

DAY 1

How Contracts are Created

- Quantifying Risks
 - The Benefits of Understanding Contracts
 - The Pitfalls of Getting It Wrong
- Controlling the Contract Process
 - Understanding the Deal
 - Controlling the Negotiation
- Contract Formation
 - Offer and Acceptance
 - Battle of the Forms
 - Consideration and Intention
 - Does a Contract have to be written?
- Pre-contractual Issues and Documents
 - Due Diligence, Permits, and Financial Stability
 - When are you committed?

DAY 2

Controlling the Contracting Process

- Auctions, Bids and Tenders
 - Invitations to Tender and Treat
 - Heads of Terms and Letters of Intent
 - Bonds and Guarantees
 - Standby Letters of Credit
- Form of Agreement
 - Contractual Structures
 - Incorporating Standard Terms of Business
- Informal Contracts
 - Letters of Comfort
- Subcontracts and Warranties

DAY 3

Key Contract Clauses

- Pre-contracts and Post Contract “*qualification phrases*”
 - Subject to Contract
 - Without Prejudice
 - Subject to Client Comment
- Securing Payment
 - Payment Obligations
 - Non Payment Remedies
 - Letters of Credit
 - Guarantees
- Delivery, Ownership and Risk
 - Time and Place of Delivery
 - Late and Failed Delivery
 - Damage in Transit
 - Ownership and Acceptance
 - Transfer of Title and Risk
 - Retention of Title
 - Time of the Essence
- Liquidated Damages

DAY 4

When Things Go Wrong

- Contract Liability
 - Managing Liability
 - Limits of Liability
 - Damages
 - Insurance and Indemnities
- Product Liability
 - How a Claim is Brought in Contract
 - How a Claim is Brought in Negligence
 - Practical Risks
- Frustration of a Contract
 - Force Majeure
- Notices and Service

- Entire Agreement & Waiver
- Interpretation and Signing
 - Authority to Sign a Contract
 - Power of Attorney
- When do Contracts End?
 - Termination / Discharge
 - Transfer
 - Variation
 - Mistake

DAY 5

Disputes and Compliance

- Choice of Law
- Choice of Dispute Resolution
 - Negotiated Settlement
 - Litigation
 - Arbitration
 - Mediation, Adjudication, and Experts
- Settlement Issues
 - Enforcement of Judgements and Awards
 - Jurisdiction
- The Importance of Business Integrity
 - Bribery
 - Corruption
 - Money Laundering
 - Competition Law