

COURSE OVERVIEW CM0030
Contract and Risk Management, Tendering and
Selecting Contractors

Course Title

Contract and Risk Management, Tendering and Selecting Contractors

Course Date/Venue

Session 1: February 18-22, 2024/The Mouna Meeting Room, The H Dubai Hotel, Sheikh Zayed Rd - Trade Centre, Dubai, UAE

Session 2: March 03-07, 2024/Kizkulesi, Crown Plaza Istanbul Asia Hotels & Convention Center, Istanbul, Turkey



Course Reference

CM0030

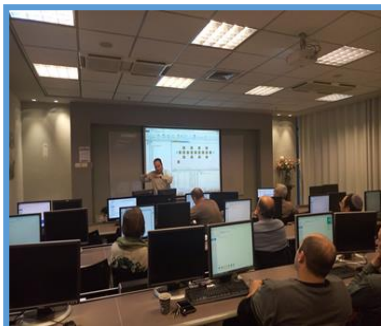
Course Duration/Credits

Five days/3.0 CEUs/30 PDHs

Course Description



This practical and highly-interactive course includes real-life case studies and exercises where participants will be engaged in a series of interactive small groups and class workshops.



Successful sourcing relationships are based on careful and detailed preparation before the contract is signed. Both parties need a clear understanding of the type of relationship desired. Sourcing contracts can consist of anything from a brief document with a price list attached, to hundreds of pages of legal documentation, terms, schedules, and flow charts. Initiating and managing contracts can be a complex process that requires a thorough understanding of specific planning and procurement activities. As such, contract management is a systematic process in the purchasing and selling of services and products that involves specific phases and associated activities, including: Planning and Procurement, Award and Implementation.



This course will demonstrate the process and provide guidance to developing truly effective tenders that make for better vendor evaluation and selection and facilitate contract and risk management. Participants will gain knowledge and experience on how to apply concepts of tendering and technical tender evaluation in a manner that follows international best practice and be aware of the kind of tools appropriate for the task.

The course will help companies award the right contracts to the best contractors. Contracting involves many roles that must work together to negotiate, document, and ensure a reliable supply of goods and services for capital projects and ongoing operations. Everyone involved in contracting with suppliers and service providers must understand the entire process, the keys to success, and what is required of their role if contracts are to be effective in managing supply risks.

The course will cover the contract management process; the formation, effective, structure and types of contracts; the main contract clauses and issues; the risk analysis and management, the pre-contract risk, financial risk, technical risk and the risk related terms and conditions; minimizing and transferring risks; the contract management and tendering; developing the tender; the important elements of the contract; and selecting contractors and tender evaluation.

Course Objectives

Upon the successful completion of the course, each participant will be able to: -

- Apply and gain a comprehensive knowledge on contract and risk management, tendering and selecting contractors
- Discuss the contract management process including the formation, effective, structure and types of contracts
- Identify the main contract clauses and issues covering the rights and obligations under the contract and the links between risk and reward for the contractor
- Carryout risk analysis and management and recognize the phases of risk management, risk identification, analysis and modelling
- Determine the pre-contract risk, financial risk, technical risk and the risk related terms and conditions
- Minimize and transfer risks through contract types, firm fixed price or lump sum contracts, cost reimbursable contracts, incentive contracts, etc
- Illustrate the process of contract management and tendering and recognize the things to be competent at contract management and the elements of a good procurement and competitive bidding process
- Develop tender covering objectives of the contract, tender and contract checklist, the important integration clause, inspection, acceptance, rejection, etc
- Identify the important elements of the contract that includes price adjustment clauses, force majeure clauses, contract changes clauses, methods of payment, progress reports, letters of intent, award and side agreements
- Select contractors and apply tender evaluation in a professional manner

Exclusive Smart Training Kit - H-STK®



Participants of this course will receive the exclusive “Haward Smart Training Kit” (H-STK®). The H-STK® consists of a comprehensive set of technical content which includes **electronic version** of the course materials, sample video clips of the instructor’s actual lectures & practical sessions during the course conveniently saved in a **Tablet PC**.

