

Contracts Management Masterclass 2018



Investment Per Delegate: R 8 499,00

Date: 29 – 30 August 2018

VENUE: FORTIS HOTEL CAPITAL, PRETORIA, GAUTENG



Nduna Project Consulting

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About the Training

Contracts are at the core of all commercial transactions hence contracts management is a core competency of all successful organizations. Competent organizations understand well the benefits of increased profits and higher productivity resulting from mastering best practices in the important phases of contract management. Our Contract Management training delivers the necessary practical skills to manage and administrate contracts for goods and services more effectively.

At the end of this training, participants should be able to;

- understand basic contract law in South Africa
- Explain the legislative environment, the role-players, terminology and the role of contract documents pertaining to contract management;
- Perform contracts administration activities;
- Demonstrate increased awareness of the fundamentals of contracts and contract law within the procurement function
- Appreciate the potential risks relating to the formation of contracts and how best to address them
- Demonstrate increased understanding of the role and significance of specific core clauses in the contract and how they can provide robust positions when entering contractual relationships with suppliers;
- plan and organize contracts for goods and services
- negotiate contracts and terms
- evaluate, negotiate and enforce service level agreements, and
- Renegotiate and/or terminate contracts.
- Best practice in contractor management

Who should attend?

- Supply Chain Officials
- Procurement manager
- Legal Advisors
- Accountants
- Finance Managers
- Buyers
- Tender evaluation committee members
- Risk Managers

DAY ONE

Contract Law

This day session will examine and provide interpretation of SA legislation applicable to Contracts Management.

- *Understanding the South African legal system*
- *Requirements of a valid contract offer and acceptance*
- *Reaching and formalising the agreement*
- *Capacity and authority*
- *Warranties, guarantees and indemnities*
- *Termination clauses of the agreement*
- *Common danger areas*
- *Service level agreements*

The day sessions will be as follows;

Session 1: Introduction to basic contract law

- ◆ *The essentials of a valid contract*
- ◆ *Tenders, enquiries, quotations - are they legally binding?*
- ◆ *The battle of the forms - whose terms govern the contract (and how to avoid it)?*
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- ◆ *The battle of the forms - whose terms govern the contract (and how to avoid it)?*

Session 2: Contract terms

- ◆ *Express and implied terms - how do they relate to each other?*
- ◆ *Implied terms*
- ◆ *Some key express terms of the contract - exclusions and limitations of liability, force majeure, transfer of property and risk, liquidated damages, dispute resolution, transition and exit*

Session 3: Remedies for breach of contract

- ◆ *Conditions and warranties*
- ◆ *Termination rights*
- ◆ *Damages*

End of Day One

Day Two

Contracts Management and Administration: Best Practice

Introduction to Contracts Management

- ◆ Defining contract management
- ◆ Responsibilities of a contract manager
- ◆ Contract management tools and techniques
- ◆ Managing stakeholders
- ◆ The link between contract management and supplier relationship management
- ◆ Planning, organising, directing and control
- ◆ Outsourcing
- ◆ Contract management terminology
- ◆ Pre-contractual planning and best practices
- ◆ Organising before awarding the contract: the process
- ◆ Contract award and negotiation skills
- ◆ Contract administration and control
- ◆ Preparing service level agreements
- ◆ Price and Cost analysis

Developing Contracts

- ◆ The form of the contract
- ◆ Terms and conditions - what are they?
- ◆ Commercial legal considerations
- ◆ Developing key contract clauses
- ◆ The differences between contracts for goods and for services

Contract Administration: A practical guide

Managing risk through contract and ensure effective contract delivery will be the focus of the presentation.

- ◆ Contract administration and claims disputes
- ◆ Proactive contract management
- ◆ Records management activities;
- ◆ Dealing with volatile materials pricing
- ◆ Manage relationships and monitor performance on contracts.
- ◆ Evaluating Performance-Based Service Contracting Methods
- ◆ Renegotiating of contracts
- ◆ Termination of Contracts

End of day

About the day facilitator:

Gavin C Weiman

Director at Weiman Legal Consulting - Johannesburg

He specializes in consulting on Contracts and various topics such as;

Contract Trainer to IIR International & ESI

Contract Trainer and Consultant to Layton-Matthews Consulting

Contract Trainer and Consultant to Joshua-West

Contract Trainer & Consultant to the PGA SA

Principal: Legal and Business Consulting Services

Contract & Business Law for South African Managers

Commercial Contracts Management and Administration

Procurement Management

Sales management ; Risk Management ; Corporate Governance

Due Diligence ; Engineering Law, Contracting & Management

Project Management Principles and Methodologies

Negotiation of Commercial Contracts ; Commercial and Public Tendering

Key Customer Relationship Management ; Pricing & Costing Theory and Methodology

Contract Risk Management ; Legal Management Systems ; Open source online learning systems

Business writing ; International Contracting and Comparative Contract Law

Public Sector Courses and Consulting

Public Contracting: Supply Chain Management

Public Contracting: Demand, Acquisition, Logistics and Disposal Management processes.

Public Contracting: Proposal Preparation and Evaluation

Understanding the Public Finance Management Act

Understanding the Local Government Municipal Finance Management Act

Understanding Municipal Structures, functions and organization

Understanding and working with the National Qualifications Framework

Legal Course, Training and Consulting' Companies Act, 2008 and King III

Consumer Protection Act ; National Credit Act ; Supply Chain Law and Processes

Contract Law & Commercial Contracts ; Engineering Contracts

Business & Legal Risk

Professional

1981 Admitted as Attorney - Transvaal Provincial Division of the High Court of South Africa

1996 Admitted to Appear in the High Court



REGISTRATION FORM - MKT

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