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PM230:
Contract, Tendering, Bidding and Awards

Training Description:

Tender and its associated contract and service level agreement can affect the profitability, reputation, market share and image of the company. Tenders can result in buying the wrong service or product at the wrong price and that can seriously harm the health of the organization. Suppliers and buyers can avoid mistakes in tenders, show best practice and create winning tenders and proposals.

This intensive training course will demonstrate the process and provide guidance to developing truly effective tenders that make for better vendor evaluation and selection and facilitate ongoing contract 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.

Further, the course will to help companies award the right contracts to the best providers. 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 formation, effective, structure and types of contracts; main contract clauses and issues; contract management and tendering-when does the process start; developing the tender; scope of work; important elements of the contract; bidder selection and tender evaluation; managing the contract performance; pre-contractual documents and documents of contract effectiveness; negotiation techniques; and modern alternative dispute resolution (ADR).

Training Objectives:

By the end of the training, participants will be able to:

- ✓ Apply and gain a comprehensive knowledge on contract, tendering, bidding and awards
- ✓ Discuss the local laws policies and regulation related to tendering as well as tendering laws
- ✓ Determine the formation, effective, structure and types of contracts as well as main contract clauses and issues
- ✓ Implement contract management and develop the tender as well as identify the process including elements of a good procurement and competitive bidding process, standards of ethical practice, etc.
- ✓ Identify the elements of a contract, how contracts are formed and ended, including the terms mean, and damages
- ✓ Recognize contract standards and laws covering international contract standards, international contracts law, legal consideration in contracts, standard international conditions of contracts and civil law considerations in contracts
- ✓ Identify the important elements of the contract, bidder selection and tender evaluation and carryout managing the contract performance
- ✓ Review pre-contractual documents and documents of contract effectiveness including letters of intent, award, instructions to proceed, bonds, tender documents, parent company guarantees, letters of comfort and awareness, commercial standard documents and general and special conditions

- ✓ Apply negotiation techniques in contract management and tendering process

Training Designed for:

This course is intended for engineers and supervisors involved in procurement and contracts management.

Training Requirement:

"Hand's on practical sessions, equipment and software will be applied during the course if required and as per the client's request."

Contents can be adapted to your specific wishes. It is therefore possible to focus on specific modules of the training course as per client's learning needs and objectives. Further, it should be forwarded to us a month prior to the course dates.

Training Program:

DAY ONE:

- ❖ PRE-TEST
- ❖ Introduction
- ❖ Overview of Local Laws, Policies & Regulations Related to Tendering
- ❖ Tendering Laws
  - Central Tenders Committee, Procedure Governing Letter of Tenders & Filling of Applications, Contracting Procedure (Procedure for Opening of Envelopes and Technical Testing, Procedure to be Followed in Deciding on a Tender and Signing a Contract, Concluding Provisions)
- ❖ Formation, Effective, Structure & Types of Contracts
  - 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

DAY TWO:

- ❖ Main Contract Clauses & Issues
  - 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, Warranty and Guarantee Periods-Latent Design Defect, Notices, Entire Agreement & Waiver
- ❖ 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, Types of Statement of Work, The Importance of the Contract, Basic Contract Types, Basic Types of Project Delivery
- ❖ Tendering Case Studies
- ❖ Recap

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DAY THREE:

- Developing the Tender
  - Objectives of the Contract, Tender and Contract Check List, The Important Integration Clause, Inspection, Acceptance, Rejection
  - Clauses for Defects in Material and Workmanship, Developing Performance Based Service Contracts, Penalty/Liquidated Damages Clause, Clauses for Spare
- Overview of Contract Law
  - Elements of a Contract, How Contracts are Formed & Ended, What the Terms Mean, What Damages Are
- Contract Standards & Laws
  - International Contract Standards, International Contracts Law, Legal Considerations in Contracts, Standard International Conditions of Contracts, Civil Law Considerations in Contracts
- Recap

DAY FOUR:

- 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
- Bidder Selection & 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
- Managing the Contract Performance
  - The Criticality of Good Contract Administration, Contract Changes, Determining Status and Expediting, Contractor Payments
  - How Contracts End, Remedies for Breach of Contract, Types of Bonds & Guarantees, Negotiation Tips
- Recap

DAY FIVE:

- Pre-Contractual Documents & Documents of Contract Effectiveness
  - Letters of Intent and Award, Instructions to Proceed, Bonds, Tender Documents, Parent Company Guarantees
  - Letters of Comfort and Awareness, Use of Commercial Standard Documents, Use of General and Special Conditions
- Negotiation Techniques
  - 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
- Modern Alternative Dispute Resolution (ADR)

- Causes of Contractual Dispute and Business Impact, Should We Ligitate or Arbitrate?, Other Options-Mediation, Adjudication, Expert Determination, Litigation Processes, Enforcement of Court Judgements and Awards, Arbitration, Court Support of Arbitration, Reasons for Looking at Alternative Methods of Dispute Resolution

❖ Course Conclusion
❖ POST-TEST and EVALUATION

Training Methodology:

This interactive training course includes the following training methodologies as a percentage of the total tuition hours:

- 30% Lectures, Concepts, Role Play
- 70% Workshops & Work Presentations, Techniques, Based on Case Studies & Practical Exercises, Gamification, Software & General Discussions
- Pre and Post Test

Training Certificate(s):

CMCT Internationally recognized certificate(s) will be issued to each participant who completed the course.

Training Fees:

TBA as per the course location - This rate includes participant's manual, hand-outs, buffet lunch, coffee/tea on arrival, morning & afternoon of each day.

Note: The 5% VAT (Value Added Tax), will be effective starting 01st of January 2018 as per the new regulation from the UAE Government. The VAT applies for all quotation both for local and abroad.

Training Timings:

Daily Timings:

07:45 - 08:00	Morning Coffee / Tea
08:00 - 10:00	First Session
10:00 - 10:20	Recess (Coffee/Tea/Snacks)
10:20 - 12:20	Second Session
12:20 - 13:00	Recess (Prayer Break & Lunch)
13:00 - 14:00	Last Session

For training registrations or in-house enquiries, please contact:
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