



## *Negotiating and Managing PPP Contracts*

*Manama (Bahrain) - Fraser Suites Seef Bahrain*

*13-10-2024*

# Negotiating and Managing PPP Contracts

Course code: JV73 From: 13-10-2024 Venue: Manama (Bahrain) - Fraser Suites Seef Bahrain Course Fees: 3450 £

## Introduction

In this course, we will examine PPP from its fundamentals to real-world examples, learning from the successes and failures of PPP projects around the world.

The best training recommendations for project evaluation, contractual drafting, procurement, and contract management are introduced, demonstrated, and examined.

In this course, we dispel some common PPP myths and misconceptions, as well as address critical practical issues such as community and stakeholder engagement, incentivizing or compelling contractual performance, and dealing with requests for contract variation or renegotiation.

Individual sector investment and expertise can be mobilized through PPP to provide much-needed infrastructure and public services. It has the potential to transform government agencies and contracting authorities from asset owners and operators to knowledgeable buyers of private-sector services.

However, with over 110 countries competing for PPP funding and expertise, success is dependent on improving public and private sector space and understanding of PPP.

## This course will highlight:

- Best Custom for Project Evaluation and Procurement
- What makes a "bankable" PPP?
- How to manage Payment Mechanisms to incentivize or require Contractual Performance?
- The lessons we can get from PPP Successes and Failures
- The Fundamental Role of Good Contract Management from start to end

## Course Objectives of Negotiating and Managing PPP Contracts

This course will magnify your ability to discover whether PPP is the best vehicle for your projects and to assure that you have in place the contract duration and contract management techniques to ensure long-term success.

## At the end of this course, you will acquire to:

- Explain and evaluate project proposals to decide whether they are fit for PPP
- Join the best training in procurement, promoting transparency, fairness, and "bankability"
- Know where contractual disputes are most likely to rise, and how to deal with them
- Determine how best to respond to problems, and how to protect a PPP
- Learn how to secure and maintain political and public confidence in PPP

## Course Methodology of Negotiating and Managing PPP Contracts

In this course, our expert presenter draws on practical experience and a great discussion with policymakers, Ministers, Law Officers, PPP Units, private sector contractors, and funders in Africa and around the world. This course blend shows with practical case studies and interactive exercises to ensure that participants have ample

opportunity to discuss, challenge, and understand the key principles of PPP.

## Organizational Impact of Negotiating and Managing PPP Contracts

Success can be learned, and failures avoided, by examining others' experiences.

During the course, we draw on practical cases of best practice and well-documented failures to maximize your team's chances of success.

By practical examples, open discussion, and interactive activities, your organization can increase the skills and confidence to deliver successful PPP.

## Personal Impact of Negotiating and Managing PPP Contracts

Your team members will acquire and have the opportunity to train techniques for:

- Assessing project proposals, whether invited or unsolicited
- Managing or mitigating demand risk
- Drafting, negotiating, and managing the performance of high-quality PPP contracts
- Carefully and assuredly deciding how best to respond to delays, problems, or unforeseen events
- Describing the social value and economic benefits of PPP

## Target Audience of Negotiating and Managing PPP Contracts

This training program is specially planned for central government bodies and contracting authorities considering PPP to address infrastructure or public service requirements.

This training program is fitting for a wide range of professionals but will be very helpful for:

- PPP Unit Officials and Advisors
- Transactional Advisors
- Procurement Specialists
- Contract Management Specialists
- Legal Advisors
- Project Management Professionals

## Course Outlines of Negotiating and Managing PPP Contracts

### 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