



**Asia Masters Center**

# Commercial and Business Contracts A Practical Guide



## **Commercial and Business Contracts**

### **A Practical Guide**

#### **Course Objective**

- Analysis of the risks inherent in the formation and management of contracts
- Explain key contract provisions and provide instruction on how to manage contract risk effectively
- Interpret essential contract clauses and understand the specific terms and conditions
- Develop your ability to negotiate an effective contract to protect your corporation's interests
- Discuss where things can go wrong, and learn how to avoid problems, or mitigate their effects through well drafted contracts and good management
- Recognize how to avoid disputes but be prepared to deal with them if they arise

#### **Target Audience**

- Marketing and sales staff
- Management professionals
- Other employees in corporate or governmental organisations who have a responsibility for drafting, negotiating, or approving contracts
- Professionals such as legal and financial staff



## **Course Outline**

### ➤ **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

### ➤ **The Feature Of Asia Master Training And Development Center**

- we pick up the customer from the airport to the hotel.
- we give the participant training bag includes all the necessary tools for the course.
- Working within groups to achieve the best results.
- All our courses are confirmed and we do not postpone or cancel the courses regardless of the number of participants in the course.
- We can assist you in booking hotels at discounted prices if you wish to book through us.
- We offer the certificate from Asia Masters Center for Training and Administrative Development.

### ➡ **The Cost Of The Training Program Includes The Following:**

- 1) Scientific article on flash memory.
- 2) Training Room.
- 3) Training.
- 4) Coffee break.
- 5) The training bag includes all the tools for the course.

**Price (USD)**

**Communicate with the training department  
to know the participation fees**

➤ **There are offers and discounts for groups**

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