

Business Management Training Group Ltd

Management Training for the 21st Century



Certificate in Contract Development, Negotiation & Management (CCDNM™)

Course Overview

Increasingly organisations globally are looking to their contracting function to effectively underpin the operational benefits obtained through both tendering and or negotiation.

In addition to effectively contractualising these benefits, contract teams are also expected to be able to balance liabilities, protect against the impacts of termination and ensure that the resulting contract is legally compliant and effective both locally, regionally and internationally.

This interactive 5 day accredited course leads delegates through the full end to end contracting process, from establishing the specific contract objectives and prioritization of these objectives, through to effective contract negotiation and drafting.

The course covers both the technical/legal aspects of contract construction and also expands to incorporate cross cultural contract considerations within both UNCITRAL and International Law and crucially the art of cross cultural negotiation from both a Western, Middle East and Pan-Asean perspective.

Enabling delegates to complete the course fully equipped with an understanding of the key legal principles that underpin contracts globally and how these principles may be utilized within effective contract clause construction in order that they are able to provide the optimum contract format that both protects against risks whilst providing capture of operational benefits.

On completion of this five day training course you will receive your certificate which has been fully accredited by Qualifi, an official UK Government recognised awarding body



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BENEFITS, KNOWLEDGE, SKILLS GAINED BY ATTENDING THIS CCDNM™ COURSE: -

By attending this interactive course you will be equipped with the skills to:

- Limit your organization's exposure through effective contract structuring, negotiation & drafting.
- Cultivate a better understanding and appreciation of contracting strategies
- Gain knowledge of complex agreements and the terms and conditions that most often cause contention
- Build flexibility into your contracts by reviewing the applicability of provisions
- Incorporate the latest international legislative and legal issues into your contract risk management process, including UNCITRAL Framework.
- Discover current best practice and techniques for defining and managing contract risk, setting & managing performance criteria
- Examine and evaluate the methodology and benefits behind standard contracts
- Review key contractual differences between products, services and solutions
- Explore distribution, sub-contracting, and other third-party relationships.
- Appreciate the key principles behind contractual damage clauses and apply these principles for optimum outcomes for your organization.

WHO SHOULD ATTEND THIS CCDNM™ COURSE

This highly practical and interactive course has been specifically designed for:

- Contract Management Professionals
- Contract Managers and Administrators
- Contract Negotiators
- Contract Lawyers and Attorneys
- Sales Contracting Professionals, including key account managers.
- Purchasing, Sourcing and Supply Management Professionals
- Procurement Managers
- Finance Professionals involved in contracting
- Operational Managers
- Commercial Relationship Managers
- Risk & Compliance Managers

Plus! End-users who impact, or are impacted by, the contracting process

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THE BMTG TRAINING STYLE

- BMTG employ best practice interactive training techniques.
- All of our Trainers are highly experienced practitioners who have operated successfully in the field and are with BMTG by reputation and invitation only. We have no 'beginners'. All of our Trainers have themselves been trained in BMTG techniques and our style is common throughout our entire portfolio of courses.
- The BMTG technique involves classroom lecturing, highly intensive case study / role-playing sessions, classroom interaction and feedback, one to one coaching from the Trainer, and a final examination.
- BMTG have found this to be one of the most effective training methodologies to date and many large multinationals and training companies have also taken up this approach.

MEET YOUR TRAINING COURSE DIRECTOR: John Atkinson



John's corporate experience spans some 30 years including Head of Group & Global Procurement for Focus Wickes plc. where he was responsible for the full creation and implementation of global sourcing initiatives, supplier/vendor management and commercial contract negotiation. John has also held senior roles within Barclays Bank corporate and led a wide and diverse range of teams, both locally and globally.

John is also a certified instructor in delivering emotional intelligence training and has wide international experience, including: Kuwait, Iraq, Qatar, KDR, China, Germany, France, Sweden, Malaysia & West Africa. Organisations that John has worked with include: KNPC, Petronas, Shell, Total, Lafarge, Nigeria LNG, The United Nations, Zain Corporation, Maybank & Sinopec.

As a consultant and trainer for the last 8 years John is passionate about delivery, and utilises his career expertise to ensure that clients receive leading edge training results, enabling delegates to understand not only the subject matter, but also the application and usage to add value both to their role and within the wider organisational environment.

Course Outline

Prioritizing the contracting objectives

- Developing a list of contracting objectives - technical and commercial to legal
- Balancing Quality, Cost, Delivery & Risk considerations.
- The difference between rating and ranking - and the iterative approach
- Separating wants from needs – defining mission critical contractual objectives & managing stakeholder expectation.

