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For Training

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Negotiation strategies and contract drafting

Ref.: NE-1102 Location: Amsterdam, Netherlands



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Introduction

The goal of this course is to familiarize participants with and acquire effective negotiation skills, understand modern and diverse negotiation methodologies from a strategic perspective for procurement management. It aims to explore negotiation strategies necessary to meet the needs of the procurement department in the organization, identify the strengths and weaknesses of both the buyer and the supplier. It also covers suitable negotiation methods for various situations, including complex cases that require significant focus. Additionally, participants will learn how to conduct business correspondence, engage in contracting, and understand contracts in terms of their nature, components, and divisions according to the legal system they are subject to. This includes tenders and auctions, where types and legal provisions governing them will be discussed.

Training Objectives

- Acquiring effective negotiation skills.
- Acquiring strategies and tactics of negotiation.
- Understanding the behavioral components of effective negotiators.
- Understanding tenders, bids, their types, and the legal provisions governing them.
- Understanding contracts, their nature, components, and divisions according to the legal system they are subject to.

- Familiarity with the rules related to the conclusion of administrative contracts.
- Conducting commercial correspondence and contracting.
- Understanding the obligations and rights arising from management contracts.
- Understanding what arbitration is and the extent to which it is permissible to resort to it to resolve or settle disputes arising from administrative contracts.

Course Outlines

Day 1:

(A) The basic concepts of the negotiating process.

- Defining business culture and its elements.
- Discussing WILLIAM SCHNEIDER model for organizational culture .
- The Benefits of A Learning Organization Culture.
- The 4 C's of organizational culture.
- Creating a Learning Culture in the Workplace.
- The organizational learning theory and The organizational learning theory

(B) Negotiation System.

- Principles of effective negotiation.
- Characteristics of the negotiation process.
- Negotiation as an integrated system.
- Practical situations/simulation/role-playing/training lab.

Day 2: Planning for Negotiation.

- Steps for preparation and planning for negotiation.
- Introduction, activities, and outputs of the negotiation system.
- Standard for selecting an effective negotiator.
- Negotiating individually or negotiating as a team?
- Effective practice of the negotiation process.
- The principle of firmness and the principle of tolerance and how to reconcile them.
- Representation of roles/positions, practical scenarios, and training workshops.

Day 3: Negotiation Strategies and Tactics.

- Negotiation Strategies
- Negotiation Tactics
- The role of questions, the listening process, and generating alternatives in the negotiation process. How to employ them?
- Time management in the negotiation context.
- Practical cases, application scenarios, role-playing, and a training workshop.

Day 4: Negotiation: "Methodology and Implementation"

- Setting a map that defines your path to agreement.
- Mechanism of reaching the convergence point (common area).
- Concluding negotiation processes and formulating agreements.
- Evaluating negotiation outcomes.
- Dilemma of negotiation and application in administrative reality.
- Practical applications / mutual final evaluation of the program.

Day 5: The contracts, their nature, components, and divisions according to the legal system to which they are subject.

- Contracts subject to public law and the conditions for proving the administrative nature of the contract.
- The evolution of the jurisdictional competence standard in disputes over contracts.
- Contracting parties as a criterion for determining jurisdiction.
- The public entity as a criterion for determining the jurisdiction of administrative justice.
- Unusual conditions and their sufficiency as a criterion for administrative contracts in the French Council of State and some other legislations.

Day 6: Bids and Tenders and Their Types.

- Legal provisions to which it is subject.
- Practice, direct order, and related rules.
- Concluding negotiation processes and formulating agreements.
- The necessity of obtaining a contracting permit.

Day 7:

(A) Approval from the administrative councils is required before entering into a contract.

- The necessity of obtaining prior consultations.
- The importance of having financial accreditation and the consequences of the management's failure to consider this condition.

(B) Obligations and rights arising from administrative contracts.

- Rights of administration, contractual rights, and third-party rights.
- Resolution of contract disputes through the judiciary.
- The right to litigation and various judicial systems.
- Issues related to the judicial system.

Day 8: Arbitration and the Validity of Resorting to it for Resolving Administrative Contract Disputes.

- Settling Contract Disputes through Alternative Dispute Resolution (DR)
- The nature of alternative dispute resolution methods includes negotiations, conciliation, mediation, settlement agreements, and arbitration."

Day 9: Arbitration and the Validity of Resorting to it for Resolving Administrative Contract Disputes.

- The Importance of Arbitration in Comparative Law.
- Arbitration Agreement and Arbitration Clause.
- Legal Nature of Arbitration.
- Formation of the Arbitral Tribunal.
- Arbitration Procedures.
- Nullity of an Arbitral Award.
- Enforcement of Arbitral Awards.

Day 10: The Legitimacy of Resorting to Arbitration for Settling Administrative Contract Disputes.

- Arbitration as a resort for settling disputes in administrative contract management and the extent of its agreement or conflict with the state's sovereignty.
- Arbitration as a resort for settling disputes in administrative contracts and the extent of its agreement or conflict with the jurisdiction of the judiciary in this type of disputes.
- Arbitration as a resort for settling disputes in administrative contracts and the extent of its agreement or conflict with the public order.



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