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# Course: Mastering Contract Management and Claims Mitigation (Contracts Professional)

| Code | City             | Hotel              | Start      | End        | Price  | Language - Hours |
|------|------------------|--------------------|------------|------------|--------|------------------|
| 353  | Manama (Bahrain) | Hotel Meeting Room | 2024-12-22 | 2024-12-26 | 2950 € | En - 25          |

## INTRODUCTION

Contracts establish the responsibilities and rights of the parties. This highly interactive programme will provide a practical hands-on approach to effective management of contracts and offer techniques and contract strategies to assist this process. It will also assist in establishing an international risk management strategy with reference to contracts and develop good business practice to take advantage of opportunities, enhance efficiency and increase profitability.

### In this programme you will learn how to:

- enhance your contract management skills to improve contract and company performance
- develop systems to reduce the frequency of contractual disputes
- resolve such contractual disputes as do occur in an efficient fashion
- manage contracts and projects from the pre-contract, during the performance of the contract and through to the post-contract stage in accordance with best practices
- enhance profitability, not only by increasing money coming 'in' from contracts, but also by preventing unnecessary sums going out' in operational disputes

This is not a law programme. It is the development of commercial awareness of delegates through practice of effective management procedures assisted by a working knowledge of necessary legal principle.



## **ILM CERTIFICATION**

The Certified Contracts Professional is endorsed by the Institute of Leadership and Management (ILM). Delegates will complete an assessment at the end of the programme and, if successful, will become certified with the ILM. The assessment will focus on the topics covered by this programme.

## **PROGRAMME OBJECTIVES**

- understanding of necessary contractual and legal knowledge
- understanding of and application of different types of agreements
- increased commercial awareness needed to enhance smooth running of contracts
- increased ability to manage contracts with a view to reducing claims and conflict
- ability to identify and mitigate risk factors and associated commercial and programme implications
- understanding of the importance of good record keeping and service of contractual notices
- increased understanding of commercial liabilities resulting from schedule changes and variations
- improved ability, successfully to negotiate and maintain long term inter-business contracts with confidence
- understanding of the need to deal with issues as they arise and to resolve disputes within the contract structure wherever possible
- ability to analyse, negotiate and implement the most appropriate method of resolving disputes preventing escalation by early identification

## **TRAINING METHODOLOGY**

The programme will combine conventional teaching based on real-life examples, often from the trainers own experience and 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 will address the framework within which contracts are created, and the methods by which valid contracts may be formed. It will also look at some of the different contracting strategies available in international contracting and some of the common provisions. It will also look in particular at payment issues and post-contract liability. The programme will consider how to avoid disputes by good contract management and the various methods of resolving those disputes that do arise. This will include current international best practice in Alternative Dispute Resolution in general, and mediation in particular.

## **PROGRAMME OUTLINE**

### **DAY 1 - The Legal Framework of Contracts and how they are created**

- The need for contractual relationships
- External and internal dimensions of a business relationship
- Formation of a Contract
- The key elements of a contract
- Oral or written?
- Electronic contracts
- Terms of the contract
- Inter-business contracting
- Law of Agency
- Sources of Law
- Developing legal knowledge and skills

### **DAY 2 - Some issues arising in contracts**



- Precedence of documents in a contract
- Obligations to perform
- Delivery, acceptance and transfer of title and risk
  - ICC Incoterms
- Liability in negligence - relationship with contract conditions
- Product liability and defective goods
- Intellectual Property clauses - some special issues
- Letters - Intent; Instruction/Award; Comfort; Awareness
- Conflict of Laws and Choice of Law and jurisdiction Clauses

### **DAY 3 - Different Contracting Strategies in International Contracts**

- Some types of Standard Form/Model Form Conditions
- Drafting Standard Terms
- Potential problems with Standard Form Contracts
- Limiting or excluding liability
- Unequal Bargaining Positions
- Traditional contracts
  - Fixed Price/Lump Sum
  - Bill of Quantities/Schedule of Rates - re-measured contracts
  - Full reimbursable - “cost plus” - why this is sometimes the right answer
  - Dealing with volatile markets - economic price adjustment clauses and the use of indices
  - Adding incentives to lumps sums
- Non-Traditional contracts
- Build Own Operate and similar structures
- Alliances and Partnering
- No Cure/No Pay - a technique from marine salvage that has wider uses

### **DAY 4 - Contract Management and the management of change and payment**

- The need for good contract management



- Variation of Contract Terms
- Variation of Scope of Work
- Management of Variations and retaining control of the contract
- Payment and money events
- Delay, suspension and extension of time
- Finance and Payment in International Trade
- Bonds and Guarantees
- Defects Liability - warranty periods
  - Managing rolling warranties
- Termination of the Contract and Remedies
- Mitigation of losses and claims

## **DAY 5 - Resolution of Disputes**

- Negotiation, compromise and settlement
- Litigation
- Arbitration
- Alternative Dispute Resolution - including mediation
- Managing disputes
- Review of programme, and final questions



**The Scandinavian Academy for Training and Development employs modern methods in training and skills development, enhancing the efficiency of human resource development. We follow these practices:**

- **Theoretical Lectures:**

- We deliver knowledge through advanced presentations such as PowerPoint and visual materials, including videos and short films.

- **Scientific Assessment:**

- We evaluate trainees skills before and after the course to ensure their progress.

- **Brainstorming and Interaction:**

- We encourage active participation through brainstorming sessions and applying concepts through role play.

- **Practical Cases:**

- We provide practical cases that align with the scientific content and the participants specific needs.

- **Examinations:**

- Tests are conducted at the end of the program to assess knowledge retention.

- **Educational Materials:**

- We provide both printed and digital scientific and practical materials to participants.

- **Attendance and Final Result Reports:**

- We prepare detailed attendance reports for participants and offer a comprehensive program evaluation.

- **Professionals and Experts:**

- The programs scientific content is prepared by the best professors and trainers in various fields.

- **Professional Completion Certificate:**

- Participants receive a professional completion certificate issued by the Scandinavian Academy for Training and Development in the Kingdom of Sweden, with the option for international authentication.

- **Program Timings:**

- Training programs are held from 10:00 AM to 2:00 PM and include coffee break sessions during lectures.