

Negotiating, Drafting & Understanding Contracts

Course code: CM-011



SPARK TRAINING

Professional training courses for leaders, specialists, and organizations seeking practical capability development.

info@sparktraining.eu

+31 85 115 0004 | sparktraining.eu

— Workshop Overview

This Negotiating, Drafting & Understanding Contracts training course provides a comprehensive overview of the three essential stages of contracting: negotiating the deal, documenting it effectively, and managing contract performance. Participants will gain insights into best practices across various industries, which can add significant value to their own contract management processes. Additionally, the course offers the opportunity to consider contract matters from the perspective of the other party, enhancing your overall approach and negotiation skills.

Why Attend

This course uses instructor-led sessions, guided discussion, and practical exercises built around Day One: Negotiating the Agreement you Want, Day Two: Drafting the Contract You've Negotiated, Day Three: Understanding Contractual Rights and Obligations, and day four: managing the contract you've signed.

Who Should Attend

Contract Administrators, Contract Professionals and Project Coordinators
Supply Officers, Buyers, Purchasing & Procurement Professionals
Project, Construction, Cost and Quantity Professionals
Claims Personnel, including Legal Advisers

— Learning Objectives

- Understand the Need to Negotiate the “Deal” before Structuring the Contract Documentation
- Utilise the Tools & Techniques to Assist in Such Negotiations & Enhance the Efficient Management of Contract
- Assess the Drafting and Modification of Specific Contract Clauses, Using Real Examples
- Introduce Some of the Differences in Approach in Different Jurisdictions
- Examine Ways to Avoid Disputes, or to Manage Them Successfully

— Course Outline

DAY
1

Day One: Negotiating the Agreement you Want

- The context of commercial arrangements
- Negotiating Principles for contracts
- Setting contractual objectives
- The most important negotiable elements
- Achieving an appropriate balance of commercial risks
- Relationship between negotiation and contract drafting

DAY
2

Day Two: Drafting the Contract You've Negotiated

- What constitutes a contract? – the essential elements
- Form, Ingredients and Basic Structure
- What are the Contract documents? constructing the jigsaw puzzle
- Working with standard forms and model agreements
- Using contract qualification to amend the other side's draft
- Temporary contractual arrangements: Letters of Intent and other interim agreements

DAY
3

Day Three: Understanding Contractual Rights and Obligations

- Operative provisions and performance obligations
- Title, Risk and Payment provisions
- Liabilities, indemnities and the duty to insure
- Limitation and exclusion of liability, force majeure and waiver
- Remedies for default, damages and penalties

DAY
4

Day Four: Managing the Contract You've Signed

- Finalising the contract and getting started
- Kick-off meetings: Setting and managing expectations
- Creating a contractual performance environment
- Handling Contract Variations: changing the scope of work
- Dealing with under-performance - defaults, delay and disruption
- Payment issues – including in international trade

DAY
5

Day Five: Resolving Contractual Claims and Disputes

- Managing contractor claims
- Recognising potential problems and dealing with issues as they arise
- Governing Law of the contract and dispute resolution
- Using contract-based resolution – referring disputes to an Adjudicator
- External dispute resolution – Litigation and Arbitration
- Modern alternatives – Mediation, Expert Determination and other methods

— Upcoming Classroom Dates

Schedule available on request. Contact SPARK Training for current dates, locations, and fees.

— Certificate and Registration

Participants who attend and complete the full programme receive a SPARK Training Certificate of Completion. For registration, in-house delivery, or availability questions, contact info@sparktraining.eu or +31 85 115 0004.