



Workshop Drafting Enforceable Contracts  
Conditions



7 - 25 July 2024



Kuala Lumpur (Malaysia)

# Workshop Drafting Enforceable Contracts Conditions

course code: P9055 From: 7 - 25 July 2024 Venue: Kuala Lumpur (Malaysia) - Royale chulan hotel course Fees: 6750 Euro

## Program Overview

In this program you will learn about...

This is a workshop for Contract Drafting and Reviewing Professionals – participants will spend substantial part of time on hands-on doing drafting exercises closely resembling their own job requirements. The participants will also learn the art of knowledge accumulation for effective, productive and enforceable contract drafting.

Program includes instructor assisted individual practical work.

In this program you can choose to work on any one of following workshops...

- Civil Project
- Mechanical, Electrical Project
- Turnkey Project (Design Build)
- Supply of Services or Labour Contract
- Negotiated Contract, Single Source Contract
- Consultant Contract
- Procurement Contract
- General Tender Preparation, Invitation, Analysis Award

In Every Project or Works Contract there lies the possibility for disputes due to varied interpretations, different trade meanings, discrepancies and ambiguities in Contract Documents. Those drafting contracts often lack knowledge of Technology, Methods and Practices of the Industry.

Risk Reduction by Planned Risk Transfer is the single most important purpose of this program. Past participants have reported great benefits they achieved on their projects and contracts using the analysis and methods introduced in this program.

Drafting Contracts from the viewpoint of risk transfer involves an integration of Law, Methods, Practice and Technology. Useful inputs are possible from properly informed Engineers to Lawyers.

## Program Content

Program covers

- **Duties Responsibilities** of the Parties to Project Contracts.
- **Understanding Contract Conditions. Expressed and Implied Contractual Responsibilities.**
- Changes Doctrine.
- Notice Requirements including when waived.
- Responsibilities of Contractor, Owner and Consultant on the Project.
- What is “Fair and Reasonable”?
- **How do Claims Arise?** Legal Basis. How can these be reduced?
- **Contracting Methods and Associated Risks:**
  - Letter Contracts
  - Material Purchases
  - Labour Supply Contracts

- Service Contracts
- Package Deals, Turnkey Design Build,
- Traditional Single General Building Contractor or Engineering Contractor,
- Construction Manager Method,
- Phased Construction: Multiple-Prime Contractor, Fast Track Contracting.
- BOLT
- Technology Purchase and Consultancy Contracts
- Financial Risks on the different contracts.
- **How Risks are transferred.**
  - What Risks can not Normally be Transferred?
  - Means of Coordinating.
  - When Risk Transfer is Really Complete?
- **Transferring Specific Risks:**
  - Co-ordination of Contractors on Site,
  - No- Damage-For- Delay-Clause,
  - Project Schedule,
  - Liquidated Damages,
  - Unforeseen Site Conditions,
  - Variation Orders,
  - Right to Terminate,
  - Dispute Resolution,
  - Keeping appropriate Records,
  - Inspection of Works,
  - Safety,
  - Price Fluctuations,
  - Exceptional Weather Conditions.
- **Special Problems** with Engineering-Contractor and Consultant Contracts.
- Drafting Contracts Guidelines and Checklists.
- Available Standards Resources for the Drafting Professional
- Case Studies are discussed throughout the Program.