Who Should Attend


This course provides an overview of all aspects and considerations of contract and risk management including tendering. It is suitable for business managers, contract managers, operations managers, project managers, systems engineers, engineers and other senior staff who need to master the contracting process, preventing risks, performing efficient tendering process and selecting the right contractors.

Course Certificate(s)

Internationally recognized certificates will be issued to all participants of the course who completed a minimum of 80% of the total tuition hours.

Certificate Accreditations

Certificates are accredited by the following international accreditation organizations:-


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The International Accreditors for Continuing Education and Training (IACET - USA)

Haward Technology is an Authorized Training Provider by the International Accreditors for Continuing Education and Training (IACET), 2201 Cooperative Way, Suite 600, Herndon, VA 20171, USA. In obtaining this authority, Haward Technology has demonstrated that it complies with the **ANSI/IACET 2018-1 Standard** which is widely recognized as the standard of good practice internationally. As a result of our Authorized Provider membership status, Haward Technology is authorized to offer IACET CEUs for its programs that qualify under the **ANSI/IACET 2018-1 Standard**.

Haward Technology’s courses meet the professional certification and continuing education requirements for participants seeking **Continuing Education Units (CEUs)** in accordance with the rules & regulations of the International Accreditors for Continuing Education & Training (IACET). IACET is an international authority that evaluates programs according to strict, research-based criteria and guidelines. The CEU is an internationally accepted uniform unit of measurement in qualified courses of continuing education.

Haward Technology Middle East will award **3.0 CEUs** (Continuing Education Units) or **30 PDHs** (Professional Development Hours) for participants who completed the total tuition hours of this program. One CEU is equivalent to ten Professional Development Hours (PDHs) or ten contact hours of the participation in and completion of Haward Technology programs. A permanent record of a participant’s involvement and awarding of CEU will be maintained by Haward Technology. Haward Technology will provide a copy of the participant’s CEU and PDH Transcript of Records upon request.

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British Accreditation Council (BAC)

Haward Technology is accredited by the **British Accreditation Council** for **Independent Further and Higher Education** as an **International Centre**. BAC is the British accrediting body responsible for setting standards within independent further and higher education sector in the UK and overseas. As a BAC-accredited international centre, Haward Technology meets all of the international higher education criteria and standards set by BAC.

Course Instructor(s)

This course will be conducted by the following instructor(s). However, we have the right to change the course instructor(s) prior to the course date and inform participants accordingly:



Dr. Chris Le Roux, PhD, MSc, BSc, PMI-PMP is a **Senior Project & Management Consultant** with over **45 years** of teaching, training and industrial experience. His expertise lies extensively in the areas of **Project & Contracts Management Skills, Project & Construction Management, Project Planning, Scheduling & Control, Project Management, Project Delivery & Governance Framework, Project Management Practices, Project Management Disciplines, Project Risk Management, Risk Identification Tools & Techniques, Project Life Cycle, Project Stakeholder & Governance, Project Management Processes, Project Integration Management, Project Management Plan, Project Work Monitoring & Control, Project Scope Management, Project Time Management, Project Cost Management, Project Quality Management, Quality Assurance, Project Human Resource Management, Project Communications Management, Contract Management, Tender Development, Contract Standards & Laws, Dispute Resolution & Risk Identification, Myers-Briggs Type Indicator (MBTI), Organization Development Consultation, Advanced Debriefing of Emotional Trauma, Interpersonal Motivation, Model Based Interviewing, Leadership Orientation Programme, Coaching & Motivation, Creative Thinking & Problem-Solving Techniques, Emotional Intelligence, Presentation Skills, Communication & Interpersonal Skills, Effective Communication & Influencing Skills, Effective Business Writing Skills, Writing Business Documents, Business Writing (Memo & Report Writing), Leadership & Team Building, Psychology of Leadership, Interpersonal Skills & Teamwork, Coaching & Mentoring, Innovation & Creativity, Office Management & Administration Skills, Controlling Your Time & Managing Stress, Crisis Management, Strategic Human Resources Management, Change Management, Negotiation Skills, Strategic Planning, Risk Analysis & Risk Management, Global Diverse & Virtual Teams Operation, Exceeding Customer Expectations, Corporate Governance Best Practice, Business Performance Management & Improvement, Building Environment of Trust & Commitment, Win-Win Negotiation Strategies, Quality Improvement & Resource Optimization, Neuro Linguistic Programming (NLP), Personal Resilience Developing, Effective Role Modelling & Development, Managing Dynamic Work Environments, Organizational Development, Career Management, Situation & Behaviour Analysis, Interpersonal Motivation Skills, Inventory Management and Financial Administration. Further, he is also well-versed in Water Supply System Security, Vulnerability & Terrorism, Integrated Security Systems, Incident Threat Characterization & Analysis, Physical Security Systems, Security Crisis, Security Emergency Plan, Command & Control System, Preventive Actions and Situation Analysis. He was the **Psychologist & Project Manager** wherein he was responsible in the project management and private psychology practices.**

