Training course on Construction Contracts and Disputes

Professional Development Training Course Outline

Category	Legal Institute	**Duration**	10 Days
Base Fee	$3,000 USD	**Delivery Mode**	Online / On-site Hybrid

Course Introduction

The construction industry is a cornerstone of global infrastructure and economic development, yet it is inherently fraught with complexity, risk, and the potential for conflict. From monumental public works to intricate private developments, every construction project is a multi-party endeavor, involving owners, contractors, subcontractors, suppliers, and numerous other stakeholders, all operating under demanding timelines and budgets. At the heart of managing these relationships and mitigating inherent uncertainties lie construction contracts. These legally binding agreements serve as the essential blueprint, allocating risks, defining responsibilities, and establishing the framework for performance. However, despite meticulous planning, the dynamic nature of construction projects ? involving unforeseen site conditions, design changes, labor issues, and financial pressures ? often leads to disagreements that can escalate into costly and time-consuming disputes. The ability to draft robust contracts, understand their intricate clauses, and effectively navigate the spectrum of dispute resolution mechanisms is therefore paramount for ensuring project success and protecting all parties' interests. A profound understanding of construction contracts and disputes is critical for legal professionals, project managers, engineers, contractors, and owners alike. This specialized field demands expertise not only in contract law principles but also in the unique operational realities of construction, including project delivery methods, scheduling, cost management, and quality control. Mastery of the legal and practical aspects of various standard form contracts, risk allocation strategies, and effective claim management is essential to prevent disputes from derailing projects. When conflicts do arise, knowledge of alternative dispute resolution (ADR) methods such as mediation and arbitration, alongside the intricacies of construction litigation, becomes indispensable. Training Course on Construction Contracts and Disputes is meticulously designed to equip participants with advanced theoretical insights and practical tools to proactively manage contractual risks, effectively resolve disputes, and foster collaborative project environments, ensuring both legal defensibility and the successful delivery of complex construction initiatives.

Programme Curriculum

Training Course on Construction Contracts and Disputes

Introduction

The **construction industry** is a cornerstone of global infrastructure and economic development, yet it is inherently fraught with complexity, risk, and the potential for conflict. From monumental public works to intricate private developments, every construction project is a multi-party endeavor, involving owners, contractors, subcontractors, suppliers, and numerous other stakeholders, all operating under demanding timelines and budgets. At the heart of managing these relationships and mitigating inherent uncertainties lie **construction contracts**. These legally binding agreements serve as the essential blueprint, allocating risks, defining responsibilities, and establishing the framework for performance. However, despite meticulous planning, the dynamic nature of construction projects – involving unforeseen site conditions, design changes, labor issues, and financial pressures – often leads to disagreements that can escalate into costly and time-consuming **disputes**. The ability to draft robust contracts, understand their intricate clauses, and effectively navigate the spectrum of dispute resolution mechanisms is therefore paramount for ensuring project success and protecting all parties' interests.

A profound understanding of **construction contracts and disputes** is critical for legal professionals, project managers, engineers, contractors, and owners alike. This specialized field demands expertise not only in contract law principles but also in the unique operational realities of construction, including project delivery methods, scheduling, cost management, and quality control. Mastery of the legal and practical aspects of various **standard form contracts**, **risk allocation strategies**, and effective **claim management** is essential to prevent disputes from derailing projects. When conflicts do arise, knowledge of **alternative dispute resolution (ADR)** methods such as mediation and arbitration, alongside the intricacies of **construction litigation**, becomes indispensable. **Training Course on Construction Contracts and Disputes** is meticulously designed to equip participants with advanced theoretical insights and practical tools to proactively manage contractual risks, effectively resolve disputes, and foster collaborative project environments, ensuring both **legal defensibility** and the successful delivery of complex construction initiatives.

Course Objectives

Upon completion of this course, participants will be able to:

1. Analyze the fundamental principles and **legal theories underlying construction contracts**.
2. Understand various **project delivery methods** and their contractual implications (e.g., Design-Bid-Build, Design-Build, CM at Risk).
3. Master the structure, key provisions, and **risk allocation** within standard form construction contracts (e.g., AIA, FIDIC, ConsensusDocs).
4. Develop skills in **drafting and negotiating** complex construction agreements, including bespoke clauses.
5. Navigate the legal aspects of **change orders**, delays, accelerations, and their impact on contract price and time.
6. Understand and manage **construction claims** related to payment, performance, and defects.
7. Apply effective strategies for **document control** and record-keeping to support or defend claims.
8. Examine the roles of **insurance** and **surety bonds** in mitigating construction risks and disputes.
9. Master various **alternative dispute resolution (ADR)** methods, including negotiation, mediation, and arbitration.
10. Understand the fundamentals of **construction litigation**, including expert witness engagement and evidence presentation.

