



# Aviation Contracts & Tenders

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# FUNDAMENTALS OF LAW OF CONTRACTS (RECAP)



# Essentials of Law of Contracts

- Introduction to Indian Contract Act 1872
  - General principles of the law of contract are expressed by sections 1 to 75
  - The contracts of Indemnity and Guarantee are given under Section 124-147
  - Principles of Contract regarding Bailment and Pledge – Section 124 – 147
  - Principles of Contract regarding Contracts of Agency – Section 182 - 238
- Agreement & Contract – Meaning
  - Agreement



# Essentials of Law of Contracts

- Legal Obligation
- Agreements which are not Contracts
- Essential Elements of Valid Contract – An Overview
  - Offer and acceptance:
  - Intention to create legal relations:
  - Consensus ad idem
  - Competency of Parties
  - Lawful consideration
  - Free Consent



# Essentials of Law of Contracts

- Free Consent
- Lawful object:
- Written and Registered:
- Certainty
- Possibility of Performance:
- Kinds of Contracts
  - Valid contract
  - Void contract
  - Voidable contract



# Essentials of Law of Contracts

- Unenforceable contract
- Illegal Contract
  
- Government Contracts
  - Contract-Meaning of the term
  - Government Contract
    - Position in Britain
    - Position in India
  - Contracts' and 'Government contracts'



# Essentials of Law of Contracts

- Formation of Government Contracts
- Implied Contract with the Government
- Principles Underlying Government Contracts  
Reasonableness, Fairness
- Public Interest
- Equality, non-arbitrariness
- Contractual Liability
- Judicial Review in Contractual Matters



# Offer and Acceptance

- o Offer
- o Acceptance





# Consideration

- Concept and Meaning of Consideration
- Essentials of a Valid Consideration
- Exception to Consideration Rule



# Capacity to Contract

- o Minor
- o Unsound Mind
- o Other Incompetent Persons



# Consent

- o Meaning and Concept
- o Elements which affect the Consent of the Parties
- o Mistake
- o Misrepresentation
- o Fraud
- o Coercion



# GOVT CONTRACTS

- o Meaning and Concept
- o Provisions under the Constitution
- o Delegation
- o Competent Authority
- o Mistakes
- o Financial Regulations



# GOVT CONTRACTS

- Open Tender
  - Global Tender
  - Limited Tender
  - Single Bid
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- Govt E-Commerce Platform (GeM)



# GOVT CONTRACTS

- o Process of Tender
- o EOI
- o Pre-Bid Meeting
- o RFP
- o Two stage and Single stage



# GOVT CONTRACTS

- Tech Bid and TEC
- Financial Bid
- L 1 Concept and the Disadvantages
- Aard of Contract



# CASE STUDY: RUNWAY RELAYING CONTRACT

- Challenges in capturing the essentials
- Scope for minor changes
- Unforeseen occurrences
- Coordination on site and Project Management
- Operational issues and contractual obligations
- Safety issues and contractual obligations





# INTERNATIONAL CONTRACT LAW: NORMS AND DRAFTING GUIDELINES



# Tenders and Tendering Procedures

- Tender Concept and Procedures
- Tendering Procedures
- Bidding Process



# International Contractual Negotiations

- Pre-Contractual Liability
- Ascertaining Credit-Worthiness of the Foreign Party
- Choices to be made by the Parties



# Principles for Drafting of International Commercial Contracts

- Important Norms And Conditions Of International Trade Contracts
- Standard Form Contracts
- Commercial Contracts
- Engineering Contracts
- International Transfer of Technology Agreements
- International Commercial Agency / Franchise Contracts



# Norms for Drafting International Commercial Contracts

- Role of International Contracts in International Commerce
- Parties to the transactions
- Drafting of International Contracts for Sale of Goods
- Sample draft of International Contract for Sale of Goods



# DISCUSSION ON GLOBAL TENDER

- o Govt Global Tenders
- o Corporates and Tendering
- o Tendering and transparency
- o Cartelisation and other wrong practices



# AIRLINE CONTRACTS



# AIRLINE CONTRACTS

- Aviation Insurance Contracts
- Airline Lease Agreement
- Airline Purchase and Sales Agreement
- Contract of Carriage by Air
- Aircraft Maintenance, Repair and Overhaul Agreement
- Ground Handling Agreement
- Code-Sharing and Interline Agreement





# AIRCRAFT LEASE FINANCE AGREEMENT

- Lease Agreement
- Financial and technical issues to be captured
- Difficulties in case of Sub-lease



# AIRPORT CONTRACTS

- Airport Lease Agreement
- PPP in Airport Infrastructure
- Airport In-Terminal Concession Agreement



# QUESTIONS



THANK YOU