



Strategies & Techniques for Reading, Writing & Negotiating Contracts

Website: www.btsconsultant.com

Email: info@btsconsultant.com

Telephone: 00971-2-6452630

Procurement

Supply Chain

Distribution

Time to Market

Strategies & Techniques for Reading, Writing & Negotiating Contracts

Introduction:

This course offers strategies and techniques to appreciably enhance your ability to negotiate more favorable contracts, and solutions to disputes. 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 of either party's failure. Too often the wording used in contracts is not properly understood by those who are making decisions relating to those contracts. There may also be problems in assessing amendments proposed by the other party, and determining whether they are reasonable, or eroding your company's position. This course will feature:

- Guidance and practice in drafting, amending and negotiating principal contract clauses
- How to use contract provisions to reduce both commercial risk, and risk of disputes
- Use of the appropriate wording to protect your company's interests
- Effective management of claims and resolution of disputes
- Principles widely used in international contracting

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:

- Recognize the importance of developing a solid scope of work and the implications of failing to do so
- Decide when to negotiate, as opposed to tendering
- Plan and conduct several contract-related negotiations
- Use communication and planning skills that will allow reaching a win-win outcome
- Successfully negotiate contractual claims and change orders
- Demonstrate the ability to draft, negotiate and amend contracts
- Recognize key contracting issues
- Appreciate how contract clauses can be used to mitigate risk
- Perform more skillfully in negotiating claims and disputes
- Use the most effective and commercial ways to resolve disputes

Course Outline:

Developing the Scope of Work

- Must and want criteria
- Assigning weights
- Avoiding pitfalls through internal and external research
- Evaluating your market

Commercial Use and Structure of Contracts

- Function, formation and validity of contracts
- Types of law, judicial and arbitral systems
- Choice of law, forum and jurisdiction
- Different types of contract

- Contract structure and format
- Incorporation and precedence of documents

Contract Drafting as Writing

- Style and type of language
- Common words and phrases
- General pitfalls
- Defined terms
- Principal sections
- Boilerplate provisions

Main Contract Clauses

- Delivery, performance and acceptance
- Title and risk
- Programming and completion
- Variations and changes
- Price and payment terms
- Security and withholding rights

Other Key Clauses

- Force majeure
- Intellectual property
- Indemnities and insurance
- Suspension and termination
- Bonds, guarantees, warranties
- Damages and limits/exclusions of liability

Planning: The Key to Win-Win Negotiation

- The Planning Form
- Different pricing strategies
- Bases of power
- Negotiating terms and conditions
- Negotiating prices

Negotiation and Resolution of Disputes

- Contingency funds in the contract price
- Evaluating validity of a claim
- Determining necessity of a change order
- Authorizing extra funds
- Time extension
- Change rates
- Standby rates
- Negotiation – tools and techniques
- Dispute resolution clauses
- Litigation
- Arbitration
- Enforcement
- Alternative dispute resolution (ADR)