Effective Construction Contract Management & Negotiation

28th - 30th AUGUST 2007
PETALING JAYA HILTON HOTEL, PETALING JAYA

Presented by:
Colin A Marshall
BSc(Hons) DipArb CEng FICE FIHT
FCIArb Arbitrator, Adjudicator and Chartered Civil Engineer

Presented by:
Wayne S Clark
Dipl.QS, MRICS, MCIarb, MSIarb, AAArb

Workshop Overview

Contract management and negotiations has become a critical process in achieving successful construction projects. Developing, executing and managing competent contracting and negotiations are essential parts of the successful project delivery system. This integrated and comprehensive workshop covers the principle topics of contract management, dispute resolutions and negotiations, which are the critical issues for contract & project managers at most of the time.

On Day One, this workshop covers the basic and advanced aspects of construction contract management, which will assist contract & project managers in refreshing and enhancing their managing and planning skills.

On Day Two, this comprehensive workshop covers dispute management, which including preventing & resolving disputes and third party intervention.

On Day Three, there will be role-playing sessions which will provide participants the opportunity to develop their negotiation skills in teams and experience the ‘real’ negotiation with the respected party as what they commonly face in their working environment.

Course Objective

Inherently, the focus of this dynamic highly interactive workshop is:

- To assist the participants to refresh and enhance their contract planning, administration, management, monitoring and negotiation skills.

- To share with the participants the positive and practical steps that can be taken during the course of a contract to prevent and minimise the risks and number of claims. These steps can do much to reduce the potential sources of disputes that can so easily have a damaging effect on the project, organization and the progress of work.

- To master effective and practical methods and techniques for dealing with negotiations that always takes place in the working environment, both internally and externally. With effective negotiation skills, you may keep any potential disputes to its minimum possibility, which may harm the business’ reputation and good wills. You will be able to passing through any ‘sticky’ situation confidently!
KEY BENEFITS OF ATTENDING THIS WORKSHOP

Delegates will:

- Ensure that any potential risks on the contract are identified and effectively managed
- Developing a strategy that reduce the risks associated with contracts
- Predict and avoid potential pitfalls of the contract
- Grasping strategies for improving and enhancing relationships with the contractors/developers to strengthen the partnership
- Maximise the learning process through case sharing and role-play sessions
- Improving your negotiation skills and style to achieve maximum benefit
- Approach negotiations strategically and with confidence

WHO SHOULD ATTEND

- Contract Manager
- Project Manager
- General Manager, Project Management
- General Manager, Contract Management
- Legal Advisor

The instructor will be available following each day’s session to provide participants with further opportunity for discussion and consideration of specific problems.

SPEAKERS’ PROFILE

Wayne S Clark
Dipl.QS, MRICS, MCIArb, BSc(Hons) DipArb CEng
Arbitrator, Adjudicator and Chartered Quantity Surveyor

Chartered Quantity Surveyor and Accredited Mediator with 40 years international experience, having worked on major building and infrastructure projects in twelve countries across three continents: Africa, Europe and Asia.

CEO and Chairman of Wayne Clark Associates, Chartered Quantity Surveyors, Project Managers and Construction Management Consultants, London and Managing Director of London based construction company in 1980’s and 1990’s. Head of arbitration-mediation department for international construction company on major infrastructure project in Greece and currently senior international contracts manager for major German construction company based in Thailand and responsible for contract, commercial and dispute management on all projects undertaken by the company in Thailand, Vietnam, Hong Kong and Qatar.

Extensive experience in preparation, evaluation and settlement of delay and disruption claims and represented clients on a variety of arbitration, mediation, adjudication and litigation cases in the United Kingdom, Greece and South-East Asia.

Guest lecturer at Hong Kong University and visiting lecturer at Natal University, South Africa: subjects included risk and dispute management in international construction, building economics, quantity surveying practice and construction cost analysis.

Presented conference papers for Asia Business Forum in Bangkok and Royal Institution of Chartered Surveyors in Athens, Greece on construction related topics such as risk management, dispute management and mediation.

Provided in-house training courses to various clients in the United Kingdom: subjects included contract awareness, effective contract administration and risk management.

Colin A Marshall
BSc(Hons) DipArb CEng FICE FIHT FCIArb
Arbitrator, Adjudicator and Chartered Civil Engineer

A British Chartered Civil Engineer, Arbitrator and panel member of FIDIC President's List of Adjudicators.

38 years of professional experience in the public and private sectors, specialising in the procurement, administration and supervision of construction projects around the world. Has worked overseas for 28 years on a variety of major infrastructure works, particularly IFI-supported projects; in developing countries in Africa, the Middle and Far East, the Caribbean, South America, South and South East Asia.

Offers substantial experience and skills in dispute resolution, institutional training and development, project management and contract procurement/administration - particularly the preparation, use and interpretation of contract documentation for consultancy services and construction works.

In-depth knowledge of FIDIC, World Bank/MDB, EU and other international and domestic forms of contract, working variously as the Employer, the Engineer, and as advisor to governments, contractors, their legal representatives, and funding agencies on claims and dispute resolution – including ICC Arbitrations and Dispute Adjudication Boards.

