

Implementing Good and Best Practices For

Drafting Enforceable Contracts & Conditions

Provisions Enabling Successful Win-Win Settlement Negotiations

4 Week Training Program

- ✓ **Ensuring: Enforceability, Desired Performance, Effective Risk Transfer.**
- ✓ **Avoiding Unnecessary Disputes**
- ✓ **Effectively Transfer Risks to Other Parties**
- ✓ **Successful Win-Win Negotiated Settlements**
- ✓ **Covering: Project, Services and Procurement Contracts.**
- ✓ **Avoiding Claims**
- ✓ **Prevent Legal Non-Enforceability of Your Drafted Conditions**
- ✓ **Including: Hands-on Drafting Workshop of a Project Contract**

A 4 Week Training Program

Program Overview

This is a workshop for Contract Drafting and Reviewing Professionals – participants will spend substantial part of time on hands-on doing drafting exercises closely resembling their own job requirements. The participants will also learn the art of knowledge accumulation for effective, productive and enforceable contract drafting.

The Key difference is - in this program the participant is also required to hands-on practice what is taught.

Program includes instructor assisted individual practical work.

In this program you can choose to work on any one of following workshops...

1. Civil Project
2. Mechanical, Electrical Project
3. Turnkey Project (Design Build)
4. Supply of Services or Labour Contract
5. Negotiated Contract, Single Source Contract
6. Consultant Contract
7. Procurement Contract
8. General Tender Preparation, Invitation, Analysis Award

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 Content

1. Duties Responsibilities of the Parties to Project Contracts.
2. **Understanding Contract Conditions. Expressed and Implied Contractual Responsibilities.**
3. Changes and Constructive Changes Doctrine.

Euro Training Limited, 3422 Old Capitol Trail #1116, Wilmington, DE 19808, USA

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Drafting Enforceable Contracts & Conditions Training Workshop (DRF303-4)

4. Notice Requirements including when waived.
5. Responsibilities of Contractor, Owner and Consultant on the Project.
6. What is "Fair and Reasonable"?
7. **How do Claims Arise?** Legal Basis. How can these be reduced?
8. **Contracting Methods and Associated Risks:**
 1. Letter Contracts
 2. Material Purchases
 3. Labour Supply Contracts
 4. Service Contracts
 5. Package Deals, Turnkey Design Build,
 6. Traditional Single General Building Contractor or Engineering Contractor,
 7. Construction Manager Method,
 8. Phased Construction: Multiple-Prime Contractor, Fast Track Contracting.
 9. BOOT
 10. Technology Purchase and Consultancy Contracts
 11. Financial Risks on the different contracts.
9. **How Risks are transferred.**
 1. What Risks can not Normally be Transferred?
 2. Means of Coordinating.
 3. When Risk Transfer is Really Complete?
10. **Transferring Specific Risks:**
 1. Co-ordination of Contractors on Site,
 2. No- Damage-For- Delay-Clause,
 3. Project Schedule,
 4. Liquidated Damages,
 5. Unforeseen Site Conditions,
 6. Variation Orders,
 7. Right to Terminate,
 8. Dispute Resolution,
 9. Keeping appropriate Records,
 10. Inspection of Works,
 11. Safety,
 12. Price Fluctuations,
 13. Exceptional Weather Conditions.
11. **Special Problems** with Engineering-Contractor and Consultant Contracts.
12. Drafting Contracts Guidelines and Checklists.
13. Available Standards Resources for the Drafting Professional
14. Case Studies are discussed throughout the Program.
15. Workshop 1
16. Workshop 2
17. Advanced Topics - More Details on Some Above Issues Important for Participants
18. Increasing Productivity through Using Standard Forms, Templates, Checklists to Perform the Work Processes
19. Performance Management System to Measure Level of Performance in the Above Processes - we will develop the KPIs for the Above Processes
20. Planning & Implementing a Departmental/Functional Knowledge Base
21. Workshop 3
22. Setting up Early warning system to Provide Decision Support System
23. Workshop 4
24. Aligning Performance to Organizational Vision, Mission & Strategic Objectives
25. Your Individualized Action Plan for Leadership in Your Department/Section/Function
26. Workshop 5
27. Performance Management System for Your Department/Section/Function
28. Your Individualized Action Plan
29. Program Recommendations

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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.

Program Style

This is a comprehensive workshop. 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 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.

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 that can cost-effectively disseminate the knowledge to a large number of employees inside the organization. This is made possible by Euro Training's unique, easy to understand and easy to use methodology, based on *checklist and quality assurance* approaches.
4. Euro Training instructors often act as mentors for the participants. It's the most effective way to ensure effective

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competency development and the subsequent application of those competencies on the job, by your motivated staff. We do have consultants available across Americas, Europe, Asia and Africa (Please inquire about our post program mentoring plans).

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. 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.
3. As one of your stakeholders/customers is Executive Management, the program ensures that you know the strategic imperatives that drive the organization's efforts in your relevant job area.

This Program is Intended for...

Those new to the field take away a good multi-discipline understanding of the issues involved in their work. It helps them in becoming productive quickly and in building a knowledge framework that will help them identify, understand, classify and remember on the job learning and experiences.

More experienced participants take away an individualized action plan as mentioned in the previous sections.

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

1. when a new project or initiative is being started in your organization
2. when 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 welcome 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

Registration Recommendations

Team Nominations: This program aims to ensure the participants have their individualized improvement plan at the end of the program. So, 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) 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.

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. Train individuals for leadership roles in business units or departments. This program will help the participant coach and lead his team in these critical skills and methodologies. (The program typically does not cover coaching skills but provides the related technical understanding in an easy to communicate manner).

For Latest Program Schedule Email

drf303-4@EuroTraining.com

www.eurotraining.com/bro/drf303-4.php

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REGISTRATION FORM	
Program:	Drafting Enforceable Contracts & Conditions Training Workshop (DRF303-4)
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:	
<u>Sponsored by:</u>	
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

1. **To register:** Please send us an official letter confirming registration (on organizational letterhead or Authorized Email).
2. Program Fee is
 - o USD \$17,800 per participant and includes Course Materials, Certificate, Refreshments and Lunch. (Fee at London, Paris, Rome and Kula Lumpur is \$19,580 per participant)
3. Accommodation & Taxes/VAT (if applicable) is not included in Program fee. Special rates will be available at venue hotel for the participants.
4. Special discount of 10% is offered for participants who pay their fees at least 45 days before start of the program.
5. Refund will not be considered where the participant cancels his registration less than 3 weeks before start of the program. Alternate nominations will be allowed anytime before program start.
6. 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.
7. 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.
8. **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.

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