

TR_ME – 1721



OVERVIEW

We will cover the key elements of how to manage contracts effectively, deal with dispute resolution and manage claims involving contract disputes, with a particular focus on Independent Power Projects (“IPPS”), Independent Water Projects (“IWPs”), Independent Water and Power Projects (“IWPPs”), Independent Waste Water Projects (“IWWPs”) and Independent District Cooling Projects (“IDCPs”). The focus is on practical applications of contractand claims managementand dispute resolution that can be applied by both private and public organizations. This includes off-takers, utilities, contractors and developers. Key concepts are covered over a five-day period. This is based on daily Trainings from 9:00 am to 5:00 pm, with one hour off for lunch. Daily Training time is 7 hours.

Day 1: Overview and Contract Management

How to manage contracts dealing with IPPs, IWPs, IWPPs, IWWPs and IDCPs from each parties’ perspective: developer, off-taker, utility and contractor. Roles and responsibilities for contract management within the organization. How to minimize disputes in contracts. The importance of communications. Why most agreements and contracts are based on English law.

Day 2: Dispute Resolution

Dispute resolution process: three or four key steps outlined. Role of direct negotiations; expert determination; arbitration; and, the court system. Bases for many disputes in power and water: what’s the problem? Looking for the win/win/win situation – is there one? What do most disputes involve, and how to avoid them. Importance of documentation. How to deal with a dispute. Some practical lessons and guidelines.

Day 3: Claims Management and Case Studies

How to manage claims within the organization. Who should take responsibility for this: developer, off-taker, utility and contractor. Why documentation is important for any dispute. Various cases involving off takers, utilities, contractors and developers.

CONTRACT MANAGEMENT, DISPUTE RESOLUTION & CLAIMS MANAGEMENT

26-30 November 2017
Dubai, UAE

In-house subject to minimum requirement

Email: info@asterizk.com
Website: www.asterizk.com





NEGOTIATING PPP MODELS, JOINT VENTURES, PROJECT AGREEMENTS & TENDERING

Day 4: Negotiating PPP Models and Joint Ventures

- How to negotiate public private partnerships and joint ventures from a utility or government viewpoint
- Steps in establishing a successful PPP (or joint venture) – a methodical approach
- Importance of clear objectives & expectations early on in the process
- Identifying potential partners – setting evaluation criteria
- Structuring the “negotiating team” and overall process
- Key terms and conditions to consider in the PPP or JV Arrangement
- Structuring and negotiating legal agreements for a PPP and other contracts

Day 4: Negotiating PPP Models and Joint Ventures

- Negotiating strategies and techniques
- The need for a “Memorandum of Understanding” or MOU, especially during the early stages of a Joint Venture
- How to deal with tough issues and ‘deal breakers’
- Why many PPPs and JVs fail – key success indicators
- Finding the “win/win” arrangement
- The Joint Venture Agreement – key terms and condition
- Management roles throughout the negotiating process

Day 5: Project Agreements, Contracts and Tendering of IWPP

- Contractual framework for successful PPP and general contractual framework for GCC
- Tendering Process for an IWPP
- Tendering for EPC and O&M Contractors
- Tendering issues and overall timelines
- Bankable Agreements and uniqueness of Power and Water Agreements
- Risk Allocation – From Off Taker and Lender’s perspective
- Financial Evaluations – Payback, Accounting return and IRR
- Agreements Key clauses and principles for Renewables and Power and Water projects

Day 5: Project Agreements, Contracts and Tendering of IWPP

- Tariff Mechanism, Payment Process – Key Terms and Conditions
- Penalties and liquidated damages
- Fuel Agreements and Energy Conversion
- EPC Contract and O&M Agreements
- Usufruct and Land Lease Agreements
- Shareholders and Direct Agreements
- Shared Facilities Agreements

Summary and conclusions.