

# Finest Practices in Claims Management

Real Skill Sets to Save Costs and Time

## Introduction

A contract is the foundation of every project. The parties must understand the legal concepts involved in the contract and be well-versed in navigating it since it defines the framework for the project. Parties must possess the expertise and diverse abilities to handle claims in order to effectively present and support a claim, or, conversely, to refute one. These abilities will be crucial for those engaged in project management.

This training programme will provide you with all the best practices to get you started on the correct path and help you avoid costly errors that might negatively impact the project's outcome. The training programme will cover the essential topics needed to execute contracts properly, using international contract forms and industry best practices as references. The following topics address the essential core contract administration and claims requirements and will be crucial to the contractor and employer's effective risk management.

## The following will be covered in this Course N Carry Best Practices in Claims Management training course:

- Determine and handle claims under project contracts regarding delays and contract modifications.
- Reduce the risk associated with projects by improving claim handling
- Find out how to settle disputes quickly, fairly, and rationally.
- Recognise each party's rights and responsibilities.
- Examine, evaluate, and assess contractor claims
- Understand how to refute and counter refute allegations.
- Settling disputes over claims in order to prevent costly litigation and arbitration.

## Objectives

**After completing this programme on Best Practices in Claims Management, you will be qualified to:**

- Learn all there is to know about contracts and contract claims.
- Possess expertise in optimising the claims procedure.
- Recognise assessment techniques to find claims and be aware of possible defences.
- Learn enough to be a valuable member of any claim management team.
- Insights into situations and initiatives from real life with lessons learned.

## Training Methodology

The training programme will be taught by an instructor and include interactive exercises, in-depth case studies, and virtual or in-person instruction. In order to maximise knowledge, comprehension, and retention of the material provided, this training course will make use of a range of tried-and-true learning strategies. Through interactive workshops that include quizzes, case studies, discussion groups, and scenario building, the skill sets of delegates in planning, assessing, negotiating, and managing claims will be sharpened and improved. Encouraging participants to use the information and understanding they have received during the course is the aim of the interactive sessions. Delegates will gain useful knowledge from this on controlling contract risks and increasing benefits.

## Organizational impacts

### The following will help the organisation:

- Possessing a staff dedicated to contract claims with extensive knowledge of contract claims administration and protocol
- By improving the claim management team's abilities, expenses and management time may be saved while handling claims.
- Giving management choices and accessible solutions for handling contract claims.
- Evaluating and planning the optimal course of action for resolving disputes brought forth by claims.
- Learn how to settle disagreements about claims using alternative dispute resolution procedures.

## Personal Impact

### The following advantages will be available to the delegates:

- How to assess and measure statements
- Learn about the three pillars of a contract: money, time, and quality.
- Understand when the contractor is qualified to file an Extension of Time (EOT) claim.
- Address variation claims and decide what may be approved and what cannot
- Recognising the main legal and practical objectives in claim management
- Acquires skill sets to be more equipped to handle challenging situations.
- To settle disagreements over claims, be aware of the various dispute resolution procedures.

## Who should attend?

**A wide range of professions can benefit from this Course N Carry Best Practices in Claims Management training course, but the following will particularly benefit:**

- **Hired Experts**

- Supervisor of Projects
- Administrators of Contracts
- Engineers on Contract
- Engineers for Projects
- Managers of risk and contract risk experts
- Employers and Project Owners
- Contractors and suppliers of tools and materials
- Quantity surveyors and contract administrators
- Attorneys

## Course Outline

### Day 1

#### Contractual Claims

- Summary of the key clauses in the contract that are pertinent to claims and counterclaims.
- Claims types and their distinguishing characteristics in the construction industry and other fields
- Reasons for common claims.
- Reassess disagreements
- Establish the PMA, or project management assessment.
- Claims and counterclaims: their differences.
- Set-off rights.
- When and how to apply force majeure.

### Day 2

#### Variations & Delay of Claims

##### Variations

- Conflicts over variant claims
- Duty to Complete Work
- Time Extension (EOT) and Speed Up
- Employer Preventive Measures
- Set-off rights

##### Delayed Claims

- Obligation to finish on schedule.
- "Time is of the essence" when?
- Early notification of any delays.

- Allegations of disruption.
- Preventive Actions
- Worldwide assertions
- Concurrent assertions

## Day 3

### Presentation of Claims

- Conditions for presenting a claim
- Notifications
- Time constraints and scheduling
- Do deadlines have legal enforceability?
- Defining characteristics of managing and evaluating claims
- Identifying the Reasons Behind Claims
- Conflict warning indicators
- Keeping track of claims

### Examining the Claims

- Practical evaluation
- When to admit something and when to deny it
- Settlement proposals.
- Independent assessment

## Day 4

### Finalisation of Contract and Close-Out

#### Important Concerns for Contract Completion

- Dates of Finalisation
- What happens if the punch list of flaws is accepted?
- Transfer of title and risk: security and coverage
- Promises and Refunds.
- Transfer of Rights in Intellectual Property
- Errors and Exculpatory Statements

#### Checklist for Administrative and Contractual Closure

- Acceptance of the conditions of the contract in writing
- No inquiry or claim is still open.
- All contract price revision and modification steps have been completed.
- All unresolved contract matters resolved.

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- Actions to be performed and the possibility of a partial or total termination

- Contract audit, if necessary.
- Applying the knowledge gained to the next projects.

## **Resolution of Conflicts: Examining Your Options**

- Employer remedies, contract claims, and defects liability period
- Contract Termination: Wrongful and Rightful Terminations
- Achieving project conclusion and taking lessons from the results
- The Application of Arbitration Resolution Boards for Construction Contracts.
- Mediation of Claims Arbitration

## **Day 5**

### **Contract Violations and Redress**

- Contractual violations
- Workmanship quality and rework
- Rejection: Complete and Partial
- Penalties and liquidated damages
- Claims for warranties
- Particular problems with turnkey and EPC projects

### **Handling Disputes and Claims**

- Including solicitors
- Overseeing the legal procedure
- Establishing objectives
- Trees of Decisions
- Keeping expenditures under control and considering them