

Professional training “Contract Awareness”

For whom

- The sales team, working in an international context
- Project managers
- The commercial and operational management

Issue at stake

- Acquire the fundamentals of international contracts
- Obtain true contract awareness thanks to this training

Prerequisites

- This training does not require any prerequisites.
- Nevertheless, some commercial (national or international) or project management experience will facilitate learning.

Objectives

The following objectives will be achieved when completing this training:

- Becoming familiar with the contractual and commercial aspects of international contracts.
- Understanding the risks inherent in contractual clauses.
- Learning how to mitigate commercial and contractual risks.
- Acquiring the ability to interact with specialists (lawyers, tax specialists, insurance specialists, etc.) / subject matter experts and understanding specialized publications.
- Knowing the arguments for improved negotiation of contractual clauses.
- Adopting the right contractual reflexes at all stages of the contract's life.

The strong points

- Competence: The trainer is an experienced Commercial Director of major international groups (Alstom, General Electric, Besix), having personally negotiated dozens of major contracts (3 to 300 MEuro per contract).
- Flexibility: ability to adapt along the way according to the needs of the participants; providing answers to questions beyond the material presented.
- Relevance: link to the most internationally recognized standard contracts: FIDIC, World Bank etc.
- Applicability: practical advice for negotiation.



Program

This program is typically 1 to 3 days and will be adjusted according to the identified needs:

Preparation

- Analysis of the business environment of the trainees (e.g. by telephone meetings) to adapt the topics according to their needs.
- Implementation of reflective phases: A self-diagnosis (anonymous) to allow participants to determine their level of competence before and after the training and identify areas for improvement.

Standard modules



- The contract (formation of contractual relationship, documents, types of contracts)
- Legal aspects (limitation of liability, consequential damages, indemnification, applicable law and jurisdiction)
- Dispute resolution (dispute adjudication board, arbitration, mediation)
- Time-related issues (entry into force, taking-over, extension of time)
- Liquidated damages for delay/performance
- Operational issues (scope, permits, subcontracting, approvals, etc.)
- Risk sharing (transfer of ownership/risks, force majeure, etc.)
- Price and payment (payment terms, variation orders, taxes)
- The warranty period (contractual warranty / hidden defects warranty etc.)
- Termination (suspension and termination at the initiative of the contractor or project owner)
- General provisions (bank guarantees, intellectual property rights etc.)
- Insurance

Options

Options that may be included according to the identified needs (and if consistent with the duration of the course):

*cash flow liability indemnity
liquidated damages fiscal risk
IPP escalation EPC arbitration
variation order termination
FIDIC Force Majeure carve-out
taking-over currency risk cap
warranty suspension rejection*

1. Contract Risk Scoring – method for assessing contractual risks
2. The Principles of Negotiation – Harvard Principled Negotiation
3. Practical cases (e.g. negotiating payment terms)
4. Establishing and operating an optimal negotiating team

Practice

Actual case study: analysis on a relevant sample contract.

Work situations: forum for exchange on the subjects acquired during the training on a web-based platform during the month following the training.



Contact us for more information



- by writing an e-mail to info@afitac.com
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