

# Drafting Enforceable Contracts & Conditions Training Program

- ✓ **Ensuring: Enforceability, Desired Performance, Effective Risk Transfer.**
- ✓ **Covering: Project, Services and Procurement Contracts.**

## **Integrating Law, Methods, Engineering Practice Technology Issues**

- Avoiding Unnecessary Disputes
- Avoiding Claims
- Effectively Transfer Risks to Other Parties
- Prevent Legal Non-Enforceability of Your Drafted Conditions

This program shows you how to draft effective contracts – avoiding unnecessary productivity loss, disputes, unenforceable conditions, inflated bids and claim administration and settlement costs. Risk reduction by planned risk transfer is the single most important purpose of this program. To achieve this the program shows how to optimize and integrate Law, Methods, Engineering Practice and Technology into your contracts. This program is intended for all those professionals who draft contracts or provide inputs in drafted conditions - they may be from Projects, Services, Procurement, Legal, Contracts and Audit.

## **Program Content**

- **Duties Responsibilities** of the Parties to Project Contracts.
- **Understanding Contract Conditions. Expressed and Implied Contractual Responsibilities.**
- Changes Doctrine.
- Notice Requirements including when waived.
- Responsibilities of Contractor, Owner and Consultant on the Project.
- What is “Fair and Reasonable”?
- **How do Claims Arise?** Legal Basis. How can these be reduced?
- **Contracting Methods and Associated Risks:**
  - Letter Contracts
  - Material Purchases
  - Labour Supply Contracts
  - Service Contracts
  - Package Deals, Turnkey Design Build,
  - Traditional Single General Building Contractor or Engineering Contractor,
  - Construction Manager Method,
  - Phased Construction: Multiple-Prime Contractor, Fast Track Contracting.
  - BOLT
  - Technology Purchase and Consultancy Contracts
  - Financial Risks on the different contracts.
- **How Risks are transferred.**
  - What Risks can not Normally be Transferred?
  - Means of Co-ordinating.
  - When Risk Transfer is Really Complete?
- **Transferring Specific Risks:**
  - Co-ordination of Contractors on Site,
  - No- Damage-For- Delay-Clause,
  - Project Schedule,

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- Liquidated Damages,
- Unforeseen Site Conditions,
- Variation Orders,
- Right to Terminate,
- Dispute Resolution,
- Keeping appropriate Records,
- Inspection of Works,
- Safety,
- Price Fluctuations,
- Exceptional Weather Conditions.

- **Special Problems** with Engineering-Contractor and Consultant Contracts.
- Drafting Contracts Guidelines and Checklists.
- Available Standards Resources for the Drafting Professional
- Case Studies are discussed throughout the Program.

### Program Outcomes and Take-Away/s

Euro Training is in the business of providing practical useful training programs. Programs that

1. Help the participant implement improvements in his organization.
2. Help the participant gain Multi-discipline understanding of the issues so that he can incorporate the needs and expectations of all his stakeholders/ customers in his improvement proposals and actions.
3. Help build a knowledge framework in which job related experience can be caught and remembered as his experience.

**Typical participant will take away a personalized action plan** for himself, his business unit or his organization on how to apply the program contents to improve performance. The action plan may have two components:

1. A Personal Action Plan
2. A Business Unit/Organizational Action Plan

### Benefits to Organization

Sending participant/s to this program will benefit the organization in the following ways

1. Quickly makes the participants competent, effective and productive on his job. Useful especially for
  1. Training New employees
  2. Competency Building in Existing Employees Transferred to a New Assignment
  3. Training Prior to a New Project or Initiative Planned in the Organization
2. Create Competency in the employee to perform his job well. including in relation to
  1. Relevant Technical Knowledge, Skills and Competencies
  2. Organizations' Strategic Objectives
  3. Needs and Expectations of the Stakeholders/ Customers (internal & external)
  4. Good Management Practices
  5. Identifying opportunities to Exceed Stakeholder/ Customer Expectations
3. Create a pool of trained manpower who can cost-effectively disseminate the knowledge to large number of employees inside the organization. This is made possible by Euro Training's unique easy to understand and use methodology based on Checklist & Quality Assurance Approaches.
4. Euro Training Instructors often act as mentors for your trained employees. A most effective way to ensure effective competency development and application by your motivated staff. We do have consultants available across Americas, Europe, Asia and Africa (Please inquire about our post program mentoring plans)

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### Participant Individual Career Benefits

1. You gain a multi-discipline understanding of the issues. Meaning when you make proposals and decisions on your related job you will keep in mind the needs and expectations of ALL the stakeholders/customers (internal & external)
2. The action plan you take away will help you make a difference in your business unit or organization. This difference when added to your resume will make you a prime candidate for career advancement in your own organization or in your next job/s.
3. Understanding and acting with understanding of the Needs and Expectations of your stakeholders/customers is known to enhance Job Satisfaction and reduce Monday Morning Blues.
4. As one of your stakeholders/customers is Executive Management, therefore the program ensures you will know the Strategic Imperatives that Drive the Organization's Efforts in your relevant job area. In the process enabling you to make a leadership contribution.

### This Program is Intended for...

**Those new to the field** take away a good multi-discipline understanding of the issues involved in the program works. It helps them become productive quickly and builds in them a knowledge framework that will help identify, understand, classify and remember on the job experiences in his memory.

**More experiences participants** take-away an individualized action plan as mentioned elsewhere in this technical sheet.

**Implementation Teams:** This program can be used to train implementation teams where...

1. a new project or initiative being started in your organization
2. a new strategic focus is being initiated

3. just prior to a Consultant being hired to advise the organization.

Each participant will take away a memorable and potentially life changing experience from the program.

