

# Project Delay Management & Claim Assessment

Assessing the Impact of Delay on Projects to Minimise Claims  
and Reduce Damages

14th - 15th April 2019  
Grand Hyatt Dubai, United Arab Emirates

## Major Benefits Of Attending – You Will Be Able To:

- **IDENTIFY** early warning indicators of delays and claims
- **ASSESS** and quantify the extent of delays and disruptions to apportion liability fairly
- **LEARN** the benefits and limitations of Forensic Schedule and Delay Analysis techniques
- **EQUIP** yourself with new approaches to managing delays and claims
- **APPLY** workable recovery plans, acceleration and extension of time to avoid major time overruns
- **REGAIN** control of slipping schedules and poor performing project

## Why you Should Attend?

This 2 days workshop has been specifically designed to equip its participants with a holistic overview of the key components critical to the various stages of project construction. This event will feature current strategies, tools and techniques to counter some of the specific project management challenges pertaining to operational efficiency, methods to maximise the use of resources, delay analysis, risk and claims assessment.

Come and join for a workshop, where the trainer will lead you from fundamentals to some contentious issues like float ownership, concurrent delay etc., The information presented will be useful for contract managers, project managers, quantity surveyors and of course for planners.

## Who Should Attend?

This course is recommended for MDs, VPs, Directors, GMs, Heads, Senior Managers, Managers, Consultants, SME contractors, Systems Analysts, Commercial Managers, Controllers and Engineers responsible for:

- ✓ Project / Project Management
- ✓ Project Control
- ✓ Planning & Scheduling
- ✓ Contract / Legal
- ✓ Budget & Cost Control
- ✓ PMO
- ✓ Project Development
- ✓ Project Portfolio Management
- ✓ Risk Management
- ✓ Claims

As well as anyone involved in day-to-day project management and who might be perplexed by the complexity of dealing with delays and disruption

Organized by: \_\_\_\_\_



WE SOLVE YOUR PUZZLE

## ▶ Workshop Overview

It is a common fact that construction projects normally get delayed for several reasons like resource constraints, late authority approvals or simply due to scope increase and client's change of mind. When a project is delayed, the contractor is losing money on site expenses and overheads and the delay claims are most debated in final account negotiations. Delayed projects also cost money to the developer as the delayed possession prevents him to earn out of the asset that is being constructed.

Unfortunately the FIDIC or other standard form of Contracts offers no guidance on dealing with delay and disruption claims. Independent professional agencies like SCL and AACE tried to streamline the concepts and offer some assistance for the construction industry but unless someone explains the principles with relevance to your area of work, these resources are hardly useful.

Claims are an integral part of construction business. By the very nature, construction is a risky business and with the involvement of different stakeholders with conflicting interests, it is only natural to have claims and disputes in this industry. The positive fact about construction claim is that the Contract itself provides remedies for dealing with the claim arising from the contract. Despite that simplicity, claims seem to be a nightmare to contractors and even to the Owners. An unresolved claim will manifest into a dispute and resolving a dispute is an expensive process. Have you ever thought why a claim, which appears to be genuine but fails in an adjudication process?

Assessment of claims (both for preparation and defence) require sound subject knowledge (both technical and contractual), persuasive skills in writing and pleading and also an analytical mind to connect the dots and establish the causation link.

## Outline

### DAY 1

#### Session 1: Importance of base line program

- Introduction to construction programs/CPM
- Establishing a robust base line program
- Logical relationships and their relevance in delay analysis
- Importance of regular program updates
- What is a delay?
- When you are entitled for compensation (for delays)
- Validating base line program
- Constructing a factual AS BUILT program

#### Session 2: Delay analysis techniques

- Classification (of delays)
  - Excusable delay, compensable delay, critical delay and concurrent delay
- Event Analysis Sheet and Delay Register
  - Template for collection of delay data from construction site, collation of data
- Delay Analysis Techniques (DAT)
  - Impacted as planned
  - Time impact analysis
  - As planned and As built
  - Collapsed As Built
- The strengths and weaknesses of each of the above method
- Choosing the appropriate delay analysis method
- Relevant Issues not Addressed by Existing Delay analysis methods

#### Session 3: Contentious issues in delay analysis

- Float Ownership
  - Owner's view of float ownership
  - Contractor's view of float
  - Guidance from Society of Construction law on float ownership
- Concurrent Delays
  - What is concurrent delay
  - Legal principles associated with concurrent delay
  - Prevention principle
  - Dominant theory
  - Apportionment analysis
  - Malmasion approach/SCL guidance
- Constructive Acceleration
  - Acceleration defined
  - How to claim construction acceleration
- Pacing delays
  - Direct pacing
  - Indirect pacing
  - Contractor's arguments
  - Owner's defence

#### Session 4: Disruption and Society of Construction Law Protocol

- Disruption claims
  - What is "disruption"
  - Why disruption claims are tricky
  - Establishing a successful disruption claim
- Productivity and factors affecting productivity
- Quantifying disruption claims
- Measured mile analysis
- Calculating prolongation costs
- Society of construction law protocol
  - Acceptance by courts
  - New developments and Rider 1

