

Contract Management & Negotiation Strategy
Masterclass

Boston, Massachusetts (USA)

9 - 13 December 2024

UK Training

PARTNER



Contract Management & Negotiation Strategy Masterclass

Code: LD28 From: 9 - 13 December 2024 City: Boston, Massachusetts (USA) Fees: 6400 Pound

Introduction

This training course covers the three stages of contracting; negotiating the "deal"; documenting that deal in a robust, but practical way; and managing the performance of the contract itself. This training course will help participants to have an awareness of practices in other areas and other industries, which can add significant value to their own situations. Moreover, the training course will also give an opportunity to consider matters from the perspective of the other party to a contract.

Course Objectives

- Understand the need to negotiate the "deal" before structuring the contract documentation.
- Utilize 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.
- Practical tips for business professionals to deal with the consequences of non-performance.
- Analyzing the mechanics of contracting in the English language.

Course outlines

Day 1: What is the "deal" behind the contract, and how do you get there?

- What constitutes a contract: form, ingredients, and basic structure.



- The context of commercial arrangements.
- Innovative commercial solutions e.g. Partnering, "BOOT" contracts, etc.
- Relationship between negotiation and contract drafting.
- Closing a deal - Authority to sign and agency principles.
- Formalities to finalize the contract.

Day 2: Negotiating and Drafting Contracts

- Negotiating Principles in Contracting.
- Negotiating in difficult and complex situations.
- Structuring complex documents - the hierarchy of terms.
- Using and modifying standard forms.
- Precedent in international contracting.
- Dealing with contract qualifications and amendments.

Day 3: Drafting Specific Clauses

- Operative provisions and performance obligations.
- Title, Risk, and Payment Provision.
- Contract variations: transfer of rights, amendment, and the scope of work.
- Termination, suspension, and remedies for default.
- Limitation and exclusion of liability, force majeure, and waiver.



- Law of the contract and dispute resolution.

Day 4: Effective Contracts Management

- Risk assessment and management.
- Assignment of responsibilities and kick-off meetings: setting and managing expectations.
- Dealing with defaults, delays, and disruption.
- Managing claims.
- Payment issues - including international trade.
- Lessons learned.

Day 5: Dealing with Disputes

- Recognizing potential problems and dealing with issues as they arise.
- Legal rights and commercial outcomes are distinguished.
- Negotiation structures for internal dispute resolution.
- External dispute resolution - Litigation and Arbitration.
- Modern alternatives in dispute resolution -Adjudication-Expert Determination-Mediation.
- Overview of the course, and final question session.



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