

CONTRACT MANAGEMENT

NEGOTIATING, DRAFTING & MANAGING COMMERCIAL CONTRACTS

30 & 31 May 2012 - Auckland | 20 & 21 June 2012 - Wellington

CONTRACT SUSPENSION, DISPUTE RESOLUTION & TERMINATION

7 June 2012 - Wellington | 14 June 2012 - Auckland



NEGOTIATING, DRAFTING & MANAGING COMMERCIAL CONTRACTS

2 DAY COURSE | 9AM - 5PM

An essential course for those professionals involved in the design and delivery of commercial contracts, but who are not trained lawyers. This course has been specially designed to equip you with the skills required for the effective management of commercial contracts and includes many practical and group exercises to enhance your learning. You will gain a thorough understanding of the business and legal issues surrounding contracts, and return to your workplace armed with the know-how to protect your organisation from costly contractual disputes.

KEY BENEFITS OF ATTENDING

- Save time and money by learning to effectively document commercial contract negotiations
- Avoid common contractual pitfalls
- Deal more effectively with lawyers and the legal system
- Change the way you administer commercial contracts to increase your performance and success in contract handling

COURSE OUTLINE

Understanding the purpose of a contract

- What is a contract?
- What is the purpose of a contract?
- Examination of different types of contract and when they should be used
- Measuring the quality of a contract
- Rules of interpretation of contracts
- Using plain language

Drafting a legally effective contract

- Drafting tips
- Essential ingredients of a contract
- Analysis of the principles underlying binding contracts
- Offer, acceptance and consideration
- Balancing legal necessities against commercial realities
- What formalities are required to make the contract legally binding?
- Contracting with the right legal entity
- What legislation affects your contract?
- Terms to avoid or include
- Mistakes commonly made in forming contracts
- Contracting with public sector organisations

Team exercise: Structuring a contract

How to read and understand contracts

- Key features of an effective contract
- Specific provisions
- Boilerplate clauses
- Reading the small print: What clauses should you look out for in pre-printed contracts?
- Identifying common danger areas in contracts
- Pinpointing criteria that will invalidate a contract
- Legal jargon explained

Navigating the tendering process

- Legal obligations when submitting a tender
- Getting the most out of the tendering process
- Communicating your business objectives
- Determining how to structure your tender
- Innovative approaches

Managing legal risks

- Anticipating and managing contractual risks
- Analysis of the legal risks associated with commercial contracts
- Protecting yourself effectively from risk

Team exercise: Creating a practical checklist to use before signing a contract

Exploring service level contracts

- An introduction to service level agreements
- Measuring the performance of service provision and effective performance-based measures
- Case study examples

Performance and breach of commercial contract issues

- Performance-based contracts
- Determining the rewards/penalties to encourage contractor performance
- Managing and preventing disputes
- The legalities of and remedies available for breach of contract including damages, specific performance and injunctions
- Examining the risk factors for the claimant
- Termination of the agreement
- Case study examples

Acquiring effective negotiation skills

- How to improve your negotiation skills
- Building confidence and credibility with careful preparation techniques
- Employing effective listening and questioning skills
- Examining the advantages and disadvantages of partnering
- Successful techniques for handling tough bargaining sessions
- Reaching agreement and gaining commitment at the close of the negotiation process

Practical exercises of negotiation skills



BRIAN BRAY

**30 & 31 MAY 2012
AUCKLAND**

**20 & 21 JUNE 2012
WELLINGTON**

CONTRACT SUSPENSION, DISPUTE RESOLUTION & TERMINATION

1 DAY COURSE | 9AM - 5PM

Essential for people responsible for a portfolio of contracts or clients, this 1-day course will give you the knowledge and confidence to handle those contracts which don't go according to plan. You will learn best practice methods for dealing with; contract suspension, force majeure, dispute resolutions and contract termination, to allow you to successfully handle each contract to achieve optimal outcomes.

KEY BENEFITS OF ATTENDING

- Learn best practice methods to handle contracts when something goes wrong
- Understand processes and compliance issues involved with contract suspension and force majeure
- Learn how to effectively deal with dispute resolution and avoid disputes occurring
- Understand the when, the why and the consequences of terminating a contract

COURSE OUTLINE

When something goes wrong

- What can go wrong to require a change in contract terms
- Typical changes and alterations to contract terms
- Processes for managing difficult contracts

Communicating with stakeholders

- Avoiding miscommunications and misunderstandings of stakeholder requirements and terms in a contract
- Handling contract changes by having good relationships with clients and suppliers
- Negotiating new terms for an altered contract

Contract Suspension

- Reasons why a contract may need suspending
- Your options, rights, and compliance issues involved with contract suspension
- Deciding when to suspend a contract
- Case studies and examples of successful and unsuccessful contract suspensions

Force Majeure

- What does it cover?
- Causes of force majeure and how to handle these
- What may be excluded
- Dealing with the process.