**DAY 2**

**Session 5: Window analysis demystified; a detailed case study**

- Contractual entitlement for delays
- Importance of a valid contract and essential elements of contract
- Brief introduction of standard form of a Contract
- Dealing with time/delay under FIDIC 99 contract
- Detailed case study of a sample project using various delay analysis techniques
  - Baseline and critical path
  - Delay events
  - Impacted As planned
  - As planned As built
  - As planned but for from Contractor view
  - As Planned but for from owner view
  - Collapsed as built
  - Window slice analysis
  - Time impact analysis

**Session 6: Global claims and records**

- Global claims;
  - Introduction
  - Why they are not acceptable
  - Guidance from case law
  - When the global claims will be acceptable
- Employer claims under FIDIC 99
  - Importance of notice by Employer
  - Engineer determination and agreement
  - Various clauses in FIDIC authorizing entitlement
- Contractor Claims under FIDIC 99
  - Strict notice procedures explained
  - Condition precedent
  - Detailed claim procedure
- Claim for money
  - When a Contractor can claim cost
  - Events giving entitlement for profit claim
- Importance of contemporary records
  - What is it?
  - Record versus witness statement
  - Courts view on contemporary records

**Session 7: The claim process**

- Invisible claim chain
  - Causation link explained
  - Practical examples
- The Claim cycle
  - Various phases in claim management
  - Importance of claim management
  - How to effectively communicate
- How to defend contractor's claims
- Claim process in Nutshell
  - Layman's view
  - Structuring the whole process of claim
- When to approach a "Claim Expert"?
  - Role of a claim expert
  - Value added services by expert

**Session 8: Dispute resolution in construction contracts**

- Multi-tier dispute resolution mechanism explained
- The three pillars of dispute resolution
  - Negotiation methods
  - Mediation techniques
  - Adjudication pillar and associated methods
- Statutory adjudication
- Contractual adjudication
- Introduction to dispute boards (FIDIC model)
- Time line for resolving disputes under FIDIC
- Arbitration process explained
- Tips for avoiding disputes for Owners and Contractors

**program schedule**

08:30	Registration
09:00	Morning Session Begins
10:40 - 11:00	Refreshments & Networking Break
12:45	Luncheon
14:00	Afternoon Session begins
15:30 - 15:50	Refreshments & Networking Break
17:00	Course Ends

## ▶ Workshop facilitator



### **R Venkat**

*LLM (UK), B. Eng., C.Eng., FCIArb, FCMA, MRICS  
Partner/Director,  
C Cubed Consultants Limited*

**Venkat** is a well- respected and distinguished speaker/trainer having over 30 years of industry experience in the GCC/Asia region. His expertise includes heavy engineering, infrastructure, construction, marine and non-conventional energy sectors. Venkat is one of the founding partners of 'C Cubed Consultants', a Contracts and Claims Management consultancy based in UAE. He advises Clients, Contractors on various aspects of contractual matters and helps them to resolve their disputes in an amicable and practical way.

He has conducted over 100 training/workshops during the past three years based on various forms of contract including turnkey contracts. He has been invited by leading universities for guest lecturing to construction law/management post graduate students and he also writes regularly in construction and arbitration journals.

He is a Chartered Engineer, Construction lawyer, Chartered QS and Fellow member of chartered Institute of Arbitrators, London. He is fully conversant with legal principles related to construction of both common law and civil law jurisdictions.

He is a co-founder of a contract life cycle management consultancy based in United Arab Emirates and advising contractors and clients on both pre and post contract related matters including dispute resolution.

#### **Articles Published**

- ✓ Current developments in UAE Arbitration
- ✓ Arbitrator liability in Dubai
- ✓ Managing the Change in Construction Contracts
- ✓ Dealing with Fit for Purpose in International Arbitrations

## ▶ Partial List of Clients

- ✓ National Central Cooling Company, Abu Dhabi (PJSC)
- ✓ Dubai Water and Electricity Authority
- ✓ Lamprell Middle east
- ✓ Saudi ARAMCO
- ✓ Target Engineering Company
- ✓ Samsung
- ✓ China State Corporation
- ✓ China Petroleum
- ✓ Arabtec Construction LLC
- ✓ Leighton group
- ✓ AECOM
- ✓ Jacob International
- ✓ Arcadis/E C Harris international
- ✓ Oman Civil Aviation authority
- ✓ Larson and Toubro (Oman)
- ✓ Universal Voltas
- ✓ Kele Construction
- ✓ Various Government authorities
- ✓ Minor subcontractors
- ✓ Al Futtaim group

*"Venkat was extremely knowledgeable and brought relevant, regional case studies to the discussion"*

- **Ms. Sonja Johnson, Senior Project manager, Dubai Health Authority**

*"I am very much satisfied with the course and especially with the trainer, Mr. R Venkat. His teaching techniques and style is highly appreciated"*

- **Mr. Wajid Khan, Director, IKAN Engineering services**

*"The training was unique and the trainer was very competent and eloquent"*

- **Eng Andrew M Kitaka, Director, Eng services Kampala capital city Authority**

*"The presenter was very knowledgeable and has deep insight of the subject. Good to attend more sessions"*