11. Identify and address legal issues related to **construction defects**, warranties, and professional liability.
12. Discuss emerging trends in construction law, such as **BIM, integrated project delivery (IPD)**, and **sustainable construction contracts**.
13. Formulate comprehensive **risk management plans** to prevent and resolve construction disputes efficiently.

Target Audience

This course is designed for professionals and stakeholders heavily involved in construction projects, seeking advanced knowledge in contractual and dispute matters:

1. **Construction Attorneys:** Lawyers advising owners, contractors, subcontractors, and designers.
2. **Project Managers:** Managing complex construction projects from inception to completion.
3. **Contract Managers:** Responsible for contract administration, compliance, and claim management.
4. **Contractors and Subcontractors:** Owners, executives, and senior personnel involved in contract execution and dispute avoidance.
5. **Owners and Developers:** Managing contractual relationships and risks for their projects.
6. **Engineers and Architects:** Involved in design, construction administration, and expert witness roles.
7. **Insurance and Surety Professionals:** Underwriting and managing construction-related policies and bonds.
8. **Construction Consultants and Experts:** Providing advisory services and expert testimony in disputes.

Course Duration: 10 Days

Course Modules

Module 1: Foundations of Construction Contracts

- Basic Principles of Contract Law in Construction: Offer, Acceptance, Consideration, Capacity, Legality
- Introduction to Construction Project Delivery Methods: Design-Bid-Build, Design-Build, Construction Management (CM at Risk, Agency CM), IPD
- Key Parties in a Construction Contract: Owner, Contractor, Architect/Engineer, Subcontractors
- Role and Importance of Contract Documents: Plans, Specifications, General Conditions, Agreements
- Interpreting Contract Language: Ambiguity, Contra Proferentem, Order of Precedence

Module 2: Standard Form Construction Contracts

- In-depth Analysis of AIA Documents (American Institute of Architects): A201 (General Conditions), B101 (Owner-Architect), A101/A102/A103 (Owner-Contractor)
- Overview of FIDIC Contracts (Fédération Internationale Des Ingénieurs-Conseils): Red Book, Yellow Book, Silver Book
- Introduction to ConsensusDocs: A Collaborative Approach to Contracting
- Comparison of Risk Allocation and Dispute Resolution Mechanisms Across Standard Forms
- Tailoring Standard Forms: Supplementary Conditions and Amendments

Module 3: Risk Allocation and Management in Construction Contracts

- Identifying Key Risks in Construction: Design, Site Conditions, Labor, Materials, Funding, Regulatory
- Contractual Risk Shifting Mechanisms: Indemnification, Warranties, Limitations of Liability
- "Flow-Down" Clauses: Ensuring Subcontractors Bear Appropriate Risk
- Force Majeure Clauses and Unforeseen Circumstances
- Termination for Cause vs. Termination for Convenience: Legal Implications and Remedies

Module 4: Changes, Delays, and Acceleration

- Change Order Provisions: Unilateral, Bilateral, Constructive Changes
- Impact of Changes on Time and Cost: Equitable Adjustments
- Types of Delays: Excusable, Non-Excusable, Compensable, Concurrent
- Analyzing Delay Claims: Critical Path Method (CPM), Schedule Impacts
- Acceleration: Directed vs. Constructive Acceleration, Entitlement to Costs

Module 5: Payment Mechanisms and Disputes

- Contract Sum and Payment Terms: Lump Sum, Cost-Plus, Unit Price
- Progress Payments, Retainage, and Final Payment
- Pay-When-Paid and Pay-If-Paid Clauses: Enforceability and Risk Allocation
- Mechanic's Liens: Perfection, Priority, and Foreclosure
- Prompt Payment Acts and Their Impact on Cash Flow

Module 6: Construction Claims: Preparation and Management

- Understanding the Elements of a Construction Claim: Damages, Causation, Entitlement
- Notice Requirements and Claim Preservation
- Document Control and Record-Keeping: The Foundation for Claims Success
- Quantification of Damages: Direct, Indirect, Consequential Damages
- Claim Presentation and Negotiation Strategies

