

**WORKSHOP ON
CONTRACT ADMINISTRATION
& CLAIMS MANAGEMENT
FOR PPP / BOT CONCESSION
AGREEMENTS IN HIGHWAY
PROJECTS**



ABOUT SCMHRD

Born out of the vision of its founder Dr. S. B. Mujumdar in 1993, Symbiosis Center for Management and Human Resource Development (SCMHRD) has been actively involved in delivering quality education to promote international understanding. With an eclectic mix of students at hand, SCMHRD has been nurturing them towards transforming raw talents into employable management professionals. With a rigorous curriculum coupled with experiential learning, the nurturing process has been able to prove its worth of salt in the last 24 years.

Right from its inception, SCMHRD has had adopted an industry focused outlook. The prime reason for this was to achieve industry academia congruence in terms of the curriculum and its delivery mechanism. This served as a hygiene factor ensuring a healthy acceptance record of SCMHRD students in highly sought after companies post their MBA. The relationship thus forged, has prompted SCMHRD to also embark upon Management Development Programmes (MDP) for different Organisations as well as part-time MBA and PG programmes for working professionals, wherein, organisations choose to leverage upon the expertise of SCMHRD to cater to their learning and development needs. This is done partly by sponsoring their employees for the executive MBA and PG diploma programmes at SCMHRD; and partly by either sending their employees to the open MDPs or getting customised MDPs designed and delivered by SCMHRD. Either way, it's a win-win situation for both.

Over the years, SCMHRD has been able to weave various success stories through its expertise in learning and development, applied research and academic acumen. Not resting on its laurels, SCMHRD constantly seeks opportunities to leverage upon its strengths to assist organisations in designing and delivering interventions in the shape of learning and development programmes. This in turn, augments the overall canvas of organisational efficiency, sustainability and success in the long run. In return, it only strengthens the academic acumen of SCMHRD.

PROGRAMME OVERVIEW

The present Pragmatic and dynamic central Government is facing the challenges of Infrastructure development with lot of innovative ideas. Over last two and half years they have come up with lot of corrective measures about contract conditions, Hybrid BOT Models, and have brought in lot of remedies to resolve pending Claims and Arbitration awards to restart earlier stalled projects. This type of business environment demands that all stakeholders understand, the scope of project and terms of contract under various National and International models, which stipulates its own terms and conditions, which must be understood and managed without time and cost overrun. They must understand how claims are raised and accepted or denied as per the contract. Also everyone must be familiar with processes, to resolve the dispute and settle the claims or seek relief under National and International Arbitration Law, in the context of Indian Contractual Frameworks applicable to us and the other Countries where Indian Contractors are increasingly participating in Infrastructure development.

OBJECTIVES OF THE WORKSHOP

- To help the participants to understand the basic structure of the applicable National and/or International Contract Models under FIDIC system.
- To help the participants to be able to administer such contracts while guarding fair interests of both the parties by proper cooperation, correspondence and contemporary record.
- To help the participants to know when and how to raise claims at appropriate time and defend them in professional manner.
- To help the participants to understand dispute settlement practices and Arbitration procedures available in India and abroad.
- To help the participants to become successful Professionals in Managing Projects well, while fulfilling the contractual Rights and Responsibilities.

WHO SHOULD ATTEND?

- Contract Managers and Contract Engineers
- Projects Directors and Project Managers
- Procurement Managers and Purchase Engineers
- Planning Managers and Planning Engineers
- Consultants and PMC Engineers
- Procurement Experts in Funding Agencies
- Public Sector Managers and Government officers
- Bidding Management and Estimation Engineers
- Business Managers and Costing Engineers
- Insurers from Project Insurance Agencies.

SUITABLE FOR THE FOLLOWING CONSTRUCTION SECTORS:

Real estate and Commercial Construction, Highway Construction and Bridges, Sea Ports, Air Ports, SEZ and Corporate Parks, Industrial projects and warehouses, Oil & Gas and Petro Chemical Industries, Power Generation and Transmission, Urban Infrastructure & Townships.

