

# CONTRACT RISK

## MANAGEMENT & COMPLIANCE

23rd – 27th October 2017 at The Capital Hotel 20west Sandton Johannesburg RSA



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Email: [info@oseasonsevents.co.za](mailto:info@oseasonsevents.co.za) | Address: Johannesburg Fourways Broadacres, Corner of Cedar Road, and Fourways Boulevard, Johannesburg, 2191

## Course Timings:

Registration will be at 08:00 on Day One. Course sessions will start promptly at 08:30 and end at 15:30. There will be two short breaks for refreshments and lunch will be served at 12:30 of each day's sessions

## Introduction

One of the major functions of contracting is to ensure that risks to owners and contractor are identified and managed in a way that both parties are satisfied with the project outcome. While a contract cannot, of itself, make risk "go away", it can, and should, identify the risks, determine who is responsible for managing each individual risk, and for the consequences should the risk occur. The following are the highlights of the seminar:

- Critical understandings of the risk mitigation process
- Knowledge to move contracts from the tactical to a more important strategic focus
- Ability to identify risks that can arise
- Skills in allocating contract and procurement risk

Examples of Contract Terms and Conditions which allocate risk

## Objectives

The primary objectives of the seminar are to help delegates to:

- Provide an understanding of how risk arises
- Compare different methods of identifying and assessing risk
- Review the impacts of different approaches to risk allocation
- Explore different Contract types to transfer risks
- Consider the contractual techniques to ensure effective risk allocation
- Review risk management techniques during the life of a contract

## Training Methodology

Participants will increase competencies through a variety of instructional methods including lecture by an experienced practitioner and consultant, cases/exercises, reviewing published articles, checklists, and group discussions covering current practices and their relationship to the implementation of new concepts.

Delegates are encouraged to bring real problem examples with them, for discussion on a confidential basis, and to share their experience of particular issues in their company or industry. Time will be allowed for general discussions, and for one-to-one discussion with the trainer

## Organisational Impact

The organisation will benefit by:

- Expanding the expertise of personnel involved in contract development and management will allow project and general management teams to be more effective
- The total cost of ownership will be understood and reduced by properly identifying and managing the risks
- Clear allocation of risk will reduce the possibility of disputes, and any that do arise should be settled more quickly, with less cost, delay and disruption
- Reducing project failure, costly changes, and cost overruns resulting from poor understanding and management of risk
- Implementing better risk management which improves the chance of project success
- Developing an appreciation of the true effect of contractual indemnities which will enable better decision-making as to contract structures and ensure that risk is passed to others properly and in a cost effective manner

## Personal Impact

Attendees will gain by participation in this seminar as a result of:

- Increased understanding of risk
- Better ability to allocate risk, and to select the appropriate contractual regime to achieve your aim
- Develop risk identification and assessment skills
- Heighten understanding of the alternative methods of allocating risk
- Improve understanding of different approaches to managing risk during a contract
- Improve the ability to reduce the negative impact of poorly managed risk on a project or a company

## Who should attend?

- Contracts, Tendering, Purchasing, Procurement, and Project Personnel
- Contract Administration, Engineering, Operational, and Maintenance personnel
- Risk, Claims, Financial, and Audit personnel
- And all others who are involved in the planning, evaluation, preparation and management of tenders, specifications, awards, and contracts that cover the acquisition of materials, equipment, and services and who are in organizations whose leadership want high levels of competency in those involved in these activities

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# Day 1

- Types and Management of Risk
- The Need for Contractual Relationships
- Defining Risk
- Categories of Risk for Both Sides of a Contract
- Risk Assessment Process
- Managing Risk
- Qualifying Suppliers
- Defining Internal Control
- Proportionality of Control

# Day2

- Minimizing and Transferring Risk
- Transferring risk through Contract Types
- Firm Fixed Price or Lump Sum Contracts
- Cost reimbursable Contracts
- Incentive Contracts
- Award-Fee Pricing Arrangements
- Indemnities
- Cross Indemnities
- Insurance

