



**Construction, Civil Engineering  
& Asset Management**



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# Course: Managing & Negotiating with Consultants & Contractors

Code	City	hotel	Start	End	price	Hours
327	Munich (Germany)	Hotel Meeting Room	2024-08-12	2024-08-23	7950 €	50

## Introduction

Consultants and Contractors can be a very effective option for all types of organizations. However, managing those individuals (or companies) is essential in achieving the desired costs and benefits your organization desires.

**This programme is designed to provide knowledge in:**

- Sourcing & Selecting Consultants & Contractors
- Issues to be considered before the Tender Invitation and Key contractual clauses
- Raising the Invitation and Managing the Tender Process
- Contract type and language for best outcome with Consultants and Contractors
- Developing “Statements of Work” and Service Level Agreements as contract documents
- Monitoring, measuring Consultant and Contractor performance and Negotiations with Consultants and Firms Supplying Contractors

## Objectives

**Upon completion of this seminar, participants will know:**

- How to evaluate bids and proposals
- What key clauses to include in contract documents
- Structure and application of incentive arrangements
- Best Terms & Conditions to protect your company
- Negotiation Planning and Strategy
- Monitoring and measuring Consultants and Contractors performance

## Training Methodology

The training methodology will incorporate both theory and skill training components, utilizing both traditional lectures, as well as hands-on exercises, group discussions and case studies.

## Organisational Impact



**The organization will benefit by:**

- Reduced cost of Contracts for Services
- Improved performance from Consultants and Contractors
- Reduced Risk to the organization from potential liabilities
- Higher productivity from personnel contracting for services
- Greater strategic focus of personnel contracting for Consultant and Contractor Services
- Improved control over on-time and on-budget delivery

## **Personal Impact**

**Attendees will gain by participation in the seminar as a result of:**

- Increased skill sets in the management of Consultants and Contractors
- A greater sense of Professionalism
- Knowledge of World-Class practices
- Greater ability to negotiate and manage contracts
- Increased recognition by the organization because of improved performance
- Ability to control project progress and delivery against baseline

## **SEMINAR OUTLINE**

**Establishing Contractual Relationships with Consultants and Contractors**

- Introductions
- Purpose of the programme and objectives

**Defining the Difference between Consultants and Contractors**

- Role of Consultants & Responsibilities to Buyer
- Role of Contractors & Responsibilities to Buyer

**Defining the Relationship with Consultants and Contractors**

- Length of contract with consultant or contractor
- Type of work to be accomplished
- Reason for contracting out the work

**Consultants & Contractor Firms Pricing Strategies**

- Top Down Strategy - Market based
- Bottom Up Strategy - Cost recovery based



## **Sourcing & Qualifying Potential Consultants and Contracting Firms**

- Basic planning assumptions
- Proactive sourcing & project scheduling
- Use of the Internet
- References from other known past users

## **Defining the Scope**

- Statements of Work (SOWs) – work packages
- Service Level Agreements (SLAs) – Key Performance Indicators (KPIs)
- Importance to overall success
- Clear and Concise to both Buyer and Consultant/Contractor
- Establishing Milestones for future progress reporting

## **The Bidding and Bid Evaluation Processes**

### **Invitations to Tender (ITT)/Requests for Proposals (RFP)/Requests for Quotation (RFQ)**

- What type of request is best for a situation
- Why use competition?

