



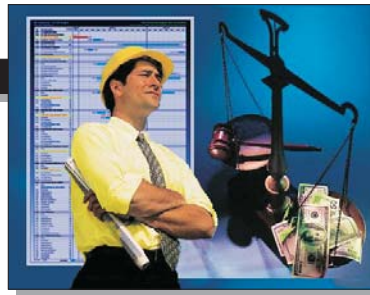
## Claims Prevention Training Services

### Prevention and Resolution of Engineering and Construction Claims Through Effective Contracting, Contract Administration, Project Controls and Project Management

#### Seminar Reference Manual

Copyright © 2016 Long International, Inc.

*A Training Seminar*



Long International, Inc. • 10029 Whistling Elk Dr. • Littleton, CO 80127-6109  
Telephone: (303) 972-2443 • Facsimile: (303) 972-6980 • www.long-intl.com

Long International's senior personnel have extensive claims analysis and dispute resolution experience encompassing over 400 projects worldwide. This experience has taught us many lessons to avoid the costly problems created by claims. We believe that the essential elements of a Claims Prevention Program include the following:

- Understanding the contract
- Knowing the basic claim entitlements and avoiding them
- Reviewing and approving of as-planned schedules and understanding schedule administration
- Utilizing independent biddability/constructibility reviews
- Preparing of quality contract documents
- Implementing timely contract administration
- Integrating cost and schedule control
- Adhering to the contractual change management system
- Requiring proper and thorough documentation
- Documenting cause/effect of delays and increased costs
- Mitigating claims during engineering and construction
- Implementing periodic project reviews by senior management
- Analyzing risks before signing contracts
- Implementing an effective dispute resolution process

Long International has significant experience in providing Claims Prevention Training Seminars to address and implement the program components listed above for our clients' management, engineering and construction staff. We have developed the basic framework of a training seminar entitled "Prevention and Resolution of Engineering and Construction Claims Through Effective Contracting, Contract Administration, Project Controls and Project Management." This seminar will be tailored to each client's organizational structure, project execution styles, and level of experience, and can be provided in one- or two-day formats, depending on the level of detail that suits our client's availability and needs.

In addition to training, we have developed detailed checklists for the following:

- Bid Preparation Issues
- Reviews and Approvals of As-Planned Schedules and Schedule Updates
- Site Inspections Prior to Bidding
- Project Documentation
- Problem Identification and Analysis
- Contractor's Risk Analysis

These checklists can be utilized during project execution to better enable our client's management teams to manage and control their projects.



## Prevention and Resolution of Engineering and Construction Claims Through Effective Contracting, Contract Administration, Project Controls, and Project Management



## Training Seminar Manual – Table of Contents

### Section I

#### Why Claims Occur – The Red Flags

- 1.1 Characteristics of a Highly Impacted Project
- 1.2 Effect on Project Costs
- 1.3 Situations Causing Costly Claims
- 1.4 The Court's View of Contract Interpretation
- 1.5 Assessment of Problems Associated with Poor Project Management Performance

### Section II

#### Claim Types

- 2.1 Acceleration
- 2.2 Acts of God/Weather
- 2.3 Cardinal Change
- 2.4 Constructive Change
- 2.5 Defective and Deficient Contract Documents
- 2.6 Delays
- 2.7 Differing Site Conditions
- 2.8 Directed Change
- 2.9 Disruption
- 2.10 Implied Warranty
- 2.11 Impossibility of Performance
- 2.12 Maladministration
- 2.13 Owner-Furnished Items
- 2.14 Strikes
- 2.15 Superior Knowledge
- 2.16 Suspensions
- 2.17 Termination
- 2.18 Unjust Enrichment
- 2.19 Variation in Quantities

### Section III

#### Construction Contract Clauses

- 3.1 Know Your Contract
- 3.2 Specific Contract Clauses
- 3.3 EPC Contract Risk Analysis Associated with Onshore Projects in Developing Countries

### Section IV

#### Documentation

- 4.1 How to Document
- 4.2 What to Document
- 4.3 Records Management Checklist
- 4.4 The Impact of Poor Contemporaneous Project Records on Claims Preparation and Expert Analyses for Loss of Labor Productivity on Complex Industrial Construction Projects
- 4.5 Configuration Management
- 4.6 The Importance and Value of "Notice" Provisions in Construction Contracts
- 4.7 Sample Construction Notice Letters
- 4.8 Developing Subcontract Pricing as Applied to Building Construction

### Section V

#### Scheduling and Delay Analysis

- 5.1 Evolution of Scheduling Methods
- 5.2 Planning Tool vs. Retrospective Analysis
- 5.3 Contract Provisions Affecting Schedule Preparation and Updates
- 5.5 Case Law Affecting Claim Preparation

- 5.6 Common Methodologies For CPM Schedule Delay Analysis
- 5.7 Forensic Schedule Quality Assurance Reviews
- 5.8 Schedule Quality Assurance Procedures

### Section VI

#### Quantification Of Damages

- 6.1 Alternate Methods to Present Damages
- 6.2 Types of Damages

### Section VII

#### Construction Claims Prevention

- 7.1 Quality Contract Documents
- 7.2 Management of Outside Design Professionals
- 7.3 Constructibility and Biddability Reviews
- 7.4 Site Investigation
- 7.5 Review and Approval of Detailed As-planned Schedules
- 7.6 Claims Mitigation During Construction
- 7.7 Project Reviews
- 7.8 Effective Change Order Management
- 7.9 Contractor's Risk Analysis
- 7.10 Owner Guidelines
- 7.11 Contractor Guidelines

### Section VIII

#### Dispute Resolution

- 8.1 Negotiation
- 8.2 Arbitration
- 8.3 Litigation
- 8.4 Alternative Dispute Resolution
- 8.5 Conclusion

Appendix – Glossary of Terminology

Case Citations

Index

