



# Contract Management and Administration

## Duration

2 days

## What is this course about?

No contract will be successful unless - it is under-pinned by sound contract management and administration. More often than not it is the support team involved in the background of a contract that ensures it is a success. This course will help you to understand how the effective management and administration of a contract can deliver the goals it set out to achieve.

## Who would benefit?

- Project Managers and Executives
- Contract Managers
- Contract Engineers
- Purchasing Managers and Executives
- Sales Managers and Executives
- Commercial Managers and Executives

## Objectives

At the end of the course delegates will:

- Understand the contribution that contract administration can deliver
- Be better able to minimise contractual risk
- Manage change during the contract from a risk and legal perspective
- Negotiate more effectively
- Understand and draft contractual terms and conditions
- Understand the benefits of alternative dispute resolution methods



## Course Outline

### 1. Professional contract administration

- Company objectives
- Commercial awareness
- Commercial management
- Personal relationships
- Vital skills and expertise
- Deciding the right priorities

### 2. Understanding the legal environment

- Basic legal principles
- Risks for a valid contract
- Conditions and warranties
- Making the contract
- Offer and acceptance
- Enquiries and tenders
- Statute law affecting contracts
- Defects, negligence and lateness

### 3. Drafting the contract

- Drafting starts with effective thinking
- Communication and the barriers to overcome
- The craft of contract drafting
- Closing loopholes
- Defined terms; precise language
- Dealing with sub-contractors
- Termination clauses
- Amending the operative contract by conduct, oral or written agreement
- Traps for the unwary



#### **4. Risks, rules and relationships**

- Risk analysis
- Managing change during the operation of the contract
- Political, environmental and physical factors
- Financial and technical risks
- Pre-contract risk planning
- Post-contract risk management
- Off-loading or sharing risk

#### **5. Some contract scenarios**

- The enquiry and the bid
- Time and materials
- Fixed price
- Limits of liability
- Pricing or associated costs

#### **6. Contract terms and conditions**

- How to deal with the 'small print'
- Consortia, joint ventures and collaborations
- Choices of law and jurisdiction
- Force majeure and its implications
- Time is of the essence
- What's on the back of the purchase order
- Ways of arguing over terms



## **7. Effective administration techniques**

- What is the purpose of the contracts function?
- The extent of its involvement; what is needed?
- The culture of the enterprise
- Terms of reference
- Early warning systems
- Some maxims of contract administration
- Post mortems
- Getting known and respected

## **8. Sharpening your negotiating skills – getting the most out of contracts**

- Who are the best negotiators?
- Planning to negotiate
- When and how to negotiate
- Essentials of negotiation
- The Principled negotiator
- Negotiating in teams
- Getting to win/win
- Closing a deal

## **9. How to resolve disputes successfully by mediation**

- Why mediate?
- When to mediate
- Skills of a party at a mediation
- How to achieve a successful outcome at a mediation

## **10. How to obtain legal remedies**

- The advantages and disadvantages of Litigation and ADR
- Choosing the appropriate method of redress
- Obtaining redress while the contract is operating
- Confidentiality
- Obtaining a final solution