Disputes

- What types of disputes you can expect
- Best practice methods for resolving disputes
- Dispute resolution mechanisms available and how to access them
- Obtaining a fair deal for all parties in the dispute
- Settling disputes early
- Documenting the outcome
- Avoiding disputes
- Understanding legal and court processes for dispute resolution

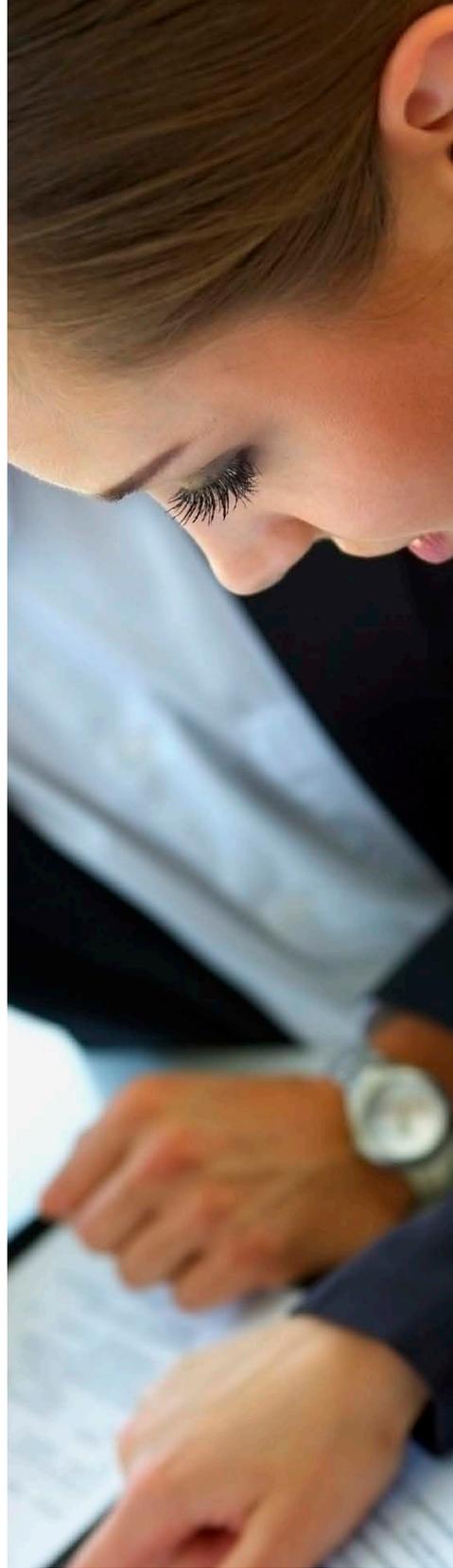
Contract Termination

- Stages of contract termination
- When should you terminate a contract
- Pros and Cons of contract termination
- Best practice methods for handling contract termination

WHO SHOULD ATTEND

Anyone who is managing contracts but is not a trained lawyer will benefit from these courses including;

- Contract managers and analysts
- Procurement managers, advisors, specialists and officers
- Project managers
- Portfolio and commercial managers
- Property managers and analysts
- Business development administrators



**BRIAN BRAY
SAMANTHA GAIN**

**7 JUNE 2012
WELLINGTON**

**14 JUNE 2012
AUCKLAND**

Brochure Code: TF032 | TF120 A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

NEGOTIATING, DRAFTING & MANAGING COMMERCIAL CONTRACTS CONTRACT SUSPENSION, DISPUTE RESOLUTION & TERMINATION

INSTRUCTOR PROFILES



BRIAN BRAY

Brian is a partner in DLA Phillips Fox and has over 25 years experience as a lawyer. His specialist areas of practice are commercial contracts, procurement, business and corporate law. Brian has considerable expertise in public sector procurement. His experience covers many industry sectors including financial services, ICT, manufacturing, central and local government entities, distribution and health. Brian has presented at many conferences and workshops in New Zealand on commercial contracting related issues.



SAMANTHA GAIN

Samantha Gain is a senior associate at DLA Phillips Fox in Wellington. Her work focuses on procurement and contracting in a wide range of areas including professional services, ICT services and equipment, and infrastructure. She also assists clients with management of performance issues and contract disputes. Sam was involved with the Ministry for Economic Development's project to develop the template 'government model contracts'. She acts for Crown entities, local authorities and other public sector organisations, as well as for a number of private sector service providers.

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	Register & Pay before 5pm on the dates below	Register & Pay after 5pm on the dates below
NEGOTIATING, DRAFTING & MANAGING COMMERCIAL CONTRACTS (TF032)	\$1895 plus GST SAVE \$200 11 April 2012	\$2095 plus GST 11 April 2012
CONTRACT SUSPENSION, DISPUTE RESOLUTION & TERMINATION (TF120)	\$1195 plus GST SAVE \$100 19 April 2012	\$1295 plus GST 19 April 2012

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You have several options:
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• Confirm your cancellation in writing (letter, fax or email) at least ten working days prior to the event and receive a refund less a \$300+GST service charge per registrant. Regrettably, no refunds can be made for cancellations received after this date.

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