



Contracts – Reading, Writing and Negotiating Training

Description

Introduction

This highly interactive course will increase your understanding of contracts and your ability to use contracts to protect your organisation. Whether you are in purchasing, contract management, subcontracts, project management, general management or sales, you are constantly involved with contracts. 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 for both parties of any failure.

This course will feature:

- The latest techniques required in order for you to consider and negotiate contracts with confidence
- Risk allocation in contract management, dispute resolution in contractual disputes
- Principles widely used in international contracting
- Using contracts to protect your company's interests
- An understanding of contracting in the English language

Objectives

- Develop the ability to draft, negotiate and amend contracts
- Improve awareness of the use of contracts in everyday business life
- Display more confidence in dealing with contracting issues
- Understand how contract clauses can be used to mitigate risk
- Apply the latest international thinking in dispute resolution
- Use the most effective and commercial ways to resolve disputes

Content

Day One

How and Why Contracts are Drafted?

- The key elements of a contract – ingredients and formation
- Authority to contract and Agency issues
- Terms and Conditions of contract
- The structure of contracts – hierarchy of terms
- Incorporating documents by reference and implied terms – whole agreement provisions?
- Standard Forms – International and Company

Day Two

Main Contract Clauses – Allocating Risk

- Operative provisions and performance obligations
- Remedies for default – rework/re-performance/damages and penalties
- The balance of risk and title
- Warranties, Indemnities and Insurance
- Third party rights and privity
- Liability in negligence – relationship with contract

Day Three

Main Contract Clauses – Managing Rights

- Changing contract provisions: variations and changes to the scope of work
- Suspension, termination and waiver
- Protecting intellectual and other property
- Payment risk ladders
- Excluding and limiting liability
- Which law to apply in international contracts

Day Four

Drafting Contracts and Securitising Performance Obligations

- Writing Contracts – modern language and precedents
- Incorporating collateral documents
- Bank bonds and Guarantees
- Letters of Intent or Award
- Parent Company Guarantees
- Letters of Comfort or Awareness

Day Five

Negotiation and Resolution of Disputes

- Contract negotiation techniques
- Dispute Resolution clauses
- Litigation and Arbitration

- Modern methods of resolving disputes
- Final review and questions

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