MERCURY

Drafting Contract Terms for Tenders and Awards

23 – 27 November 2026
Washington DC (USA)



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Drafting Contract Terms for Tenders and Awards

Ref: 8112_1059540 **Date:** 23 – 27 November 2026 **Location:** Washington DC (USA) **Fees:** 8300 Euro

Drafting Contract Terms for Tenders and Awards is a one-week advanced course on writing the terms that carry a purchase from invitation to bid through award, delivery and closeout. It suits buyers, contract administrators and project staff who already prepare bid packages or negotiate supplier terms. You build an Award Terms Drafting File for your next tender. Mercury Training Center runs this advanced course on the subject.

About This Course

Many supplier disagreements start with wording written in a hurry at award stage: a payment trigger that is vague, a delay remedy that will not hold, or a variation route nobody agreed. To follow the course you should already handle bids or supplier terms at work. You practice by redrafting real-style provisions and testing them against cases.

Who It Is For

- People who prepare invitations, bid packages and evaluation criteria for purchases
- People who administer supplier agreements after award and track obligations
- People who negotiate commercial terms with bidders and suppliers
- People who manage projects that depend on several supply agreements
- People who write specifications and need them to match the commercial terms

This course is not for readers new to purchasing, who are better served by a foundation course in buying and supplier selection, or for in-house lawyers who need case law in depth, who are better served by a specialist law course.

Competencies You Will Build

- Bid route selection: chooses between auction, invitation, RFP and RFQ to fit the purchase.
- Commercial wording control: writes provisions whose commercial effect is clear to both sides.
- Exposure allocation: places delay, payment and performance exposure with the party best able to carry it.
- Performance security: secures delivery and payment with bonds, guarantees and letters of credit.
- Change and closeout handling: manages variations, termination and final review without gaps.
- Disagreement avoidance: steers issues toward settlement before they reach a tribunal.

What You Will Be Able to Do

By the end of the course you will be able to:

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- From a purchase requirement, select the agreement type and pricing basis and justify the choice.
- Given a bidder's submission, check compliance and record the points to settle before award.
- Using ICC Incoterms rules, set the point where title and loss pass between buyer and supplier.
- Given a draft set of terms, find provisions that conflict and redraft them for consistency.
- From a delay scenario, decide between liquidated damages and other remedies and word the provision.
- Given a disagreement, choose a resolution route and draft the escalation wording.

Course Content

Day 1: Forming the Deal

- Offer, Acceptance, Consideration and Intention in Bid Awards
- Battle of the Forms in Purchase Orders and Supplier Terms
- Oral, Written and Electronic Agreements in Purchasing
- Controlling the Deal and the Negotiation at Award Stage
- Due Diligence and Financial Stability Checks on Bidders

Day 2: Bid Routes and Agreement Types

- Auctions, Invitations to Bid, RFP and RFQ Compared
- Pre-Qualification and Bid Compliance Review
- Letters of Award, Heads of Terms and Letters of Comfort
- Fixed-Fee, Reimbursable and Modern Pricing Models
- Economic Price Adjustment, Bonds, Guarantees and Change of Law

Day 3: Performance and Payment Provisions

- Delivery Obligations, Subcontractor Control and Milestone Monitoring
- Letters of Credit, Parent Company Guarantees and Non-Payment Remedies
- Time and Place of Delivery and Transfer of Title Under ICC Incoterms Rules
- Retention of Title and Time of the Essence Wording
- Insurance, Indemnities and Liquidated Damages Versus Penalties

Day 4: Change, Liability and Closeout

- Variations and Change Control During Delivery
- Liability Beyond the Agreement and Limitation of Liability Wording
- Intellectual Property, Warranty and Governing Law Choices
- Termination Triggers and Final Review at Closeout
- Compromise, Settlement and Escalation Provisions

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Day 5: Drafting Practice on Award Cases

- Exercise: Litigation, Arbitration, Mediation, Conciliation, Early Neutral Evaluation or Expert Determination for a Live Disagreement
- Exercise: Redrafting a Payment and Delivery Schedule
- Exercise: Compliance Review of a Sample Bid Submission
- Exercise: Negotiating a Liability Cap Across the Table
- Completing Your Award Terms Drafting File

Case Studies and Exercises

The following are suggested activities.

- Case study: A construction award stalls over a battle of the forms with a key supplier; you decide which terms govern and redraft the acceptance.
- Case study: An oil and gas services agreement has no change route and variations pile up; you produce a variation clause.
- Exercise: A hospital equipment purchase needs delivery, installation and warranty terms; you produce the delivery and title provisions.
- Exercise: An IT services supplier misses milestones; you choose between withholding payment, liquidated damages or termination.

What You Take Back

The Award Terms Drafting File is a set of tested provisions and checklists you build across the one week around your own purchases. In your first month back, use it to review the next bid package before release and to check the award letter before it is signed.

- A bid route and agreement type selection guide
- Redrafted payment, delivery, title and remedy provisions
- A pre-award compliance and due diligence checklist
- Escalation and resolution wording with a choice guide

Quick Answers FAQ

What should I know before an advanced course on drafting contract terms for tenders?

You should already prepare bid packages, evaluate offers or negotiate supplier terms. Basic familiarity with offer and acceptance helps; the course moves quickly to drafting practice.

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How does advanced contract drafting for tenders differ from a course on legal letters and memos?

Advanced drafting for tenders works on the terms of supply agreements: pricing, delivery, title, remedies and change. A course on legal letters and memos works on advice notes and correspondence, which suits readers who write opinions rather than award terms.

When should liquidated damages be used instead of a penalty in tender awards?

Liquidated damages suit cases where delay causes a loss that can be estimated in advance; the sum should be a genuine pre-estimate. A sum set only to punish delay risks being treated as a penalty and not enforced.

What do I take back from a course on drafting contract terms for tenders and awards?

You take back the Award Terms Drafting File, built on your own purchases. It holds selection guides, redrafted provisions, a pre-award checklist and escalation wording ready for the next bid package.

For Your Manager

After the course, the team member will be able to choose the bid route and agreement type, check submissions before award and redraft payment, delivery, change and remedy provisions so fewer issues reach a formal claim. They return with an Award Terms Drafting File, first used on the next bid package or award letter the team prepares.