



Managing Change Orders And Contractual Claims

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Transforming
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Why Attend

The overall aim of this course is to provide participants with introductory knowledge and basic skills needed to deal with claims, variations and disputes between the principals and the contractors. Participants in this interactive course will learn how to analyze contractual issues, identify techniques that are helpful in handling difficult situations and recognize the best practices in resolving disputes amicably.

Course Methodology

This course relies on the use of individual and group exercises aimed at helping participants learn all key contract management activities. The course also features the use of a number of case studies, presentations and role plays by participants followed by discussions. In addition, this course incorporates pre and post testing.

Course Objectives

By the end of the course, participants will be able to:

- Identify and avoid causes for contractual claims and change orders
- Outline the major types of change orders and draft a variation order and a notice of breach
- Recognize and analyze the different types of owners' claims and contractors' claims and explain how to deal with each type
- Demonstrate, through actual situations, the different approaches to handle claims, variation orders and conflicts through mutual collaboration
- Apply negotiation as a main concept in resolving disputes and conflicts in order to reach a final settlement

Target Competencies

- Contract preparation
- Handling claims
- Change management
- Technical terms and conditions
- Negotiating contracts
- Conflict management
- Contract administration



Course content

Course Outline

Overview of Contracts, Changes, and Claims

Basic concepts in contract law:

- Force majeure
- Notices: The neglected clause
- Breach of contract
- Right to remedy
- Indemnifications and liabilities

Why do claims and changes occur: The red flags

Change Management

- Common causes for changes
- Requirements of change management
- Types of changes and variation
 - Directed changes
 - Constructive changes
 - Cardinal changes
- Writing a variation order

Types of Claims

- Drafting a notice
- Owner's claims
 - Defective work
 - Warranty claims
- Contractor's claims
 - Changed conditions
 - Constructive changes
 - Delays and suspensions
 - Deficiencies in plans and specifications
 - Program extensions
- FIDIC claims

Evaluation of Claims

- Time-related claims
 - Excusable and non-excusable delays
 - Evaluating delays
- Cost-related claims
 - Cost calculations
 - Drafting a claim

Resolving Claims and Disputes

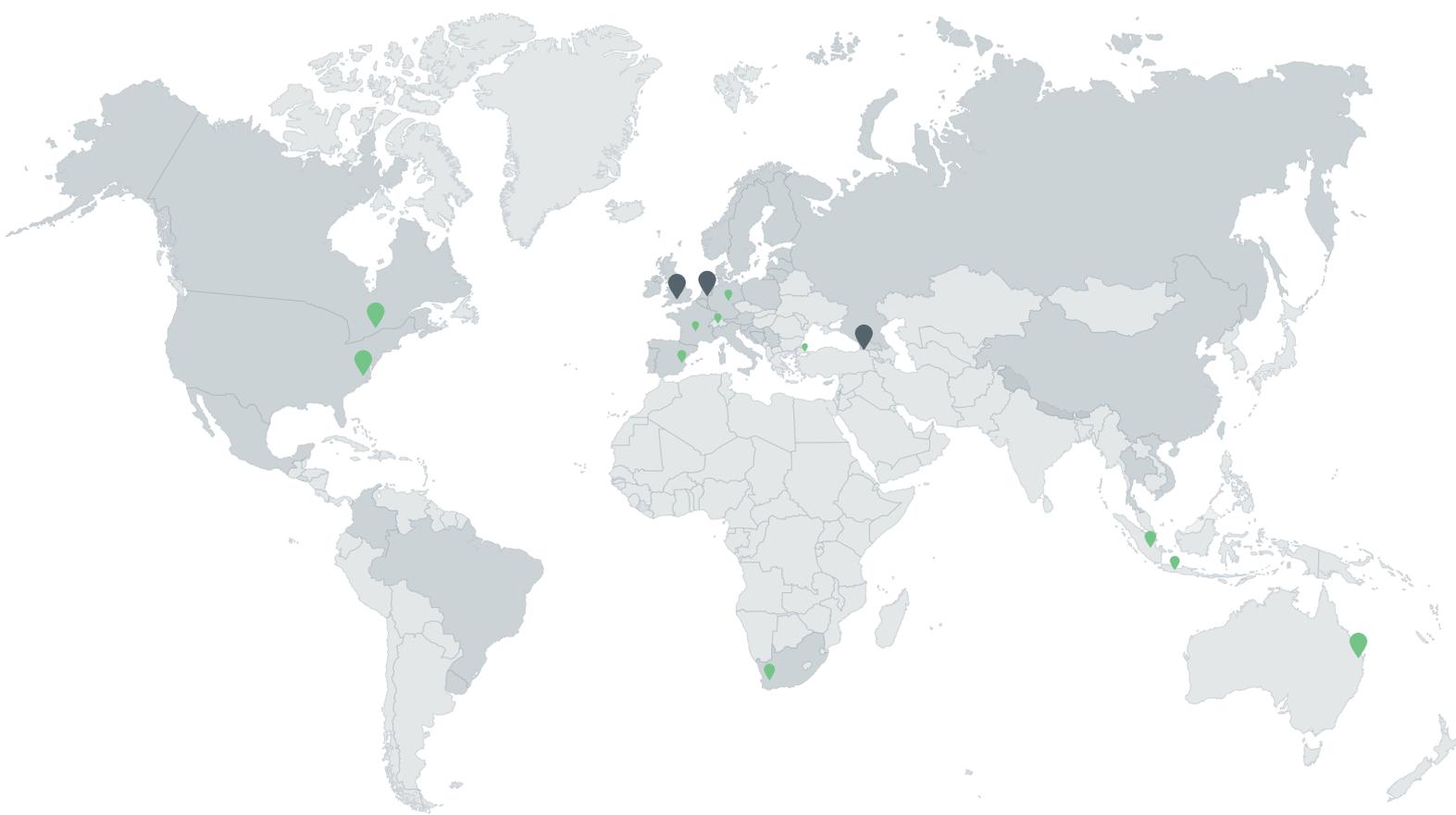
- Negotiation: Common practices
- Reaching a settlement
- Alternative Dispute Resolution (ADR):
 - Mediation: Neutral third party
 - Arbitration: Binding and non-binding
- Resolution through legal means
- Contract interpretation

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