SESSION PLAN OF THE WORKSHOP:

Day One

Session I:

Purpose & Orientation of Training Program:

Opening remarks by L & T IPM Management
Intention of Trainer in developing this Program
Interaction with participants to review their expectations

Session II:

Importance of Selecting Contract Models:

Unit Rate/ BOQ based Item Rate Contracts
EPC / Turnkey Contract packages
PPP/ BOT Concession Projects

Session III:

Administrative and Commercial provisions of Contract:

Tendering Bidding and Award of Contract
Key Provisions of Standard Indian Contract
Commercial aspects of Standard Contract

Session IV:

Key Provisions of Standard Contract:

Measurement Invoicing and Payments
Change orders and variation procedures
Inspection, testing and Quality Control

Session V:

Contractual Risk Management:

Force Majeure & compensation events
Extension of Time and Delay damages
Provision of "Time is Essence" in Contract

Session VI:

Quiz Tests on Contract Management Part I

SESSION PLAN OF THE WORKSHOP:

Day Two

Session I:

Legal Framework & Indian Contract Act:

Agreement about essential features of the Contracts
Performance and Enforceability of Contracts
Breach of Contracts Suspension & Termination

Session II:

Emerging models in EPC Turnkey contracts:

Employer's requirement & Design responsibility
Testing / Commissioning & Performance Criteria
Acceptance of Project & Limits of Liabilities

Session III:

Global Protocol on Delay and Disruption:

Extension of time & liquidated damages
Prolongation & Acceleration of projects
Concurrent delays & Claims Management

Session IV:

Raising, Defending & Denying Claims:

Types of claims and contractual remedy
Dispute resolution mechanism in the contract
Dispute settlement and Arbitration Act

Session V:

Cases in Arbitration and Presentations

Group study of Arbitration cases
Presentation of findings by Groups
Review & Commentary by Trainer

Session VI:

Quiz Tests on Contract Management Part II

Day Three

Session I:

Evolution of PPP / BOT Concession Projects:

Why BOT type of Projects were initiated
Types of Models BOT Toll, BOT Annuity, BOOT
Main features of Concession Agreement

Session II:

Structure of Concession Agreement:

Grant of Concession rights
Obligations and Undertakings
EPC Award under BOT Projects

Session III:

Financing arrangement of the Projects:

Financial Closer by Concessionaire
Mode of Payment & Escrow account
State Support arrangement

Session IV:

Risks in Concession Agreement:

Effect of Delays by authority & Compensation
Relevance of Contract Act & Concession Agreement
Disclaimer Provisions & Impact on Concessionaire

Session V:

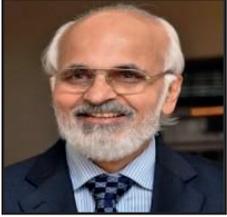
Dispute Issues during Execution:

Discussion on Specific Model Articles 8, 16 & 35
Role of EPC contractor under & Concessionaire
Statutory Authority & Arbitration Act

Session VI:

Recap of Training, Questions & Answers and Feedback

RESOURCE PERSON'S PROFILE:



Dr. Ajit Patwardhan

A postgraduate in Mechanical Engineering from Indian Institute of Technology (IIT), Mumbai, with more than 40 years of experience in India and abroad in various fields of construction projects and Infrastructure Development. He has been involved in training and consultancy for the last 15 years on Project Management. After holding high positions at senior level for 25 years in Design & Engineering, Fabrication & Construction in India and Gulf, he has progressed to become Professor,

Researcher, Dean and Advisor at prestigious construction management Institute (NICMAR). He is currently serving as an Adjunct Faculty in the department of Infrastructure Management at SCMHRD, Pune.

He completed his PhD. from Pune University in Infrastructure Projects Risk Management. He has conducted more than 175 Training Programs across India & Gulf, involving Major Construction corporate, State Governments, Public bodies and Project Management firms in Infrastructure field. He has also been an advisor and consultant to various leading Companies in this field. He was recently appointed by World Bank as Training Consultant for Internationally funded projects.



Mr. Vivek Date

He is a Chartered Financial Analyst (CFA- ICFAI Hyderabad), LL.B. Certified Management Consultant (CMC -from Institute of Management consultant India). He is pursuing Ph.D. in 'PPP for Infrastructure Projects'. He is currently serving as an Adjunct Faculty in the department of Infrastructure Management at SCMHRD, Pune.

He has over 15 years of experience with Infrastructure Sector. His area of expertise cover financial feasibilities of large infrastructure Projects, analyzing project risks and carrying out value for money & social cost benefit analysis. He also provides consultancy on Public Private Partnership structuring. He has a strong understanding of formulation and appraisal of Infrastructure projects within policy and regulatory frameworks. He has worked with various Government authorities like DMICDC, Solar Energy Corporations (SECI), Roads & Building Deptment Government of Gujarat, Maharashtra State Electricity Board (MSEB) and Navi Mumbai Municipal Corporation, on a great range of projects such as Roads, Renewable Energy, Industrial development Zones, City development plans, Urban Water supply projects, Hydro power plants, Commercialization of airports and solid waste management. He works as associate consultant with many reputed consultancy organizations.



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