



## **UNIX Trainers & Consultants**

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## **The Essentials of Contracting & Contract Negotiation**

### **Course Overview:**

Public works and operations Contracts are a lifeline for any Organisation. Through such contracts, the money will flow in and out for the public interest based on the particular contract terms. If the contract is not carefully negotiated, prepared and managed, the Government can be exposed to risks with costly contractual disputes and financial losses aligned with misuse of public resources. It is therefore important during contracting and contract negotiations to understand and know what and how to use your contract to suit particular circumstances.

This course will equip participants with effective solid drafting skills and an appreciation of the principles of contractual interpretation. This course will also explain the main critical terms and clauses to negotiate when reaching an agreement.

Every day significant monies are made and lost by organizations as a result of the contractual terms and conditions governing contracts for the purchase of goods, equipment, and services. Since all business activities are governed by contractual relationships, it is increasingly important for all those dealing with outside organizations to have an understanding of how to obtain the best possible agreement for their organization.

The course will look at how contracts are created, and some of the main clauses that appear in contracts, together with many alternative contracting strategies and structures. The course will then consider methods to use in negotiating contracts, including techniques relating to negotiating variations and claims

### **Course Objectives:**

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

- Provide an understanding of how contracts are formed
- Give an in-depth analysis of issues behind major contract clauses
- Improve appreciation of legal issues in contracts
- Enhance understanding of different contracting strategies and structures
- Develop new skills in the negotiation of contracts and disputes
- Increase understanding as to how and why disputes arise
- Learn how to transfer risk through different contract types
- Explain how to use contract provisions to reduce the risk of disputes

## **Course Coverage:**

### **Topic 1: Formation of a Contract and Associated Elements:**

- The reasons for using contracts
- Basic Principles in contract formation
- Use of commercial standard documents, Contractual Documents and Payment Issues
- Contract Suspension and Termination
- The use of written or oral contracts
- Authority to sign a contract
- Basic contractual structures and types of contracts for different business models
- Scope of work
- Force majeure
- Delivery and acceptance
- Warranty
- Selecting the appropriate law to govern the contract
- Entire agreement

### **Topic 2: Contract Changes and Variations:**

- Changes to the contract
- Scope variations
- Use of variations clauses
- Evaluating scope changes
- Extensions of time
- Disruption
- Changes in sequence and timing
- Controlling and managing change

### **Topic 3: Personal Skills in Dispute and Dispute Resolution:**

- Avoiding disputes
- Recognizing disputes when they arise
- Contract clause to encourage negotiation and team negotiations – Why? What? How? Who? When?
- Personal skills development
- Third-party dispute resolution
- Courts, Arbitration and Alternative methods including mediation Process
- Post-review and analysis
- Motivation – analysis of needs, interests, positions, and escalation
- Motivators of Conflict and 5 alternative approaches to dispute resolution

### **Topic 4: The Negotiator's Toolbox and Negotiating Styles:**

- Planning an appropriate environment for the meeting
- Opening discussion, priorities, information needs, and building trust
- Using proposals –conditional and unconditional to move the meeting on
- Closing the bargain: trading concessions, summaries, recording outcomes
- Negotiating Styles, Tactics and Ploys
- Alternatives to negotiating outcomes to a dispute

## **Topic 5: Putting it All into Practice:**

- Leaders' contribution of mission and self-belief in critical situations
- Team allocation and orchestration of specialists
- Mediation process
- Negotiation case study – plan, bargain, review, analysis of results
- The do's and don'ts of negotiating
- Success in dealing with assumptions
- Murphy's law - improving what we do
- Action planning

## **Targeted Participants:**

- Personnel who are seeking improvement of essential skills necessary for all contract professionals. The course is designed to provide concepts and techniques that will enable contract professionals to work collaboratively and efficiently with contractors