The Acquisition Due Diligence Process and How to Avoid Fraud

Description: The acquisition process can be daunting - can you afford to only grasp the basics? Merger and acquisition transactions represent tremendous growth opportunities for businesses and a potentially lucrative opportunity for shareholders. However, as many studies have documented, more than half of M&As failed to achieve the strategic objective. Such transactions carry significant financial, legal, operational and commercial risks to the buyer. A thorough and effective due diligence process completed as a prerequisite to the transaction can help buyers to mitigate these risks and plan for an integration that will allow the intended benefits to be achieved. This topic will provide a detailed introduction to the buy side due diligence process including executing the diligence and turning the diligence results into actionable steps, either deal valuation or execution related. Learn the key elements of the transaction life cycle and receive critical information on how to negotiate, plan, perform and conclude buy side due diligence. The failure to carry out a proper due diligence can result in missing issues that significantly impact deal value to the buyer and/or cause post-transaction distress to the merged organization.

Contents:

Deal Life Cycle
- Identifying Target Company to Fit Strategic Goals and Negotiating the Deal
- Letter of Intent
- Due Diligence
- Deal Agreements and Closing
- Merger Integration Planning

Negotiating the Due Diligence Process
- Using the Letter of Intent to Establish Framework
- Time Frame and Exclusivity
- Access to Seller Personnel and Records
- Access to Outside Parties (Customers, Contractors, Sales Agents, Service Providers)
- Confidentiality and Hold Harmless Agreements
- Establishing Expectations for Both Parties

Planning the Due Diligence
- Kickoff Meeting
- Establishing Process Time Lines
- Document Requests and Information Flow
- Identifying Due Diligence Functional Leaders and Seller Key Personnel
- Administrative Requirements of Service Providers

Performing the Due Diligence
- Financial and Tax; Legal
- Operations; Human Resources
- Information Technology
- Synergy Validation; Other

Concluding the Due Diligence
- Sharing the Results
- Working Capital Hurdles and Price Adjustments
- Transition Service Agreements
- Final Purchase Agreements
- Closing Considerations

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