AUSTRALIA'S ONLY EVENT COVERING ALL SECTORS

Contract Management & Risk Mitigation

Cutting contracting costs, successful negotiations and effective contracting strategies

24 - 26 FEBRUARY 2014
Sir Stamford Circular Quay
SYDNEY

EXPERT SPEAKERS:

- **Kon Panagakos,** *Global Commercial ITC Manager,* Bluescope Steel
- **Jim Bergman,** *Vice President – Asia, Australia & Middle East,* IACCM
- **Dr Alan Hinge,** *Director – Capability and Technology Demonstrator Program,* Department of Defence
- **Robert Macey,** *Director – Commercial & Legal,* Regional Rail Link Authority
- **Jim Millar,** *Regional Commercial Manager,* Lend Lease
- **Tony Moore,** *Contract & Procurement Manager,* NSW Department Finance & Services
- **Richard Edwards,** *Manager – Contracting Services, Department of Planning,* Transport & Infrastructure South Australia
- **Adam Cunningham,** *Contract Management Coordinator,* Barwon Water
- **Mark Vale,** *Senior Counsel – Operations,* Peabody Energy
- **Ron Palmer,** *Contract Strategy Manager,* Central Western Mining
- **Paul Cassano,** *Managing Director,* Resilient Resources
- **Frank Bannon,** *Partner,* Clayton Utz
- **Scott Alden,** *Partner,* DLA Piper
- **Leon Chung,** *Partner,* Herbert Smith Freehills

PLUS 2 INTERACTIVE WORKSHOPS

Workshop A:
A-Z successful contract drafting and negotiations: a view from the trenches
Stanislav Roth, *Managing Director,* Source Legal
Leif Godwin, *Principal,* Godwin Legal

Workshop B:
A-Z Guide to contract law and how to successfully manage commercial contracts and projects
Cyril Jankoff, *CEO,* The Risk Doctor

1 INTERNATIONAL SPEAKER

9 PRACTICAL CASE STUDIES

KEY BENEFITS OF ATTENDING

- Identifying contractual risks to avoid harmful delays
- Managing rising costs through effective contract management strategies
- Ensuring effective risk management and maximum contractor buy-in
- Implementing a win-win strategy for limiting contractual breach
- Delivering projects on budget with a long term view of reducing costs

WHO SHOULD ATTEND:

Those involved in contract negotiation including:

- Contract Managers/ Administrators
- Project Managers and Engineers
- Procurement Managers
- Commercial Managers
- Sourcing Managers
- Risk Managers

Endorser

The Chartered Institute of Logistics and Transport

DAY ONE: MONDAY, FEBRUARY 24th 2014

8:00 Registration opens

9:00 Opening remarks from the Chair

Jim Bergman, *Vice President – Asia, Australia & Middle East,* IACCM

DELIVERING PROJECT OUTCOMES THROUGH CONTRACT RISK MANAGEMENT

9:10 CASE STUDY

Handling high technical risk projects

- Mapping the technical innovation space
- Risk identification and assessment
- Examining the selection processes and stakeholder management
- Contract development: implementing target performance measures; not specs.
- Contract management and implementation

Dr Alan Hinge, *Director – Capability and Technology Demonstrator Program,* Department Of Defence

9:50 CASE STUDY

Implementing an EPC contract to deliver 2 large multimillion dollar water recycling projects in VIC

- Developing strategies and risk management processes to effectively manage contract delivery
- Allocation of risks between parties to a transaction according to extent of control, exposure and ability to minimise risks
- Working efficiently with key stakeholders at the Northern Water Plant and Black Rock Recycled Water Plant to deliver common objectives

Adam Cunningham, *Contract Management Coordinator,* Barwon Water

10:30 Morning tea

11:00 CASE STUDY

Using the procurement strategy to driving innovation

- Identifying innovation on Adelaide's road and rail projects
- Assessing the link between procurement strategy and innovation
- Examining challenging assumptions about innovation

Richard Edwards, *Manager – Contracting Services, Department Of Planning,* Transport & Infrastructure South Australia

11:40 Managing legal risks and liability through indemnities

- Identifying and allocating risk in construction projects
- The use of indemnities to transfer and allocate risk in construction contracts
- Negotiating indemnities and common issues
- Exclusions from indemnities and consequential loss
- Judicial interpretation and recent cases on indemnity clauses
- The relationship between indemnity clauses and negligence

Scott Alden, *Partner,* DLA Piper

12:20 Networking Lunch

1:20 CASE STUDY

Developing contracting and procurement approaches to address complexity and risk for the Regional Rail Link project

