

# Negotiating And Drafting And Understanding Contracts

( 5 Days Training Course )

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## Why Choose this Course?

This training course covers the three stages of contracting; negotiating the 'deal'; documenting that deal in a robust, but practical way; and managing the performance of the contract itself. This training course will help participants to have an awareness of practices in other areas and other industries, which can add significant value to their own situations. Moreover, the training course will also give an opportunity to consider matters from the perspective of the other party to a contract.

## This INFORMARECH training course will feature:

Gaining a broad understanding of contracts and your ability to use them to protect your organisation  
Examining the latest techniques required in order for you to consider and negotiate contracts with confidence  
Considering principles widely used in international contracting, risk allocation and dispute management in contractual disputes  
Practical tips for business professionals to deal with the consequences of non-performance  
Analysing the mechanics of contracting in the English language

## What are the Goals?

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

Understand the need to negotiate the "deal" before structuring the contract documentation  
Utilise the tools & techniques to assist in such negotiations & enhance the efficient management of contract  
Assess the drafting and modification of specific contract clauses, using real examples  
Introduce some of the differences in approach in different jurisdictions  
Examine ways to avoid disputes, or to manage them successfully  
Who is this Course for?  
This training course will benefit all levels of personnel engaged in contract management, negotiation, procurement, operations, and disputes.

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

Contract Administrators, Contract Professionals and Project Coordinators  
Supply Officers, Buyers, Purchasing & Procurement Professionals  
Project, Construction, Cost and Quantity Professionals  
Claims Personnel, including Legal Advisers  
Contracts Managers

Those new to the function, preparing for a major project, or experienced professionals looking for a refresher  
How will this be Presented?

This training course will utilise a variety of proven adult learning techniques to ensure maximum understanding, comprehension and retention of the information presented. This includes high levels of participant discussion, group interaction, delegate group exercises and case studies using existing contemporary English language contracts in many jurisdictions. Delegates will be encouraged to raise their own issues and problems faced within their industry or organisations for discussion on a confidential basis.

## **Day One: What is the “deal” behind the contract, and how do you get there?**

What constitutes a contract: form, ingredients and basic structure  
The context of commercial arrangements  
Innovative commercial solutions (e.g. Partnering, “BOOT” contracts etc)  
Relationship between negotiation and contract drafting  
Closing a deal - Authority to sign and agency principles  
Formalities to finalise the contract

## **Day Two: Negotiating and Drafting Contracts**

Negotiating Principles in Contracting  
Negotiating in difficult and complex situations  
Structuring complex documents – the hierarchy of terms  
Using and modifying standard forms  
Precedent in international contracting  
Dealing with contract qualifications and amendments

## **Day Three: Drafting Specific Clauses**

Operative provisions and performance obligations  
Title, Risk and Payment provision  
Contract variations: transfer of rights, amendment and the scope of work  
Termination, suspension and remedies for default  
Limitation and exclusion of liability, force majeure and waiver  
Law of the contract and dispute resolution

## **Day Four: Effective Contracts Management**

Risk assessment and management  
Assignment of responsibilities and kick-off meetings: setting and managing expectations  
Dealing with defaults, delay and disruption  
Managing claims  
Payment issues – including international trade  
Lessons learned

## **Day Five: Dealing with Disputes**

Recognising potential problems and dealing with issues as they arise  
Legal rights and commercial outcomes distinguished  
Negotiation structures for internal dispute resolution  
External dispute resolution – Litigation and Arbitration  
Modern alternatives in dispute resolution - Adjudication Expert Determination Mediation  
Overview of seminar, and final question session