Introduction

Contracts are integral to business operations, underpinning interactions across all industries. Whether it’s for constructing infrastructure or procuring supplies, understanding the structure and management of contracts is essential for success. This **Negotiating and Drafting Contracts** training course offers participants a comprehensive understanding of contract dynamics in an international context, covering negotiation, documentation, and contract management. The course aims to equip professionals with versatile skills applicable to a variety of contracts and provides insights from practices across different industries.

For those seeking further qualifications, the **Certificate in Contract Law** offers an in-depth exploration of contract negotiation, commercial contracts, and contract law courses designed for non-lawyers. This certification is valuable for professionals looking to enhance their expertise in contract law.

For legal professionals, the training provides intensive, hands-on drafting experience, refining the skills needed to manage and draft complex agreements with precision.

Target Groups

This course is ideal for:

- **Contract Administrators**
- **Contract Professionals**
- **Project Coordinators**
- **Supply Officers**
- **Buyers**
- **Purchasing and Procurement Professionals**
- **Project, Construction, Cost, and Quantity Professionals**
- **Claims Personnel**, including legal advisors
- **Contracts Managers**
- **Newcomers to Contracting** or those preparing for major projects.
- **Experienced Professionals** looking for a refresher in contract negotiation and drafting.

Targeted Competencies

By the end of this course, participants will have enhanced their ability to:

- **Negotiate** contracts effectively.
- **Structure** contracts with a solid foundation.
- **Draft Contracts** with clarity and precision.
- Address **Contract Qualifications** and amend contracts when needed.
- Navigate the complexities of **International Contracting**.

- **Avoid Disputes** and **Resolve Disputes** effectively.

Course Objectives

Upon completion of the course, participants will be able to:

- Emphasize the importance of **negotiating the deal** before drafting contract documents.
- Utilize tools and techniques for **effective negotiation**.
- Understand how to **draft and revise specific contract clauses** with practical examples.
- Explore the varying approaches to **contracting across different jurisdictions**.
- Enhance skills for **efficient contract management**.
- Develop strategies to **prevent disputes** and address them effectively when they arise.

Course Content Outline

Unit 1: The “Deal” Behind the Contract and How Do We Get There?

- Understanding the essence of a contract.
- Structuring commercial arrangements and exploring **innovative commercial solutions** like Partnering and **“BOOT” contracts**.
- **Negotiating contractual structures** effectively.
- Fundamental **negotiation techniques** and documenting negotiation discussions.
- The interplay between **negotiation** and **contract drafting**.
- Closing deals and managing **challenging negotiations**.

Unit 2: Drafting Contracts

- Leveraging **standard forms** and cultivating your standard clauses.
- Adapting and modifying **contract forms** to suit specific needs.
- **Responding to contract qualifications** and making amendments.
- Creating **complex contractual documents** with clarity and consistency.

Unit 3: Negotiating Contracts

- Ensuring fairness in **competitive bidding processes**.
- Addressing **bid mistakes** and ensuring clarity in negotiations.
- Negotiating **intricate contractual language** to avoid misunderstandings.
- Finalizing contracts and addressing **contract conclusion formalities**.
- Understanding **delegated authority** for signing contracts.

Unit 4: Drafting Specific Clauses

- Drafting clauses related to:
    - Work performance requirements

    - **Title and ownership**
    - **Risk allocation**
    - **Intellectual property rights**
    - Handling variations to contracts and scope of work
    - **Extension of time provisions**
    - **Force majeure contingencies**
    - Stipulations for **completion time**
    - **Liquidated damages** and **penalty clauses**
    - Acceptance criteria and testing
    - Terms for **termination** and **suspension**
    - **Governing law** and **dispute resolution mechanisms**.

Unit 5: Management of Contracts

- **Risk analysis** and control strategies.
- Conducting **initial contract meetings** and setting roles and responsibilities.
- Managing **expectations** and ensuring effective **contract planning**.
- Establishing **realistic reporting requirements**.
- Managing progress through **regular meetings** and addressing **defaults** proactively.
- Navigating **external influences** like **force majeure**.
- Adapting to **changes in contract terms** or work scope.
- Addressing **international payment concerns**.
- Finalizing contracts and capturing key **learnings** from the process.

Unit 6: Dealing with Disputes

- Identifying potential issues early and applying **constructive problem-solving**.
- Distinguishing **legal rights** from **commercial objectives**.
- Designing **negotiation frameworks** for internal disputes.
- Exploring **external dispute resolution avenues**:
    - **Litigation**, **arbitration**, **adjudication**, **expert determination**, **mediation**.
- Understanding the impact of various **legal systems** on dispute resolution.
- Enforcing **resolutions** and **awards**.
- Developing **dispute management strategies** and preventative measures for **dispute avoidance**.

Conclusion

This **Negotiating and Drafting Contracts Training Course** is designed to provide participants with the essential tools to navigate the intricacies of contract law, negotiation, and drafting. By focusing on practical skills and real-world examples, the course ensures that participants are well-equipped to handle the full spectrum of contract-related tasks, from negotiations to dispute resolution. Whether you’re new to contract management or a seasoned professional, this course will enhance your ability to structure, negotiate, and draft contracts effectively, leading to better business outcomes.