



TCM 340

CONTRACTUAL CLAIMS and Dispute Resolution

Course Introduction:

The ability to be able to negotiate effectively is a critical competency in both work and life situations. An effective negotiator will draw upon a range of communication and interpersonal skills as well as focusing on issues of the process, planning and objective setting.

Typically, negotiations occur at both the individual and team level internally within peer groups and with employees as well as externally with suppliers and customers. Closely associated with the negotiation process is the possibility of disagreement and dispute conflict; so it is appropriate to consider how best to reduce the risk of disputes and how to resolve them if they do occur.

This course will cover the key stages of negotiations, consider how disputes arise and provide an effective toolbox of skills to enable the structures process. The delegates will be introduced to different negotiation styles and tactics and learn how to recognize and counter them. There will be an opportunity to carry out a self-assessment of present skills over the whole range of the negotiation topic and delegates will consider the differences between negotiating individually or as part of a team. The programme culminates in a realistic dispute resolution case study and the delegates are encouraged to reach an agreement before the forces of law intervene in the dispute.

Course Objectives:

While the object of international contracting is to write and manage contracts so as to minimize disputes, some disagreements are inevitable. These can arise from failures by one of the parties, but also often arise from misunderstandings as to obligations under the contract.

- This program will look at how claims (and counter claims) arise; how they can be reduced or avoided by good contracts management; how they should be evaluated when received, or prepared when being delivered and how to resolve disputes arising from such claims
- It will also, and most importantly, look at ways of avoiding disputed claims in the first place
- The program will deal with commercial disputes arising from Contracts written in the English language, but will use techniques which have wide application to the resolution of many different types of disputes.

Who Should Attend?

This course will be best suited to those who have a fundamental ability in negotiating but want to increase their formal knowledge and enhance their practical skills. The course is aimed at staff at all levels and is applicable to staff from a wide range of business disciplines including engineering, design, project management, production, finance, sales and marketing, business development, purchasing,

procurement, commercial and general management. Those who will benefit most will have a current or planned interface with internal 'suppliers or customers' or external suppliers or customers through which contracts are negotiated.

Course Outline:

Programme Introduction

- Fundamentals of Negotiation
- Negotiation defined
- Disputes and the need for resolution
- Place of negotiation in the contractual resolution process
- Commercial impact of the breakdown of negotiations
- Best Alternative to a Negotiated Agreement (BATNA)
- The four phase process of negotiation
- Preparation
- Discussion and proposal
- Bargain and close

The Negotiator's Toolbox

- Preparation
- Negotiation position setting
- Prioritization
- Entry and exit points
- Information needs
- Team negotiation – roles
- Relationship building
- Information acquisition
- Forms of questions – open, closed, comparative
- The conditional proposal – 'if/then....'
- Unconditional proposals – 'thank and bank'
- Degrees of freedom
- Bargain and close
- Trading up and trading down
- Concessions
- Recording the outcome

Negotiating Styles, Tactics and Ploys

- Cultural and international issues
- Red, purple and blue negotiators

- Non-verbal communication
- Interpretation of signals – arms, legs and eyes
- What is in a handshake?
- Spatial zones and spatial awareness
- Make time your friend
- Silence as a tactic and how to counter it
- Ploys as 'power plays' and how to counter

Personal Fitness and Dealing with Difficult Negotiations

- Interests, positions and escalation
- Push/pull
- Good guy/bad guy
- Negotiator as a mediator
- Team negotiations
- Proposals and persuasion
- What's in it for me? (WIIFM) solution
- Personal skills fitness check

Putting it All into Practice

- Negotiation case study
- Team allocation and simulation exercise
- Analysis of performance
- The Do's and Don'ts of negotiating
- Improving what we do – action planning

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

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