KOENIG SOLUTIONS · COURSE OUTLINE

Managing Contractual Risk (L5M3)

Learn to identify contractual risk, handle breach of contract and resolve disputes in procurement and supply.

60 Hours	3	39
DURATION	MODULES	TOPICS

COURSE OVERVIEW

This course examines the legal and process issues involved in forming contracts, including offers, acceptance, contract variations and the implications of indemnities, liabilities, insurances and liquidated damages. It then addresses the impacts of breach of contract, covering levels of breach, resolution tools such as negotiation, mediation and arbitration, and organisational responses including subcontracting and claims management. Finally, it covers the legal implications of contractual nonconformance, including remedies for non-performance, the consequences of terminating a relationship, and mechanisms for dispute resolution in procurement and supply.

WHO THIS COURSE IS FOR

Target Audience:

Provides senior buyers, contract and supply chain managers with the expertise to improve organisational procurement and to fulfil organisational objectives. It gives you the knowledge base to reduce cost, improve quality and timescales, manage the supply chain and deal with legal issues

PREREQUISITES

Pre-requisite

- You will need to have achieved the CIPS Level 4 Diploma in Procurement and Supply.

LEARNING OBJECTIVES

- Identify issues relating to the formation of contracts and associated risks
- Analyse the implications of contractual documentation on overall risk
- Analyse the different levels of breach of contract and their impact
- Compare tools and techniques available to resolve a breach of contract
- Explain organisational responses to a breach of contract
- Contrast remedies for non-performance of contracts in procurement and supply
- Analyse the legal consequences of terminating a relationship
- Compare mechanisms for dispute resolution in procurement and supply

COURSE SYLLABUS

3 Modules, 39 Topics

1.0

Understand the Legal and Process Issues Relating to the Formation of Contracts

1.1 IDENTIFY THE ISSUES RELATING TO THE FORMATION OF CONTRACTS AND THE ASSOCIATED RISKS

Offers · Counter offers · Acceptance · Precedence of documents · Contract change · Contract variations

1.2 ANALYSE THE IMPLICATIONS OF THE VARIOUS ELEMENTS OF CONTRACTUAL DOCUMENTATION AND PROCESS ON OVERALL RISK

Indemnities and liabilities · Insurances · Guarantees · Liquidated damages · Payment · Delivery and completion

2.0

Understand the Impacts of Breach of Contract and Coping Strategies and Provisions That Are Available

2.1 ANALYSE THE DIFFERENT LEVELS OF BREACH OF CONTRACT AND THEIR IMPACT

Minor breach · Major breach · Fundamental breach · Anticipatory breach

2.2 COMPARE AND CONTRAST THE TOOLS AND TECHNIQUES AVAILABLE TO RESOLVE A BREACH OF CONTRACT

Negotiation · Mediation · Conciliation and expert determination · Adjudication · Arbitration · Litigation and legal implications · Formal vs. informal action

2.3 EXPLAIN DIFFERENT ORGANISATIONAL RESPONSES TO A BREACH OF CONTRACT

Subcontracting · Penalty clauses · Reputational damage · Claims management process

3.0

Understand the Legal Implications of Contractual Nonconformance in Procurement and Supply

3.1 CONTRAST REMEDIES THAT APPLY TO THE NON-PERFORMANCE OF CONTRACTS IN PROCUREMENT AND SUPPLY

- Contractual provisions on performance
- Clauses for default
- Penalties, liquidated damages and unliquidated damages
- Assessment of consequential loss
- Service credits
- Serving notices

3.2 ANALYSE THE LEGAL CONSEQUENCES OF TERMINATING A RELATIONSHIP IN PROCUREMENT AND SUPPLY

- Assessment of damages
- Contractual warranties and conditions
- Specific performance
- Termination clauses

3.3 COMPARE MECHANISMS FOR DISPUTE RESOLUTION FOR RESOLVING CONFLICTS IN PROCUREMENT AND SUPPLY

- Mechanisms for dispute resolution such as:
- negotiation, alternative dispute resolution (ADR), adjudication, arbitration and litigation involving lawyers

WHAT IS INCLUDED

Everything You Need to Succeed

- Koenig course material for every module
- Delivery by certified instructors and subject matter experts
- Hands-on exercises throughout the course
- Course completion certificate from Koenig

ABOUT KOENIG

Who We Are

Established in 1993, Koenig Solutions is a globally recognised training provider with 35+ technology partnerships, 5,000+ training programmes and a network of certified instructors and subject matter experts, supporting individuals and enterprise teams worldwide.

FLEXIBLE DELIVERY

Learn the Way That Suits You

Classroom Training | Live Online Classes (ILO) | Fly-Me-A-Trainer (FMAT) | Flexi (Self-Paced) | 1-on-1 Training

Ready to Get Started?

Talk to a learning advisor about schedules, group training and customised delivery.

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