

# Postponement, Duration Extension, and Liquidated Damages

## Extensions of Time and Liquidated Damages in Construction Contracts

### Introduction

If "Parties failing to understand and/or comply with its contractual obligations" is the primary reason for disputes, then everyone involved in a project should be interested in making sure they completely grasp the rights, obligations, and responsibilities they have agreed to.

The management of delays and their effects on projects in the context of responsibilities, liabilities, and entitlements is specifically covered in the Delay, Extension of Time, and Liquidated Damages training course. This will make you and your teams much better prepared to assess and evaluate their respective positions when the time comes to decide what to do.

### **The following will be covered in this training session on Course N Carry Postponement, Duration Extension, and Liquidated Damages:**

- Reasons for the Postponement
- Terminology from Contracts for Efficient Claims Handling
- Liquidated Losses
- Termination and Penalties under Contract
- Interpreting Liquidated Damages Clauses Legally
- How to Apply for Subcontracts
- Both assertions and refutations
- Concurrency and Causation
- Analysis of Delays
- FIDIC Contractual Conditions

### Objectives

### **After completing this training course on Postponement, Duration Extension, and Liquidated Damages, you will be able to:**

- Create contracts with liquidated damages clauses.
- Help the contract management team create a construction contract that works.
- Effectively analyse delays in building contracts

- Create a counterclaim and a claim for a time extension.
- Recognise the language used in contracts relating to time and damages.
- Understand the causes and effects of delay.
- Understand concurrency and causation in relation to claims.
- Gain the abilities and information necessary to draft persuasive claims and counterclaims.

## Training Methodology

Pre-assessment, in-person group instruction, the use of real-world examples, case studies, and exercises, interactive participation and discussion, power point presentation and flip charts, group activities and tests, slides and handouts, and post-assessment will all help the delegates gain a deeper understanding.

## Organizational impacts

**After implementing this Postponement, Duration Extension, and Liquidated Damages training course for their staff, organisations will:**

- Possess the ability to create building contracts that work better
- Cut down on the possibility of expensive lawsuits and/or counterclaims
- Boost the competencies and capacities of the contract management teams.
- Organise the company to use uniform contract language and formulation.
- Possess the ability to recognise and assess delays
- Boost the effectiveness of execution

## Personal Impact

**Attending this training session on Postponement, Duration Extension, and Liquidated Damages will enable attendees to:**

- Improve their comprehension of the jargon used in contracts.
- Possess improved drafting skills for liquidated damages and schedule-related contract provisions
- Acquire the ability to properly draft and comprehend a time-extension claim.
- Develop your ability to draft and comprehend a time-extension counterclaim.
- Possible to utilise standardised contracts in an efficient manner
- Hone their abilities as a member of a team managing construction contracts

## Who should attend?

**A wide range of professionals can benefit from this Course N Carry Postponement, Duration Extension, and Liquidated Damages training course, but the following will be especially helpful:**

- Executives in Construction
- Managers of Contracts
- Teams for Project Management
- Planners, controllers, and schedulers for projects
- Managers of Claims and Employees

## Course Outline

### Day 1

#### Overview of Contractual Time and Damages

- Overview in General
- Legal Advancements
- Contractual Advancements
- Terminology-related issues
- Terms and Guarantees
- Termination
- The Performance Time
- The Crucial Moment

### Day 2

#### Penalties and Liquidated Damages

- General Overview of Penalties
- Resolved Injuries
- Differentiated Liquidated Damages and Penalties
- Initial Damage Estimates
- Specific Penalty Clause Aspects
- Evidentiary Issues
- Bonus Terms
- Costs of Site Occupation

### Day 3

#### Recuperation of Disgorged Losses

- At what point are liquidated damages due to be paid?
- Interpretation of Completion

- Certifications and Situations Previous Example

- Time constraints for recuperation
- Interest for Repayment
- Notices of Withholding
- Decisions Made by Judges

## Day 4

### Reactions and Obstacles to Liquidated Damages

- Extension of Due Date
- Accomplishment attained prior to certification
- No validity for certificates
- Conditions antecedent not met
- No start date specified
- Avoidance
- Penalties
- Clauses null and invalid for uncertainty

## Day 5

### Extensions of Time

- Goals of the Extension Clauses
- Notifications, Requests, and Evaluations
- When to Give Extensions
- Utilising Claims Application
- Evidence of Eligibility
- Worldwide Claims
- Liability of Certification Bodies