- Dealing with project complexity and risk during the planning/ procurement phase
- Strategies to manage these challenges including selection of contracting models
- Observations and insights from procurement and into contract management and delivery

Robert Macey, *Director – Commercial & Legal,* Regional Rail Link Authority

DEPLOYING ALLIANCE CONTRACTS

2:00 CASE STUDY

Grouping to Win

Smaller mining contractors need to link up and form new companies in order to compete against bigger competitors to secure key project work, rather than simply hang around like seagulls for the leftovers. Ron Palmer, Alliancing Specialist will outline how this approach can be better for clients and contractors, using several case studies from the Underground Coal Mining Industry, Oil and Gas Sector and other industries to prove the point.

- Alliancing smaller contractors
- Alliancing is not merging
- Giving the "Coles and Woolies" of the resources sectors a run
- Letting go
- No prizes for second
- Identifying and luring partners

Ron Palmer, *Contract Strategy Manager,* Central Western Mining

2:40 Afternoon Tea

3:10 Best practices in alliance/relationship contracting through relational contracting

- Resourcing optimal client/contractor interfaces over the project life
- Motivating and driving performance at all levels of the project where there is a firm link between performance and profitability
- Ensuring transparency and open communication for a successful alliance

Jim Bergman, *Vice President – Asia, Australia & Middle East,* IACCM

3:50 PANEL DISCUSSION

How to devise an accurate contract risk management plan to improve scope of work

- Aligning short term and long term plans to improve productivity targets and deliverables
- Accounting for external factors and economical risks in scheduling to ensure viable production targets and deadlines
- Incorporating contingency planning and risk management strategies into schedules to avoid time and cost overruns
- Ensuring a strong maintenance and reliability schedule

Moderator:

Jim Bergman, *Vice President – Asia, Australia & Middle East,* IACCM

Panellists:

Jim Millar, *Regional Commercial Manager,* Lend Lease

Kon Panagakos, *Global Commercial ITC Manager,* Bluescope Steel

Adam Cunningham, *Contract Management Coordinator,* Barwon Water

Dr Alan Hinge, *Director – Capability and Technology Demonstrator Program,* Department Of Defence

4:30 Closing remarks from the Chair and conference adjourns

DAY TWO: TUESDAY, FEBRUARY 25th 2014

8:00 Registration opens

9:00 Opening remarks from the Chair

Kon Panagakos, *Global Commercial ITC Manager,* Bluescope Steel

CONTRACT NEGOTIATION

9:10 CASE STUDY

Aligning risk perceptions upfront for contract negotiations

- Improving scope of the contract with contingency allowances to enable thorough identification and allocation of risks for both parties
- Clarifying performance rewards and project accountability to reduce claims and minimise losses down the line
- Defining how unforeseeable changes which would impact a contract and its objectives

Tony Moore, *Contract & Procurement Manager,* NSW Department Finance & Services

REDUCING RISKS BY AVOIDING LEGAL LOOPHOLES

9:50 Strategies for dispute resolution for major projects– formal vs informal solutions

- The importance of addressing any potential causes of dispute early on
- Tailoring the strategy for dispute resolution according to the relationship with client and vendor
- Negotiation strategies for achieving a mutually acceptable agreement
- Utilising a mediator or order to help achieve a mutually acceptable arrangement
- Resolving a dispute through arbitration or litigation

Leon Chung, *Partner,* Herbert Smith Freehills

10:30 Morning tea

11:00 CASE STUDY

Avoiding legal loopholes – key clauses to be aware of in contract mining agreements

- Latent conditions and Force Majeure
- Setting appropriate KPIs
- Appropriate insurance arrangements
- Warranties and liabilities
- Early termination clauses and step-in rights

Mark Vale, *Senior Counsel – Operations,* Peabody Energy

11:40 Contract administration and dispute management in construction & major projects

- What is contract administration?
- Some golden rules and tools for contract administration common causes of disputes in contract agreements
- Dealing with defaults and claims
- Communications related to disputes

Frank Bannon, *Partner,* Clayton UTZ

12:20 Networking Lunch

CHOOSING THE RIGHT CONTRACTING OPTIONS

1:20 CASE STUDY

Contracting options and strategies for capital works projects

- Looking at key components of construction contracts
- Contract options and industry trends
- Risk identification, mitigation and allocation
- Simplifying contracts and contract administration

