Construction Claims Analysis and Defense Strategies Training Course



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Munich

5100 € (Per Person)

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Course Introduction / Overview:

The global construction industry is fraught with complexities, where disputes and claims are an inevitable part of the project lifecycle. This course provides a comprehensive A-to-Z guide on mastering the intricate processes of construction claims analysis and developing robust defense strategies. It moves beyond theoretical knowledge to impart practical, actionable skills essential for navigating the contentious landscape of construction disputes. Drawing upon established principles from industry experts like Roger Gibson, a renowned authority on delay analysis, this program delves into the critical aspects of contract administration, claims identification, substantiation, and resolution. Participants will explore the methodologies outlined in key industry literature, learning to dissect complex delay and quantum issues with precision. BIG BEN Training Center has designed this course to empower professionals to not only prepare and present compelling claims but also to effectively defend against them, thereby safeguarding project interests and minimizing financial losses. This training is an indispensable investment for any professional seeking to achieve proficiency in proactive claims management and strategic dispute resolution, turning potential project crises into manageable challenges.

Target Audience / This training course is suitable for:

- Project Managers and Directors.
- Contract Managers and Administrators.
- Commercial Managers and Quantity Surveyors.
- Construction Lawyers and Legal Counsel.
- Planning and Scheduling Engineers.
- Site Engineers and Managers.
- Procurement and Supply Chain Professionals.
- Consultants and Claims Analysts.
- Government agency representatives involved in public works projects.

Target Sectors and Industries:

- Construction and Engineering.
- Real Estate and Property Development.
- Oil and Gas.
- Infrastructure and Transportation.
- Power and Utilities.
- Government and Public Sector Works.
- Manufacturing and Industrial Projects.
- Telecommunications.

Target Organizations Departments:

- Project Management Office (PMO).
- Contracts and Commercial Departments.
- Legal and Compliance Departments.
- Engineering and Technical Services.
- Planning and Cost Control Departments.
- Procurement and Tendering Departments.
- Finance and Accounts Departments.
- Risk Management Departments.

Course Offerings:

By the end of this course, the participants will have able to:

- Identify potential claim situations arising from contract documents and site events.
- Master the process of preparing and submitting contractually compliant notices.
- Develop a systematic approach for documenting and substantiating claims.
- Analyze project delays using established forensic scheduling techniques.
- Calculate the quantum of a claim, including direct costs, overheads, and profit.
- Formulate robust strategies for defending against incoming claims.
- Effectively negotiate and settle construction disputes to avoid costly litigation.
- Understand the procedures of various dispute resolution mechanisms like mediation and arbitration.
- Proactively implement claims avoidance and risk mitigation strategies on projects.

Course Methodology:

The training methodology at BIG BEN Training Center is designed to be highly interactive, practical, and engaging, ensuring that participants can immediately apply their learning in a real-world context. This course moves away from traditional lecture-based formats to a more immersive experience. A significant portion of the training is dedicated to analyzing real-world case studies, allowing participants to dissect complex claim scenarios and debate potential strategies in a controlled environment. The program incorporates group workshops and team-based exercises where participants will work collaboratively to prepare a claim or formulate a defense, mirroring the teamwork required in actual projects. Expert-led sessions will guide participants through the technicalities of delay and quantum analysis, supported by practical examples and templates. Role-playing scenarios will be used to simulate negotiation and dispute resolution meetings, providing a safe space to practice and refine communication and persuasion skills. Continuous feedback from the instructor and peers is a cornerstone of our approach, ensuring a deep and lasting understanding of construction claims management.

Course Agenda (Course Units):

Unit One: Foundations of Construction Claims

- Introduction to the construction claims environment.
- Common types of construction claims (delay, disruption, acceleration).
- The contractual basis for claims under FIDIC, NEC, and other standard forms.
- The legal framework governing construction contracts and disputes.
- Understanding the roles and responsibilities of parties in a claim.
- Key principles of contract administration for claims prevention.
- The importance of contemporaneous records and documentation.

Unit Two: Claim Identification and Preparation

- Identifying claimable events and triggers.
- The critical importance of notices and time bars.
- Developing a claim strategy and narrative.
- Establishing cause and effect in a construction claim.
- Techniques for gathering and organizing supporting evidence.
- Structuring a compelling and professional claim submission document.
- Effective correspondence and communication during the claims process.

Unit Three: Forensic Delay and Disruption Analysis

- Fundamentals of project scheduling and the critical path method.
- Introduction to forensic schedule analysis techniques.
- As-Planned vs. As-Built analysis for identifying delays.
- Time Impact Analysis (TIA) methodology and application.
- Window analysis and collapsed as-built techniques.
- Understanding and proving disruption and loss of productivity.
- Addressing issues of concurrency and float ownership.

Unit Four: Quantum Analysis and Substantiation

- Principles of calculating claim value (quantum).
- Quantifying direct costs, including labor, material, and equipment.
- Methods for calculating extended and unabsorbed overheads.
- Pricing variations and change orders.
- Substantiating costs with robust financial records and evidence.
- The role of expert witnesses in quantum analysis.
- Presenting the financial aspects of a claim clearly and persuasively.

Unit Five: Defense, Negotiation, and Dispute Resolution

- Strategies for analyzing and responding to an incoming claim.
- Identifying weaknesses in a claimant's submission.
- Developing a comprehensive defense strategy and counter-claim.
- Techniques for effective negotiation and settlement.
- Alternative Dispute Resolution (ADR) methods: mediation and conciliation.
- The role of Dispute Adjudication Boards (DABs).
- Preparing for arbitration and litigation as a last resort.

FAQ:

Qualifications required for registering to this course?

There are no requirements.

How long is each daily session, and what is the total number of training hours for the course?

This training course spans five days, with daily sessions ranging between 4 to 5 hours, including breaks and interactive activities, bringing the total duration to 20 - 25 training hours.

Something to think about:

Beyond contractual clauses and legal precedents, what role does human psychology and negotiation bias play in the successful resolution of high-stakes construction disputes?

What unique qualities does this course offer compared to other courses?

This course distinguishes itself by offering a holistic, 360-degree perspective on construction claims, focusing equally on both claim preparation and defense. Unlike programs that concentrate solely on pursuing claims, this training equips participants with the critical skills needed to analyze, refute, and defend against claims lodged by other parties, providing a balanced and strategically advantageous skillset. The curriculum is built around practical application rather than abstract theory. We emphasize hands-on workshops using real-world, anonymized case studies that reflect the complex, multi-faceted challenges professionals face today. This allows participants to grapple with authentic delay, disruption, and quantum issues. Furthermore, the course delves deep into the nuances of forensic delay analysis and quantum substantiation, moving beyond surface-level explanations to provide a robust understanding of industry-standard methodologies. The focus is on building a strategic mindset for claims management, teaching participants not just how to manage a claim, but how to think critically and proactively to prevent disputes and protect their organization's commercial interests from project inception to completion.