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Enhancing Contracts & Project Management in the Public Sector

Course Overview:

The accomplishment of most projects involves the use of contracts to ensure that both parties understand their respective roles in project delivery. This course brings these elements together in a two-part format to gain a synergistic understanding of the processes involved. Contractual relationships are an important aspect of Project Management. It is important to have an understanding of how they are used to achieve the desired goals and objectives of a project, how they are created and structured, and some of the various methods available to negotiate contracts, and to resolve disputes.

The Contract portion of the course will also examine some of the main clauses that appear in contracts, together with many alternative contracting strategies and structures. It will then consider methods to be used in negotiating contracts, including techniques relating to negotiating on variations and claims. The various methods and techniques of dealing with commercial disputes arising from contracts will be reviewed, and their application to both local and international settings.

Course Objectives:

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

- Improve their understanding of the role of contracts within a business
- Develop more confidence in dealing with contracting issues
- Understand how strategies can be developed to improve the commercial outcomes
- Apply the latest international thinking in dispute resolution
- Increase awareness of the use of contracts in everyday business life
- Establish a project control system and monitor progress
- Learn how to establish project goals and objectives that are directly linked to stakeholders' needs
- Develop realistic and measurable objectives to ensure positive results
- Identify threats and opportunities to your project, and weigh their relative value
- Identify and overturn the psychological barriers to risk in stakeholders

Course Coverage:

Topic 1: Contracts, Structure of Contracts and How Are They Created?

- Intention to create a legal relationship and the need for contractual relationships
- Form of Agreement, Offer and Acceptance
- Written or oral. What is the need to create a valid contract?
- Other legal formalities in different countries
- Sealing, Signing, Authority to sign and how to prove authority
- Witnesses
- The tender process
- Involvement of agents
- What happens if there is no contract, but work is carried out?
- Making contracts enforceable – with particular emphasis on the international context
- General Terms and Conditions plus 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

Topic 2: Collateral Documents:

- Bonds and guarantees
- Tender Bonds
- Advance Payment Bonds
- Performance Bonds
- Warranty Bonds
- Parent Company Guarantees
- Retention/Withholding
- Retention Bonds
- Letters of intent
- Letters of 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
- 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
- The delay caused by the client
- The delay caused by the contractor/supplier
- Force majeure
- Delay and disruption

Topic 3: The Project Manager's Roles and Responsibilities:

- Selection of the Project Manager
- Project Team-building and empowerment
- Team management challenges
- Delegating with confidence
- Communication within the project team
- Project team leadership
- Multidisciplinary teams
- Conflict handling
- Best practices of people-based project management

Topic 4: The World of Project Planning and Management: (Elements of Scheduling, and Budgeting)

- Project lifecycle model
- Classic and modern project constraints and parameters
- The concept of project management maturity
- Selecting projects to meet organizational goals
- Aggregating projects into programs and portfolios
- Establishing a project support office
- Considering and confronting uncertainty in project selection decisions
- Project data, information and knowledge management
- Project plan. Strategic, tactical and operational planning
- Level of detail in scheduling
- Network logic and dependency analysis
- Project uncertainty in planning and risk management
- Methods of budgeting, Fundamentals of budgeting & cost control
- Improving cost estimates
- Best practices of project planning, scheduling, and budgeting

Topic 5: Project Resourcing, Control, Monitoring, and Evaluation:

- Resource allocation
- Expediting a project
- Allocating scarce resources to projects
- The Critical Chain approach
- Designing the monitoring cycle
- Performance Indicators and feedback mechanisms
- Earned value management
- Designing the change-control system
- Proactive management and plan updating
- Evaluation Criteria and Project Auditing
- Project review meetings and analyzing performance
- Project Reporting
- Closure, and Hand-Over

Targeted Participants:

- Contracts Managers
- Contract Administrators
- Contract Professionals
- Project Managers
- Project Coordinators
- Project Controllers
- Engineers or Contracts Operatives