NEGOTIATING & MANAGING PPP CONTRACTS
Performance Monitoring, Contract Compliance & Dispute Resolution

24 - 28 Nov 2019, Dubai
19 - 23 Jan 2020, Dubai
22 - 26 Nov 2020, Dubai
INTRODUCTION

In this GLOMACS Negotiating and Managing PPP Contracts training seminar, we examine PPP from first principles to real-world examples, learning from the success and failure of PPP projects around the world. We introduce, demonstrate and test best practice recommendations for project evaluation, contractual drafting, procurement and contract management. In this GLOMACS training seminar, we dispel some common myths and misconceptions concerning PPP, and we address crucial practical issues such as community and stakeholder engagement, incentivizing or compelling contractual performance and dealing with requests for variation or renegotiation of contract terms.

PPP can mobilize private sector investment and expertise to provide much-needed infrastructure and public services. It can transform government departments and contracting authorities from being owners and operators of assets into knowledgeable purchasers of services from the private sector. However, with more than 110 countries competing for PPP funding and expertise, success depends on the development of public and private sector capacity and understanding of PPP.

This GLOMACS training seminar will highlight:

• Best Practice for Project Evaluation and Procurement
• What makes a ‘bankable’ PPP?
• How to use Payment Mechanisms to incentivize or enforce Contractual Performance?
• The Lessons we can learn from PPP Successes and Failures
• The Essential Role of Good Contract Management – from beginning to end

OBJECTIVES

This GLOMACS training course will enhance your ability to determine whether PPP is the best vehicle for your projects, and to ensure that you have in place the contract terms and contract management techniques to ensure long-term success.

At the end of this GLOMACS training course, you will learn to:

• Analyze and evaluate project proposals to decide whether they are suitable for PPP
• Apply best practice in procurement, promoting transparency, fairness and ‘bankability’
• Understand where contractual disputes are most likely to arise, and how to deal with them
• Decide how best to respond to problems, and how to rescue a PPP
• Determine how to secure and maintain political and public confidence in PPP

TRAINING METHODOLOGY

In this GLOMACS Contracts Management training course, our expert presenter draws on practical experience and extensive discussion with policy makers, Ministers, Law Officers, PPP Units, private sector contractors and funders in Africa and around the world. This GLOMACS training course blends presentations with practical case studies and interactive exercises to ensure that participants have ample opportunity to discuss, challenge and understand the key principles of PPP.

ORGANISATIONAL IMPACT

Success can be learned, and failures avoided, by examining others’ experience. Throughout GLOMACS this training course, we draw on practical examples of best practice and well-documented failures to maximize your team’s chances of success. Through practical examples, open discussion and interactive exercises, your team can gain the skills and confidence to deliver successful PPP.

PERSONAL IMPACT

Your team members will learn and have the opportunity to practice techniques for:

• Evaluating project proposals, whether invited or unsolicited
• Managing or mitigating demand risk
• Drafting, negotiating and managing performance of high quality PPP contracts
• Accurately and confidently deciding how best to respond to delays, problems or unforeseen events
• Communicating the social value and economic benefits of PPP

WHO SHOULD ATTEND?

This GLOMACS training programme is specifically designed for central government bodies and contracting authorities considering PPP to address infrastructure or public service requirements. This training programme is suitable to a wide range of professionals but will greatly benefit:

• PPP Unit Officials and Advisors
• Transactional Advisors
• Procurement Specialists
• Contract Management Specialists
• Legal Advisors
• Project Management Professionals
**SEMINAR OUTLINE**

**DAY 1**

**PPP in a Globally Competitive Market**
- PPP and the “infrastructure gap”
- Global Competition for Funds and Expertise
- PPP vs. Privatization – dispelling the myths and misconceptions
- PPP Models and Structures
- What makes a ‘bankable’ PPP?
- Using PPP for Social Benefit and Economic Empowerment
- Lessons from around the world - What can we learn from successful and failed PPPs?

**DAY 2**

**The Benefits of a Strong PPP Unit**
- PPP is one approach, not the only approach
- Feasibility and Project Evaluation
- Assessing and Managing demand risks
- Community and Stakeholder Engagement - dispute avoidance, not dispute resolution
- Principles of Good PPP Procurement
- Dealing with unsolicited Project Proposals

**DAY 3**

**Drafting and Negotiating PPP Contracts**
- The Anatomy of a PPP
- Parties, Roles and Structures
- Regulating Assignment and Change of Control
- Governing Law and Jurisdiction
- Insurance and Guarantees
- Specifications, Deliverables, Service Levels and KPIs
- Using Payment Mechanisms to Incentivize and Enforce Performance

**DAY 4**

**Managing Critical Events in PPP**
- Termination for Cause
- Termination for Convenience or National Interest
- Compensation and Orderly Termination
- Rescuing a PPP: Exercising Step-in or Substitution Rights
- Force Majeure or Relief Events - keeping your PPP on track

**DAY 5**

**Contract Management to Ensure Long-term Success**
- Understanding where Disputes are most likely to arise
- Monitoring Performance and ensuring actionable data
- Understanding Dates, Deadlines and Contractual Formalities
- Understanding and Avoiding the Risk of Wrongful Termination
- Managing Contractual change Mechanisms, Variation and Renegotiation
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Performance Monitoring, Contract Compliance
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<th>Code</th>
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PAYMENT DETAILS
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☐ Cheque payable to GLOMACS
☐ Please invoice me

CERTIFICATION
Successful participants will receive GLOMACS’ Certificate
of Completion

4 WAYS TO REGISTER
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TERMS AND CONDITIONS
• Fees - Each fee is inclusive of Documentation, Lunch and
  refreshments served during the entire seminar.
• Mode of Payment - The delegate has the option to pay the course
  fee directly or request to send an invoice to his/her company/
  sponsor. Credit card and cheque payments are both acceptable.
• Cancellation / Substitution - Request for seminar cancellation
  must be made in writing & received three (3) weeks prior to the
  seminar date. A US$ 250.00 processing fee will be charged per
  delegate for each cancellation. Thereafter, we regret that we are
  unable to refund any fees due, although in such cases we would
  be happy to welcome a colleague who would substitute for you.
• Hotel Accommodation - is not included in the course fee. A
  reduced corporate rate and a limited number of rooms may be
  available for attendees wishing to stay at the hotel venue. Requests
  for hotel reservations should be made at least three (3) weeks prior
  to the commencement of the seminar. All hotel accommodation
  is strictly subject to availability and terms and conditions imposed
  by the hotel will apply.
• Attendance Certificate – a certificate of attendance will only
  be awarded to those delegates who successfully completed/
  attended the entire seminar including the awarding of applicable
  Continuing Professional Education Units/Hours.
• Force Majeure – any circumstances beyond the control of the
  Company may necessitate postponement, change of seminar
  venue or substitution of assigned Instructor. The Company
  reserves the right to exercise this clause and implement such
  amendments.
• Fair Access / Equal Opportunities - In the provision of its services
  as a world-class Training Provider, the Company is committed to
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  seminars, or 3rd party qualifications/certifications.

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