

MANAGING CLAIMS AND LITIGATION IN PUBLIC CONTRACTS

 **Dates and duration to be agreed**

 **Location to be agreed**

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OBJECTIVES

- Know how to manage claim files and litigation occurring during contract negotiation, signature and performance.
- Master the various arbitration procedures.

THE + OF YOUR TRAINING

- - High-level dynamic training based on teaching progression which encourages acquiring tools and methods that can be directly applied to the participants' professional environment;
- Importance given to exchanging experiences, practical work and case studies;

CONCERNED AUDIENCE

- Public procurement services;
- Audit and control administration;
- Administrative Court.

GOOD TO KNOW

Example of 5 days programme

PEDAGOGICAL PROGRAMME

Module 1

Analysing and handling claims

- Types of claims.
- Amicably settling claims:
 - admissibility of claims;
 - facts, law, fairness.
- Reminders on the main conditions and requirements provided for in the works and services general administrative terms and conditions.
- Analysing claims and calculating compensation.
- Dispute settlement committee.
- Memorandum of understanding for the amicable settlement of disputes.



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Module 2

Litigation, disputes and arbitration

- Amicable methods and jurisdictional methods of settling disputes.
- Developing mediation and arbitration.
- Mediator-conciliator: status, role, qualities and abilities.
- Mediation-conciliation procedure and techniques.
- Commercial arbitration:
 - defining arbitration (contractual aspect and jurisdictional aspect);
 - types of international commercial arbitration.
- Domestic arbitration and international arbitration (monism or dualism? for instance, French law and OHADA).
- Institutional arbitration and ad hoc arbitration (administration of the proceedings, list of arbitrators and administrative costs: examples include Chamber of Commerce and Industry, EDF, ICSID, OHADA, etc.).
- Main rules of law of international commercial arbitration.
- The arbitration procedure.
- The arbitration tribunal.



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 **Prerequisites :** Have held or currently hold a position related to the training theme