

# € TRAINING

Administrative and Commercial Contracts



# Administrative and Commercial Contracts

## Introduction:

Administrative and Commercial Contracts relations are based on contracts of one type or another. These are becoming increasingly complex, need to understand what a contract does require them and the other party to the contract to do, and the consequences for both parties of any failure. This course is intended to provide an understanding of contracting in the English language but in an international context.

## Course Objectives:

At the end of this course the participants will be able to:

- Discuss Elements Of Good Procurement Process.
- Learn Methods Of Tender Evaluation.
- Review Contract Strategies.
- Explore Steps In Developing Performance-Based Service Contracts.
- See Examples Of Important administrative and Commercial Contract Clauses.
- Be Presented The Essential Elements Of A Contract.
- Be able to provide better outcomes from contracts.
- Review Contract administration techniques administrative and Commercial.
- Explore contract monitoring techniques administrative and Commercial.
- Learn how to get fair treatment in contract changes.
- Know how to analyze contracts.
- Discuss contract termination issues administrative and Commercial.
- How to prepare for claims and disputes.
- Review acceptance and Contract close out issues.
- Study the Inputs and outputs in contract administration.

## Targeted Audience:

Representatives of all functional disciplines would benefit from this course. The course is particularly recommended for actual or potential purchasing, contracts, or project professionals, and for anyone who contributes to projects or is involved in the management of a business unit.

## Course Outlines:

### Unit 1: What Are Administrative Contracts and How Are They Created?

- Offer and acceptance.
- Intention to create a legal relationship.
- Written or oral?.
- Other legal formalities in different countries.
- Signing and sealing.
- Witnesses.
- Authority to sign.
- How to prove authority.
- The tender process.

- Involvement of agents.
- What happens if there is no contract, but work is carried out anyway?
- Making contracts enforceable - with particular emphasis on international context.

## Unit 2: Structure of Contracts:

- Form of Agreement.
- General Terms and Conditions.
- Special Terms and Conditions.
- Schedules or Appendices.
- Title ownership and risk of damage.
- When does it transfer?
- Use of ICC INCOTERMS.
- Notices and other formalities.
- Which law and which courts?
- Different contractual structures.
- Traditional.
- New structures used in the Middle East.
- New structures not widely used in the Middle East.

## Unit 3: Collateral Documents 1:

- Bonds and guarantees.
- Tender Bonds.
- Advance Payment Bonds.
- Performance Bonds.
- Warranty Bonds.
- Parent Company Guarantees.
- Retention/Withholding.
- Retention Bonds.
- Letters of intent.
- Letters of the award.
- Letters of comfort or awareness.
- Types.
- Who should carry the cover?
- How should you manage claims?
- Are banks or insurance companies good enough security?
- Insurance policies.

## Unit 4: Collateral Documents 2:

- Assessing the need for financial security in the current economic climate.
- Changes to the Contract documents.
- Need for consent.
- Assignment/Novation explained and distinguished.
- Waiver.
- Changes to the scope.
- Variation clauses.
- Notice provisions.
- Valuation of variations and changes.
- Claims - what they are, and how they arise.

- Delay caused by the client.
- Delay caused by contractor/supplier.
- Force majeure.
- Delay and disruption.

#### Unit 5: Resolving Disputes:

- Negotiation.
- Staged dispute resolution clauses.
- Litigation.
- Arbitration.
- New best practices in dispute resolution.
- Mediation.
- Conciliation.
- Early neutral evaluation.
- Expert determination.
- Mini-arbitration.
- Pendulum arbitration.
- Final questions and review of course.