

€ TRAINING

Management of Contracts & Contract Claims



Management of Contracts & Contract Claims

Introduction:

While the object of international contracting is to write and manage contracts to minimize disputes, some disagreements are inevitable. These can arise from failures by one of the parties, but also often arise from misunderstandings as to obligations under the contract.

This program will look at how claims and counterclaims arise; how they can be reduced or avoided by good contracts management; how they should be evaluated when received, or prepared when being delivered and how to resolve disputes arising from such claims. It will also, and most importantly, look at ways of avoiding disputed claims in the first place.

All of these processes, and indeed, claims and counterclaims generally, become more complicated when placed in an international context. This is particularly the case where a foreign law and/or legal system is involved, with which you may not be familiar, and which may include rules which conflict with those of your own country.

Conference Objectives:

At the end of this conference the participants will be able to:

- Understand how and why claims and counterclaims arise
- Explain the differences between claims and counterclaims
- Identify common causes of claims and disputes, and how to avoid them
- Discuss how to develop contracts management procedures to avoid disputes over claims and counterclaims, while resisting unjustified claims
- Increase working knowledge of legal implications and potential problems with foreign legal systems
- Improve the ability to reduce the risk of claims and disputes

Targeted Audience:

- Contracts and Contract Administration Professionals
- Tendering and Purchasing Professionals
- Engineering, Operational and Maintenance Professionals
- Project Managers
- Finance Personnel

Conference Objectives:

Unit 1: How Claims and Counter Claims to Arise:

- Causes of typical claims
- Poor drafting of requirements
- Acceleration
- Variations
- Extension of time
- Force majeure
- Overview of main contractual provisions relevant to claims and counterclaims

Unit 2: Types of Claims and Counter Claims:

- Types of claims, in construction and other areas - and their distinctive features
- Re-measure disputes
- Variations - disputes on valuation
- Variations - disputes as to whether there is change
- Breaches of contract
- Quality of workmanship
- Re-work
- Rejection of goods
- Full rejection
- Special issues with documentation in EPC and turnkey contracts
- Special issues with EPC/Turnkey contracts

Unit 3: Presenting and Evaluating Claims and Counter Claims:

- Requirements for claim presentation
- Notices
- Timing, and time limits
- Are time limits binding?
- Warning signs of disputes
- Recording claims
- Reviewing claims
- Managing claims quickly and effectively to avoid disputes
- Managing claims and disputes
- Involving lawyers
- Managing the legal process
- Setting goals
- Decision trees
- Controlling costs - and including them in your thinking

Unit 4: Dispute Resolution:

- What is a dispute?
- Introduction to dispute resolution methods and techniques
- Stage negotiation - setting up internal dispute resolution within the contract
- Measures of success - win-win negotiation
- Understanding what constitutes a "win" for you
- Bargaining
- Defusing conflict
- Personality clashes and how to avoid them
- Domestic
- International
- Single or panel
- Enforcement

Unit 5: Issues with evidence and production of documents

- Mediation
- Med/Arb and Arb/Med
- Adjudication
- Expert determination
- Pendulum arbitration
- Conflict and its resolution
- Differences between alternative dispute resolution methods
- Ethical concerns
- Audit trails
- Avoiding disputes
- Avoiding litigation and arbitration