During his career life, Dr. Le Roux has gained his academic and field experience through his various significant positions and dedication as the **Director, Medico Legal Assessor Psychologist, Training & Development General Manager, Project Manager, Account Manager, Commercial Sales Manager, Manager, Sales Engineer, Project Specialist, Psychology Practitioner, Senior HR Consultant, Senior Lecturer, Senior Consultant/Trainer, Business Consultant, Assistant Chief Education Specialist, ASI Coordinator, Part-time Lecturer/Trainer, PMP & Scrum Trainer, Assessor & Moderator, Team Leader, Departmental Head, Technical Instructor/Qualifying Technician, Apprentice Electrician: Signals and Part-Time Electrician** from various companies and universities such as the South African Railway (SAR), Department of Education & Culture, **ESKOM**, Logistic Technologies (Pty. Ltd), Human Development: Consulting Psychologies (HDCP) & IFS, Mincon, Eagle Support Africa, Sprout Consulting, UKZN, Grey Campus, Classis Seminars, CBM Training, just to name a few.

Dr. Le Roux has a **PhD in Commerce Major in Leadership in Performance & Change**, a **Master's degree in Human Resource Management**, a **Bachelor's degree (with Honours) in Industrial Psychology**, a **National Higher Diploma and a National Technical Diploma in Electrical & Mechanical Engineering**. Further, he is a **Certified Project Management Professional (PMI-PMP)**, a **Certified Scrum Master Trainer** by the VMEdU, a **Certified Instructor/Trainer** and a **Certified Internal Verifier/Assessor/Trainer** by the **Institute of Leadership & Management (ILM)**. Moreover, he is a **Registered Industrial Psychologist** by the Health Professions Council of South Africa (HPCSA), a **Registered Educator** by the South African Council for Educators (SACE) and a **Registered Facilitator, Assessor & Moderator** with Education, Training and Development Practices (ETDP) SETA. He has further delivered numerous trainings, courses, seminars, conferences and workshops globally.

Training Methodology

All our Courses are including **Hands-on Practical Sessions** using equipment, State-of-the-Art Simulators, Drawings, Case Studies, Videos and Exercises. The courses include the following training methodologies as a percentage of the total tuition hours:-

- 30% Lectures
- 20% Practical Workshops & Work Presentations
- 30% Hands-on Practical Exercises & Case Studies
- 20% Simulators (Hardware & Software) & Videos

In an unlikely event, the course instructor may modify the above training methodology before or during the course for technical reasons.

Course Fee

Dubai	US\$ 5,500 per Delegate + VAT . This rate includes H-STK® (Haward Smart Training Kit), buffet lunch, coffee/tea on arrival, morning & afternoon of each day.
Istanbul	US\$ 6,000 per Delegate + VAT . This rate includes Participants Pack (Folder, Manual, Hand-outs, etc.), buffet lunch, coffee/tea on arrival, morning & afternoon of each day.

Accommodation

Accommodation is not included in the course fees. However, any accommodation required can be arranged at the time of booking.

