

DAY 1

Contractual Claims

- Overview of main contractual provisions relevant to claims and counter- claims.
- Types of claims, in construction and other areas – and their distinctive features
- Causes of typical claims.
- Re-measure disputes
- Set up project management assessment – PMA.
- Counter claims – how they differ from claims.
- Rights of set-off.
- Force majeure- when it applies and when not.

DAY 2

Variations & Delay Claims

Variations

- Disputes on variation claims
- Obligation to perform Work
- Extension of Time (EOT) & Acceleration
- Acts of Prevention by the Employer
- Rights of Set-off

Delay Claims

- Obligation to complete on time.
- When is “time is of the essence” ?
- Early warning of delays.
- Acceleration claims.
- Disruption claims.
- Acts of Prevention
- Global claims
- Concurrent claims

DAY 3

Claims Presentation

- Requirements for claim presentation
- Notices
- Timing, and time limits
- Are time limits binding?
- Defining features of claims evaluation and management
- Recognizing the causes of claims
- Warning signs of disputes
- Recording claims

Reviewing Claims

- Realistic appraisal
- When to make admissions – and denials
- Offers of settlement.
- Independent review

DAY 4

Contract Completion & Close Out

Contract Completion Critical Issues

- Date of Completion Dates
- Acceptance of punch list of defects - What is the effect?
- Passing of title and risk - safety & insurance
- Warranties and Guarantees.
- Passing of Intellectual Property rights
- Defects and Exculpatory Clauses

Administrative and Contractual Closure – Checklist

- Receipt and formal acceptance of contractual terms
- No claim or investigation pending.
- All actions on contract price revision and changes concluded.
- All outstanding contract issues settled.
- Partial or complete termination involved & actions to be taken.
- Contract audit if required.

- Transferring lessons learned to future project.

Dealing with Disputes – Considering the Different Options

- Defects Liability period, contract claims and employer remedies
- Termination of Contract – rightful & wrongful termination
- Securing project closure and learning from the outcomes
- The Use of Dispute Resolution Boards for Construction Contracts
- Mediation of Claims Disputes

DAY 5

Breaches of Contract and Remedies

- Breaches of contract
- Quality of workmanship & Re-work
- Rejection, Full & Partial Rejection
- Liquidated damages and penalties
- Warranty claims
- Special issues with EPC & Turnkey contracts

Managing Claims and Disputes

- Involving lawyers
- Managing the legal process
- Setting goals
- Decision trees
- Controlling costs – and including them in your thinking