



جمعية المهندسين البحرينية - مركز التدريب
Bahrain Society of Engineers - **TRAINING CENTRE**

TRAINING WORKSHOP



Claims & Counterclaims

14-18 July 2019
8:00 am – 2:00 pm
Manama, Kingdom of Bahrain

FOR REGISTRATION & INQUIRIES:

Tel: +973 17-810725 or 17-727100 / Fax: +973 17-827475

Email: bsetraining@batelco.com.bh

Website: www.mohandis.org



QQA Seal of Recognition

Claims & Counterclaims

Introduction:

While the object of international contracting is to write and manage contracts so as to minimize disputes, some disagreements are inevitable. These can arise from failures by one of the parties, but also often arise from misunderstandings as to obligations under the contract. This programme will look at how claims (and counter claims) arise; how they should be evaluated when received, or prepared when being delivered, and how to resolve disputes arising from such claims. It will also, and most importantly, look at ways of avoiding disputed claims in the first place. Once a dispute starts, it can usually be solved most effectively by negotiation between the parties.

However, if this does not prove effective, some sort of third party intervention is required, all of this processes, and indeed, claims and counterclaims generally, become more complicated when placed in an international context. This is particularly the case where a foreign law and/or legal system is involved, with which you may not be familiar, and which may include rules which conflict with those of your own country.

Objectives & Benefits:

- Provide an understanding of how and why claims and counterclaims arise
- Explain the differences between claims and counterclaims
- Identify common causes of claims and disputes, and how to avoid them
- Discuss how to develop procedures to avoid disputes over claims and counterclaims, while resisting unjustified claims
- Enhance understanding of basic negotiation techniques to be used when resolving disputes
- Provide an understanding of some of the main methods of dispute resolution involving third parties
- Develop an understanding of Traditional and Alternative Dispute Resolution techniques, including different ways of resolving disputes without recourse to courts or arbitration
- Provide strategies and tactics for negotiating during disputes
- Explain how to use contract provisions to reduce the risk of claims and disputes

Who Should Attend?

Professionals from the Government, Employers, Contractors, Private Sector, Engineers, and Consulting Engineers. It is also addressed to Quantity Surveyors, Legal Advisers, and Architects. It is important for the people involved in preparing and working with Contract;

- Contracts analysis
- Contract engineers
- Cost/planning engineers
- Individuals involved in tendering/contracting functions
- Project Managers
- Contract Administrators
- Contracting Unit Supervisors
- Claims Managers and Business Audit Officers
- Contract Strategists
- General Managers involved in contract negotiation and disputes
- Commercial Managers
- Legal Department staff looking for new techniques and an international approach
- Anyone involved in the strategy and management of disputes

Course Methodology:

Training will involve a high level of interaction and delegate participation. The intention is that the trainer will explain issues using real examples, many from the trainer's personal experience, but will then involve the delegates in discussion, using the information provided. There will also be role play sessions on negotiating, where delegates will work as teams to seek to agree disputes in realistic scenarios. Delegates are encouraged to bring real problem examples with them, for discussion on a confidential basis, and to share their experience of particular issues in their company or industry. Time will be allowed for general discussions, and for one-to-one discussion with the trainer.

Course Outline

- **Introduction and Definitions**
- **Classifications of Claims:**
Employer's Claims against Engineer / Employer's Claims against Contractor/ Engineer's Claims against employer/ Contractors Claims against Employer/ Claims arising From Engineer's Action (or inaction)
- **Claims procedure:**
Procedure for Submittal /Procedures for Settlement/ Dealing with Disagreement /Role of the Engineer in Claims
- **Contractors' Claims:**
Notification of claims/Engineer's assessment/Contemporary records/Preparation of claims
- **Claims for delay:**
Extension of time/ Force majeure delays/ Concurrency/ Acceleration/ Time at large/ Delay damages/ Forensic delay analysis in action
- **Claims for additional Payments:**
Payment Certification and procedure/ Ground conditions/ Late possession/ Breaches of contract/ Variations and design errors/ Prolongation/ Disruption and global claims /Quantifying and analyzing claims for payment
- **Employer's financial claims:**
Delay damages /Defects in work and design/ Retention and Bonds
- **Settlement of dispute & arbitration:**
Principles governing the Disputes Adjudication Board (DAB) / Working with DAB /Post DAB Decision/Engineer acting as DAB/ Amicable settlement/ Arbitration

Course Trainer:

Eng Bahaa El Shal, MBA, PMP, PMI-RMP



Eng. Bahaa is a freelancer management consultant and trainer. Bahaa holds a Bachelor's Degree in Civil Engineering and a two years post graduate diploma in Project Construction Management from Ain Shams University and a Masters of Business Administration "MBA" Degree in Project Management from Ain Shams University. He is a certified Project Management Professional (PMP) and a certified Risk Management Professional (PMI-RMP) from Project Management Institute "PMI". He is also a professor at the American University in Cairo "AUC" and Arab Academy Graduate School of Business "AAGSB".

He is thoroughly experienced in complete Project Management including project management control systems, computerized PCS Software, Risk Management and analysis, site management, Contracting and Procurements, FIDIC contracts, claims analysis and prevention and alternative dispute resolution. He has 20 years of regional experience in Project Management Consultancy and training for diversified industries.

Quality Procedures

Assessment:

All assessments will be conducted during the Workshop. Assessment tasks consist of e.g: Quizzes, Practical discussions, case studies, role plays, onsite Exercises, hands-on.

Certificates:

Certificates will be awarded to the learners who pass in the assessments and completed at least 75% of the attendance report.

Course Language:

English

Progress Reports:

Progress and attendance reports linked to the specifications for the reporting period will be sent to the company of each learner. This report will list learner's progress and achievements with respect to the appropriate section of the syllabus, indicating the progress made towards the training objective.

Claims & Counter Claims

REGISTRATION FORM

Name:
Organization:.....Department:
Position Email:
Address:
Telephone:..... Mobile:Fax:

Course Title	Duration	Date & Venue	Timing	Course Fee
Claims & Counter Claims	5 Days	14-18 July 2019 Manama, Kingdom of Bahrain	8:00 am-2:00 pm	BD 360

Note:

- For Individual/ overseas, payment shall be received upon submission of the completed registration form.
- Registration shall be reconfirmed only once payment has been made prior to the course.
- No Show of participant/s during the course will be charged in full amount accordingly.
- Cancellation of participant/s shall be submitted in writing to BSE ten days (10 days) before the course.

Method of payment:

- I will pay by Cash
- Invoice the Organization (Please attach the authorization/nomination letter)
- I enclose a Banker's Draft payable to Bahrain Society of Engineers-Training Centre
- Bank BIC: NBOBBHBM / IBAN: BH18 NBOB 0000 0099 0989 11National Bank of Bahrain-Manama Main Branch
- Please Debit to Amex: _____ Visa: _____ Master Card: _____

Card Number:..... Expiry Date:.....

Card Holder's name and address (if different from above)

Signature.....

Date:.....

Request for Special Needs/Disability Support: (if required)

Nature of Disability: _____

Required Support: _____

Please send this form to:

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