

# PROJECT MANAGEMENT



## Contracts: Reading, Writing and Negotiating

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# Contracts: Reading, Writing and Negotiating

## Introduction:

This highly interactive Contract: Reading, Writing and Negotiating 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 training 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?

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 and Contract Professionals
- Supply officers, Buyers, Purchasing Professionals and Procurement Officers

- Project Coordinator's, Project Managers and other Project Professionals
- Claims Personnel, including legal advisers
- Contract Strategists and Business Audit Officers

## Course Objectives:

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

- 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

## Programme Outline:

### **Day One: 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

### **Day Two: Contract Drafting as Writing**

- Style and Type of Language
- Common Words and Phrases
- General Pitfalls
- Defined Terms
- Principal Sections
- Boilerplate Provisions

### **Day Three: Main Contract Clauses**

- Delivery, Performance and Acceptance
- Title and Risk
- Programming and Completion
- Variations and Changes

- Price and Payment Terms
- Security and Withholding Rights

#### **Day Four: Other Key Clauses**

- Force Majeure
- Intellectual Property
- Indemnities and Insurance
- Suspension and Termination
- Bonds, Guarantees, Warranties
- Damages and Limits/Exclusions of Liability

#### **Day Five: Negotiation and Resolution of Disputes**

- Negotiation – Tools and Techniques
- Dispute Resolution clauses
- Litigation
- Arbitration
- Enforcement
- Alternative Dispute Resolution (ADR)