D&C and PPP. Formerly Head of Commercial and Risk (Northern Region) at Lendlease Engineering and Head of Pre-Contracts (Southern Region) at Laing O'Rourke, on projects including the \$1.2Bn Gateway Upgrade and the \$650M Kingsford Smith Drive. Member of three dispute avoidance and resolution boards on projects totalling over \$3.5Bn.



Jesse Mitchell, Head of Delivery & Commercial

Associate Degree, Civil Engineering | Certified Practising Project Manager, AIPM

Over 15 years on major building, infrastructure and resource projects, specialising in the point at which a commercial position gets tested: forensic delay and disruption analysis, quantum, claim preparation and negotiated resolution.

Jesse has led claim development, commercial advice and settlement positions on programmes including MacIntyre Windfarm, Cross River Rail, Clarke Creek Windfarm, Peak Downs Highway and the Lombrum Naval Base Upgrade, and has been appointed on matters proceeding to adjudication, arbitration and litigation. He brings to the table an accurate view of how a position will be tested if it does not settle, which is usually what makes it settle.

30+

THE WIDER BENCH

Chartered quantity surveyors, commercial managers, contract administrators, programme, cost and risk specialists, and the forensic quantum and delay experts who test every position before it leaves the building. Scaled to each engagement.

Our Clients

Australia's Major Players

Our commercial team has worked for owners, operators and Tier 1 contractors across resources, energy, rail, water and government, on both sides of the contract and often on both sides of the same programme at different times.

A SELECTION OF OUR CLIENTS



















RESOURCES



ENERGY



RAIL



WATER



GOVERNMENT

Let's Talk About Your Position



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