



Advanced Contracts Management



8 - 26 September 2024



Kuala Lumpur (Malaysia)

# Advanced Contracts Management

course code: P4085 From: 8 - 26 September 2024 Venue: Kuala Lumpur (Malaysia) - Royale chulan hotel course Fees: 6750 Euro

## INTRODUCTION

In every organization the effective expenditure of enormous sums of money and resources is dependent on successful contract management activities. Selecting the appropriate contracting models and creating and managing formal agreements with suppliers of goods and services requires not only a complete understanding of the business requirements and organization needs, but also depends on keeping up-to-date on contracting. This programme is designed to:

- Explore the advanced practices generally viewed as leading to World-Class performance in contract selection, development and management
- Enable participants to determine where they are now
- Help participants to begin immediate implementation of the steps needed to create maximum total value for their organisation

## PROGRAMME OBJECTIVES

- Be more effective in contract management activities
- Select appropriate type and form of contracts for different situations
- Anticipate problems and manage risks
- Integrate contract management with contract needs
- Understand the best means of handling disputes and performance issues
- Establish terms and conditions for different situations
- Have the latest advances in contract selection and management

## TRAINING METHODOLOGY

The programme will combine conventional teaching with a high level of participation; including an interactive approach to involving participants in discussion of topics; exercises; and encouraging participants to bring their own experiences forward for discussion and debate.

## PROGRAMME SUMMARY

The programme covers the contracting process from tendering and award, through planning and management to close out and resolution of disputes. The intention is to develop general skills with application to a wide range of contractual situations, and to allow participants to have an awareness of practices in other areas and other industries which may add value to their own situations.

## PROGRAMME OUTLINE

### The Basis of Contracting

Principles of Good Contracting

- Why do we use contracts?
- Key steps in the creation of a Contract
- Essential elements of a valid Contract

- Overview of Tendering & Contract Award Process
- Advantages of tendering and some pitfalls to avoid
  - Distinguishing price and values
- Other Types of Obligation Documents
- Bonds and guarantees
- Letters of intent and award - are they contractual?
- Letters of Comfort - Do they mean anything?
- Side letters - why they can be dangerous
- When to Obtain Legal Advice
- Law of Agency
- Authority to sign contracts

### **Organising strategies for Contract Management**

- Defining Contract Management Responsibilities
- Basic contract planning
- Communication and managing expectations

### **Risks and selecting the right contract structure**

#### **Assessing and allocating risk**

- Identifying Risk
- Apportioning Risk
  - Incorporating Risk Assessment and Management
- Selecting types of contract
- Traditional - lump sum, schedule of rates, reimbursable etc
- EPC
- BOT/BOOT
- Alliance/partnering
- Warranty Management

### **Major Contract Terms to aid the handling of performance issues**

#### **Effective handling of Contract Performance issues**

- Design and Specification
- Work Ordering Process
- Obligation to perform work
- Transfer for ownership
- Risk of damage
- Contract Administration
  - Reporting Mechanisms
  - Cost Control
- Recovery Clauses - Acceleration
- Insurance and Indemnities
- Termination and suspension

### **Managing Change within a Contract**

#### **Understanding change**

- Changes to the contract documents

- Variations in scope
  - Increases and decreases
  - Change in timing
  - Change in method of working
- Managing change
- Risks of uncontrolled change

#### Developing Contract Terms and Conditions

- Finding Contract Templates
- Using standard form documents
- Modifying standard forms
- Drafting special conditions
- Issues for subcontracts

### Resolution of Disputes

#### Eliminating sources of Contract disputes

- Errors and omissions
- Anticipating and avoiding Conflicts
- Dealing with Unknowns
- Tracking Changes
- Managing Expectations

#### Resolving disputes

- Negotiation
  - Stage processes
  - The need for compromise
  - Negotiation techniques
- Litigation
- Arbitration
- Alternative Dispute Resolution
- Expert determination
- Early neutral evaluation
- Mini-Arbitration
- Mediation
- Med/Arb and Arb/Med
- Pendulum Arbitration
- Dispute Review Board and similar arrangements

#### The future in the Middle East

- Revisiting Strategic Alliance and Partnering Agreements and BOT/BOOT
- Prime Contracting and other Consolidated Sourcing Contracts
- Online Contracting and e-tendering
- Contract Management Review and Summary
- Programme highlights and final observations