

## CLAIMS



**Do your claim have been rejected because it not fulfill the basic requirements to prove that the claim has any merit?**

**Do your in house resources contain adequate experience and knowledge to produce the desired result?**

Many of the claims have consisted of one or two pages maximum. This is not enough.  
Means lack of information.

The facts of the events on which the claims based need to be presented in a logical manner and they need to be substantiated. The contract should be examined to demonstrate that the events give cause to entitlement.

1. Did you have an event that produced a serious enough impact on the claimant to justify the submission of a claim?
2. The value of the claim justify the action?

**The claim submission should consist of two parts:**

1. The narrative, which deals with the details of the project, sets out the circumstances of the claim, demonstrates the effect of the claim and explain the basis of any supporting documents that have been prepared to help demonstrate the effects and/or quantum of the claim.
2. Appendices, which contains documents such programmes, calculations, and project records that have been prepared to support, illustrate or substantiate the claim.
3. Don't include irrelevant information in the document.

The aim of a claim is to persuade the respondent that, the claimant has entitlement under the contract and /at the law.

- Ensure that the submission document is well presented.
- Include explanations, summaries and conclusions of good effect within narratives.
- The elements that are absolutely essential to include in the claim are: cause, effect (time (delay) and financial (costs) considerations), entitlement and substantiation.

**The first place to check the entitlement is the contract. However, sometimes is not so clear.**

The most common claims causes are diverse:

Claims Causes	
Poor Tender process	Tax matters (including sub contractors)
Poor Commercial and Technical Proposal	Interferences
Poor procedures	Other contracts impact
Poor clarifications at tender	Records, records and records
Risk and responsibilities undefined	Access to the site
Unforeseeable physical conditions	Productivity
Variations and adjustments	Extention of time
Additional to contract (TAC)	Delay licensing
New sequence base line	Change orders
Fossils	Acceleration and disruption
Interferences	Late instruction
Management deviation	Delayed drawings or revised
New Cash flow	Adjustment for change in legislation
Omissions	Adjustment for change in costs
Method of measurement	Priority of documents
Bill of quantaties	Daywork schedule
Poor Scope	Financila Imbalance
Mew Regulation	Contractor's entitlement to suspend work
Force majeure	

Look careful to contract and its obligations, documents order of precedence, tender queries responses, poor management and documents produced at management stage like Minutes of meeting, letter, daily report, monthly report or any other register.

Disputes often arise through the interpretation of the contract, and it's true to say that if the contract documents are poorly drafted and compiled, the potential for disputes increase tremendously.

In Brazil, the discussion about claims has been increasing due to the fragility of the management and the elaborated contracts. FIDIC rules or other standards are not common to be followed.

**The concept of claim however has to be fair to both parties involved.**