

€ TRAINING

The Resolution of Disputes and Claims



29 April - 3 May 2024
Kuala Lumpur (Malaysia)



The Resolution of Disputes and Claims

REF: U1421 DATE: 29 April - 3 May 2024 Venue: Kuala Lumpur (Malaysia) - Fee: 5300 Euro

Introduction:

It is clear that the establishment of government departments, institutions, companies, and bodies of all types when designing and building contracts and analysis of the contractual claims arising from the implementation and settlement of disputes generated in the stage of implementation of contracts relating to contracting or transport contracts or receive services, works of art or consulting studies resort to one of the methods The contract is legally known according to the regulations of tenders and auctions. It is certain that the stages of the contract are surrounded by many procedural aspects and practical problems that specialists have to keep in full detail. In addition, careful and thorough consideration of the practical applications of the most recent contracts entered into by the administration, whether public utility contracts, public works contracts, or supply contracts, is important in order to take into account all administrative and legal aspects of such contracts.

Course Objectives:

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

- Study of the negotiation, its procedures, strategies, and tactics.
- Administrative law functions.
- Sources of law.
- Contract and engagement phase.
- The role of advanced techniques in administrative investigations.
- Study the contract in its three stages, starting with contractual negotiation, then drafting the nodal, and then implementing it.
- Study of the general tender method, stages, procedures and cancellation, and the effects of cancellation.
- Legal law and disputes
- Take full account of the details of the other seven contracting modalities.
- Methods and techniques of administrative investig
- An accurate understanding of the legal and administrative aspects of tenders.
- Take note of all the gaps that occur during the tender process and how to address them.
- The relationship of administrative law to other laws.
- Solve practical and procedural problems related to different contracting methods.
- Study the most famous contracts concluded by administrative bodies and their practical applications.
- Study of the nodal claims, methods of analysis, progress, and documents.
- Know the rights and obligations of the contractor with the management.

Targeted Audience:

- Legal Managers, Legal Counsel
- Commercial and Business Managers
- Contracts Administrators, and Managers
- Commercial, Financial and Insurance Professionals
- Project and General Management

Course Outlines:

Unit 1: The Importance, Strategies, and Stages of The Contract:

- The importance of contracts
- Definition of civil contract and administrative contract.
- Contract Divisions.
- Areas of contracting
- Photos of management contracts
- Stages of the three decades.
- The legal terms of the contract
- Elements of the contract.
- Disadvantages of contractual will.
- Characteristics of Contract Formulation.
- Formal and objective conditions for drafting the contract.
- How to formulate the nodal professionally.
- How to correct common mistakes in drafting.
- How to plan for nodal projects.
- Factors of success and effectiveness of the contract
- Rules of supervision and follow-up of the contract
- Ceremonies and the declaration of contracts.
- International sales contract.
- Terms of delivery according to ICC rules Incoterms
- General provisions in contracting.

Unit 2: Procedural Aspects and Practical Problems in Contracts:

- The necessary controls in the conditions booklet.
- Availability of financial allocations.
- Ruling on making reservations in tenders.
- Previous Consultation.
- Negotiations with bidders.
- Previous Approvals
- Bid exclusion cases.
- Contracting with members of the National Union for Construction.
- Ruling on shortening the deadline for tender in the tender
- Ruling on awarding the tender by fax.
- The rule of tender includes the acceptance of a reduction of a percentage of the lowest bid.
- Modifying tender
- Provisions regulating insurance in the administrative contract.
- Writing as a condition in the administrative contract.
- Implications of business interruption due to a lack of financial support.
- Management authorities in the face of the contract

Unit 3: Rights of the Contractor with the Department:

- The right to supervision and guidance
- Get a physical return.
- Right to amend contract terms
- The right to obtain some compensation.
- The right to impose sanctions on the contractor
- The right to the financial balance of the contract.
- The right to cancel the contract.
- Theory of the Prince's work.
- The theory of unexpected financial difficulties.

- Theory of emergency conditions.
- Termination of contract with management.

Unit 4: Analysis of Nodal Claims:

- Claim definition.
- Claim Entry Strategy.
- The way of making
- The Bottom Line
- Types of claims.
- Sources of claims in construction contracts:
- What the claim items should address.
- Failure to pay the advance payment on time.
- Increase cost.
- Failure to pay the abstracts on time.
- Steps to analyze the claim.
- Losses due to a price increase.
- Documents to be found in the process file. - Losses due to force majeure.
- Documenting and settling claims.
- When can you claim
- Selection of a consultant?
- Review claim. - Contract.
- Payments are delayed by the owner and are the cause of the claim. - Building materials.
- The risks to the owner in any contract - the execution of the contract.
- Owner's claims of the Contractor and its causes.
- There are not enough records.
- Contractor claims from the owner and their causes
- New laws.
- Claims with subcontractors
- Price fluctuations
- Employment problems
- the majeure force
- Extreme weather swings.
- Change commands
- Types
- Conditions of change order within contract content within the scope of work
- Conditions of Change Order Outside Contract Content Beyond scope of work
- Timing and value of change orders.
- How to avoid claims
- What the Contractor Should Do.
- Claims split.

Unit 5: Methods of Resolving Disputes Arising From Construction Contracts:

- Friendly settlement.
- Settlement through arbitration.
- Judicial settlement.
- Rules of Conciliation
- Foundations of a friendly settlement.
- Friendly settlement procedures
- Characteristics of conciliation rules.
- Arbitration system in construction contracts.

- Definition of International Commercial Arbitration.
- Its importance as a special dispute resolution system.
- Arbitration has an increasing role in resolving structural disputes.
- The six considerations that make arbitration the best method in engineering disputes.
- The Five Principles of Arbitration.
- Parties involved in the arbitration process.
- Conditions to be met by the arbitrator
- The nature of the arbitration agreement.
- The legal nature of the arbitration.
- Effects of recourse to arbitration.
- Legal conditions for arbitrators.