Construction Law and Contract Claims Management Training Course



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Geneva

5900 € (Per Person)

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Course Introduction / Overview:

The global construction industry is characterized by its complexity, high stakes, and the inherent potential for disputes. Effectively navigating this landscape requires a deep understanding of both the legal principles and the practical strategies for managing contract claims. This intensive training course is designed to provide a comprehensive A-to-Z guide on construction law and claims management, transforming potential conflicts into managed outcomes. Drawing on established industry practices and legal precedents, the program delves into the entire lifecycle of a claim, from identification and preparation to negotiation and resolution. As emphasized by experts like Andy Hewitt in his seminal work "Construction Claims & Responses," a proactive and well-documented approach is paramount to protecting contractual entitlements and mitigating financial risks. BIG BEN Training Center has developed this course to equip professionals with the critical skills needed for robust construction contract administration, ensuring they can confidently manage claims, prevent disputes from escalating, and ultimately contribute to successful project delivery in a challenging environment. This program moves beyond theory to offer actionable insights and methodologies for real-world application.

Target Audience / This training course is suitable for:

- Project Managers and Project Directors.
- Contract Administrators and Managers.
- Commercial Managers and Quantity Surveyors.
- Construction Lawyers and Legal Counsel.
- Engineers and Technical Consultants.
- Procurement and Purchasing Managers.
- Planners and Schedulers.
- Dispute Resolution Practitioners.
- Government officials involved in public works projects.

Target Sectors and Industries:

- Construction and Engineering.
- Real Estate and Property Development.
- Oil and Gas.
- Energy and Power Generation.
- Infrastructure and Transportation.
- Governmental agencies and public works authorities.
- Telecommunications.
- Manufacturing and Industrial Projects.

Target Organizations Departments:

- Project Management Office (PMO).
- Contracts and Procurement Department.
- Legal and Compliance Department.
- Commercial and Finance Department.
- Engineering and Technical Services.
- Planning and Cost Control Department.
- Operations Management.

Course Offerings:

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

- Interpret complex construction contract clauses with confidence.
- Identify potential claims and variations early in the project lifecycle.
- Prepare and compile robust claims documentation with proper substantiation.
- Master the techniques for quantifying delay and disruption costs.
- Develop effective strategies for claims presentation and negotiation.
- Analyze and defend against incoming claims from other parties.
- Understand the different mechanisms for dispute resolution, including adjudication and arbitration.
- Implement proactive claims avoidance and risk management strategies.
- Manage change orders and variations in accordance with contractual procedures.
- Effectively draft contractual correspondence related to claims and disputes.

Course Methodology:

The training methodology at BIG BEN Training Center is designed to foster a dynamic and engaging learning environment that bridges theory with practical application. This course moves away from traditional lecture-based formats to emphasize interactive and participatory learning. A cornerstone of our approach is the extensive use of real-world case studies, allowing participants to analyze complex construction claims and dispute scenarios drawn from actual projects. Through collaborative group workshops, attendees will work together to dissect contract issues, prepare claim submissions, and formulate defense strategies, mirroring the teamwork required in a professional setting. Interactive sessions, expert-led discussions, and Q&A panels will encourage the sharing of experiences and provide clarity on nuanced topics. Role-playing exercises will simulate negotiation and mediation settings, providing a safe environment to practice and refine critical communication and dispute resolution skills. Continuous feedback from the instructor ensures that participants can immediately apply the learned concepts, solidifying their understanding and building confidence in their ability to manage construction law and claims challenges effectively.

Course Agenda (Course Units):

Unit One: Foundations of Construction Law and Contracts

- Introduction to the principles of contract law.
- Key elements of a legally binding construction contract.
- Understanding standard forms of contract (e.g., FIDIC, NEC).
- The hierarchy of contract documents and order of precedence.
- Roles and responsibilities of key parties (Employer, Engineer, Contractor).
- Contractual risk allocation and management.
- Interpreting contract clauses related to time, cost, and quality.

Unit Two: The Anatomy of Construction Claims

- Defining a construction claim and its common types.
- Identifying the root causes of claims such as delays and disruptions.
- Understanding claims for extension of time (EOT).
- Analyzing claims for additional payment and loss/expense.
- Exploring variation and change order claims.
- Recognizing claims arising from differing site conditions.
- The critical importance of notices and time bars in the claims process.

Unit Three: Mastering Claims Preparation and Substantiation

- The step-by-step process of preparing a claim.
- Gathering and organizing essential supporting documentation.
- Techniques for cause-and-effect analysis.
- Methods for quantifying delay, including forensic schedule analysis.
- Calculating quantum for additional costs and damages.
- Structuring a compelling and persuasive claim narrative.
- Best practices for presenting the final claim submission.

Unit Four: Advanced Claims Analysis and Defense Tactics

- Developing a systematic approach to evaluating incoming claims.
- Assessing the contractual and legal merits of a claim.
- Analyzing the substantiation and quantification of a submitted claim.
- Formulating a robust defense or counter-claim strategy.
- Drafting effective responses to claims correspondence.
- Techniques for managing and mitigating concurrent delays.
- The role of expert witnesses in claims analysis.

Unit Five: Dispute Resolution and Proactive Claims Avoidance

- An overview of the dispute resolution spectrum.
- Negotiation and mediation as primary resolution tools.
- Understanding the process of adjudication and dispute boards.
- The fundamentals of construction arbitration.
- Litigation as a final resort for resolving disputes.
- Strategies for proactive claims avoidance throughout the project lifecycle.
- Implementing effective record-keeping and project documentation systems.

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:

In an industry where adversarial relationships can easily develop, how can proactive claims management be transformed from a defensive mechanism into a tool for fostering better project collaboration and outcomes?

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

This course distinguishes itself by focusing intensely on the strategic intersection of legal principles and commercial project realities. While many programs cover the theoretical aspects of construction law, this training emphasizes the practical application of this knowledge in high-pressure project environments. We move beyond simply teaching how to write a claim; we cultivate the strategic mindset required to manage the entire claims process, from proactive avoidance to effective resolution. The curriculum is built around a rich portfolio of real-world case studies, allowing participants to grapple with the same ambiguities and challenges they face professionally. A significant differentiator is our focus on the dual perspective of both pursuing and defending against claims, providing a holistic understanding that is crucial for any project stakeholder. The program is designed not just to impart information but to build tangible skills in negotiation, forensic analysis, and strategic communication, ensuring that participants leave with the confidence and capability to protect their organization's interests and contribute to more successful, less contentious project outcomes.