Jim Millar, *Regional Commercial Manager,* Lend Lease

2:00 CASE STUDY

Determining the best contract style for your project

- Getting the mix right – aligning risk profile to the level of desired owner control in evaluating alternative contract styles
- Examining performance-based contracts vs. schedule of rates and their suitability in short term and longer term projects
- Designing a contract which enables effective monitoring of KPIs, according to management style of the owner
- Incorporating adequate flexibility to manage inevitable variations in every contract

Kon Panagakos, *Global Commercial ITC Manager,* Bluescope Steel

2:40 Afternoon tea

3:10 Improving contract delivery and management in the current industry landscape

- Understanding project specific challenges and ensuring transparency
- Aligning commercial objectives & KPI's
- Overcoming common challenges in establishing a win-win result for both parties

Paul Cassano, *Managing Director,* Resilient Resources

MAINTAINING STAKEHOLDER RELATIONSHIPS

3:50 PANEL DISCUSSION

Identifying and meeting stakeholder expectations and requirements

- Project team and stakeholder management processes
- Discover people management tools and techniques to develop high performing team and deliver project outcomes
- Discover stakeholder management tools and techniques to increase support for project outcomes

Panellists:

Kon Panagakos, *Global Commercial ITC Manager,* Bluescope Steel

Paul Cassano, *Managing Director,* Resilient Resources

Tony Moore, *Contract & Procurement Manager,* NSW Department of Finance and Services

4:30 Closing remarks from the Chair and close of conference

POST-CONFERENCE WORKSHOPS: DAY THREE: WEDNESDAY, FEBRUARY 26th 2014

WORKSHOP A: 9:00- 12:00

A-Z successful contract drafting and negotiations: a view from the trenches

Successful contract drafters and negotiators combine good technical skills in contract law and well-developed "soft" skills, such as emotional intelligence and business acumen. In this workshop, we will take a holistic approach to legal contract drafting and negotiation and consider the key topics that continually arise such as:

- Dealing with preliminary period and standing order agreements
- Understanding the contract formation and structuring
- The scope of work including working with technical experts and commercial teams
- Dealing with consequential loss, limitation of liability, indemnities, insurance and liquidated damages and liability framework
- Incorporating different negotiation skills including preparation, tactics, strategy and appropriate behaviour
- Alternative approaches to contracting including "Ethical Contracting" and "Agile Contracting" vs. adversarial traditional approach

Stanislav Roth, *Managing Director,* Source Legal
Leif Godwin, *Principal,* Godwin Legal

WORKSHOP B: 1:00- 4:00

A-Z Guide to contract law and how to successfully manage commercial contracts and projects

- Examining the legal interpretations of binding commercial contracts
- Clarifying ambiguous clauses in major project contracts
- Resolving the complexities associated with indemnities and liabilities
- Drafting a technical and specific scope of work during the pricing phase
- Investigating cost effective dispute resolution strategies and proficiently manage contract breaches
- Examining provisions for managing breach and termination

Cyril Jankoff, *CEO,* The Risk Doctor

(Lunch is provided for delegates registered for both Workshop A and Workshop B)

CNT02 REGISTRATION FORM

REGISTRATION FEE (including GST)	EARLY BIRD DISCOUNTS Register and book before: 22 Nov 2013	06 Dec 2013	20 Dec 2013	17 Jan 2014	07 Feb 2014	STANDARD PRICE
Conference only	$2308.90	$2418.90	$2528.90	$2638.90	$2748.90	$2858.90
Conference plus 1 workshop A or B ✔	$2968.90	$3078.90	$3188.90	$3298.90	$3408.90	$3518.90
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2: TEAM DISCOUNT. (i) Register 3 delegates and receive a $1000 DISCOUNT off the Standard Price
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All group registrations must be from the same company, at the same time and for the same event.
Registrants must choose between the most advantageous discount option.
Only one discount is available at the time a registration is made.

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Phone: Email:

Name: Delegate 2
Job Title:
Phone: Email:

Name: Delegate 3
Job Title:
Phone: Email:

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IMPORTANT NOTE: Attendance will only be permitted upon receipts of full payments. Please note that programme and speakers are subject to change without notice. Akolade will not be responsible for any event re-scheduled or cancelled.

CANCELLATION POLICY: Should you be unable to attend, a substitute delegate is always welcome at no extra charge. Alternatively a full refund, less a $200 service charge (including GST), will be made for cancellations received in writing up to 15 working days prior to the event. Regrettably no refunds can be made less than 15 working days prior to the event.

5 EASY WAYS TO REGISTER

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DATES & VENUE

(Please tick)

☐ **SYDNEY**
24th - 26th February 2014
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AKOLADE

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