# Day 3

- Risk Related Terms & Conditions
- External events
- Force majeure
- Strikes and other labour disputes
- Risk and Title
- Use of ICC Incoterms

- Assignment and Novation
- Other clauses that need to flow down to sub-contractors
- Risks associated with Sub-Contractors

## Day 4

- Dealing with Financial Risks
- Controlling Risk Associated with Payments
- Currency Risk
- Economic Risk
- Fraud and Corruption
- Limiting or excluding liability
- Distinctions between liability in contract, and the general law “Gross negligence”
- A review of some sample clauses from standard contracts, and other real documents

## Day 5

- Remedies When Bad Stuff Happens
- Mistakes and Misrepresentations
- Impracticability of Performance
- Remedies Generally
- Types of Remedies
- Liquidated damages
- Warranties
- Cover
- Discussion of real examples (delegates are encouraged to bring real or made up examples for discussion)
- Review of course and question and answer session

# Registration Form

PLEASE COMPLETE THIS FORM AND EMAIL BACK TO [INFO@0SEASONSEVENTS.CO.ZA](mailto:INFO@0SEASONSEVENTS.CO.ZA) TO SUCCESSFULLY COMPLETE YOUR BOOKING

Company Name \_\_\_\_\_ Country \_\_\_\_\_

Tel Number: \_\_\_\_\_ Fax: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

(This booking is not valid without a signature)

## DELEGATES DETAILS (PLEASE FILL IN USING BLOCK CAPITALS)

### 1st Delegate Details:

Title	Surname	First Name
Job Title	Email (required)	Telephone

### 2nd Delegate Details:

Title	Surname	First Name
Job Title	Email (required)	Telephone

### 3rd Delegate Details:

Title	Surname	First Name
Job Title	Email (required)	Telephone

## AUTHORIZATION

Title	Surname	First Name
Job Title	Email (required)	Telephone

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

(This booking is not valid without a signature)

## TERMS AND CONDITIONS

**1. Payment Terms:** On the return of the registration form, full payment is required within 10 working days. Payment must be received prior to the conference date O-Seasons Events reserves the right to refuse entry into the conference should full payment not have been received prior to this date. Cancellation will be charged under the term set out below. **2. Cancellations, No shows & Substitutions:** Cancellations received in writing more than 21 days prior to the event being held carry a 50% cancellation fee. Should cancellations be received between 21 days and the date of the event, the full conference fee is payable and non-refundable. Non-payment or non-attendance does not constitute cancellation. No show will be charged the full registration fee. Cash alternatives will not be offered, however, substitutes at no extra charge are welcome. **3. Alterations to advertised package:** O-Seasons Events reserves the right to alter this programme without notice or penalty and in such situations no refunds or part-refunds or alternative offer will be made. Should O-Seasons Events permanently cancel an event, for any reason whatsoever, the Client shall be provided a credit of the equivalent amount paid towards the cancelled event. In the case of a postponed or cancelled event, O-Seasons Events will not be responsible for covering airfare, accommodation, or other travel cost incurred by Clients. **4. Copyright:** All intellectual property rights in the materials distributed by O-Seasons Events in connection with this event are expressly reserved and any unauthorized duplication, publication or distribution is prohibited.

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**Branch code:** 001255  
**Branch Name:** Rivonia  
**Account Number:** 370463854  
**Type of acc:** Business Cheque  
**Swift code:** SBZAZAJJ

## Conference Fees

Please select your options by ticking the boxes below

<input type="checkbox"/>	Conference and Workshop (4 days)	\$ 2,500
<input type="checkbox"/>	Airport Transfer (both ways)	\$ 110
<input type="checkbox"/>	Accommodation Per Night	\$ 110
<input type="checkbox"/>	Optional Tour	\$ 130

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