

PROJECT MANAGEMENT



International Contracting Key Issues & Conflicts

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Introduction:

This course explains how you can anticipate and address the key issues and conflicts that arise in entering and managing contractual relationships with foreign firms and governments. You'll gain a solid understanding of the provisions that govern international contractual relationships and how they differ from provisions governing domestic contracts. This comprehensive course addresses corruption and other legal considerations, the ins and outs of commercial arrangements, and the implications of international treaties and world events. It also gives you a firm foundation for drafting, interpreting, negotiating and modifying contractual agreements. Project managers and others who are new to the international marketplace, as well as those with experience in foreign government and commercial contracting, can learn to profit from overseas trade opportunities while avoiding the pitfalls that face those who are uninformed.

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:

- Assess what legal systems impact your projects
- Identify legal risks in global projects
- Draft practical, workable international contracts

- Control post-contracting changes
- Resolve contracting disputes quickly and cost efficiently

Course Outline:

Understanding Legal Systems

- The history of the U.S. common law system
- Comparing British and U.S. common law
- The history of civil law
- Discovering what law applies to an international contract

Comparing the Rules of Contracting

- Formation
- Termination
- Authority
- Agents
- Penalties and forfeitures
- Liquidated damages
- Specific performance
- Assignment

Intellectual Property (IP)

- Drafting IP clauses
- When patent protection is effective
- The risks in using trade and service marks internationally
- The issues in copyright protection
- The future of trade secret/proprietary data law
- Treaties and international enforcement

The UNIDROIT Principles of International Contracting

- An introduction to the UNIDROIT organization
- How the contracting principles came about
- How they are being used
- The future picture

Extraterritorial Laws of the United States

- The Foreign Corrupt Practices Act
- Anti-boycott laws
- Antitrust
- Export controls and licensing

Using International Agents

- Legal protections for agents
- Selecting an agent wisely
- How to avoid unscrupulous agents
- Bonded agents
- Drafting an agent's contract

Drafting and Interpreting International Contract Documents

- Drafting for non-English speakers
- Drafting for interpretation in another legal system
- Drafting for implementation in another culture
- Understanding civil law phraseology
- Effective and ineffective use of standardized clauses
- Choice of law and choice of forum

Termination and Dispute Resolution

- Drafting closeout and termination clauses for the international arena
- Effective use of termination for convenience clauses
- Negotiating dispute resolutions
- Using international mediation
- Litigation in foreign courts
- The pros and cons of international arbitration

Using INCOTERMS

- How INCOTERMS are adopted into contracts
- The specifics of each term
- Filling in gaps in the text
- Which terms have become obsolete
- Which terms to avoid
- Likely future changes to INCOTERMS