

# Claim & Counter-Claim Management Workshop Training

- ✓ **Negotiating Win-Win Settlement**
- ✓ **Multi-Discipline Issues of Concern to Claim Professionals**

## A 2 week Training Program & Workshop

### 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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### Program & Workshop Content

- What are Claims?
- What are Counter-Claims?
- Disputed Variation Orders
- Constructive Changes: Increased Performance Requirements:-
- Delays, Acceleration, Deceleration, Interruptions, Unit Price Manipulations, Quantity Revisions, Value Engineering Clause Changes, Premium Time, Owner Furnished Materials and Equipment, Access to Site, Working Conditions, Quality of Workmanship, Defective Work, Weather Water, Loss of Efficiency, Discrepancies in Plans Specifications, Drawing Errors, Wasted Effort, Escalation, Emergency Work, Out of Scope Changes, Suspension of Work, Termination for Breach, Termination for Convenience, Denial of Early Completion, Improper Rejection, Denial of Time Extension, Out of Sequence Work, Defective Specifications, Ambiguities, Idle Resources (men and equipment), Failure to Approve Timely, Failure to

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- Approve, Wrongful Rejection, Moving Resources, Design Errors, Revised Owner Requirements, Engineering Cost, Reengineering Costs, Failure to Pay, Improper Rejection, Out of Season Work.
- Fundamental Principles Involved in Claims:
    - Proving Liability : Legal Basis of Right - Contractual Clause or Implied, Proving Breach has Occurred, Notices, Form for Proving Liability in Preparation and Evaluation Claim Document.
    - Proving Causation : Connection Between Change and Cost Increase. Tools and Techniques Available. Form for Proving Causation in Preparing and Evaluating Claim Document.
    - Proving Damages and Injury Caused (Quantified): Methods for Quantification of Damages and Injury.
  - Standard of Proof Required: Preponderance Standard.
  - 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".
  - 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..
  - 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.
  - 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.
  - Preparing Analyzing the Claim Document: Skills in Putting the Claim Document Together as well as Pulling It Apart. Effective Presentation, Checklists, Getting Ideas.
  - Steps in the Claim Preparation Process. Preparation and Analyzing: Quality Assurance in Preparation and Analyzing Plans.
  - Effective Presentation of Claims and Counter Claims. Arbitration :

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Provisions and Procedures. Benefits and Economics of Negotiated Settlements, Win-Win Philosophy.

- 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?
- 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.
- Conducting Negotiations. Some Effective Negotiation Tactics and Tricks People Use : Consider using them, Countering them.
- Workshop : Hands on Claims Preparation & Analysis

### 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 who 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.

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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.
3. Understanding and acting with understanding of the Needs and Expectations of your stakeholders/customers is known to enhance Job Satisfaction and reduce Monday Morning Blues.
4. As one of your stakeholders/customers is Executive Management, therefore the program ensures you will know the Strategic Imperatives that Drive the Organization's Efforts in your relevant job area. In the process enabling you to make a leadership contribution.

### This Program is Intended for...

**Those new to the field** take away a good multi-discipline understanding of the issues involved in the program works. It helps them become productive quickly and builds in them a knowledge framework that will help identify, understand, classify and remember on the job experiences in his memory.

**More experiences participants** take-away an individualized action plan as mentioned elsewhere in this technical sheet.

**Implementation Teams:** This program can be used to train implementation teams where...

1. a new project or initiative being started in your organization
2. a new strategic focus is being initiated
3. just prior to a Consultant being hired to advise the organization.

Each participant will take away a memorable and potentially life changing experience from the program.

No limitations are being placed on who can attend. If you are interested in the Program Outcomes and Takeaways, or, feel you can benefit from the Organizational and Personal Benefits mentioned above - You are Invited to Register for this Program. Program Instructors have the knowledge, experience and access to resources required to customize the program to the specific job related needs of each program group.

All Professionals Working for Engineering, Construction, Services, Purchase or Maintenance Contracts. It will also be extremely useful for Project Managers, Project Lawyers, Quantity Surveyors, Contract Administrators, Coordinators, Engineering Department Managers, Purchase Managers, Planning Engineers and Senior Executives.

### Language of Instruction

Unless otherwise stated the program instruction is in Standard Day-to-Day English. Participants can request the instructor to provide a program vocabulary which will ensure they have no problem understanding the content.

Other language versions are being developed by our consultants and regional partners including program in **French, German, Spanish and Arabic**. Please do contact us for your specific language needs.

### Latest Program Dates

- [www.EuroTraining.com/bro/cpp305.html](http://www.EuroTraining.com/bro/cpp305.html)
- [www.EuroTrainingUK.com/bro/cpp305.html](http://www.EuroTrainingUK.com/bro/cpp305.html)

REGISTRATION FORM	
Program:	Claim & Counter-Claim Management Workshop Training (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

- 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 at London, Paris and Kuala Lumpur is \$9,790 per participant)
- 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 participants 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.
- Please note: No Live Voice Requests for Registration or Provisional Registrations.