- **Ms. Rizwana, Senior Legal specialist, Imdaad LLC**

*"Very stimulating lectures from Mr. Venkat. Authoritative and sound knowledge conveyed with practical orientation"*

- **Mr. Satish Grover, Legal Counsel from UK**

*"Highly packed with information; To the point, very crisp; Very engaging and relevant; One of the best lectures at BUID"*

- **Ms. Claudia, cohort Masters in Construction Law program at British University, Dubai**

*"Interactive speaker and open to different opinions and questions; Speaker shared real life examples and practical issues"*

- **Ms. Farah Atiqa, Legal executive, Cenviro SDN BHD**

*"The trainer is having vast experience on topics presented and able to clarify questions from audience with relevant facts; Overall I am satisfied with the course and trainer"*

- **Aswina Roslan**

# Registration Form

Contact Alexia (SGA01032)  
Direct Line: (65) 6825 9558  
General Line: (65) 6825 9579  
General Fax: (65) 6316 8356  
Email: alexia@global-fdb.com

## Project Delay Management & Claim Assessment 14th - 15th April 2019

### Registration Fees

	Early Bird (Register and payment before 14/03/2019)	Standard Fee (Register after 14/03/2019)
1 delegate	<input type="checkbox"/> USD 2,695	<input type="checkbox"/> USD 2,895
2 or more delegate	<input type="checkbox"/> USD 2,495	<input type="checkbox"/> USD 2,695

- Fee inclusive of course documentation, luncheons, refreshments and 15% services charge.
- The above amount payable is net withholding taxes or any other taxes, if any, will be borne by the customer.
- Register at least 2 weeks before the training date to allow time for preparation of adequate take-away and course provisions.

### DELEGATES' DETAILS

Code FDB1285

Name: \_\_\_\_\_

Position: \_\_\_\_\_

Email: \_\_\_\_\_

Name: \_\_\_\_\_

Position: \_\_\_\_\_

Email: \_\_\_\_\_

Name: \_\_\_\_\_

Position: \_\_\_\_\_

Email: \_\_\_\_\_

### \*Company Details

Organisation: \_\_\_\_\_

Address: \_\_\_\_\_

Postcode: \_\_\_\_\_ Tel: ( ) \_\_\_\_\_ Fax: ( ) \_\_\_\_\_

Nature of Business: \_\_\_\_\_ Company Size \_\_\_\_\_

Accounts Payable Name: \_\_\_\_\_

### \*Authorisation

Signatory must be authorised to sign on behalf of contracting organisation.

Name: \_\_\_\_\_

Position: \_\_\_\_\_

Signature: \_\_\_\_\_

*\*This registration form is invalid without signature & company stamp*

\*Mandatory field

### Hotel Accommodation

Accommodation is not included in the training fee. To make a reservation for accommodation at the training venue at our corporate rate, please contact the respective hotel.

#### Grand Hyatt Dubai, United Arab Emirates

P.O. Box 7978, Riyadh Street,  
Sheikh Rashid Road

Dubai Healthcare City,

Dubai, United Arab Emirates

Contact no.: +971 4 317 1234

Facsimile: +971 4 317 1235

Website: <https://dubai.grand.hyatt.com/en/hotel/home.html>

Email: martine.linnertz@hyatt.com &  
guillaume.besson@hyatt.com  
*[room booking purpose only]*

### Payment Method

#### Credit Card:

Please debit my  AMEX  
 VISA  
 MASTERCARD

Card Holder's Name

\_\_\_\_\_  
\_\_\_\_\_

Card Number:

\_\_\_\_\_

Security Code:

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Signature:

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Expiry Date:

\_\_\_\_\_/\_\_\_\_\_  
mth year

#### Cancellations/Substitutions

If you are unable to attend, a substitute delegate is always welcome at no additional charge. All bookings carry a 50% liability immediately after a fully completed registration form has been received by the FDB. Please note that a written notice of the cancellation must be received via mail or fax 3 weeks prior to the event date in order to obtain the balance of the event fee as a credit to be applied against another FDB course. All fees are inclusive of a 15% service charge, which is completely non-refundable and non-creditable. Cancellation of any event with less than 3 weeks notice prior to the event date carry a 100% liability; however the delegate will still be entitled to a complete set of course documentation. If payment is not received by the mutually agreed payment date, 10% penalty will be charged to the bill. FDB will not be able to mitigate its losses for less than 50% of the contract value in case of dispute with the client or cancellation of this contract by any one party. In the event that FDB cancel the event, FDB reserves the right to transfer this booking to another event or to provide a credit of an equivalent amount to another event to be held within the following twelve months.

**INDEMNITY:** Should for any reason outside the control of FDB, the venue or speakers change, or the event be cancelled due to an act of terrorism, extreme weather conditions or industrial action, FDB shall endeavor to reschedule but the client hereby indemnifies and holds FDB harmless from and against any and all costs, damages and expenses, including attorney fees, which are incurred by the client.