

# PROJECT MANAGEMENT



 **BTS**  
Training & Consultancy

## Contract Strategy & Claims Management

Website: [www.btsconsultant.com](http://www.btsconsultant.com)

Email: [info@btsconsultant.com](mailto:info@btsconsultant.com)

Telephone: 00971-2-6452630

# Contract Strategy & Claims Management

## Introduction:

Contracts establish the responsibilities and rights of the parties. This highly interactive program 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 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 going out' in operational disputes

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

## Who Should Attend?

- Contract Administrators
- Contracting Unit Supervisors
- Project Engineers
- Project Managers
- Claims Managers and Business Audit Officers
- Risk Managers
- Contract Strategists
- Staff who are new to their roles, or experienced staff looking for a refresher program

## Course 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, and final questions