



Contract Drafting for Procurement,
Tendering & Commissioning





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Introduction:

This comprehensive contract drafting course is essential for individuals involved in the procurement, tendering, and commissioning processes. It underscores the critical importance of creating effective and appropriate contracts tailored to the specific needs of the business and the circumstances at hand. Robust contracts help to identify and mitigate risk for the organization, ensuring that projects and procurement are executed efficiently and without expensive legal disputes.

This procurement, tendering, and contract drafting management course is designed to provide a deep understanding of contract drafting, introducing participants to advanced contract drafting techniques and alerting them to potential pitfalls in contract wording that could adversely affect project performance or lead to contract failure.

Procurement and tendering have become substantially complex, necessitating a keen awareness of leading international firms' latest and most effective practices. Our contract drafting certificate course will guide participants through these practices, maximizing organizational benefits and reducing associated risks.

Procurement, Tendering, and Contract Drafting Management:

In this international contract drafting course, participants will delve into advanced contract drafting techniques, gaining proficiency in drafting contracts that withstand global business challenges. This procurement, tendering, and contract drafting management program component equips individuals with the skills to navigate complex contract tendering processes and excel in courses for tendering contracts.

For those new to the field, an introduction to contract drafting lays the foundation for understanding the essential elements of constructing a solid contract. This procurement, tendering, and contract drafting management course is a step towards mastering the tendering and contract management principles crucial for successful contract commissioning.

The tender and contract module focuses on the intricacies of the contract tendering process. Participants will explore how the structured approach of tendering and contract management can enhance the efficacy and transparency of procurement procedures.

Engage in comprehensive learning experiences through procurement and contract management courses that bridge the gap between theoretical knowledge and practical application. This procurement, tendering, and contract drafting management training course is tailored for professionals pursuing contract and procurement courses who aim to apply their skills in real-world scenarios.

Targeted Groups:

- Contract Administrators, Contract Professionals, and Project Coordinators.
- Procurement Managers.
- Purchasing Managers.
- Specifiers, Buyers, Purchasing Professionals, and Procurement Officers.
- Contracts Managers.
- Project Managers.

Course Objectives:

At the end of this procurement, tendering, and contract drafting management course, the participants will be able to:

- Provide an understanding of contract structures and why contracts are drafted in a particular manner.
- Explain the commercial impact of key contractual provisions.
- Develop an understanding of the interaction between contractual provisions and the need for consistency.
- Identify where things can go wrong and learn how to avoid problems or mitigate their effects through well-drafted contracts and good management.
- Understand how to avoid disputes but learn how to deal with them if they arise.
- Examine the legal effectiveness and formation of contracts.
- Assessing the appropriate contract type and tender process.
- Key contract clauses focusing on risk, remedies, and insurance.
- Securing the performance of a party's obligations.
- Appropriate dispute resolution and dispute avoidance.

Targeted Competencies:

- Allocation of contractual risk.
- Selection of appropriate form of contract/tender.
- Contract management and administration skills.
- Understanding contract wording.
- Drafting.
- Negotiating.

Course Content:

Unit 1: The Importance of Contracts:

- The Importance of Contracts.
- Controlling the contract process.
- Understanding the deal.
- Controlling the negotiation.
- Tips for Effective Negotiation.
- Contract Formation.
- Offer and Acceptance.
- Battle of the forms.
- Consideration and Intention.
- Oral or written?
- Electronic contracts.
- The value of due diligence and financial stability.

Unit 2: Tender Process and Different Contract Types:

- Auctions and Bids.
- Tender Process.
- Invitations to tender.
- Request for Proposal.
- Request for Quotation.
- Pre-qualification.
- Compliance.
- Letters of Award.
- Heads of Terms and Letters of Comfort.
- Which contract type to select?
- Advantages and disadvantages of the main contract types.
- What is the problem with fixed fees?
- Modern methodology.
- Economic Price Adjustment clauses.
- Bonds and Guarantees.
- Compliance with law/change of law.

Unit 3: Main Contract Clauses:

- Obligation to deliver/perform.
- Controlling subcontractors.
- Monitoring and Milestones.
- Securing Payment.
- Ensuring prompt payment.
- Non-payment remedies.
- The use of Letters of Credit.
- Parent Company Guarantees.
- Time and place of delivery.
- Transfer of title and risk - ICC Incoterms.
- What are the retention of title clauses?
- Why is "time of the essence" important?
- Delivery, Ownership, and Risk in Procurement.
- Insurance.
- Indemnities - when we need them.
- Liquidated Damages/Penalties and the dangers.

Unit 4: Other Key Considerations During the Commissioning Process:

- Variations and changes.
- Liability beyond the contract.
- The value of Intellectual property.
- When do contracts end?
- Limiting liability.
- Warranty.
- Which law to apply to the contract?
- Final contract review and closeout process.

Unit 5: Dealing with Disputes:

- Compromise and settlement.
- Dispute Resolution clauses.
- Litigation.
- Arbitration.
- Modern methods of resolving disputes.
- Mediation.
- Conciliation.
- Early Neutral Evaluation.
- Expert Determination.