



**Why is
“Guaranteed Fixed Price Remediation”
Such a Hot Topic?**

The Business of Brownfields

Pittsburgh, Pennsylvania

November 8, 2004

**Edward Allen, President
Environmental Risk Solution, LLC**

Cincinnati - San Francisco - Cleveland – Tallahassee - Nashville



The Emergence of Liability Assumption

Firms:

- Transformation from “Guaranteed Fixed Price” to *Liability Assumption*
- Solutions for Many of the Old Shortcomings
- Business Solutions for Business Problems

Transformation from “Guaranteed Fixed Price” to *Liability Assumption*

- **Outcome Based Rather than Remedial Plan Based**
- **Transfers the “Direction of Work” Risk**
- **Creates Opportunity to Solve Many of the Old Shortcomings**

Solutions for Many of the Old Shortcomings

- **Breadth of Indemnification**
- **Integration with Insurance**
- **Timing of Transaction**
- **The Cost**

Business Solutions for Business Problems

- **Property Transfers**
- **Bankruptcies**
 - Chapter 11
 - Chapter 7
- **Mergers & Acquisitions**
- **Group Liability**



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