Module 7: Warranties, Guarantees, and Defects

- Express vs. Implied Warranties in Construction
- Breach of Warranty Claims and Damages
- Latent vs. Patent Defects: Discovery and Notification
- Statutes of Limitations and Statutes of Repose for Defect Claims
- Managing and Remediating Construction Defects

Module 8: Construction Insurance and Surety Bonds

- Types of Construction Insurance: Builder's Risk, CGL, Professional Liability, Wrap-Up Policies
- Understanding Policy Coverage, Exclusions, and Endorsements
- Notice Requirements for Insurance Claims
- Types of Surety Bonds: Bid Bonds, Performance Bonds, Payment Bonds
- Rights and Obligations of Obligee, Principal, and Surety

Module 9: Alternative Dispute Resolution (ADR) in Construction

- Advantages and Disadvantages of ADR vs. Litigation
- Negotiation Strategies in Construction Disputes
- Mediation: Process, Role of Mediator, Enforceability of Settlements
- Arbitration: Ad Hoc vs. Administered Arbitration, Arbitrator Selection, Evidentiary Rules, Award Enforcement
- Dispute Review Boards (DRBs) and Dispute Adjudication Boards (DABs)

Module 10: Construction Litigation: Advanced Topics

- Pleadings and Discovery in Construction Lawsuits
- Expert Witnesses: Selection, Retention, Daubert Challenges, Role in Litigation

- Proving Damages in Complex Construction Cases
- Trial Strategies and Presentation of Evidence
- Multi-Party Litigation and Joinder Issues

Module 11: Professional Liability and Ethics

- Professional Standard of Care for Architects and Engineers
- Liability for Design Errors and Omissions
- Duty to Warn and Other Ethical Obligations in Construction
- Indemnification and Contribution Among Parties
- Ethical Considerations for Legal Professionals in Construction Disputes

Module 12: Emerging Issues and Trends in Construction Law

- Integrated Project Delivery (IPD) and Collaborative Contracting Models
- Building Information Modeling (BIM): Legal Implications, Data Ownership, Liability
- Sustainable and Green Building Contracts: Certification, Performance Warranties
- Technology in Construction: Drones, AI, Wearables and their Legal Ramifications
- Cybersecurity Risks in Construction Projects and Data Management
- Global Construction Trends and International Contracting Challenges

Training Methodology

- **Interactive Workshops:** Facilitated discussions, group exercises, and problem-solving activities.
- **Case Studies:** Real-world examples to illustrate successful community-based surveillance practices.
- **Role-Playing and Simulations:** Practice engaging communities in surveillance activities.
- **Expert Presentations:** Insights from experienced public health professionals and community leaders.
- **Group Projects:** Collaborative development of community surveillance plans.
- **Action Planning:** Development of personalized action plans for implementing community-based surveillance.
- **Digital Tools and Resources:** Utilization of online platforms for collaboration and learning.
- **Peer-to-Peer Learning:** Sharing experiences and insights on community engagement.
- **Post-Training Support:** Access to online forums, mentorship, and continued learning resources.

Register as a group from 3 participants for a Discount

Send us an email: info@fineskilltrainingcenter.org or call +254769199797

Certification

Upon successful completion of this training, participants will be issued with a globally recognized certificate.

Tailor-Made Course

We also offer tailor-made courses based on your needs.

Key Notes

- Participants must be conversant in English.
- Upon completion of training, participants will receive an Authorized Training Certificate.
- The course duration is flexible and can be modified to fit any number of days.
- Course fee includes facilitation, training materials, 2 coffee breaks, buffet lunch, and a Certificate upon successful completion.
- One-year post-training support, consultation, and coaching provided after the course.

- Upcoming Scheduled Sessions

Start Date	End Date	Location	Price
23 Nov 2026	04 Dec 2026	Online	$2,000
23 Nov 2026	04 Dec 2026	Physical	$3,000
23 Nov 2026	04 Dec 2026	Physical	$6,000
23 Nov 2026	04 Dec 2026	Physical	$6,000
23 Nov 2026	04 Dec 2026	Physical	$12,000
23 Nov 2026	04 Dec 2026	Physical	$9,000
23 Nov 2026	04 Dec 2026	Physical	$12,000
23 Nov 2026	04 Dec 2026	Physical	$12,000

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