



*Training Course:
Techniques and Best Practices in Contract
Drafting, Review, and Analysis*

*24 - 28 June 2024
Kuala Lumpur (Malaysia)
Royale Chulan Kuala Lumpur*

Training Course: Techniques and Best Practices in Contract Drafting, Review, and Analysis

Training Course code: PC235108 From: 24 - 28 June 2024 Venue: Kuala Lumpur (Malaysia) - Royale Chulan Kuala Lumpur Training Course Fees: 4950 € Euro

Introduction

Contracting is one of the most essential regulated formats in life, as it organizes people's relationships with each other to meet their various needs and achieve their different interests. Contracting refers to an agreement between two parties to achieve a specific goal that can be legally executed. If both parties fulfill the terms of this agreement, there will be no problem, and each party will obtain their rights from the other party.

The value of a contract and the judgment of its accuracy and intricacy are evident when a dispute arises, and we resort to the agreed-upon specialized entities to resolve this dispute. The term "drafting" generally refers to the proper organization to highlight the content. The term includes two essential elements: form and content. Each complements the other because without good organization, the content becomes difficult to understand, and without good content, there will be no significant benefit from the organization.

In this training course, we will focus on the optimal approach, the best organization, and precise coordination, as well as the legal provisions that regulate contract drafting from both scientific and practical perspectives.

Objectives

By the end of the course, participants will be able to:

- Identify the essential elements of contract writing.
- Apply best practices in drafting contract texts and various sections while recognizing common errors.
- Describe the fundamental steps in preparing contracts, including formulating an effective scope for terms, conditions, and strategic sources.
- Evaluate the procedures of contract preparation and the effective selection of contractors through evaluative standards.
- Assess the impact of negotiation on contractual terms and the written scope in the initial stage.

Target Audience

- Legal department managers and members.
- Procurement and contract managers.
- All employees responsible for preparing and writing the scope of work and negotiating contractual terms.
- All professionals involved in the pre-contracting phase.

- Employees with a role in determining the best contracting strategy, decision sources, and tenders.

Outlines:

Day 1:

- Basic concepts of contracting.
- Definition of a contract.
- Differences between an agreement and a contract.
- Origin and development of contracts.
- Contract and deed.
- Contract law in civil and general law.
- Civil and administrative contract interpretation.
- Types and divisions of contracts.
- Contracting skills and methods.

Day 2:

- The importance of contracts.
- Definition and meanings of contracts.
- Types and divisions of contracts.
- Various stages of a contract.
- Contract terms.
- General elements of a contract.
- Characteristics of contract drafting.
- How to draft and write contracts.
- Avoiding common errors in contract drafting.
- Factors of success and effectiveness in contracts.
- Planning and executing contracted projects.

Day 3:

- Supervising contract execution and monitoring.
- Contract ceremonies and announcements.
- International sales contract.
- Contracting methods and techniques.
- Preparing a scope of work and specifications.
- Formal and substantive elements of a contract.
- Formal elements of a contract: writing, signature, and stamp.
- Exchange of final contract documents.

Day 4:

- Substantive elements of a contract.
- Formation of the contract.
- The oral evidence rule.
- Self-evidence and substantive evidence.
- Mutual agreement:
 - Positive acceptance.
 - Recognition.
- Consideration:
 - Consideration theory in French law.
 - The primary principles governing consideration in English law.
- Necessary conditions for the place of commitment.
- Types of contractual obligations.
- Contractual obligations classification acknowledgment, warranty, social conditions, and conditions associated with promises.

Day 5:

- Drafting principles.
- Expert and non-expert drafter.
- Drafting standards.
- Drafting rules.
- How to draft.
- Basic language for contractual obligations.
- Five ways to fill gaps.
- Typical contract clauses.
- The negotiation of contractual claims.
- Entering into claims.
- Make whole method.
- Bottom Line method.
- Types of claims.
- Sources of claims in construction contracts.
- Elements of the claim documentation file.
- The burden of proof.
- The oral warning in claims.
- Earning enhancement claims.
- Delay in progress payments.
- Claims due to price increases.
- Claims related to force majeure.
- Within scope of work change orders.
- Beyond scope of work change orders.
- Timing and value of change orders.
- Avoiding claims.
- Contractor's obligations.

- Claims divisions.

Registration form on the Training Course: Techniques and Best Practices in Contract Drafting, Review, and Analysis

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