

# MANAGING CONSTRUCTION CONTRACTS



CONTRACT  
MANAGEMENT  
TRAINING

## 2-DAY POWERCOURSE

**Contract Management Training** presents this in-depth guide to construction contract administration. Over 2 days, participants will receive clear insights into all aspects of **managing and administering construction contracts**, including variations, payment and quality issues and extensions of time.

### WHO WILL BENEFIT FROM THIS TRAINING?

All personnel engaged by asset owners, contractors and subcontractors, including:

- Superintendents and their Representatives
- Project managers
- Site supervisors
- Engineers
- Architects
- Quantity surveyors
- Procurement and contract managers
- Anyone overseeing works and services contracts

### WHAT WILL THE TRAINING INVOLVE?

The course covers time, cost and quality in deeper detail, effectively launching participants into the next level of contract management and equipping them with essential skills to effectively administer construction contracts under their supervision. Australian Standard construction contracts AS 2124-1992 and AS 4000-1997 are used as reference contracts throughout the course.

### ABOUT YOUR PRESENTER

**Contract Management Training** is a specialist supplier of practical short courses in the management and administration of works, services and construction contracts. Our training courses are designed and delivered by leading contract management specialists and trainers with over 40 years contract management experience. Our trainers ensure a lively, engaging presentation style with clear explanations of complex concepts relevant to enhancing and empowering site supervision and contract administration.

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### PART 1

#### Contract law refresher

- Introducing contracts
- Offer, acceptance and consideration
- Certainty
- Frustration
- Unfair terms legislation
- Reading and understanding contracts
- Standard contracts AS 2124-1992 and AS 4000-1997
- Risk allocations
- Discrepancies and ambiguities
- Order of precedence of contract documents
- Rules of interpretation

### PART 2

#### Design and construct contracts

- Principal's project requirements
- Preliminary design
- Includes drawings and specifications
- Design obligations & warranties
- Novation of Principal's design Contract
- Variations & intellectual property issues
- Building Information Modelling (BIM)
- Advantages of the D & C contract model

### PART 3

#### The contractual players and their obligations

- The asset owner / Principal
- The Contractor
- The subcontractor
  - Subcontracting generally
  - Approval to subcontract
  - Responsibilities
  - Nominated and selected subcontractors
- The pre-start meeting
  - Purpose
  - Significance
  - Superintendent's involvement
  - Pre-conditions to site possession

### PART 4

#### The superintendent

- The special role of the Superintendent
- Powers & functions
- Obligations to act honestly, fairly and reasonably
- Conflict of interest issues
- What's in a name?
- Statutory implication

### PART 5

#### Variations

- Validity of variations
- Variation clauses
- Pricing variations
- Variation price requests
- Variation Notifications
- Latent conditions

### PART 6

#### Risks and insurance

- Care of the works and loss or damage
- Damage to persons & property
- Public and third-party liability
- Workers compensation
- Professional indemnity
- Ancillary insurance provisions

### PART 7

#### Time - Delay, disruption and extensions of time

- The completion promise
- Practical completion definition
- The date 'for' and the date 'of' practical completion
- Critical activities and programming the critical path
- Extensions of time (EOT's)
- The prevention principle
- Concurrency & mitigation
- EOT Risk reversal
- Float & contingency
- Liquidated damages
- An EOT tick sheet

### PART 8

#### Time bars

- Definition
- Where do they occur?
- Defeating time bars
- Waivers
- The superintendent's discretion
- Time bars as penalties
- Unfair contract terms legislation
- Failure to communicate

### PART 9

#### Cost

- Types of contract
- Fixed price & schedule of rates
- Bills of quantity
- Cost plus
- Milestone payments
- Progress payments
- Securities / bank guarantees / Retentions / personal guarantees
- Project bank accounts
- Subcontractors charges
- Security of payments legislation
- Back charges / set offs / deductions
- Retention of title
- Delay costs

### PART 10

#### Quality

- Defects and non-conformances
- Defective work
- Defect rectification
- Disputing defective work
- Defects liability periods
- Final certification

### PART 11

#### Construction claim essentials

- Contractual and common law Claims
- Entitlement
- Notification time limits
- Prescribed notices & notices of dispute
- Substantiation - Evidence
- Quantum
- Preparing winning claims that get approved - sample claim template
- Assessing claims - making the correct decision

### PART 12

#### Dispute resolution

- Embracing dispute resolution
- Dispute resolution as a precondition to arbitration or litigation
- Dispute resolution conferences
- 'Without prejudice'
- Recording the settlement

## COURSE INCLUSIONS

- Detailed handbook containing all information covered in the course for future reference
- An interactive PowerPoint presentation
- Morning tea and afternoon tea (Excluding in-house training - Available by arrangement)

**BOOK BY PHONE OR EMAIL**

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