

Drafting & Negotiating International Commercial Contracts

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

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...

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

Including: Hands-on Drafting Workshop.

Program Content

1. Understanding your organization's real objectives: Project Objectives & Strategic Objectives.
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:**
 - a. Letter Contracts
 - b. Material Purchases
 - c. Labour Supply Contracts
 - d. Service Contracts
 - e. Package Deals, Turnkey Design Build,
 - f. Traditional Single General Building Contractor or Engineering Contractor,
 - g. Construction Manager Method,
 - h. Phased Construction: Multiple-Prime Contractor, Fast Track Contracting.

- i. BOOT
- j. Technology Purchase and Consultancy Contracts
- k. Financial Risks on the different contracts.

10. How Risks are transferred.

- a. What Risks can not Normally be Transferred?
- b. Means of Coordinating.
- c. When Risk Transfer is Really Complete?

11. Transferring Specific Risks:

- a. Co-ordination of Contractors on Site,
- b. No- Damage-For- Delay-Clause,
- c. Project Schedule,
- d. Liquidated Damages,
- e. Unforeseen Site Conditions,
- f. Variation Orders,
- g. Right to Terminate,
- h. Dispute Resolution,
- i. Keeping appropriate Records,
- j. Inspection of Works,
- k. Safety,
- l. Price Fluctuations,
- m. 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.

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.

This 2 week program includes a 4 day hands-on workshop where you will prepare recommendations & an action plan for your organization.

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.

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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)

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

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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.

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 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.)

Latest Program Dates

- www.EuroTraining.com/bro/drf307.html
- www.EuroTrainingUK.com/bro/drf307.html

REGISTRATION FORM	
Program:	Drafting Enforceable Contracts & Conditions Workshop Training (DRF303)
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 \$8,900 per participant and includes Course Materials, Certificate, Refreshments and Lunch. (Fee at London, Paris and Kuala Lumpur is \$9,790 per participant)
- Accommodation 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.