



CONSTRUCTION CLAIMS PREMIUM E-COURSE

Presented by

Andy Hewitt

FICCP, FCIQB, FCICES, FQSI



MODULE 3

**Strategy, Claims Management and Preliminaries
to the Claim**

Assignment M3.1

Contractor's Claim Strategy

- This assignment places you in a senior management position with the Contractor where you only have an overview of the project, as opposed to a hands-on project based position
- The current situation poses certain risks to your company, which you need to identify
- You need to assess the scale of the risks in order to convince your fellow directors of the seriousness of the situation
- You need to decide on an appropriate solution to the situation and explain the reasons for your decision

Key Points

- The case study in Module 2 identified several possible extension of time claims. You do not need to dwell on the details or explain the background of these for your strategy report – it is sufficient to have already identified the claims
- The additional information presented in the assignment introduces new facts. Identify what is important and deal with these in your strategy

Key Points

You need to produce a document that:

- Explains the situation to your fellow directors who have little detailed knowledge of the project
- Identifies the risks
- Suggests a solution or solutions for managing the risks
- Gives reasons for your decisions
- Demonstrates that you can think like a manager and deal with the wider picture, rather than the details

Assignment M3.2

The Engineer's Claim Strategy

- Again you are placed in a managerial role, but this time, you are project-based employed by the Engineer and have the responsibility of dealing with the Contractor's claims
- You need to think about a strategy that will:
 - Manage the Employer's expectations
 - Effectively deal with the Contractor's claims in accordance with the obligations of the Engineer contained in the Contract
 - Keep the amount of work required by your team to reasonable levels

Key Points

- The information presented in the assignment presents certain facts and assumptions. Identify what is important and deal with these in your strategy
- Your assignment should:
 - Identify the challenges and significant points
 - Propose a way, or ways of dealing with the challenges
 - Give reasons for your decisions
 - Demonstrate that you can think like a manager and deal with the wider picture, rather than the details

Key Points

- Remember that the object of an Engineer's response or determination is to convince both the Employer and the Contractor that:
 - the response is fair, in accordance with the Contract
 - if either party raised a dispute, it will ultimately fail

Assignment M3.3

The Preliminaries to the Claim

- M3.1 and M3.2 were designed to make you think at high level. In contrast, the third assignment should be relatively straightforward, but concentrates on detail
- We are now moving on to a situation where we are starting to compile a claim
- The preliminaries to the claim are where you provide the reviewer with the background to the project and begin to introduce the basic facts of the claim

Key Points

Remember the 4 Key Points for claims and response writing:

- 1** Make the reviewer's job as easy and as pleasant as possible
- 2** Ensure that the submission is a stand-alone document
- 3** Assume that the reviewer has no prior knowledge of the project
- 4** Do not include irrelevant information or content within the claim submission

Key Points

- Consider how you are going to achieve the above and put it into practice
- You should include all the necessary information and submit a professionally presented document
- Review the Claim Class paper *Formatting and Presentation of Documents*

Finally...

If you have any doubts or require any advice...

Contact your tutor!

