



TCM 337

CONTRACT SPECIFICATION Writing

Course Introduction:

Understanding contract law has become an essential part of conducting our daily business functions. Whether you are in purchasing, contract management, subcontracts, project management, general management or sales, you are constantly involved with legal and contract principles, sometimes without even realizing it.

The course will deal with Contracts in the English language and follow principles widely used in international contracting. It will contribute to an understanding of all aspects of contracting and learning best practice from other regions and industries. There will also be opportunities for raising issues for review and discussion on any aspect of contracting.

Course Objectives:

At the end of the course participants will be able to:

- Understand contract structures – how and why contracts are drafted in particular ways
- Understand the legal principles behind contracts
- Learn the main clauses in different types of agreements
- Learn the commercial impact of particular provisions
- Understand similar clauses in different international standards
- Show how to develop your own 'standard' clauses
- Accept proposed amendments and when to reject them including how to give clear reasons for such rejection
- Use of special conditions
- Provide strategies and tactics for negotiating on possible contract amendments
- Explain how to use contract provisions to reduce the risk of disputes
- Know where disputes do arise, show how the contract can be used to minimize these disputes, and some of the methods by which disputes are resolved in international contracting (including non-traditional approaches, such as mediation)

Who Should Attend?

- Contract Professionals
- Project Engineers and Project Professionals
- Claims Personnel and Business Audit Officers
- Contract Strategists
- Commercial Professionals
- Purchasing Officers and Personnel

- Supply Professionals

Course Outline:

How and Why Contracts are drafted?

- Why we use contracts?
- The key elements of a contract
- Oral or written?
- Terms and Conditions of contract
- Incorporating documents by reference
- Standard forms and form of agree

Main Contract Clauses

- Obligation to deliver/perform
- Rework/re-performance
- Risk
- Title
- Compliance with law/change of law
- Indemnities, insurance and third parties
- Liability in negligence – relationship with contract conditions

Main Contract Clauses

- Variations and changes
- Product liability and defective goods – rejection
- Precedence of documents – special conditions
- Intellectual property
- Taxation
- Suspension and termination
- Acceptance and certificates
- Payment
- Liquidated damages/penalties
- Limits of liability
- Guarantee/warranty/maintenance
- Conflict of laws and choice of law clauses

Other documents and negotiations

- Letters of intent or award
- Bank and insurance bonds

- Letters of comfort or awareness
- Collateral warranties
- Alliance/partnering agreements
- 'Side Letters'
- Finance arrangements
- Negotiating contract qualifications and amendments

Negotiation and Resolution of Disputes

- Contract negotiation – continued
- Dispute resolution clauses
- Unequal bargaining positions
- Negotiation, compromise and settlement
- Litigation or arbitration

Course Certificate:

International Center for Training & Development (ICTD) will award an internationally recognized certificate(s) for each delegate on completion of training.

Course Methodology:

A variety of methodologies will be used during the course that includes:

- (30%) Based on Case Studies
- (30%) Techniques
- (30%) Role Play
- (10%) Concepts
- Pre-test and Post-test
- Variety of Learning Methods
- Lectures
- Case Studies and Self Questionnaires
- Group Work
- Discussion
- Presentation

Course Fees:

To be advised as per the course location. This rate includes participant's manual, and-Outs, buffet lunch, coffee/tea on arrival, morning & afternoon of each day.

Course Timings:

Daily Course Timings:

08:00 - 08:20	Morning Coffee / Tea
08:20 - 10:00	First Session
10:00 - 10:20	Coffee / Tea / Snacks
10:20 - 12:20	Second Session
12:20 - 13:30	Lunch Break & Prayer Break
13:30 - 15:00	Last Session

