

Managing Contractual Risks During COVID-19

Contractual language plays a critical role for organisations rushing to understand shifting obligations and liability in response to COVID-19. Yet many corporations lack an organised, centralised method to analyse and act on their diverse contract universe.

APPLICATION TO COVID-19 RESPONSE



Force Majeure

Identify the presence of force majeure clauses and capture key information such as triggering events, impacts on contractual obligations, and language in related clauses.



Supply and Procurement

Rapid access to commercial terms and obligations that can inform decisions related to cash flow and liquidity.



Government Support Programmes

Quickly extract and collate key information needed to submit claims in order to access government support schemes during COVID-19.



Real Estate and Lending

Assess leases and loan agreements to summarise rights and obligations related to default and forfeiture.

Actionable Intelligence for Critical Decision-Making

FTI Technology's Contract Intelligence service helps organisations quickly find and flow relevant data from within large contract datasets and understand rights and obligations related to insurers, suppliers, customers and employees. Contract Intelligence combines leading-edge Artificial Intelligence (AI) and analytics technology, advanced workflow, and legal review teams experienced in contract analyses to identify, classify and flow relevant clauses to COVID-19 response teams.

Contract Intelligence services can help organisations responding to COVID-19 by facilitating the necessary decision making necessary in response to the fast moving and changing business environment, and minimising the contractual risk in rapid decisions, often taken in the absence of a full legal review.

Focus on Force Majeure

The COVID-19 pandemic is causing many businesses to confront circumstances that may excuse or delay their obligations to perform under existing contracts due to the occurrence of a force majeure event. Contract Intelligence specialises in contract analysis services enhanced by AI and analytics technology to:

Identify the presence and nature of force majeure clauses across contracts

- Whether standard or non-standard language
- Specific classifications such as public health events or government acts and mandates
- Language that would broadly include events such as COVID-19

Capture force majeure-related consequences and changes to rights and obligations

- Obligations to perform
- Ability to modify the contract
- Notification triggers and requirements
- Termination rights
- Liability and potential damages

Understand other clauses impacted by or related to the occurrence of force majeure

- Termination and its effects
- Pricing terms
- Amendment options
- Notice information
- Change in law
- Limitation of liability
- Damages

Contract Intelligence: Integrated End-to-End Technology Solution



Why FTI?

The Contract Intelligence team leverages deep legal and regulatory expertise to ensure a thorough and defensible process. Our global team includes contract process experts, forensic experts, corporate investigation specialists and technology professionals that have led some of the largest and most complex regulatory response, information governance, M&A, litigation and investigative engagements. Our team utilises industry expertise across many vertical industries, including healthcare, financial services, retail, construction, energy and real estate.

Advanced Analytics Technology Streamlines Contract Collection and Review

The Contract Intelligence Tech Stack brings together advanced analytics and AI tools, through proprietary integration, to expedite contract processes and further reduce cost. We can reduce legal risk and enhance the commercial value within contracts. This enables the team to quickly define critical contractual language and structure customised data outputs, all resulting in enhanced review productivity and quality deliverables.

Enhanced Workflows Ensure Quality While Reducing Costs

Custom solutions and workflows, designed by operational and subject matter experts, can be executed by legal review teams that are specifically trained per engagement. Clients receive regular updates on review findings such as legal obligations, cost opportunities, risk exposure and any additional requirements – all driven by advanced analytics.

Case Study: Corporate Restructuring

CHALLENGE: In response to a market disruption, our client needed to restructure its business to preserve its cash and liquidity position. As part of this process, the company required identification, review and analysis of hundreds of thousands of contracts within a very short time frame. The contracts resided with multiple business units and contained little to no reliable identifying data.

SOLUTION: FTI Technology's Contract Intelligence team quickly culled 90% of the population as irrelevant, then used analytics-based workflows and AI to focus on the key document subset. Creating custom protocols, the team performed a fast and accurate review of the remaining contracts.

IMPACT: An on-time and under budget data deliverable that met filing requirements and served as a useful input for downstream commercial applications.

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