

# Practical Ways to Identify Measured Miles

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**Abstract:** Change is any addition, deletion, or revision to the general scope of a contract and may require an adjustment to the contract price or contract duration of a design or construction project. Many disputes arise out of changes, and successful resolution of those disputes requires that three elements be evaluated: liability, causation, and resultant injury (damages). A particular type of damage frequently alleged on changed projects is loss of labor productivity. One way to evaluate and quantify loss of labor productivity damages is through use of the measured mile technique. Problems exist with the measured mile approach, however, because there are no generally accepted guidelines for developing and applying the technique. Based on review and synthesis of project management literature and court and appeal board decisions, this paper presents practical considerations in the identification and application of measured miles. The intent is to help contractors, owners, consultants, and other parties step through a logical process for preparing and presenting a credible measured mile analysis. DOI: 10.1061/(ASCE)LA.1943-4178.0000199. © 2016 American Society of Civil Engineers.

**Author keywords:** Change; Construction; Construction management; Legal issues; Loss of productivity; Measured mile; Productivity.

## Introduction

Productivity is a measurement of output per unit of time and is important because it, along with the hourly rate and the work quantity, is one of the three components of labor cost (AACE 2004). If productivity is impaired, project labor costs will increase. Because labor costs are usually a large proportion of total project costs, the overall total project costs will probably increase. Such an increase will jeopardize the project's business value to its investors and the contractor's profit.

One of the ways labor productivity may be impaired is through change, which is any addition, deletion, or revision to the general scope of a contract (Ibbs 1997). Because change may result in idled resources (e.g., waiting for new instructions), reassigned resources (with extra, unplanned transit time or learning curve losses), or other problems, a contractor may suffer a loss of labor productivity (LOP).

To successfully claim LOP damages a contractor must demonstrate what caused the change, why the owner is liable for the change, and that any claimed damages are reasonable.<sup>3</sup> There are different methods for estimating such LOP losses including actual cost, total and modified total cost, project comparison studies, specialty industry studies, general industry studies, and the measured mile approach (AACE 2004).

This last method, the measured mile technique, compares a contractor's labor productivity during two sections of project time: a normal (also sometimes called the reference or nonimpacted) period against an impacted period.<sup>4</sup> It has been accepted by a number of professional organizations such as the American Association

of Cost Engineers (AACE 2004) and the Society of Construction Law (2002), and a number of legal decisions.<sup>5</sup>

Though seemingly simple in concept, there are actually a number of issues and nuances associated with measured mile analysis, and it is frequently misapplied because of those issues and nuances. One of the most common mistakes is using a reference period that is not similar to the alleged impacted period. "Similarity," however, is neither well defined nor understood, and clear, practical guidelines are needed as discussed by various experts (AACE 2004; Ibbs 2012; Serag et al. 2010; Barnard 2013; Zhao and Dungan 2015), and by a number of court and board cases.<sup>6</sup>

These writings and decisions indicate that practical guidelines better detailing "similarity" are needed. This paper addresses some of these key factors from a practical applications point of view. A previous paper by the senior writer of this paper reviewed board and court cases to identify and organize a set of measured mile principles (Ibbs 2012). That paper, however, provided only a general framework for properly constructing and applying the measured mile method and did not delve into the details of factors that can be used to determine the similarity or dissimilarity of two project time periods. This paper does such. The intent of this paper is to help contractors, owners, consultants, and other parties step through a logical process for preparing and presenting a credible measured mile analysis.

## Measured Mile Background and Literature Review

Zink's paper is the earliest description of the concept of a measured mile (Zink 1986). That technique compares a contractor's labor productivity during two sections of project time: a normal (also sometimes called the reference or nonimpacted) period against an impacted period. He also recommended that the first and last 10% of the project's work-hours be excluded from the measured mile computations because they are "build-up" and "tail-out" periods, and are not representative of the project's productivity. In order for a claim to be successfully pursued, the impacts causing LOP must be the responsibility of the defendant (usually an owner), not the claimant (usually a contractor).

Labor productivity is determined by dividing the actual number of labor-hours expended on a task by the actual quantities of work

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# Measured Miles

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