

Advanced Management of Complex Changes and Claims in Construction

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1. Course Overview

Course: Advanced Management of Complex Changes and Claims in Construction.

Level: Professional

This course includes a discussion of changes on the impact, awareness and claims perspective. This will present and introduction onto the claims and differences of civil and common law. As an advance course the program will focus on the purpose, principals and methodologies of the notification program and then align to the contract formation which impacts analysis the claims are based on the standard variation and claims programs:

- Disputed Variation Claims
- Constructive Variation Claims
- Differing / Unforeseen Site Condition Claims
- Suspension / Stop Work Claims
- Constructive Suspension of Work Claims
- Force Majeure Claims
- Delay Claims
- Acceleration Claims
- Constructive Acceleration Claims
- Termination of Work Claims
- Termination for Default Claims

The course also includes a discussion of the contract formation and impact on the analysis; legal definitions on what is a change order based on both common and civil laws, which helps develop a review of processes and the initial mitigation techniques.

Eligibility requirements: A good understanding of Project management environment associated with contracts and claims .

2. Course Objective

The objective of this two-day course is to provide information for both employers and contractors concerning entitlement, causation and damages / quantum for each of the basic types of claims. Attendees will learn how to prepare valid claims and/or defend against on-meritorious claims they will be presented with working case studies on the claims process and the keys to successful change and claims program. The overall purpose of the presentation is to help advanced techniques to manage construction claims on the project site – and not in the courtroom years later.

This seminar will help attendees:

- Explore the interface between variations and claims;
- Understand the burden of proof imposed on all claimants (both employers and contractors perspective)
- Learn the basics of all 11 types of claims;

- Be exposed to what must be proven and documented for each type of claim;
- Become familiar with the analysis of construction claims;
- Learn about preparation of and/or analysis concerning claims damages; and,
- Gain insight into ways to resolve claims;
- Review techniques and advanced principals including the Change and Claims Awareness Index;
- Notification and Contract formation issues and analysis;
- Detail information on the Force Majeure Claims; and,
- Review of Acceleration; Constructive Acceleration; and delay claims and their impacts

3. Learning Outcomes

By the end of this course you will be able to:

1. Frame, prepare and present valid, well documented claims;
2. Review construction claims and their supporting documentation;
3. Defend against unsubstantiated claims; and,
4. Resolve construction claims through negotiation and avoid the need for arbitration or litigation.

4. Syllabus

Module#	Module Name
1	Introduction to the course
2	How & why claims arise
3	Notice issues
4	Contract types
5	Variations
6	Definition of claims
7	Variation claims
8	Constructive variations - common causes
9	Differing site condition/ unforeseeable physical condition claims
10	Directed suspension of work claims
11	Constructive suspension of work
12	Force majeure claims
13	Delay claims
14	Directed acceleration claims
15	Constructive acceleration claims video
16	Termination claims
17	Claim damages
18	Claim analysis and resolution
19	Seven deadly project sins for contractors

5. Intended Audience

The following people should consider attending this course:

1. Employers and their representatives (designers and construction managers)
2. Contractors and their project teams
3. Subcontractors
4. Contract administrators for all the above

6. About the Author

James Zack of James Zack Consulting, LLC; James G. Zack, Jr. is the principal of James Zack Consulting, LLC, a veteran owned construction claims consultancy assisting capital project owners and construction contractors in completing projects on the jobsite and not in arbitration or court.

Background Forty-six years as a government contracts and grants officer, construction claims consultant, and project representative on capital improvement projects. Involved with analysis and settlement or defense of more than 5,000 claims. Construction claims consultant for owners or contractors on both private and public works projects throughout the United States. Internationally, James has presented in and/or worked on construction claims for owners or contractors in Albania; Australia; Bahamas; Brazil; Canada; Chile; China; Dubai; Egypt; Germany; Guatemala; India; Jamaica; Kazakhstan; Kuwait; Malaysia; Mexico; Netherlands; Norway; Peru; Philippines; Poland; Qatar; Saudi Arabia; Slovenia; South Africa; Sri Lanka; Sweden; Republic of Tatarstan (Russian Federation); Trinidad and Tobago; Turkey; United Kingdom; and Venezuela. Designated as an expert witness in mediation, arbitration and litigation in Alaska, California, South Carolina, and Saudi Arabia. Internationally known author, speaker and trainer concerning the management, mitigation and resolution of construction claims on capital improvement projects.