MERCURY

Contract Management, Change Orders, Claims, and Arbitration

Contract Management, Change Orders, Claims, and Arbitration

Introduction:

Hardly any organization can operate without engaging in supply, construction, or service contracts. Contracting methods may vary between countries and institutions, but the core remains unchanged. This Contract Management, Change Orders, Claims, and Arbitration program is of critical importance due to its close relation to rights, obligations, and contracts, whether adhering to them or deviating from the agreed path. This can lead to disputes and lawsuits, resulting in substantial damages and losses. Many of these could have been completely avoided or significantly minimized had the correct course of action been followed.

Targeted Groups:

- Members of legal departments in governmental entities and both public and private sector companies.
- Legal and contracts/purchasing department managers.
- Staff members in procurement, supply, and resource management departments.
- Administrative assistants in purchasing and contract departments.
- Members of the bid evaluation and tender committees and offer analysis teams.
- Legal department personnel across institutions and companies with various purposes
- Legal advisors and their assistants in ministries and organizations.
- Legal and contract implementation department managers across different entities.
- Department heads and staff in procurement and tender departments.
- Lawyers and legal professionals in the field of local and international contracts and dispute resolution.
- Anyone who finds this course relevant to their role and wishes to enhance their skills and expertise.

Training Objectives:

By the end of this program, participants will be able to:

- Identify various types of contractual risks and deviations.
- Understand concepts such as full and substantial performance, divisibility of obligations, and their impact on potential deviations.
- Recognize different types of contractual liabilities, associated risks, and how to address them.
- Handle all non-financial contract risks.
- Understand the nature of administrative contracts and distinguish between contract management and administrative contracts.
- Acquire contract management skills and understand the nature of exceptional, non-standard terms in such contracts.
- Analyze change orders, their causes, and how they lead to claims, and learn how to minimize them.
- Identify causes of contractual claims and how to evaluate them.

Targeted Competencies:

- Study of traditional and modern contracting systems.
- .Contract management during the project execution phase.
- .Change orders and contractual claims.
- Contractual deviations.
- Breach clauses and their legal principles.

Course Content:

Unit 1: Study of Traditional and Contemporary Contracting Systems:

- Essential and secondary contractual elements and conditions.
- Modern trends in using standard contract templates.
- The Model Contracts system.
- International Contracts of Adhesion.
- Express and implied terms, warranties, and undertakings.

Unit 2: Contract Management During the Project Execution Phase:

- Rights and obligations of the administration and the contractor.
- Handling unforeseen circumstances and force majeure in execution.
- Unit Price & Lump Sum Contracts.
- Cost Plus & Target Cost Contracts.
- Project Management Contracts.

Unit 3: Change Orders and Contractual Claims:

- Discrepancies in contract documents.
- Project plan developments and modifications.
- Requests for increases or extensions in the project.
- Replacement or deletion of items.
- Employer claims against the engineer.
- Contractor claims against the employer.
- Claims arising from adverse natural conditions.

Unit 4: Contractual Deviations:

- Obligation to achieve results.
- Obligation of diligence.
- Liability for third-party acts and object-related responsibility.
- Contractual breach.
- Agreements modifying liability.

Unit 5: Breach Clauses and Legal Rules:.

- Contractual breach.
- Obligation to achieve results vs. obligation of diligence.
- Full and substantial performance.
- Liability modification agreements.
- Termination option and the mitigation rule.