

CONTRACT MANAGEMENT

WITH SPECIAL FOCUS ON
CONTRACTUAL RISKS

DATE : **9 & 10 MARCH 2015**
VENUE : **ISTANA HOTEL KUALA LUMPUR**



Contract

Signed in the presence of
Witness: *Joe Hestisoy*
Witness: *Mary Gibson* First

This two day Contract Management training course is designed to enhance the performance involved in procurement contracts, equipping them with the tools to analyse contractual risks, with emphasis on how to avoid and deal with contractual risk. The course will help participants understand complex contractual terms and conditions in simple English language.

The 2 day interactive workshop will be conducted using a mixture of practical and theory syndicate sessions followed by group discussion. Delegates are encouraged to email or bring contracts which they are familiar with - which can be discussed in the end before closing of the workshop.

The workshop will enable participants to:-

- *Understand the principles of contract management*
- *Examine the business environment to foresee how the supplier/contractor may perform*
- *Legal requirements of contracts and their implications*
- *Have knowledge of contractual clauses*
- *Understand Risk transfer through contracting terms and conditions*
- *Have an overview of legal aspects of contracts and how this might be used to advantage*
- *Effectively negotiate procurement contracts*
- *Effectively handle claims, variations and disputes*
- *Examine the steps involved in Pre-Award, Award and Post Award phase.*
- *Lessons learnt and Best Practices.*

Instead of lectures and legalese the event is arranged in an informal workshop style. The participants work interactively in groups and real life experiences are used as examples and basis for hands-on exercises. The workshop focus is on contractual risks related to the cross border sales of equipment. In the case studies, the impact of gap filling laws and contractual practices as well as the effects of standard terms and conditions are demonstrated in a practical manner. Consequences of delays in delivery and defects or lack of conformity will be discussed, as well as risk management tactics concerning them.

WHO SHOULD ATTEND?

The Contractual Risk Management workshop is specifically designed for business people who make offers, orders and commitments and negotiate contracts, but do not have formal training in this area: *Project Managers; Finance Managers, Accountant and Contract Managers; Sales and Purchasing Professionals; Export Engineers; Persons working with Quality Management, Risk Management or Financial Matters.*

TRUE OR FALSE?

- "If the contract is silent, the supplier is not liable for delays in delivery."
- "The liability of the supplier ends at the end of the warranty period."
 - "In international sales, the law of the buyer's country applies."
 - "There is no international sales law."
 - "Product liability cannot be limited by contract."



SPEAKER
MANOJ NAIR

Manoj Nair is a Solicitor Supreme Court England and Wales (NP), he is the founder of SVM Contract Consultants having more than 15 years of experience in dealing with Corporate, Civil and Labour Laws. He has extensive knowledge and experience in all aspects of contract drafting, contract negotiations, contract/procurement management, project finance, risk management, outsourcing contracts (including international contracts).

He has authored a book "Ten Rules to Succeed in Interviews". He is the India Representative for British Legal Centre (a UK based Company helping lawyers to understand British Law). He was admitted to the roll of advocates in December 1996 - from 1996 to 2000 he was working with one of the leading law firms in India Mulla & Mulla Craigie Blunt and Caroe where he was exposed to contract, banking, civil, corporate and commercial laws.

He has worked with some big names in the corporate sector as advisor and consultant, during the year 2000 to 2003 like Central Bank of India, HSBC Bank, SCHIL Capital India Ltd (subsidiary of Sumitomo Mitsui Bank), MAFCO, Mantri Group, Ceat Ltd, India Gillatine Ltd and many other companies. He was working for MB holding LLC, Muscat Oman from 2003 to 2006 an Omani multinational company and was involved in Advising and vetting transaction documents of value US\$ 40 million with International Finance Corporation (IFC).

COURSE OUTLINE

Day 1

Introduction to Contract Management

- Definition of Contract Management
- When does Contract Management Commence
- Four Key Components of Contract Management
 - Setting up the Contract Team
 - Managing Service Performance
 - Managing Relationship
 - Contract Administration

Contract/Formation of Contracts

- Offer or Proposal
- Rejection of an offer / Counter offer.
- Consideration
- Essentials of Valid Contract
- Free Consent
- Quasi Contracts
- Performance of Contract
- Breach Of Contract /Remedies
- Battle of Forms

Understanding Clauses which deal with Contractual Risk - How to minimise and transfer the risk

