

Introduction:

Understanding contract law is an essential skill in today's business world, where contracts govern various business functions like purchasing, contract management, project management, sales, and more. However, many individuals involved in these areas often lack a thorough understanding of the legal language used in contracts, which can lead to confusion, poor decision-making, or missed opportunities.

This course focuses on providing participants with the essential skills needed to negotiate, draft, and amend contracts with clarity and confidence. It addresses the challenges faced by non-specialists in the process of contract creation and amendment, equipping participants to confidently engage with the contract negotiation process, both through simulated scenarios and real-world examples.

Contract Negotiation and Writing:

The course offers hands-on experience in contract negotiation and the detailed process of contract writing. Participants will gain invaluable skills in identifying effective negotiation techniques, refining their employment negotiation abilities, and writing contracts that are precise, clear, and legally sound. Special attention is given to understanding common contractions in legal writing, ensuring that terms are clearly defined, and recognizing the nuances of contract clauses in international agreements.

Targeted Groups:

- Contract Administrators and Contract Professionals
- Project Coordinators
- Specifiers, Buyers, Purchasing Professionals, and Procurement Officers
- Contracts Managers
- Project Managers
- Engineers or Contract Operatives
- Individuals looking to enhance their contracting knowledge and skills

Course Objectives:

Upon successful completion of this course, participants will be able to:

- Understand the structure of contracts and the reasons behind the way contracts are drafted.
- Gain insight into the legal principles and framework governing contracts.
- Familiarize themselves with the main clauses of various types of agreements and their commercial

implications.

- Learn how to write contract clauses clearly to avoid disputes.
- Assess proposed contract amendments and develop strategies to accept or reject them.
- Amend contract documents to meet specific requirements, including using special conditions.
- Learn negotiation tactics for contract amendments and how to resolve disputes using contract provisions.
- Understand how to use contracts to reduce the risk of disputes and recognize where disputes commonly arise.
- Learn methods for resolving disputes in international contracts, including mediation and other non-traditional approaches.

Targeted Competencies:

At the end of this course, participants will be proficient in:

- Understanding and interpreting contract wording
- Drafting and negotiating contracts effectively
- Analyzing complex documents and understanding the inter-relationship between contract clauses
- Developing commercial awareness related to contracts and negotiations

Course Content:

Unit 1: How and Why Contracts Are Drafted?

- The necessity of using contracts in business
- Key elements required for a valid contract
- Differences between oral and written contracts, including electronic contracts
- Understanding terms and conditions, and the role of agency in contract formation
- The basic structure of a contract and incorporating documents by reference
- Using standard forms, including international and company-specific templates
- Understanding the precedence of documents and special conditions

Unit 2: Main Contract Clauses

- Key clauses such as obligation to deliver, rework/re-performance, and risk of damage

- Title transfer and compliance with law, including changes in law
- Insurance, indemnities, and third-party considerations
- Liabilities in negligence and how they relate to contract conditions
- Handling variations and changes in scope, and product liability
- Intellectual property, taxation, suspension and termination clauses
- Payment terms, liquidated damages/penalties, and limits of liability
- Guarantee, warranty, and maintenance clauses
- Determining the appropriate law to apply in international contracts

Unit 3: Other Documents

- Incorporating tender documents and letters of intent or award
- Letters of comfort or awareness and their importance in contract management
- Bank bonds, parent company guarantees, and their use in securing contract performance

Unit 4: Writing Contracts

- Writing with clarity, including the use of legal terms and definitions
- The importance of language precision and avoiding conflicts between document sections
- Addressing translation issues in multi-language contracts

Unit 5: Negotiation and Resolution of Disputes

- Negotiation strategies for contracts and dispute resolution clauses
- Dealing with unequal bargaining positions and strategies for compromise
- Litigation, arbitration, and alternative dispute resolution methods
- Mediation, conciliation, early neutral evaluation, expert determination, mini-arbitration, and pendulum arbitration

This training course empowers participants to approach contract negotiation, drafting, and amendment with confidence, ensuring they have the skills necessary to manage contracts effectively, reduce risks, and resolve disputes efficiently. By the end of the course, participants will be equipped with practical tools and insights to enhance their contract management capabilities and negotiate successful contracts.