

Implementing Good and Best Practices For

Drafting & Negotiating International Commercial Contracts

4 Week Training Program

- ✓ **Drafting Enforceable Contract Conditions to Protect Your Organization & Project's Interests**
- ✓ **Successful Win-Win Negotiating Contracts**

A 4 Week Training Program

Program Overview

This program will provide you the skills to Draft International Commercial Contracts and to Successfully Negotiate them Protecting your Organizations Strategic Interests.

Program will ensure you will consider all possible situations that may arise during the execution, operation, maintenance, expansion and end of life of the transaction. Participants are provided extensive checklists and notes to assist them in their work.

Negotiating the Contract issues will cover Strategies, Quantified Evaluation of Concessions, Win-Win and Non-Zero Negotiating Strategies.

So many things can go wrong on International Projects. These tend to make achievement of your organization's project and strategic objectives difficult unless we pay attention to Drafting Enforceable Contract Conditions and Negotiate with a Win-Win strategic objective.

Enforceability issues arise because business strategic objectives will not allow disputes to be taken to Arbitration - they must all be settled by negotiations - going to arbitration runs contrary to many of the organizational

strategic objectives: delays, relationships, reputation, future business...

And also some provisions, if not properly drafted, will not be interpreted as intended by you in court or arbitration - law has its own rules for interpretation - that will ensure contract enforcement, fairness and equity.

This program will ensure the participant understands...How to...

1. Understand Organizations Real Interests on the Project
2. Avoid Unnecessary Disputes
3. Avoid Claims
4. Effectively Transfer Risks to Other Parties
5. Prevent Legal Non-Enforceability of Your Drafted Conditions
6. Successful Win-Win Negotiated Settlements
7. Successfully Negotiate Contract Conditions

Including: Hands-on Drafting Workshop.

Workshop Content

1. Understanding your organization's real objectives: Project Objectives & Strategic Objectives.

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2. Understanding Risks on Projects: Schedule, Cost, Safety, Liability, Environmental and Quality.
3. **Understanding Contract Conditions. Expressed and Implied Contractual Responsibilities.**
4. Changes and Constructive Changes Doctrine.
5. Notice Requirements including when waived.
6. Responsibilities of Contractor, Owner and Consultant on the Project.
7. What is "Fair and Reasonable"?
8. **How do Claims Arise? Legal Basis.** How can these be reduced?
9. **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.
10. **How Risks are transferred.**
 1. What Risks can not Normally be Transferred?
 2. Means of Coordinating.
 3. When Risk Transfer is Really Complete?
11. **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.
12. **Special Problems** with Engineering- Contractor and Consultant Contracts.
13. Drafting Contracts Guidelines and Checklists.
14. Available Standards Resources for the Drafting Professional
15. Negotiating Contracts
16. Negotiating Price Breakdowns
17. Negotiating Risks
18. Win-Win Settlements for Contract Negotiations
19. Case Studies are discussed throughout the Program.

Workshop 1

Outline Action Plan to Implement Program
Communicated Good and Best Practices

Workshop 2

Advanced Topics? More Details on Some Above Issues Important for Participants (Customized for each Participant Group)

Increasing Productivity through Using Standard Forms, Templates, Checklists to Perform the IP Processes

Performance Management System to Measure Level of Performance in the Above Processes? we will develop the KPIs for the Above Processes

Planning & Implementing a Departmental/Functional Knowledge Base? For IP Rights and Methods? Key to

Drafting Enforceable Contracts & Conditions Workshop Training (DRF307-4)

Achieving Quality Service
Performance/Repeatability and Superior
Performance in Our Organization
Your Individualized Action Plan for
Implementing Good Practices and Best
Practices Discussed throughout the Program
Enhanced Program Recommendations

Workshop 3

Advanced Issues 2
Setting up Early warning system to Provide
Decision Support System

Workshop 4

Aligning Performance to Organizational
Vision, Mission & Strategic Objectives
Your Individualized Action Plan for
Leadership in Your Department/Section/
Function

Workshop 5

Integrating the Individualized Action Plans
Implementing the Integrated Individualized
Action Plans
Performance Management System for Your
Department/Section/ Function

Program Outcomes and Takeaways

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

1. Help the participant implement systems 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 stakeholders and all his 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

A 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 make the participants competent, effective and productive on their 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. Help the employee do his job well by developing competencies related to-
 1. Relevant technical knowledge and skills
 2. Organizations' strategic objectives
 3. Needs and expectations of the stakeholders/customers (internal and 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.

Individual Career Benefits for Participants

1. You gain a multi-discipline understanding of the issues. That means, when you make proposals or decisions on your job, you will keep in mind the needs and expectations of

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ALL the stakeholders/customers (internal and external).

2. The action plan you take away will help you make a difference in your business unit or organization! When you talk about this difference you have made to your organization in your resume, you will be 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, 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

drf307-4@EuroTraining.com

www.eurotraining.com/bro/dr307-4.php

| REGISTRATION FORM | |
|---|---|
| Program: | Drafting Enforceable Contracts & Conditions Workshop Training (DRF307-4) |
| 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 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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