

Introduction

A clear understanding of contract law is now a vital part of carrying out daily business operations. Whether the work involves purchasing, contract administration, subcontracting, project management, general management, or sales, professionals are frequently dealing with legal and contractual issues, often without realizing it.

Very often, the language used in contracts is not fully understood by the individuals who make important decisions related to those contracts. Employees who are not legal specialists may hesitate to participate in drafting or revising documents that are crucial to the success of their organization. They may also struggle to evaluate amendments suggested by the other party and to judge whether those changes are acceptable or whether they weaken the organization's position.

Developing Skills in Contract Writing and Negotiation

This comprehensive training program on contract negotiation and writing enables participants to develop the ability to draft contracts with precision and clarity, ensuring they are both effective and enforceable. Participants will also explore the importance of accurate language use to avoid uncertainty or misinterpretation.

As part of the training, attendees will learn about the process of negotiating contracts, participate in practical contract writing exercises, and examine best practices for reviewing contract documents. The program includes detailed sessions on understanding the structure and language of contracts so that participants finish with advanced knowledge and confidence in contract writing and negotiation.

The course provides a structured guide through the challenges of negotiating agreements and equips participants with the strategies, methods, and confidence necessary to succeed in professional negotiations. Through the study of real-life examples, participants will practice applying these principles to achieve positive and sustainable contract outcomes.

Intended Audience

- Contract administrators, contract professionals, and project coordinators
- Specification writers, buyers, purchasing professionals, and procurement officers
- Contract managers
- Project managers
- Engineers and contract operatives
- Individuals seeking to expand their expertise in contracts to strengthen their professional profile

Objectives of the Conference

By the end of the seminar, participants will be able to:

- Understand how contracts are structured and why they are drafted in specific ways.
- Gain knowledge of the legal principles underlying contracts.
- Recognize and analyze the main clauses used in different types of agreements.
- Explain the business and commercial impact of specific contract provisions.
- Compare the differences between similar clauses across international standards.
- Learn how to write clauses clearly in order to avoid misunderstandings and disputes.
- Assess when to accept or reject amendments, and provide valid reasons for rejection.
- Practice revising documents to meet special requirements, including the use of specific conditions.
- Apply strategies and tactics for negotiating potential contract changes.
- Use contractual provisions to reduce the likelihood of disputes.
- Understand where disputes most often arise and how contracts can help reduce them.
- Learn about different methods of resolving disputes in international contracting, including alternative approaches such as mediation.

Targeted Skills and Competencies

At the conclusion of the seminar, participants will have improved ability in:

- Understanding contract wording
- Drafting contracts
- Negotiating effectively
- Analyzing complex documents and understanding how clauses interrelate
- Developing commercial awareness

Conference Content

Unit 1: How and Why Contracts Are Drafted

- The purpose and use of contracts
- How contracts are formed
- Key elements of a valid contract
- Oral agreements compared to written agreements
- Electronic contracts
- Terms and conditions of contracts
- Issues relating to agency
- The fundamental structure of a contract

- Incorporating documents by reference
- Standard forms used internationally and within organizations
- Forms of agreement
- The use of precedents and their unique conditions

Unit 2: Key Clauses in Contracts

- Delivery and performance obligations
- Rework and re-performance requirements
- Risk of damage and ownership of goods
- Compliance with laws and changes in law
- Indemnities and insurance
- Rights of third parties
- Liability for negligence
- Relationship with other contract conditions
- Variations and changes to the contract scope or terms
- Product liability, defective goods, and rejection of goods
- Intellectual property rights
- Taxation issues
- Suspension and termination of contracts
- Acceptance procedures and certificates
- Payment terms
- Liquidated damages and penalties
- Limitations of liability
- Guarantees, warranties, and maintenance provisions
- Applicable law in international contracts

Unit 3: Related Documents

- Incorporating tender documents
- Letters of intent and letters of award
- Letters of comfort or awareness
- Side letters
- Bank guarantees and bonds
- Parent company guarantees

Unit 4: Writing Contracts

- Using clear and precise language
- Applying correct legal terminology
- Creating definitions
- Addressing translation challenges
- Resolving conflicts within documents or between sections

Unit 5: Negotiation and Dispute Resolution

- Principles and techniques of contract negotiation
- Drafting and understanding dispute resolution clauses
- Managing unequal bargaining positions
- Negotiation, compromise, and settlement practices
- Litigation processes
- Arbitration procedures
- Alternative dispute resolution methods:
 - Mediation
 - Conciliation
 - Early neutral evaluation
 - Expert determination
 - Mini-arbitration
 - Pendulum arbitration