



TCM 311

CONTRACTS READING, WRITING and Negotiations

Course Introduction:

This highly interactive course will increase your understanding of contracts and your ability to use contracts to protect your organization. Whether you are in purchasing, contract management, subcontracts, project management, general management or sales, you are constantly involved with contracts. All business professionals need to understand what a contract does (and does not) require them and the other party to the contract to do, and the consequences for both parties of any failure.

Course Objectives:

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

- Develop the ability to draft, negotiate and amend contracts
- Improve awareness of the use of contracts in everyday business life
- Display more confidence in dealing with contracting issues
- Understand how contract clauses can be used to mitigate risk
- Apply the latest international thinking in dispute resolution
- Use the most effective and commercial ways to resolve disputes

Who Should Attend?

This course will benefit all levels of personnel engaged in contract management, negotiation, procurement, operations, and disputes. This course is suitable to a wide range of contracts professionals but will greatly benefit:

- Contract Administrators, Contract Managers & Contract Professionals
- Supply officers, Buyers, Purchasing Professionals and Procurement Officers
- Project Coordinators, Project managers and other Project professionals
- Claims Personnel, including legal advisers
- Contract Strategists and Business Audit Officers

Course Outline:

How and Why Contracts are drafted?

- The key elements of a contract – ingredients and formation
- Authority to contract and Agency issues
- Terms and Conditions of contract

- The structure of contracts – hierarchy of terms
- Incorporating documents by reference and implied terms – whole agreement provisions?
- Standard Forms - International and Company

Main Contract Clauses – Allocating Risk

- Operative provisions and performance obligations
- Remedies for default - rework/re-performance/damages and penalties
- The balance of risk and title
- Warranties, Indemnities and Insurance
- Third party rights and privity
- Liability in negligence – relationship with contract

Main Contract Clauses – Managing Rights

- Changing contract provisions: variations and changes to the scope of work
- Suspension, termination and waiver
- Protecting intellectual and other property
- Payment risk ladders
- Excluding and limiting liability
- Which law to apply in international contracts

Drafting Contracts and Securitizing Performance Obligations

- Writing Contracts – modern language and precedents
- Incorporating collateral documents
- Bank bonds and Guarantees
- Letters of Intent or Award
- Parent Company Guarantees
- Letters of Comfort or Awareness

Negotiation and Resolution of Disputes

- Contract negotiation techniques
- Dispute Resolution clauses
- Litigation and Arbitration
- Modern methods of resolving disputes
- Final review and questions

Course Certificate:

International Center for Training & Development (ICTD) will award an internationally recognized certificate(s) for each delegate on completion of training.

Course Methodology:

A variety of methodologies will be used during the course that includes:

- (30%) Based on Case Studies
- (30%) Techniques
- (30%) Role Play
- (10%) Concepts
- Pre-test and Post-test
- Variety of Learning Methods
- Lectures
- Case Studies and Self Questionnaires
- Group Work
- Discussion
- Presentation

Course Fees:

To be advised as per the course location. This rate includes participant's manual, and-Outs, buffet lunch, coffee/tea on arrival, morning & afternoon of each day.

Course Timings:

Daily Course Timings:

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|---------------|----------------------------|
| 08:00 - 08:20 | Morning Coffee / Tea |
| 08:20 - 10:00 | First Session |
| 10:00 - 10:20 | Coffee / Tea / Snacks |
| 10:20 - 12:20 | Second Session |
| 12:20 - 13:30 | Lunch Break & Prayer Break |
| 13:30 - 15:00 | Last Session |