



**Asia Masters Center**

# **Managing & Negotiating With Consultants & Contractors**



## Managing & Negotiating With Consultants & Contractors

### ➔ Course Objective

- 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

### ➔ Target Audience

- managers
- senior buyers
- project managers, civil engineers
- construction managers
- contractors, sub-contractors
- site engineers, senior management
- government agencies
- Purchasing and supply chain managersProject managers



## Course Outline

### **DAY 1**

- **Establishing Contractual Relationships with Consultants and Contractors**
- Introductions
- Purpose of the course and objectives
- **Defining the Difference between Consultants and Contractors**
- Role of Consultants & 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

## **DAY 2**

- **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

## **DAY 3**

- **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

#### **DAY 4**

- **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

## **DAY 5**

- **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 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**

**The details of the bank account**

**Bank name: CIMB Bank Berhad**

**Account name: Asia Masters Center SDN. BHD**

**Bank account number: 80-0733590-5**

**Swift code: CIBBMYKL**

**IBAN: Null**