

Protect Your Project & Your Organization Through

# Effective Contract Administration Claims Management & Negotiating Win-Win Settlement of Disputes

Providing Legal-Engineering-Management-Audit Prospective

2 Week Training Program

- ✓ **Designed to Save Your Organizations Millions of Dollars in Claims, Lost Revenue and Project & Business Disruption Costs**

## A 2 Week Training Program

### Program Overview

This program provides a comprehensive practical briefing on the issues and details of effective contract administration, claims management and negotiating settlements through a unique multidiscipline (Technical-Legal-Management-Audit-Finance) look at the issues. All Effective Business Contract Decisions take into account Multi-discipline Inputs.

Expertise Developed: understand good contract administration practices, understand the contractual issues on real contracts, understand the Technical-Legal-Management Concerns on Contracts, make correct interpretation of contracts, know when to seek legal opinion, identify situations that could lead to increased liability for his organization, properly document situations to the extent required to protect his company's interests, recognize actions and inactions that lead to wastage of contract time & resources. He will get a winning prospective of the Legal-Technical-Audit-Planning-Management concerns enabling win-win decisions.

### Program Content

(Sequence Subject to Customization by Instructor/s)

### Module 1

1. The Management-Engineering-Legal-Scheduling-Audit Issues on Contracts.
2. Rights, Duties and Implied Obligations of the Parties under:-
  1. Your Contract
  2. Under Local Laws Regulations
  3. Under International Law
3. Rules and Doctrines of Precedence and Interpretation of Contracts Contractual Obligations
  1. As decided by Courts
  2. As applied by Arbitrators
  3. Interpretations during Contract Execution

### Module 2

1. For Typical Works Supply Contracts - Clause-by-Clause Discussion of:
  1. Implication of the Contract Provisions the Way they are to be Analyzed
  2. Procedures Notices
  3. Documentation requirements
  4. Claim Risk Areas
  5. What Risks can (and can not) be transferred
  6. Productivity Issues
  7. Management Concerns

2. Making Tendering Procedures More Effective:-

1. Prequalification Procedure
2. Tendering Procedure, Public Tender Law
3. Tender/Bid Evaluation

3. Transferring Risks not legally effective Just by Drafting...

1. When Risk Transfer is actually considered Complete in Law?

**Module 3**

1. Advantages, Disadvantages and When to Use:

1. Cost Reimbursable Contracts
2. Fixed Price/ Lump Sum, Bill of Quantities
3. Construction Manager Contracts
4. Single General Contractor, Multiple Prime
5. Fast Track Contracting
6. Turn Key Contract, EPC, BOLT
7. Joint Ventures

2. Design Supervision Contracts

1. How to protect your interests.. the issues
2. Selection, Managing, Audit Control of Consultant's Design Activity.
3. Consultant Contracts: Analysis and Contract Administration. Conditions to Check for and Include to Protect Owner's Interests.
4. Consultant's Insurance, Exclusions Warranties.

**Module 4**

3. **Contract Administration Review - the bigger picture** - Engineering/ Management/ Legal/ Audit Viewpoints.

4. **CLAIMS ON PROJECTS**

1. Nature of Claims
2. Constructive Variations Issues
3. Liability Establishment
4. Causation Proof

5. Damage Quantification

6. Mitigation Responsibility

7. Tests to Check Reasonableness.

**Module 5**

1. Schedules CPM Techniques for Causation Establishment...

1. Contractual Aspects of the Different Project Schedules: Tender, Mobilization. CPM, Monthly-Weekly- Daily Schedules
2. CPM: Scheduling Application
3. Real-life Limitations (Practicality)
4. Schedules/CPM to Establish Causation
5. Approval Issues: CPM Schedules
6. Impact Calculation - Delays Disruption
7. Productivity and Management Concerns

**Module 6**

1. Fair Reasonable Price Determination and Impact Calculation (VO's Claims)
2. Direct Costs
3. Indirect Costs, Overheads
4. Other Contractual Factors to Consider
5. Methodology, Techniques and Contractual/ Legal Allow ability (Entitlement) Rules for Development and Analysis of Rates/ Prices Used in VO's Claims

**Module 7**

1. Managing Meetings For Negotiating Settlement of Disputes Claims
2. Negotiating VO's Claims
  1. Preparation
  2. Presentation
  3. Deadly Negotiating Skills
  4. Games/Tricks Others May Play
  5. Bargaining Strategies Tactics
3. Dispute Resolution
  1. Options, Contractual Arrangement
  2. Settlement by Negotiations
  3. Mediation, Arbitration, Courts

4. Cost-Benefit Considerations
5. Management Audit Concerns
4. Worthwhile Project Closedown Reporting
5. Management Auditing of a Contract to Identify, Measure and Evaluate Performance Bottlenecks and Suggest Improvements.

#### **Program Outcomes and Take-Away/s**

Euro Training is in the business of providing practical useful training programs. Programs that

1. Help the participant implement improvements in his organization.
2. Help the participant gain Multi-discipline understanding of the issues so that he can incorporate the needs and expectations of all his stakeholders/ customers in his improvement proposals and actions.
3. Help build a knowledge framework in which job related experience can be caught and remembered as his experience.