Key Contract provisions

- Reassessing indemnity and warranty clauses
- Appraisal and benefits of “Knock for Knock” Liability Clauses.
- Understanding the full effects of Anti-Indemnity statutes
- Considering alternative pricing clauses –whole life cost approach and alignment with
- Contract objectives.
- Overview of contractual obligations which may only be determined by the court –
- HSE, Pollution/Spillage.
- Case study analysis & review – BP & TransOcean.

Contract Disputes

- Determine the best course of action through applied risk assessment
- Consider your termination rights and the consequences for your operations
- Look for alternatives in penalty clauses and rights of release clauses
- Enforcing clear language in unclear circumstances

Contract negotiation considerations

- Can enterprises renegotiate rates on the basis of the current market chaos?
- Cost analysis models in contract negotiations – issues and opportunities
- Utilising Porters 5 Forces Model -Understand where the balance of power lies
- Between Buyers & Contractors.
- Have you gained or lost negotiating power due to recent trends?

Understanding the power & influence matrix and their impact on contracting

- The keys to maximizing power
- Understanding the shift in power and how to control the shift
- The impact of power on negotiations
- Developing a contract specific power influence matrix.
- Aligning Contracting Contribution with organizational Strategy
- Corporate growth strategies and how to enable them
- Ensuring & demonstrating Corporate Governance through contracting.
- Policies that can be either enabled or disabled through effective contracting

Integrating sourcing and sales strategies into the contracting strategy

- Strategic sourcing and category strategies
- Understanding how sales and revenue recognition strategies drive transactions and negotiations
- Integrating commercial relationships across the entire enterprise - how can sourcing impact sales and vice versa?

Defining the contracting process

- The key phases in world-class contracting processes
- Managing the gates in a gated contracting process
- Mobilizing the optimal tools and talents throughout the contracting process

Key international and cross-cultural contracting Issues

- Assessing key changes within international contracting frameworks – UNCITRAL
- Impact. Key elements of International Law & Trade treaties – The impact upon cross cultural
- Contracting.
- Key cultural considerations in contracting - from development and drafting to
- Negotiation and ongoing vendor relationship management.

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- Executing contracts globally – review of key requirements including use of digital
- Signatures
- Managing contractual breach - cultural considerations

Key Equipment and Materials contracts

- Capital equipment agreements
- Equipment rental and lease agreements
- MRO in the operations environment
- Ensuring supply continuity within remote operating environment.
- Contractually managing inventory to ensure operational performance.

Key Service contracts

- Maintenance services
- Consulting and outsourcing services
- Environmental remediation services
- Transportation and logistics agreements

Multi-Party contracting scenarios

- Joint ventures – Key IFRS definition & contract party management.
- Contractors and their sub-contractors ensuring compliance, reputational protection
- For the buyer organization & exploring excusable/non-excusable delay clauses.
- Teaming agreements - risks and rewards
- Distribution and reseller agreements
- Effectively managing Force Majeure clauses.

Open discussion on existing contract types and approaches

- Types of Contracts – FEED Competition, EPC, EPCM, Reimbursable, Reimbursable
- Convertible to Lump Sum, Lump Sum Turnkey, etc. & their pros and cons
- Partnerships and Alliances in Contracts – Critical Issues (covering types of partnerships – JV, Consortium, Nominated Subcontractor, etc.)
- Critical Contract Clauses and Related Issues, Contractual Risks in Contracts
- Risks Management in Contracts
- Contractual Risks and Mitigation Measures in Contracts, covering key contract terms and conditions, contractual risks, risks identification, mitigation and management

- Claims Management in Contracts – A win-win approach (or) Effective Management of Variations & Claims
- Disputes and Resolution Mechanisms in Contracts
- Alternative Dispute Resolution (ADR) in Contracts
- Disputes Management in Contracts
- Dispute Avoidance and Mitigation- Overview of UNCITRAL Objectives under International Law.

Effective contracting team dynamics

- Creating an effective core team
- Including stakeholders from across the organization as an extended team
- The role of senior management and internal sponsors
- Emotional intelligence (EI) –understanding and managing varying behavioural styles.

Pursuing clarity and understanding how to attain it

- Tips on how to generate greater clarity
- The impact of clarity, or a lack of it, in overall contracting success
- Understanding the sections of the contract which are open to the risk of ambiguity

Implementing a world class contracting strategy

- Developing a project plan to implement a contract in both entities
- Setting realistic timeframes and milestones
- Anticipating resistance points and barriers - and overcoming them

The programme will include a series of group exercises with a high level of delegate interaction.

CCDNM™ Examination. The CCDNM™ examination is an open book exercise that should be submitted within 7 days of the event finishing.

Only those who successfully complete the examination and participate effectively in the course case studies will receive the Certificate in Contract Development Negotiation and Management (CCDNM™)