



CONSTRUCTION CLAIMS PREMIUM E-COURSE

Presented by

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MODULE 7

Writing, Compilation and Presentation of a Claim

Review of Previous Modules

Module 1: Contract Administration

- Claims management procedure
- Claims tracking log
- Notices

Review of Previous Modules

Module 2: Identification of Claims

- Events likely to result in claims
- Contractual entitlement
- Legal principles
- Evaluation of claims

Review of Previous Modules

Module 3: Strategy, Claims Management and Preliminaries to the Claim

- Strategy and Claims Management
 - Contractor's strategy
 - Engineer's strategy
- Preliminaries to the Claim
 - The Front Cover
 - The Contents
 - The Executive Summary
 - The Statement of Claim
 - Definitions, Abbreviations and Clarifications
 - The Contract Particulars

Review of Previous Modules

Module 4: Cause and Effect

- Cause
 - What happened?
- Effect
 - How did the event affect the price or time?
 - Information to be ascertained in order to perform a delay analysis

Review of Previous Modules

Module 5: Delay Analysis and Entitlement

- Delay Analysis
 - Justification of method used
 - The SCL Protocol
 - Impacted as-planned analysis
 - Time impact analysis
 - Explanatory narratives
- Entitlement
 - Demonstration of entitlement
 - Conditions precedent

Review of Previous Modules

Module 6: Responses and Determinations

- Importance of a comprehensive response
- Responses should deal with the essential elements (CEES)
- Well presented claims
- Poorly presented claims
- Fair and reasonable responses
- Defensive responses

Principles Covered in the Course

- A claim must demonstrate that the claimant has entitlement to compensation and the amount of the compensation
- It is essential to demonstrate the cause and the linkage with the the effect
- The claim must demonstrate entitlement to the compensation to which the claimant is entitled under the contract or at law
- All statements made and points relied on in the claim should be substantiated
- The claim should deal with conditions precedent, such as the submission of notices

Principles Covered in the Course

- The claim should state if it is made on an interim or final basis
- Make the reviewer's job as easy and as pleasant as possible
- The claim should comprise a stand-alone document
- A reviewer with no prior knowledge of the project must be able to understand the claim
- Do not include any information that is not relevant to the matter in question
- The claim should be presented in an attractive and professional manner

Principles Covered in the Course

- The claim should consist of a user-friendly document
- The narratives should lead the reviewer to logical conclusions
- Include explanations of other documents included within the claim narrative
- Wording, titles, and the like should be consistent
- Include explanations of the logic etc. contained in supporting calculations, programmes and the like
- Include copies of project records and other documents that are referred to as substantiation

Principles Covered in the Course

- Use correct language and grammar to ensure that the narrative is easily read and properly understood
- Avoid the use of acronyms and abbreviations
- Use a simple and direct writing style
- Avoid 'legalese' and unnecessarily complicated language
- References to the parties should be unambiguous
- Effective use of quotations

Principles Covered in the Course

- Use the actual wording of clauses
- The submission document should be well ordered and indexed to enable a reviewer to quickly find documents
- Reference material and documents used as substantiation should be presented in a separate volume to the narrative
- A third-party peer review should be carried out before finalisation of the document

The Assignment

- Put all you have learned into practice and produce an extension of time claim for the Red Rose Business Centre Case Study

Almost finally...

(and for the last time)

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

Contact your tutor!



This is not the end ...

- Keep in touch
- Graduation entitles you to join the Institute of Construction Claims Practitioners at Member level