No limitations are being placed on who can attend. If you are interested in the Program Outcomes and Takeaways, or, feel you can benefit from the Organizational and Personal Benefits mentioned above - You are Invited to Register for this Program. Program Instructors have the knowledge, experience and access to resources required to customize the program to the specific job related needs of each program group.

**This program is recommended for** all who influence Drafting Contracts, including Project Staff Engineers, Lawyers, Procurement Professionals, Contracts Legal Department Personnel.

### Language of Instruction

Unless otherwise stated the program instruction is in Standard Day-to-Day English. Participants can request the instructor to provide a program vocabulary which will ensure they have no problem understanding the content.

Other language versions are being developed by our consultants and regional partners including program in **French, German, Spanish and Arabic**. Please do contact us for your specific language needs.

### Registration Recommendations

**Team Nominations:** Since the program aims to ensure the participants have his individualized improvement plan at the end of the program, and foreseeing the effort involved, anticipating resistance and implementation requirements it is recommended that the organization nominate **at least two participants together** (three will be more desirable to allow for attrition) for this program.

It is anticipated that these 2 or more participants will work together as a team or provide mutual support in order to implement the action plan.

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**Single nominations** will also be accepted for the program. Single nominations are typically used to:-

1. Develop personnel skills in Critical Skills and Methodologies covered in this program.
2. Audit this program for deciding its content and methodology's effectiveness in meeting your organizational needs
3. Train individuals for Leadership Roles in Business unit or department. Here this program will help the participant coach and lead his team in these Critical Skills and Methodologies. (Program does not typically cover coaching skills but provides the related technical understanding in an easy to communicate manner.)

### Program Overview

In Every Project or Works Contract there lies the possibility for disputes due to varied interpretations, different trade meanings, discrepancies and ambiguities in Contract Documents. Those drafting contracts often lack knowledge of Technology, Methods and Practices of the Industry.

Risk Reduction by Planned Risk Transfer is the single most important purpose of this program. Past participants have reported great benefits they achieved on their projects and contracts using the analysis and methods introduced in this program.

Drafting Contracts from the viewpoint of risk transfer involves an integration of Law, Methods, Practice and Technology. Useful inputs are possible from properly informed Engineers to Lawyers.

### Program Style

This is a comprehensive training program. You will learn practical hands on skills for drafting contracts. This program uses Practical Procedures and Checklists Approach to Solving Drafting Problems. Discussion, Implementation and Drafting Case Studies will be based on job situations being used in the area for contracts project works.

### Program Strategy

When we draft a contract - for each Contract Situation we draw on our experience and knowledge to compile a list of Potential Risks on this work, we then decide as to which of these risks or contingencies we would like to take ourselves and which to shift to the other parties.

In Order to make an effective decision as to what duties and obligations should be contractually shifted, and how they can be shifted, it is first necessary to appreciate what these duties are and how they are normally allocated. Next we must consider the Standard Contracting Methods and Contract Forms available and their Associated Risks. And then discuss how we can Draft Contracts to Contractually Shift some of these to others.

Done Improperly we expose our contract to disputes and delays. Done Improperly we expose our contract to disputes and delays.

We interpret the contract conditions literally, only to find that the legal system may not support our position, as it tends to rely more on considerations of Prevention of Injustice and Promoting Fairness. This situation arises because we may be unaware of the Legal Interpretation Rules and Doctrines involved.

### Latest Program Dates

- [www.EuroTraining.com/bro/drf302.html](http://www.EuroTraining.com/bro/drf302.html)
- [www.EuroTrainingUK.com/bro/drf302.html](http://www.EuroTrainingUK.com/bro/drf302.html)

REGISTRATION FORM	
Program:	Drafting Enforceable Contracts & Conditions Training (DRF302)
Location Where Attending:	
Program Dates:	
Whether Participant will Consider Alternate date if one requested is not available:	
Participant Name Prefix: Mr/Ms/Mrs	
Participant Name:	
Participant Job Title:	
Participant Department & Section:	
Participant Employer/ Company:	
Participant's Present Job Responsibilities:	
Participant Email Address:	
Participant Mobile Number:	
Sponsored by:	
Sponsoring Company:	
Job Title of Sponsoring Authority:	
Name of Sponsoring Authority:	
Email of Sponsoring Authority:	
Fax of Sponsoring Authority:	
Telephone Nos. of Sponsoring Authority:	
Web Site of Sponsoring Company:	
Invoice Reference:	
Invoicing Address:	

## REGISTRATION INFORMATION

- To register:** Please send us an official letter confirming registration (on organizational letterhead or Authorized Email).
- Program Fee is
  - USD \$6,500 per participant and includes Course Materials, Certificate, Refreshments and Lunch. (10% Service Charge is Applicable at London, Paris and Kuala Lumpur)
- Accommodation & Taxes/VAT (if applicable) is not included in Program fee. Special rates will be available at venue hotel for the participants.
- Special discount of 10% is offered for participants who pay their fees at least 45 days before start of the program.
- Refund will not be considered where the participants cancels his registration less than 3 weeks before start of the program. Alternate nominations will be allowed anytime before program start.
- All participants are required to fill in Participant Information form - on first day of the program. Each program Undergoes Customization to Better Meet Participant Present and Future Career Needs. Please be prepared to let the Instructor/s know about your organization's Special Needs, Interests or Initiatives.
- It is always useful for participants to bring their existing problems or case studies, work-process flow charts or job related problems for discussion - consideration will be at sole discretion of the program director/s.
- Provisional Registration :** You can make a provisional registration by sending us an email – an official registration request can be made within 2 weeks. This will ensure we will reserve a seat. All provisional registrations automatically cancel 2 weeks before program start.
- Please note: No Live Voice Requests for Registration or Provisional Registrations.