- Limitation of Liability/Total Liability Cap
- Third Party Liability
- Force Majeure
- Damages, Liquidated Damages/ Penalty
- Consequential Damages
- Negligence/Gross Negligence and Wilful
- Non-payment by Client
- Confidentiality
- Exclusive Remedy Provisions
- Governing Law
- Contracting Methods
- Simplified Methods
- Formal Competitive Methods
- Sealed Bidding
- Key steps in Source Selection
- Reverse Auction
- Negotiation with Sole/Single Source

Day 2

Contracting Pricing Arrangements

- Uncertainty and Risk in contracting
- Fixed Price Contracts
- Contract reimbursable Contracts
- Time and Materials contracts

Plan Procurements

- Planning documents
- Requirement documents
- Procurement management plan

Conduct Procurements

- Vendor participation
- Advertising and bidder conferences
- Proposal evaluation techniques

Administer and Close Procurements

- Procurement team
- Vendor relationship management
- Monitoring performance
- Contract change controls
- Contract amendment
- Progress reports
- Payment Terms
- Termination
- Lessons learned
- Procurement audits
- Negotiated settlements
- Claims and Dispute

He gained international experience while working with MB and has travelled widely to countries like Malaysia, Norway, U.K, U.A.E, Qatar, Kuwait, Yemen, Bahrain, Sri Lanka and Bangladesh.

He was Legal Counsel for Schlumberger in 2006-2008, which is the no.1 global engineering service company and has extensive experience dealing with tender, bids, proposals, RFP, RFQ, ITB and other contract documents- in course of his employment with Schlumberger he was involved in some high ticket contracts to the value of one billion US\$.

He has immense exposure on topics like, Labour Laws, Sexual Harassment at Work Place, construction and EPC contracts, and FIDIC contracts. His last assignment was with Damac Holding LLC (Dubai) and Petrofac International (Sharjah) as Legal Manager and Advisor.

His training experience includes training legal and commercial departments of conglomerate companies in India like Tata Motors, Godrej Industries, Bharti AXA, Hindustan Field Services (SMOLLAN GROUP), Indiacast UTV, Skoda India Pvt. Ltd, ETA ASCON (Dubai), Unistar (KSA) and UrbaCon General Contracting (UCC) (Doha), Challenger Construction (Doha); he regularly conducts training's in India and frequently travels to Middle- East for trainings assignments.

He has professional certification from ESI and The George Washington University School of Business in "Contract Management Principles and Practice and Managing Outsourcing Contracts".He is empanelled as freelance instructor with ESI International, Marcus Evans, Green International, Lee Hecht Harrison (Adecco Group), Indian Academy of Management (IAM), Exalt Communication and with NIIT as subject matter expert

He is also an adjunct faculty teaching business, employment laws, international business and business ethics in leading B schools in Mumbai few of them are The Institute of Technology and Management, Institute of Business Studies and Research, Mumbai School of Business, Times Business School, Ghelot's Institute of Management and Guru Nanak Institute of Management and Studies.

REGISTRATION FORM

PARTICIPANTS

DESIGNATION

EMAIL

1.			
2.			
3.			
4.			
5.			

ORGANISATION

CORRESPONDING ADDRESS

CONTACT PERSON

SIGNATURE

TEL

FAX

EMAIL

TERMS & CONDITIONS

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| <ol style="list-style-type: none"> 1. FOR PRIVATE SECTOR 2. FOR GOVERNMENT SECTOR 3. CANCELLATION POLICY 4. REGISTRATION FEE 5. GROUP DISCOUNT 6. PAYMENT MODE 7. BANK TRANSFER | <ul style="list-style-type: none"> - The organisers reserve the right to stop any registered delegate from taking part in the event if no proof of payment or an undertaking letter is presented. - A Local Order (LO) or Letter of Approval to participate must be presented before or during the event. - For any cancellations, kindly inform the secretariat in writing / fax 3 days before the event, otherwise the conference fees will be billed. Replacement will / can be accepted. No refund for cancellation made after 5 March 2015. - RM2,250.00 per participant. - RM50.00 per participant will be given for group registration of Five (5) or more from the same organisation (same time and same billing source).
Fees to include Lunch, Refreshments and Workshop materials / documentation) - All Bank Draft / Local Order / Cheques must be crossed and made payable to
WORLDWIDE CORPORATE RESOURCES SDN BHD Bank - Maybank Berhad Account Name - Worldwide Corporate Resources Sdn Bhd Account No - 5140 5717 4708 |
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All enquiries must be forwarded to:-

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