

Introduction:

Contracts are at the core of every business interaction, shaping the success of companies across all industries. Whether related to constructing infrastructure or acquiring daily supplies, the structure and management of these contracts play a vital role in business operations. This training course on negotiating and drafting contracts provides a comprehensive understanding of the contract process, covering negotiation, documentation, and management within both domestic and international contexts.

Through this course, participants will develop essential skills applicable to various contract types. They will also gain insights from practices across different industries, preparing them to handle contracts with precision. Additionally, participants will have the opportunity to pursue a Certificate in Contract Law, which covers key aspects of contract negotiation, drafting, and law tailored for non-lawyers.

This course also caters to legal professionals, offering hands-on training in drafting commercial contracts. The goal is to equip participants with the skills needed to draft, negotiate, and manage complex agreements effectively.

Targeted Groups:

- Contract Administrators, Contract Professionals, and Project Coordinators
- Supply Officers, Buyers, Purchasing and Procurement Professionals
- Project, Construction, Cost, and Quantity Surveying Professionals
- Claims Personnel, including Legal Advisers
- Contracts Managers
- New professionals preparing for a major project or experienced individuals seeking a refresher

This course is ideal for individuals seeking to enhance their contracting skills and expand their professional profile.

Targeted Competencies:

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

- Improve their negotiation skills and structuring of contracts
- Draft effective contracts and address qualifications
- Understand international contracting nuances

- Prevent and resolve disputes effectively in contracts

Course Objectives:

Upon completing the course, participants will be able to:

- Recognize the importance of negotiating the deal before structuring contract documents
- Apply effective tools and techniques for contract negotiation
- Draft and revise specific contract clauses with practical examples
- Understand different contracting approaches across jurisdictions
- Enhance skills for efficient contract management
- Prevent disputes and apply strategies for resolving them when they arise

Course Content:

Unit 1: The "Deal" Behind the Contract and How to Get There

- The essence of a contract and its role in business agreements
- Structuring commercial arrangements and innovative solutions (e.g., Partnering, "BOOT" contracts)
- Key negotiation techniques for creating successful contractual structures
- The interplay between negotiation discussions and contract drafting
- Closing the deal and managing challenging negotiations

Unit 2: Drafting Contracts

- Utilizing standard contract forms and developing your own standard clauses
- Adapting and modifying existing forms to suit specific needs
- Responding to contract qualifications and making necessary amendments
- Creating complex and detailed contractual documents

Unit 3: Negotiating Contracts

- Ensuring fairness and transparency in a competitive bidding process
- Addressing bid mistakes and negotiating complex contractual language
- Formalities for concluding contracts and ensuring proper authority for signing

Unit 4: Drafting Specific Clauses

- Work performance requirements and title/ownership clauses
- Risk allocation and intellectual property rights clauses
- Handling variations to contracts and the scope of work
- Extensions of time provisions, force majeure contingencies, and stipulations for completion time
- Liquidated damages, penalties, acceptance criteria, and termination clauses
- Governing law and dispute resolution mechanisms

Unit 5: Management of Contracts

- Risk analysis and control strategies throughout the contract lifecycle
- Conducting initial contract meetings and designating roles and responsibilities
- Setting expectations, contract planning, and best practices for managing progress
- Regular meetings for progress management and addressing defaults proactively
- Navigating external influences like force majeure and adapting to changes in contract terms
- Managing international payment concerns and finalizing contracts

Unit 6: Dealing with Disputes

- Identifying potential issues early in the contract process
- Constructive problem-solving as disputes arise
- Distinguishing legal rights from commercial objectives in dispute resolution
- Designing frameworks for resolving internal disputes
- Exploring external dispute resolution methods: litigation, arbitration, adjudication, expert determination, and mediation
- The impact of different legal systems on dispute resolution
- Enforcing resolutions and awards, and strategies for effective dispute management
- Preventative measures to avoid disputes and maintain smooth operations

This course offers professionals a deep dive into the practical aspects of contract negotiation, drafting, and management. By the end of the training, participants will be well-equipped to navigate complex contracts, negotiate favorable terms, and resolve disputes efficiently, driving better outcomes for their organizations.