BLACKBIRD FOR TRAINING

Negotiating, Drafting & Understanding Contracts

15 – 19 November 2027
Kuala Lumpur (Malaysia)

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Negotiating, Drafting & Understanding Contracts

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Introduction

Contracts are the foundation of all business relationships, whether for constructing a new facility or supplying office supplies. The terms and management of the contract are critical to the success of any company. Contracts affect every aspect of business life, and all employees—whether directly involved in contract management or not—must understand how they function, especially in an international context.

This course covers the three stages of contracting: negotiating the deal, documenting it in a robust and practical way, and managing the performance of the contract itself. The goal is to develop general skills applicable to a wide range of contracts and to enhance participants' awareness of practices in other industries that may add value to their situations. The course also provides a perspective on how to consider matters from the other party's viewpoint.

Course Objectives

By the end of this course, participants will be able to:

- Negotiate contracts effectively before structuring the contract documentation.
- Gain negotiation techniques to reach fair and beneficial agreements.
- Analyze and draft specific contract clauses using real examples.
- Understand differences in contract approaches across various jurisdictions, with common themes in contracting.
- Improve contract management skills and apply best practices to prevent or resolve disputes.
- Master advanced skills in contract drafting and negotiation for successful business agreements.

Course Outlines

Day 1: The “Deal” Behind the Contract, and How Do We Get There?

- What constitutes a contract?
- How to structure commercial arrangements.
- Innovative commercial solutions such as partnering, BOOT contracts, and others.
- Techniques for negotiating a contractual structure.
- Basic negotiation strategies for successful deals.
- How to document discussions during negotiations.
- Relationship between negotiating and contract drafting.
- Closing a deal and handling difficult negotiators.



Day 2: Drafting Contracts

- Using standard forms for contract drafting.
- Developing your own contract drafting standards.
- Modifying forms to fit specific needs.
- How to deal with qualifications and amendments in contracts.
- Structuring complex contracts for clarity and effectiveness.

Day 3: Negotiating Contracts

- Level playing field issues—how to be fair to multiple bidders.
- Addressing errors in bids.
- Negotiating techniques for handling complex wording in contracts.
- Finalizing contracts with proper formalities and authority to sign.

Day 4: Drafting Specific Clauses

- Performance clauses and how to manage the work.
- Ownership and rights concerning intellectual property.
- Risk allocation and force majeure clauses.
- Defining time for completion and handling delays.
- Penalties, liquidated damages, and their enforcement.
- Acceptance and testing clauses.
- Termination and suspension clauses.
- Applicable laws and dispute resolution methods.

Day 5: Management of Contracts

- Risk assessment and contract management strategies.
- Conducting kick-off meetings and assigning responsibilities.
- Setting and managing expectations effectively.
- Planning and reporting progress realistically.
- Handling defaults, external factors, and changes in contract terms.
- Managing payment issues in international contracts.
- Closeout procedures and lessons learned.

Managing Disputes:

- Recognizing and addressing potential issues early.
- Distinguishing between legal rights and commercial outcomes.
- Negotiating internal dispute resolution strategies.
- Types of external dispute resolution methods: litigation, arbitration, mediation, adjudication, and expert determination.
- Addressing enforcement challenges with different legal systems.



Why Attend this Course: Wins & Losses!

- Develop negotiation skills to secure the best contracts and deals.
- Gain a comprehensive understanding of contract drafting to improve your legal documentation.
- Learn how to mitigate risks through effective contract management.
- Achieve certification in contract management to advance your career.
- Enhance your ability to resolve disputes through structured legal frameworks.
- Equip yourself with the skills needed to draft and negotiate complex contracts.

Conclusion

The Negotiating Contracts, Drafting, and Contract Management Professional Course is an exceptional opportunity for professionals looking to refine their skills in contract management and negotiation. This course provides the tools to draft clear, enforceable contracts, manage them efficiently, and prevent or resolve disputes.

By attending this course, you will gain critical contract drafting skills, enhance your ability to negotiate effectively, and master contract management practices. Don't miss this opportunity to elevate your professional capabilities and ensure your business contracts are structured for success! Register now to unlock the full potential of your contract management career.