Course Program

The following program is planned for this course. However, the course instructor(s) may modify this program before or during the course for technical reasons with no prior notice to participants. Nevertheless, the course objectives will always be met:

Day 1

0730 – 0800	<i>Registration & Coffee</i>
0800 – 0815	<i>Welcome & Introduction</i>
0815 – 0830	PRE-TEST
0830 – 0930	Contract Management Process <i>Contract Management Definition • Buyer, Seller, and Subcontractor Terms • Description and Uses of Contracts • Buyer and Seller Perspectives</i>
0930 – 0945	<i>Break</i>
0945 – 1130	Formation, Effective, Structure & Types of Contracts <i>Why We Need Contracts • Basic Principles in Contract Formation and Contract Effectiveness • Invitation to Tender & Contractual Impact of Tender Responses • Form of Agreement • Basic Contractual Structures • Proper Law of the Contract</i>
1130 – 1230	Main Contract Clauses & Issues <i>Rights & Obligations under the Contract • Links between Risk & Reward for the Contractor • Transfer of Title and Risk-Use of INCOTERMS • The Need for Insurance and Indemnities • Delays and Suspensions • Delivery and Acceptance • Remedies for Failure to Perform • Frustration of a Contract • Rights to Terminate</i>



1230 – 1245	Break
1245 – 1420	Main Contract Clauses & Issues (cont'd) Warranty and Guarantee Periods-Latent Design Defect • Notices • Entire Agreement & Waiver
1420 – 1430	Recap
1430	Lunch & End of Day One

Day 2

0730 – 0930	Risk Analysis & Management Taking a Risk • The Risk Pendulum • Risk Bearing, Risk Sharing Partnership Sourcing & Partnership Contracting • Risk Analysis & Management • Risk Benefits
0930 – 0945	Break
0945 – 1130	Risk Analysis & Management (cont'd) Bid & Project Risk Management • Phases of Risk Management • Risk Identification, Analysis & Modeling • Planning & Management • The Risk Register • Establishing Applicability
1130 – 1230	Pre-Contract Risk Request for Proposal Review • Risk Determination • Deciding to Bid & Bidding Successfully • Pricing for Risk • Making an Offer • The Priced List of Risks • Negotiation • Contract Launch
1230 – 1245	Break
1245 – 1420	Financial Risk Financial Risk Defined • Sources of Financial Risk • Sharing Cost Risk • Do's & Don'ts in Financial Presentation
1420 – 1430	Recap
1430	Lunch & End of Day Two

Day 3

0730 – 0930	Technical Risk Technical Risk Defined • Do We Want to Take this Risk at All? • And Requirement • Sharing the Risk • The Role of the Commercial Engineer Do's & Don'ts of Technical Risk
0930 – 0945	Break
0945 – 1130	Risk Related Terms & Conditions External Events • Force Majeure • Strikes and Other Labour Disputes • Risk and Title
1130 – 1230	Risk Related Terms & Conditions (cont'd) Use of ICC Incoterms • Assignment and Novation • Clauses that Flow Down to Sub-contractors • Risks Associated with Sub-Contractors
1230 – 1245	Break
1245 – 1420	Minimizing & Transferring Risks Transferring Risk Through Contract Types • Firm Fixed Price or Lump Sum Contracts • Cost reimbursable Contracts • Incentive Contracts
1420 – 1430	Recap
1430	Lunch & End of Day Three





Day 4

0730 – 0930	Minimizing & Transferring Risks (cont'd) Award-Fee Pricing Arrangements • Indemnities • Cross Indemnities • Insurance
0930 – 0945	Break
0945 – 1130	Contract Management & Tendering-When Does the Process Start What you Need to Know to be Competent at Contract Management • Elements of a Good Procurement & Competitive Bidding Process • Standards of Ethical Practice • Example Policy “Relations with Suppliers” • Selecting the Right Contracting Strategy
1130 – 1230	Contract Management & Tendering-When Does the Process Start (cont'd) Types of Statement of Work • The Importance of the Contract • Basic Contract Types • Basic Types of Project Delivery
1230 – 1245	Break
1245 – 1420	Developing the Tender Objectives of the Contract • Tender and Contract Check List • The Important Integration Clause • Inspection, Acceptance, Rejection
1420 – 1430	Recap
1430	Lunch & End of Day Four