### **Proposal/Bid Evaluation**

- Bid evaluation schedule
- Compliance matrix
- Terms & Conditions Analysis
- Factors that Affect Comparability

### **Contract Pricing & Price Adjustments**

- Fixed price or firm price?
- Costs Plus (Time & Materials); Incentive based pricing
- Contract Price Adjustment Criteria & Clauses
- Price Adjustments using Price Indices
- Price vs. Quality Factors – Value for Money

### **Cost Analysis of Proposals/Bids**

- Reasons for Cost Analysis
- Requesting Additional Cost Information from Bidders
- Cost Estimating Methods



## **Negotiations and Contract Development**

### **Negotiations Strategies and Techniques**

- Supplier/Buyer Positioning – pre-cursor for the negotiation strategy
- With Consultants
- With Firms supplying Contractors
- How to Negotiate with Sole Source
- Incentive Arrangements – Structure and Application

### **Model Contract Formats**

- Formats for Consultants
- Formats for Contractor Firms
- Important Contract Articles

### **Financial considerations**

- Specifics of items included in base price
- Definition of expenses not included in base price
- Hourly/Daily/Weekly/Project rates

### **Progress Reporting and Payment**

- Payment based on Milestones Achieved not Stage Payments (elapsed time)
- Payment terms – When, Where, How, Currency Net payment terms and currency

### **Termination of Contract**

- Reasons for termination – Both Parties
- Processes of terminating

## **Confidentiality, IPR, Insurance and Warranties**

### **Confidential Information & Non-Disclosure**

- Need for Pre-contract arrangements
- Access to confidential or proprietary information
- Agreement not to use or divulge
- How long in force after contract is complete



### **Insurance Coverage**

- What is insurable?
- How much insurance required?
- Nature of proof of insurance and possible impact
- What type of coverage
- Who bears the cost – Consultant/Contractor Firm or Buyer

### **Intellectual Property Rights**

- Definition of IPR - Patents, Design Rights, Trade Marks & Copyright
- Background & Foreground Rights
- Ownership rights and assignment

### **Warranties and Representations**

- No Conflict with Consultant/Contractor other work
- Consultant/Contractor agrees to perform in professional manner

### **Restrictive Covenants**

- Consultant/Contractor will not provide like services to Buyer's competitors
- Will not publish without prior written consent of Buyer
- Will not use in advertising, sales promotion or publicity without prior consent

### **Contract Award and Performance Evaluation**

#### **Awarding of Contract**

- Contract formation & contract effectiveness conditions
- Notification of successful bidder
- Notification of unsuccessful bidders
- Official signatures and start dates

#### **Monitoring and Measuring Consultant Performance**

- Performance based on Statement of Work
- Milestones and progress against them
- Project Management Processes

#### **Monitoring and Measuring Contractor Performance**

- Performance based on Statement of Work



- Individual project performance
- Work expectations

#### **Contract Administration**

- Ensuring performance of Consultant/Contractor as Invoiced
- Resolving issues/problems from either party
- Preparation for Renewing Agreement
- Preparation for Terminating Agreement

#### **Final Learning Review and analysis**

- Delegate feedback forms
- Analysis against objectives



**The Scandinavian Academy employs modern methods in training and skills development, enhancing the efficiency of human resource development. We follow these practices:**

- **Theoretical Lectures:**
  - We deliver knowledge through advanced presentations such as PowerPoint and visual materials, including videos and short films.
- **Scientific Assessment:**
  - We evaluate trainees skills before and after the course to ensure their progress.
- **Brainstorming and Interaction:**
  - We encourage active participation through brainstorming sessions and applying concepts through role play.
- **Practical Cases:**
  - We provide practical cases that align with the scientific content and the participants specific needs.
- **Examinations:**
  - Tests are conducted at the end of the program to assess knowledge retention.
- **Educational Materials:**
  - We provide both printed and digital scientific and practical materials to participants.
- **Attendance and Final Result Reports:**
  - We prepare detailed attendance reports for participants and offer a comprehensive program evaluation.
- **Professionals and Experts:**
  - The programs scientific content is prepared by the best professors and trainers in various fields.
- **Professional Completion Certificate:**
  - Participants receive a professional completion certificate issued by the Scandinavian Academy for Training and Development in the Kingdom of Sweden, with the option for international authentication.
- **Program Timings:**
  - Training programs are held from 10:00 AM to 2:00 PM and include buffet sessions for light meals during lectures.