



Engineering Procurement and Construction (EPC)

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Armada Management Consultants
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Course Description

For complex energy related projects including power plant projects, the preferred contract module used is normally the EPC (Engineering, Procurement, Construction) or EPCIC (Engineering, Procurement, Construction, Installation & Commissioning) Contracts.

Though it is the preferred method it is not without its issues and mastering the ins and outs of the EPCIC contracts will prove to be a worthwhile endeavour in mitigating risks and liabilities that are likely to arise in these contracts.

EPCIC contracts are uniquely challenging and parties who are currently involved or will be involved in these types of contracts which are mainly large and complex and often fast-track must find ways to reduce potential financial losses through effective contract negotiation, drafting, and management.

Mastering the contractual clauses will give you the know-how to effectively implement EPC & EPCIC contracts to ensure a successful project.

This Engineering Procurement and Construction (EPC) Contracts for Energy Industry training course is specifically designed to address the key issues as it relates to all the parties involved in the contract. It gives you the best approach on how to allocate and manage risks, liabilities, Force Majeure events. You will learn effective contracting strategies for successful EPCIC project delivery.

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Objectives

By the end of this training course, participants will be able to:

- Be skilled in EPC contract negotiation and administration
- Be part of a team able to manage risks in EPCIC contract
- Better execution and project management to minimize risk delay and costs over-runs
- Safeguard the projects essentials and maintain contractor relationships for long term success and efficiency
- Achieve the project goals in line with company's overall objectives

WHO SHOULD ATTEND?

This training course is therefore suitable to a wide range of professionals but will greatly benefit:

- Contract/Project Professionals
- Commercial Contract Professionals
- Commercial Operation Professionals
- Contract Engineers
- Procurement Supply Chain Professionals
- Risk Manager/Contract Risk professionals

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Course Outline

DAY 1

MAIN CHARACTERISTICS OF EPC CONTRACTS FOR ENERGY PROJECTS

- Understanding EPC role matrix and contract structure
- Maximizing parties rights and interests with appropriate contracting strategy
- EPC Contractor's single point of responsibility
- Split contract structure
- Fixed Contracts Price and Milestone Payment Terms
- Fixed Completion Date

IDENTIFYING EPC PROJECT RISKS IN CURRENT MARKET CONDITIONS

- Roles & Responsibilities of Parties during contract period
- Assessing risks in times in a challenging economy
- Assessing how risks have been changed by current challenges in the economy
- Project Contracting Trends
- Overcoming Business, Operational, and Project Risk
- Are Projects Prepared for Market Risks
- How to contract out project risk and optimize value Chains in EPC Contracts?

IMPORTANCE OF TENDER PROCESS IN AN EPC CONTRACT

- Legal, Technical and Commercial Pre-Qualification of tenderers
- Best practices in tender evaluations and selection of tenderer
- Important of scope of work and specifications
- Use of Standard Terms and Conditions
- Exceptions: What to accept and What to deny
- Finalizing tender negotiations & award
- Letter of Intent/Letter of Award: Essential Terms and Legal Effects
- Discussion & Analysis of different tendering & contracting strategies

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DAY 2

KEY CONTRACTUAL TERMS OF EPC CONTRACTS

- Identifying critical issues in the project life-cycle
- Managing cost impact clauses like delay, price fluctuations
- Indemnities and Liabilities
- Force Majeure & Limiting events of Force Majeure
- MAC Clauses
- HSE Liabilities
- Changes in Law and regulations in host country & stabilization clauses
- Political Risk Insurance
- Termination for cause and for convenience
- Discussion of Case Study on FIDIC EPC Contract

DAY 3

RISK MANAGEMENT ISSUES EMPLOYER & CONTRACTORS RISK

- Contracting Out Risk & Optimizing Value Chains
- Design, Technology, & Process Risk
- Procurement & Specification risk
- Variations and Cost Impact
- Payment and Multi- currency Contracts
- Delay and Liquidated Damages
- Completion and Testing & Effects of Acceptance
- Passing of Risk on Completion
- Claims management & the rights and remedies available to the parties
- Liability, Indemnities, and Insurance Coverage

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DAY 4

CONTRACT COMPLETION – CRITICAL ISSUES

- Date of Completion
- Acceptance of punch list of defects - What is the effect?
- Passing of Title and Risk: Safety & Insurance
- Warranties and Guarantees
- Passing of Intellectual Property rights
- Defects: Exculpatory Clauses
- Defects Liability period, Contract Claims, and Employer Remedies
- Termination of Contract: Rightful & Wrongful Termination

DAY 5

CONTRACT NEGOTIATION & DISPUTE RESOLUTION

- Acquiring Negotiation Skills
- Reviewing the Harvard Law School Points on Negotiation Skills
- Key roles and responsibilities of the negotiating team
- Identifying key success bargaining positions
- Concluding Negotiations
- Dealing with Disputes: Choosing the Best Disputes Resolution Process
- Should you Mediate or Arbitrate
- Costs and other Considerations
- Inter-active Session on Negotiation Skills

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Training Methodology

The participants to this training course will receive a thorough training on the subjects covered by the seminar outline with the Trainer utilising a variety of proven learning teaching and facilitation techniques. Training methodology includes interactive session with role playing, case studies, discussion groups and scenario building and the high- point of the training course being a simulation exercise of an EPCIC contract negotiation involving interactive role play by the participants.

This training course will provide the participants an ideal opportunity to improve and sharpen their skill sets in planning, negotiating and managing EPC contracts.

Training Fees

Fees will be **USD 4,900.**

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