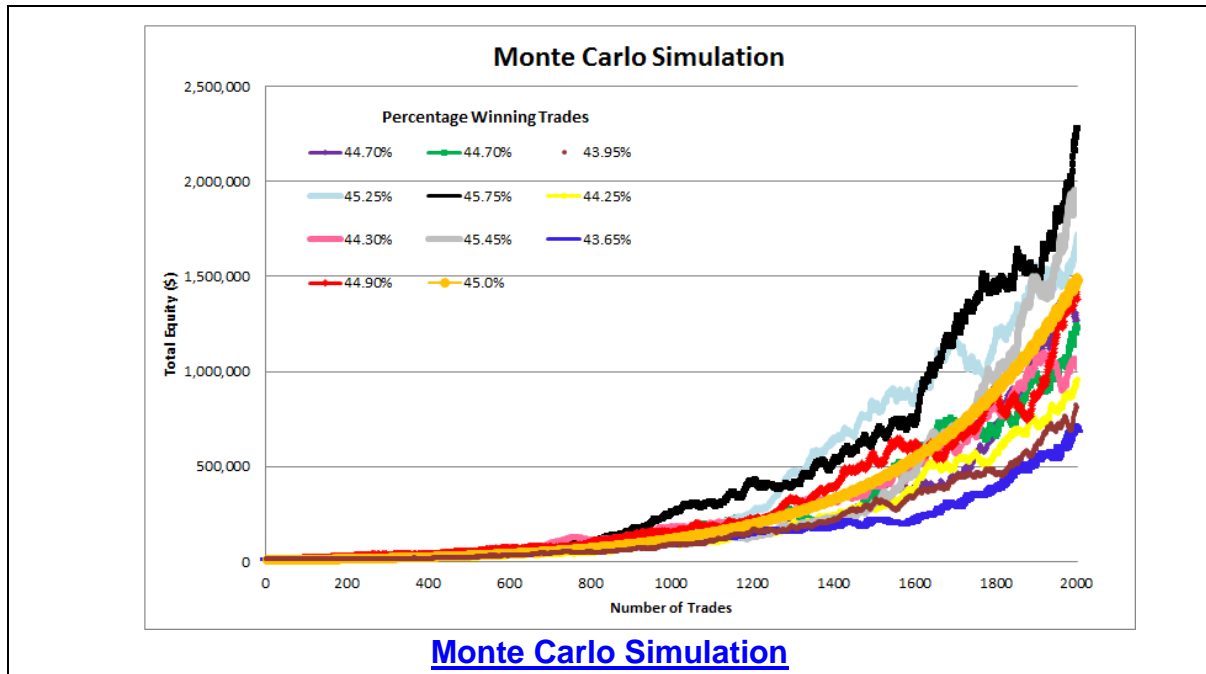
Day 5

0730 - 0930	Developing the Tender (cont'd) Clauses for Defects in Material and Workmanship • Developing Performance-Based Service Contracts • Penalty/Liquidated Damages Clause • Clauses for Spare Parts
0930 – 0945	Break
0945 – 1130	Important Elements of the Contract Saving with Economic Price Adjustment Clauses • Force Majeure Clauses • Contract Changes Clauses • Methods of Payment • Progress Payments • Letters of Intent, Award and Side Agreements
1130 – 1230	Selecting Contractors & Tender Evaluation Selecting the Bidders • We Want More than the Lowest Price • How Do you Know you Got a Good Price • Use of Price Indexes • Electronic Evaluations • Requesting Cost Breakdowns and Evaluations of Cost Breakdowns
1230 – 1245	Break
1245 – 1345	Selecting Contractors & Tender Evaluation (cont'd) Pre-Contract & Post Contract “Qualification Phrases” • Phases and Style • Roles in Negotiations • Authority to Negotiate • Agendas to Set Priorities • Timekeeping • Minutes and Records-Contractual Impact • Correspondence-Contractual Impact • Knowing How to Recognize a “Win” • When to Walk Away-the BATNA and how to Understand the Consequences
1345 – 1400	Course Conclusion
1400 – 1415	POST-TEST
1415 – 1430	Presentation of Course Certificates
1430	Lunch & End of Course



Practical Session

Practical sessions will be organized during the course for delegates to practice the theory learnt. Delegates will be provided with an opportunity to carryout various exercises using the simulator “Monte Carlo”.



Course Coordinator

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