**Typical participant will take away a personalized action plan** for himself, his business unit or his organization on how to apply the program contents to improve performance. The action plan may have two components:

1. A Personal Action Plan
2. A Business Unit/Organizational Action Plan

#### **Benefits to Organization**

Sending participant/s to this program will benefit the organization in the following ways

1. Quickly makes the participants competent, effective and productive on his job. Useful especially for
  1. Training New employees
  2. Competency Building in Existing Employees Transferred to a New Assignment

3. Training Prior to a New Project or Initiative Planned in the Organization
2. Create Competency in the employee to perform his job well. including in relation to
  1. Relevant Technical Knowledge, Skills and Competencies
  2. Organizations' Strategic Objectives
  3. Needs and Expectations of the Stakeholders/ Customers (internal & external)
  4. Good Management Practices
  5. Identifying opportunities to Exceed Stakeholder/ Customer Expectations
3. Create a pool of trained manpower that can cost-effectively disseminate the knowledge to large number of employees inside the organization. This is made possible by Euro Training's unique easy to understand and use methodology based on Checklist & Quality Assurance Approaches.
4. Euro Training Instructors often act as mentors for your trained employees. A most effective way to ensure effective competency development and application by your motivated staff. We do have consultants available across Americas, Europe, Asia and Africa (Please inquire about our post program mentoring plans)

#### **Participant Individual Career Benefits**

1. You gain a multi-discipline understanding of the issues. Meaning when you make proposals and decisions on your related job you will keep in mind the needs and expectations of ALL the stakeholders/ customers (internal & external)
2. The action plan you take away will help you make a difference in your business unit or organization. This

difference when added to your resume will make you a prime candidate for career advancement in your own organization or in your next job/s.

### NEEDS ADDRESSED BY THIS PROGRAM

If you have the following situations existing on your projects, you could save very substantial sums of money by sending your participants to this program.

#### The Project, Contract Procurement Staff...

- Often fail to understand the Full Implications of the Express and Implied Contract Terms. Often getting influenced by other party's reasonable sounding but contractually irrelevant arguments.
- They fail to recognize situations where they could be increasing liability of their employer by acting in what they mistakenly perceive to be 'fair' or 'As-per-contract'.
- They often fail to identify and properly document situations where their employer could be entitled to protection from owner, contractor, consultant or supplier claims, or, recover their own additional costs.
- They often mistakenly follow an approach that leads to wastage of time and/or resources of the Owner, Contractor, Supplier or Designer leading to lower productivity on the project for which ultimately their employer pays.
- They fail to timely settle problems/disputes that later leads to large impact claims due to waste of resources
- They often lack the "Management prospective" when taking decisions- the long term costs/benefits to their organization.
- They tend to get into conflicts with their Management, Legal or Audit Departments due to misunderstanding of the concerns of these departments.

### For Training / HRD Managers

This Program is Specifically Focused and has been Rated excellent by most participants from the Project Organizations, Multinational Corporations, Oil Industry, Government Departments Ministries, Development Organizations, Utilities, Financial Institutions, Major Contractors and Designers.

**This Program is warranted** to Increase the Knowledge, Productivity and Effectiveness of: All Project/ Procurement/Legal Professionals, Engineers, Supervisors, Managers, Lawyers, MIS Executives, Project Auditors/Planners/ Analysts/Q.S..

A Program that Prepares the participant for the Challenges of the Next Century!

### According to Past Participants this Program's 30+ year Success is Due To...

- Unique Program Design Including Integrated Coverage of Topics from Legal-Engineering-Management Viewpoints
- Highest Quality Expertise of Program Director/s - Technical, Communication Technology Transfer.
- Practical Procedures and Checklists Approach to Solving Contractual Problems.
- FULLY FOCUSED - Discussion, Implementation and Case Studies are based on Actual Contracts.
- Coverage of Latest developments, Techniques, Data sources.

### For Schedule Email

caa301@EuroTraining.com

www.eurotraining.com/bro/caa301.php

<b>REGISTRATION FORM</b>	
<b>Program:</b>	Effective Contract Administration Claims Management & Negotiating Win-Win Settlement of Disputes Training (CAA301)
Location Where Attending:	
Program Dates:	
Whether Participant will Consider Alternate date if one requested is not available:	
Participant Name Prefix: Mr/Ms/Mrs	
Participant Name:	
Participant Job Title:	
Participant Department & Section:	
Participant Employer/ Company:	
Participant's Present Job Responsibilities:	
Participant Email Address:	
Participant Mobile Number:	
<u>Sponsored by:</u>	
Sponsoring Company:	
Job Title of Sponsoring Authority:	
Name of Sponsoring Authority:	
Email of Sponsoring Authority:	
Fax of Sponsoring Authority:	
Telephone Nos. of Sponsoring Authority:	
Web Site of Sponsoring Company:	
Invoice Reference:	
Invoicing Address:	

## REGISTRATION INFORMATION

- To register:** Please send us an official letter confirming registration (on organizational letterhead or Authorized Email).
- Program Fee is
  - USD \$8,900 per participant and includes Course Materials, Certificate, Refreshments and Lunch. (Fee is \$9,790 at London, Paris, Singapore and Kuala Lumpur)
- Accommodation & Taxes/VAT (if applicable) is not included in Program fee. Special rates will be available at venue hotel for the participants.
- Special discount of 10% is offered for participants who pay their fees at least 45 days before start of the program.
- Refund will not be considered where the participant cancels his registration less than 3 weeks before start of the program. Alternate nominations will be allowed anytime before program start.
- All participants are required to fill in Participant Information form - on first day of the program. Each program Undergoes Customization to Better Meet Participant Present and Future Career Needs. Please be prepared to let the Instructor/s know about your organization's Special Needs, Interests or Initiatives.
- It is always useful for participants to bring their existing problems or case studies, work-process flow charts or job related problems for discussion - consideration will be at sole discretion of the program director/s.
- Provisional Registration:** You can make a provisional registration by sending us an email – an official registration request can be made within 2 weeks. This will ensure we will reserve a seat. All provisional registrations automatically cancel 2 weeks before program start.