



*Training Course:
Certified Contracts Professional*

*2 - 6 September 2024
Kuala Lumpur (Malaysia)
Royale Chulan Kuala Lumpur*

Training Course: Certified Contracts Professional

Training Course code: PC4070 From: 2 - 6 September 2024 Venue: Kuala Lumpur (Malaysia) - Royale Chulan Kuala Lumpur Training Course Fees: 5250 € Euro

INTRODUCTION

Contracts establish the responsibilities and rights of the parties. This highly interactive program will provide a practical hands-on approach to the 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 practices to take advantage of opportunities, enhance efficiency, and increase profitability. In this program 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 from going out in operational disputes

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

PROGRAMME OBJECTIVES

- understanding of necessary contractual and legal knowledge
- understanding of and application of different types of agreements
- increased commercial awareness needed to enhance the 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 program 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 analyze, negotiate and implement the most appropriate method of resolving disputes preventing escalation by early identification

TRAINING METHODOLOGY

The program 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 a discussion of topics, and exercises and encouraging participants to bring their own experiences forward for discussion and debate.

PROGRAMME SUMMARY

The program 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 program will consider how to avoid disputes through good contract management and the various methods of resolving those disputes that do arise. This will include current international best practices 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 program final questions

Registration form on the Training Course: Certified Contracts Professional

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