

Protecting Your Organization & Project Through Effective

Claim & Counter-Claim Management Including Win-Win Settlements

2 Week Training Program

- ✓ **Preparing and Analyzing Claims**
- ✓ **Understanding the Multi-Discipline Issues for Organization**

A 2 Week Training Program

Program Overview

Claims are common on Construction, Service and Maintenance Projects. 99.99% of these get sorted out through negotiations. The negotiated settlements depend on the effectiveness of the negotiation preparation process in your organization. Preparation for negotiations must essentially follow the same methodology as for resolving the dispute in a court of law or arbitration.

Simplistic view of claims is dangerous - it often leads to insufficient protection of your organization's interests.

This Program Can Save Your Organization Substantial Sums which would have been paid as Claims, Delays and Consultant Fees. Claims are Changes in Contract Works whose Liability, Cause or Impact have not been agreed between the Owner and the Contractor. The Claimant has the burden of proving the Liability, the Impact of this Liability Action and the Additional Costs suffered as a consequence. Calculating time impact and additional allowable costs is an important area covered in this program. The Claimant and the party analyzing the claim lose large sums due to default caused by not understanding the calculation methods available and their legal acceptability as a

reasonable proof. Also covered are the Concurrent events mitigation responsibilities because of their impact on Allowable Additional Costs.

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This Program Can Save Your Organization Substantial Sums which would have been paid as Consultant Fees and Spurious Claims to Contractors.

Claim & Counter-Claim Management Training Workshop (CPP305)

Program Content

1. What are Claims?
2. What are Counter-Claims?
3. Disputed Variation Orders
4. Constructive Changes leading to Claims
5. Fundamental Principles Involved in Claims:
 1. Proving Liability
 2. Proving Causation
 3. Proving Damages and Injury Caused (Quantified)
6. Standard of Proof Required: Preponderance Standard.
7. Causation. Checking Causation Evidence to Enable a Rebuttal of Contractor's Claim. Causation is Linking "Liability" to Disruptive Occurrence. Proof of Causation requires proof of the connection between the "change" and the "delay in completion and/or cost increase".
8. Tools and Methods for Showing and/or Checking for Satisfactory "Causation" Proof : Schedules, Critical Path Method (CPM), As-built Schedules, Expert Witness. How to Prove Linkage between "Liability" and Resultant "Injury or Damages" that May be Caused including Delay, Disruption of Work, Interference, Inefficiency, Acceleration, Constructive Acceleration, Productivity Loss, Mobilization, Re-mobilization, Concurrent Working, Idle Resources, Additional Storage, Price and Labor Escalation, Unavailability of Skilled Manpower, Ripple Effect, Overtime Working, Procurement Costs, Inefficient Use of Resources, Injury to Workmen. etc..
9. Recovery of Claim Damages/Loss : A Claim Settlement is proper when it leaves the contractor and the owner in the same relative cost and profit (or loss) positions they would have occupied had there been no change. Profit on the unchanged work remains intact. The party liable for the change keeps the other party whole.
10. Quantification Methods for Claims: Lowest Possible Price, Lowest Reasonable Price, Reasonable Price, Estimated Price, Actual Cost, Fair Market Value, Contractor's Current Cost or Pricing Data, Contractor's Tender Breakdown, Formula Pricing vs Total Pricing, Work Methods Used. Dealing with : Honest Mistakes and Errors, Exercise of Discretion, Deleted Work, Contractor's Low Cost Innovations, B.O.Q., Unbalanced Bid Items, Overhead, Profit, Subcontractor's Works, Specific Contractual Limitations on Recovery, Special Damages, Defective Performance, Commercial Waste, Claim Presentation Expenses, Total Cost Approach, Total Productivity Loss Approach, Expert Witness Method.
11. Preparing Analyzing the Claim Document: Skills in Putting the Claim Document Together as well as Pulling It Apart. Effective Presentation, Checklists, Getting Ideas.
12. Steps in the Claim Preparation Process. Preparation and Analyzing: Quality Assurance in Preparation and Analyzing Plans.
13. Effective Presentation of Claims and Counter Claims. Arbitration : Provisions and Procedures. Benefits and Economics of Negotiated Settlements, Win-Win Philosophy.
14. Negotiated Settlement of the Claim: Each party has "expectations" linked directly to its own perception of one's and other's strong and weak points. You have the job to change the "expectations" of the other party - How Expectations can be Changed?
15. Pre-Negotiation Planning : Detail requirements and analysis of the contractor's estimate. Contractor's cost and price data. Audit of Contractor's cost data. Preparing independent estimates. Sources for independent estimates. Establishing flexible negotiation strategies.

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16. Conducting Negotiations. Some Effective Negotiation Tactics and Tricks People Use : Consider using them, Countering them.

17. Workshop : Hands on Claims Preparation & Analysis

18. Program Recommendations

19. Setting up Early warning system to Provide Decision Support Data

20. Workshop Case Studies 1

21. Workshop Case Studies 2

22. Program Recommendations

23. An Individualized Action Plan for each Participant.

1. Quickly make the participants competent, effective and productive on their 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

Individual Career Benefits for Participants

1. You gain a multi-discipline understanding of the issues. That means, when you make proposals or decisions on your job, you will keep in mind the needs and expectations of ALL the stakeholders/customers (internal and external).
2. The action plan you take away will help you make a difference in your business unit or organization! When you talk about this difference you have made to your organization in your resume, you will be a prime candidate for career advancement in your own organization or in your next job(s).

Program Outcomes and Takeaways

Euro Training is in the business of providing practically useful training programs.

Programs that -

1. Help the participant implement systems in his organization
2. Help the participant gain *multi-discipline* understanding of the issues related to Claim & Counter-Claim Management so that he can incorporate the needs and expectations of all stakeholders and all his 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

A 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.

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-

Registration Recommendations

Team Nominations: This program aims to ensure the participants have their individualized improvement plan at the end of the program. So, foreseeing the effort involved, anticipating resistance and implementation requirements, it is recommended that the organization nominate **at least two participants together** (three will be more desirable) for this program.

Single nominations will also be accepted for the program.

For Latest Program Schedule Email

cpp305@EuroTraining.com

www.eurotraining.com/bro/cpp305.php

REGISTRATION FORM	
Program:	Claim & Counter-Claim Management Including Negotiating Win-Win Settlements Training Workshop (CPP305)
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:	
Sponsored by:	
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

1. **To register:** Please send us an official letter confirming registration (on organizational letterhead or Authorized Email).
2. Program Fee is
 - o USD \$8,900 per participant and includes Course Materials, Certificate, Refreshments and Lunch. (Fee at London, Paris, Rome, Singapore and Kula Lumpur is \$9,790 per participant)
3. Accommodation & Taxes/VAT (if applicable) is not included in Program fee. Special rates will be available at venue hotel for the participants.
4. Special discount of 10% is offered for participants who pay their fees at least 45 days before start of the program.
5. 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.
6. 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.
7. 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.
8. **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.
9. Please note: No Live Voice Requests for Registration or Provisional Registrations.