Guest lecturer at Hong Kong University and visiting lecturer at Natal University, South Africa: subjects included risk and dispute management in international construction, building economics, quantity surveying practice and construction cost analysis.
# WORKSHOP COURSE OUTLINE

## DAY ONE: 28th AUG 2007, TUESDAY

1. **INTRODUCTION TO WORKSHOP**
   - Outline framework of workshop
   - What is hoped workshop will achieve
   - Importance of contracts, risk identification and effective management

2. **PREPARATION OF CONTRACTS**
   - Planning project strategy (developer)
   - Drafting the contract documents (main contract and subcontracts)
   - Key aspects of a construction project
   - Practical case sharing

3. **RISK MANAGEMENT**
   - Risk defined in the contract
   - Risk identification/evaluation and the tendering/estimating process
   - Managing risk during construction
   - Practical case sharing

4. **CONSTRUCTION MANAGEMENT**
   - Planning, programming and procurement
   - Monitoring and performance
   - Cooperation and maintaining good relationships
   - Practical case sharing

5. **CONTRACT ADMINISTRATION**
   - Records and facts
   - Realistic and persuasive
   - Respectful communication
   - Practical case sharing

## DAY TWO: 29th AUG 2007, WEDNESDAY

1. **COST MANAGEMENT**
   - Realistic budgets (developer)
   - Realistic pricing for tenders (contractor and subcontractors)
   - Monitoring budgets and justification of costs
   - Practical case sharing

2. **DISPUTE MANAGEMENT - PREVENTING AND RESOLVING DISPUTES**
   - Common causes of disputes
   - Preventing and minimizing disputes
   - Resolving disputes through negotiation
   - Practical case sharing

   **LUNCH**

3. **DISPUTE MANAGEMENT - THIRD PARTY INTERVENTION**
   - Mediation, adjudication and arbitration
   - Managing mediation, adjudication and arbitration cases
   - Dispute Boards and other dispute resolution techniques
   - Practical case sharing

4. **DELAY, DAMAGES AND TERMINATION**
   - Delay, liquidated damages, penalties and incentives
   - Extension of time, claims preparation and evaluation
   - Default, suspension and termination
   - Practical case sharing

---

### DAY ONE: 28th AUG 2007, TUESDAY

- **LUNCH**

### DAY TWO: 29th AUG 2007, WEDNESDAY

- **LUNCH**
1. EFFECTIVE NEGOTIATION
   • An overview of effective negotiation
   • Preparing for negotiation
   • Negotiation strategies
   • Negotiating techniques
     - positional bargaining
     - principled negotiation
   • Practical case sharing

2. ROLE PLAY – SESSION 1
   • Negotiation techniques

3. ROLE PLAY – SESSION 2 (Case Study)
   Developer and Contractor teams: preparation for negotiation with opposing party)
   • Evaluate case
   • Establish perspectives
   • Prepare strategy

LUNCH

3. ROLE PLAY – SESSION 3 (Face to face negotiation: Developer v Contractor)
   • Negotiation of case study

4. OPEN FORUM DISCUSSION ON NEGOTIATION ROLE PLAY
   • Reports and debriefing
   • Panel observations
   • Question & Answer session

CLOSE
Effective Constructions Contract Management & Negotiation

WORKSHOP VENUE
HILTON PETALING JAYA HOTEL,
PETALING JAYA, SELANGOR
No 2 Jalan Barat, Petaling Jaya, Malaysia 46200
Tel: 603-7955 9122  Fax: 603-7955 3909

Location Map Link:

For reservations, please make your bookings directly with the hotel. To enjoy special room rates, please quote Comfori’s Workshop on:

Effective Constructions Contract Management & Negotiation

Hotel bills are to be settled by delegates directly with the hotel. Hotel reservations and travel arrangements are the responsibilities of the registrant. Please note that rooms are available at a first come first serve basis.

MODE OF PAYMENT
Cheque or bank draft in favour of:
COMFORI SDN BHD (581115-T)
E-02-03, East Wing, Subang Square Business Centre
Jalan SS15/4G, 47500,
Subang Jaya, Selangor, Malaysia

MODE OF PAYMENT
Cheque or bank draft in favour of:
COMFORI SDN BHD (581115-T)
E-02-03, East Wing, Subang Square Business Centre
Jalan SS15/4G, 47500,
Subang Jaya, Selangor, Malaysia

WORKSHOP FEE
EARLY BIRD PRICE (ENDS ON 25TH JULY 2007)

<table>
<thead>
<tr>
<th></th>
<th>1 to 2 PAX</th>
<th>≥ 3 PAX</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 DAYS</td>
<td>RM2700 per pax</td>
<td>RM2500 per pax</td>
</tr>
<tr>
<td>3 DAYS</td>
<td>RM3400 per pax</td>
<td>RM3200 per pax</td>
</tr>
</tbody>
</table>

NORMAL PRICE

<table>
<thead>
<tr>
<th></th>
<th>1 to 2 PAX</th>
<th>≥ 3 PAX</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 DAYS</td>
<td>RM2900 per pax</td>
<td>RM2700 per pax</td>
</tr>
<tr>
<td>3 DAYS</td>
<td>RM3600 per pax</td>
<td>RM3400 per pax</td>
</tr>
</tbody>
</table>

Please note that payments must be received within 7 days upon issuance of invoice.

TERMS & CONDITIONS
Cancellations & Substitutions. All cancellations must be made in writing at least 14 days in advance. COMFORI SDN. BHD. reserves the right to charge a RM250 hotel booking fee. For cancellations received in writing fourteen (14) days or less prior to the workshop/conference, cancellation fees of RM250 will be imposed. If full payment has already been made, you would receive a 100% Credit Note to be used at another COMFORI workshop/conference. For cancellations received less than seven (7) days prior to the event no Credit Note will be issued. Please note that speakers and topics were confirmed at the time of publishing, however, circumstances beyond the control of the organizers may necessitate substitutions, alterations or cancellations of the speakers and/or topics. COMFORI SDN. BHD. reserves the right to cancel or postpone the programme due to unforeseen circumstances. Should COMFORI SDN. BHD. postpone an event, delegates payment will be credited towards the rescheduled dates or to a future programme. COMFORI SDN. BHD. reserves the right to modify or alter the advertised topics if necessary.