



## Successful Contracts Negotiation Skills & Tactics

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# Successful Contracts Negotiation Skills & Tactics

## Introduction:

In this course, the emphasis is on the process of negotiating the contract itself the legal document that governs the business relationship between the parties. The course highlights the practices that world class business managers must be aware of when negotiating contracts, and how to avoid the pitfalls of simple contract terms and conditions. Through a series of case studies, participants learn an easy to use process approach to building successful contract driven relationships. The participants will learn and display all the key considerations and steps involved in planning, conducting, and documenting contract negotiations.

Strategies, tactics, and counter-tactics for improving contract negotiation skills are discussed and the terms and conditions of when to use them and when to merely neutralize them is emphasized. Practical exercises teach participants how solid analysis of business and project risks during business development can translate into successfully negotiated contracts. Learning how to analyze terms and conditions, how to recognize potentially risky and unacceptable terms, and how to negotiate successful deals by overcoming obstacles are introduced in a measurable format. The course includes proven best practices used by successful companies worldwide.

The overall aim of this course is to provide participants with the knowledge, concepts and skills needed to negotiate in each phase of the contract life cycle successfully in order to maintain a good relationship between the two parties, and to reach a win-win outcome. Participants in this interactive course

will learn how to analyze the issues, identify the best practices in negotiating the scope of work, terms and conditions, claims, variation orders and disputes.

## **Who should attend?**

Procurement Managers, Purchasing Staff, Engineering, Operational and Maintenance Personnel, Contracts Engineers, Administrators, and Managers, Commercial, Financial and Insurance Professionals, Project and General Management, Contracts & Contracting Unit Professionals, Project Professionals, Procurement & Purchasing Staff, Purchasing Professionals and Procurement Officers, Commercial Professionals, Contract Administrators, Contract Administration Professionals, Contract Managers and Contract Professionals, Supply officers, Buyers, Project Coordinator's, Project Managers and other Project Professionals, Claims Personnel, Legal Advisers, Contract Strategists, Business Audit Officers, Engineers, Project Construction Professionals, Contract Administrators, Contract Professionals and Project Coordinators, Buyers, Purchasing Professionals and Procurement Officers, Contracts Managers, Project Managers, Tenders, Contracts, Buyers, Purchasing, Financial Personnel, Tendering, Purchasing, Project Management Professionals, Engineering, Operational, Trade, Finance, and Maintenance Professionals, all others who are involved in the planning, evaluation, preparation and management of tenders, specifications, awards, and contracts that cover the acquisition of materials, equipment, and services and who are in organizations whose leadership want high levels of competency in those involved in these activities, those from a Project Management or General Management background who do not think they have sufficient understanding of contract issues, those new to the function, preparing for a major project, or experienced managers looking for a refresher, anyone

involved in the management of risk, those involved in implementing and administering contracts and handling claims and change orders; also those involved in any conflict or dispute with a contracting party and interested to learn how to avoid or resolve these contractual issues, those involved in contract and business related negotiations, those involved in any aspect of implementing, managing or administering contracts in the post-award phase.

## **Course Objectives:**

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

- Maximize the effectiveness of participants who must negotiate in strategic, tactical, telephone and face-to-face contract issue based negotiation situations
- Increase profits through well-planned and executed collaborative negotiations
- Minimize conflict and deadlocks by providing participants with the skills necessary to handle win-win negotiations
- Coordinate the process of negotiation and documentation within the organization
- Integrate learned skills with the client and participants behaviors to enhance personal effectiveness as negotiators
- Change the focus from negotiation tactics to planning and strategy while reinforcing key corporate values
- Increase confidence of your employees in using an established contract process
- Participants will become more secure as negotiators through successful practice and extensive feedback

- Successfully enhance communications through the development of a common negotiation language

## **Course Outline:**

### **Principles of Contracts**

- Elements of a contract
- Purpose of contracting
- Stages in contract development
- Contracting plans and strategies
- Contracting methods
- When to negotiate and when to tender

### **Negotiating Principles**

- Concept of negotiation
- Secrets of a successful negotiation
- Best alternative to a negotiated agreement (BATNA)
- Communicating effectively
- The negotiating style profile
- Principled negotiation
- Separating people from problem
- Focusing on interests not positions
- Inventing options for mutual gains
- Using objective criteria
- Characteristics of a skilled negotiator

### **The Contract Negotiation Process**

- Approaches for contract negotiation

- Negotiation's structured approach
- Planning the negotiation
- Conducting the negotiation
- Post negotiation actions

### **Negotiating the Scope**

- Defining the scope of work
- Terms and conditions
- Contract provisions
- The pricing of the contract
- Zone of a possible agreement (ZOPA)
- International contracting

### **Post Award Negotiation**

- Contract award
- Contract administration
- Variation orders and change management
- Claims and disputes
- Sources of disputes
- Methods in lieu of formal proceedings

### **Negotiation Strategies and Tactics**

- Tactics and counter tactics
- Arbitrary deadlines
- Limited availability
- Stonewall tactic
- Breakthrough negotiation: the five steps