

# **Mastering Contracts Management**

## **COURSE OVERVIEW**

Contracts are at the core of all commercial transactions, and good contract management is a core competency of successful organisations. The effective expenditure of money and resources is dependent on successful contract management activities – selecting the appropriate models, understanding the legal principles of creating a contract, managing each party's rights and obligations, and dealing with claims and disputes are all key areas within this discipline.

The Mastering Contract Management training course provides a systematic approach to the planning, development, negotiation and formulation of effective contracts and highlights the critical activities to be performed during the pre-award, award, and post-award stages of the tendering and contracting processes.

## **IMPORTANT FEATURES**

- Improved outcomes in commercial transactions
- Ensure that contracting is a high value added process
- Mastering skills in managing contract activities
- Exceptional negotiation skills
- Managing the performance of contractors
- Develop confidence in leading, planning, and managing the entire contract process

## **LEARNING OBJECTIVES**

- Systematically develop the contract to fairly and equitably distribute procurement and supply risks
- The planning, development, negotiation and formulation of contracts
- Manage the pre-award, award, and post-award stages of the tendering processes
- Understand the most appropriate contract type for the work to be performed
- Develop negotiation skills to successfully negotiate terms and conditions
- Employ effective dispute resolution techniques
- Develop the most appropriate contracts to ensure compliance with contract terms and conditions and avoid cost overruns and late delivery
- Deal with claims, variation orders and contract deviations

## **TARGET AUDIENCE**

The Mastering Contract Management training course is suitable for any personnel involved in the planning, evaluation, preparation and management of contracts, specifically in the areas of:

- Procurement

- Engineering
- Construction
- Operations
- Maintenance
- Finance

Participants may be new to their role, preparing for a new or major project, or experienced professionals looking for a refresher.

## **TRAINING METHODOLOGY**

The Mastering Contract Management training course includes a variety of instructional methods, and involve a high level of interaction. The programme Instructor will explain principles and issues, using real examples, and will involve participants through discussion and debate, and individual and group exercises.

## **COURSE CONTENTS**

### Day 1 - Contracts, Terms and Conditions

- **KeyTopics:**

- Description of a Contract
- Primary Contractual Elements
- Contract Formation Processes
- Fundamental Contracting Perspectives -Risk and Price
- Primary Project Success Factors
- Basic Conditions of Contracting
- General Conditions and Layout of Contract
- Project Delivery Methods and Contracts
- Dealing with Suppliers and Contractors
- Essential Elements of a Contract
- Contract Documents and Administration
- General & Special Conditions

### Day 2 - Tendering Processes & Contract Terms and Conditions

- **KeyTopics:**

- Pre-Award Stage
- Tender Evaluation

- Award Stage
- Post-Award Stage
- Competitive Bids
- Competitive Proposals and Negotiations
- Non-Competitive Methods
- Single and Sole Source Negotiations
- Forbearance and Waiver
- Liquidated Damages
- Force Majeure
- Warranties & Warranty Period
- Changes, Variations, Claims, and Disputes
- Acceptance and Rejection
- Contract Performance and Termination
- Dispute Resolution

## Days 3 - Contract Types and Compensation

- **KeyTopics:**

- Fixed Price Compensation
- Incentive Compensation
- Cost-Plus Compensation
- Time-and- Materials
- Contract Accounting and Payment Procedures
- Contract Claims and Variations

## Day 4 - Contract Negotiation

- **KeyTopics:**

- The Ability to Influence
- Primary Negotiation Styles
- Power and Negotiation
- Stages of Negotiation
- Preparation for Negotiation
- Price, Payment, Delivery Issues
- Schedule, Technical & Safety Issues

## Day 5 - Legal Issues and Dispute Resolution

- **KeyTopics:**

- Suspension and termination
- Acceptance and Certificates
- Liquidated damages/penalties
- Guarantee/Warranty/Maintenance
- Legal Remedies for Breach of Contract
- Dispute Resolution clauses
- Mediation, Arbitration, and Litigation
- Change Orders and Claims
- Liquidated Damages