

Contract Governance



Professional Contract
Management Education

The Four Pillars Model[©]

The successful management of contractual relationships is now regarded as a key organisational function - beyond procurement.

These 4 Programs present a comprehensive inter-disciplinary model for contract governance, i.e. for effectively managing contract relationships once the contract is let. They are available separately or as a package and are aimed at senior executives and all those concerned with the management of the organisation's contractual relationships.

Sydney | Brisbane | Canberra

August - November 2010

PROGRAM 1

**Contract Documents,
Contract Law, Lawyers
& The Legal Process**

Sydney:
3 & 4 August 2010

Brisbane:
25 & 26 August 2010

Canberra:
16 & 17 August 2010

PROGRAM 2

**Performance Management
and Performance
Measurement**

Sydney:
2 & 3 September 2010

Brisbane:
8 & 9 September 2010

Canberra:
14 & 15 September 2010

PROGRAM 3

**Relationship Management:
Developing Co-operation
and Collaboration in
Contracts**

Sydney:
19 & 20 October 2010

Brisbane:
11 & 12 October 2010

Canberra:
25 & 26 October 2010

PROGRAM 4

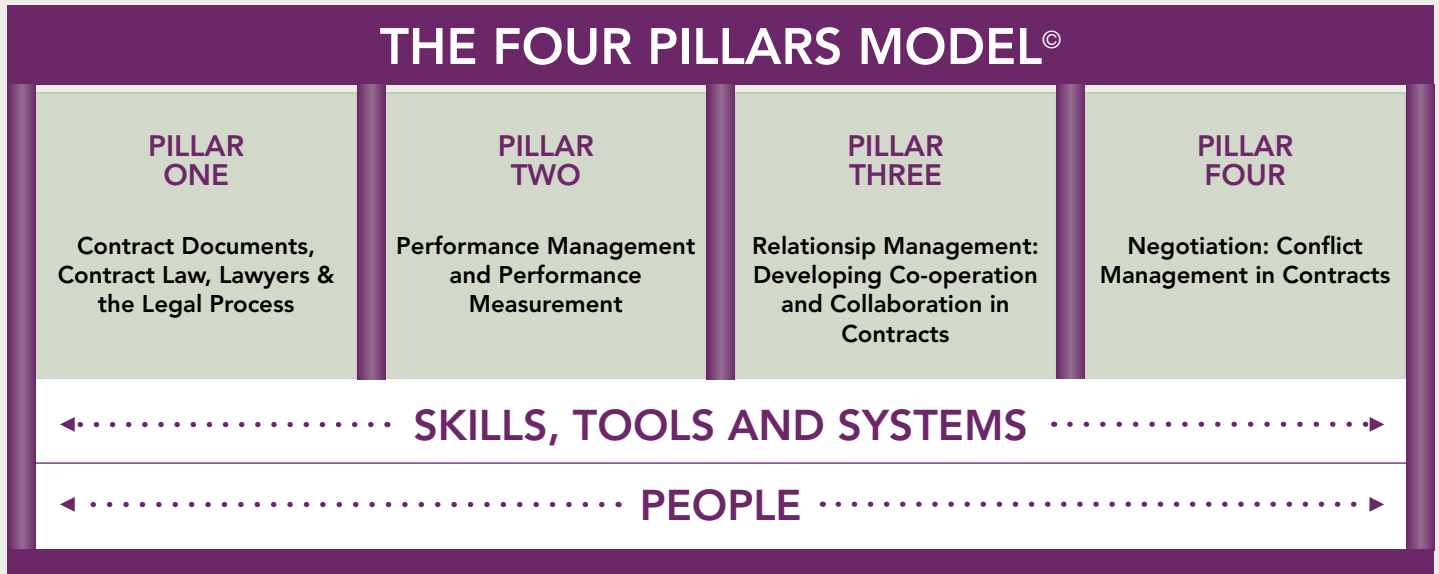
**Negotiation: Conflict
Management in Contracts**

Sydney:
3 & 4 November 2010

Brisbane:
22 & 23 November 2010

Canberra:
8 & 9 November 2010

CONTRACT GOVERNANCE



PROGRAM LEADER



Terence Burke B.A., LL.B., B.C.L.

Terence is a lawyer and managing director of **CPLI Consulting**, a specialist consulting firm providing advisory services to public and private sector organisations in the creation and management of contractual relationships.

CPLI Consulting provides advisory services to government and private sector organisations on professional contract management, including:

- general contract advisory services
- contract relationship management
- contract negotiation services

Mr Burke has recently developed a new comprehensive model for Contract Governance, The Four Pillars Model[®].

TO REGISTER

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www: cpli.com.au

IN HOUSE CUSTOMISATION

These Programs are ideally suited to in house presentation and can be specially tailored to suit organisational or project specific requirements.

PROGRAM 1: CONTRACT GOVERNANCE **Contract Documents, Contract Law, Lawyers** **& The Legal Process**

Sydney: 3 & 4 August 2010
Brisbane: 25 & 26 August 2010
Canberra: 16 & 17 August 2010

This Program deals with Pillar 1 of The Four Pillars Model®.

It examines contract documentation, contract law, the use and role of lawyers and the enforceability of contracts through the legal process and through self-help remedies. Case studies and workshops are used.

UNDERSTAND THE CONTRACT AND ITS LEGAL ENVIRONMENT

- Understand the contract documentation process as planning for future exchange
- Performance planning and risk planning in contract documents
- Contract interpretation and meaning
- What is the contract – legal rules
- Performance, non-performance and breach: the legal point of view
- How legal relations change during performance - contract variation, estoppel, waiver
- The use and role of law and lawyers in contract relationships
- Legal enforceability: using legal process to deal with problems in contracts

PROGRAM 2: CONTRACT GOVERNANCE **Performance Management and** **Performance Measurement**

Sydney: 2 & 3 September 2010
Brisbane: 8 & 9 September 2010
Canberra: 14 & 15 September 2010

This Program deals with Pillar 2 of The Four Pillars Model®.

It examines the meaning of “performance” in contract relations, who manages what performance, different performance measurement systems, the legal concept of non-performance, managing expectations of performance and disputes about performance. Case studies and workshops are used.

MANAGE YOUR PERFORMANCE **MONITOR AND MEASURE THEIR PERFORMANCE**

- Understanding and managing your performance obligations
- Different types of contract performance measurement structures
- Monitoring/measuring: subjective or objective criteria
- Managing expectations of performance to align with the contract structures
- Disappointed expectations distinguished from contractual non-performance
- Case Studies on performance issues

PROGRAM 3: CONTRACT GOVERNANCE

Relationship Management: Developing Co-operation and Collaboration in Contracts

Sydney: 19 & 20 October 2010

Brisbane: 11 & 12 October 2010

Canberra: 25 & 26 October 2010

Relationship management is the management term for the principles of co-operation, collaboration and good faith in contracts. It is now regarded as a key skill for all management disciplines, including contract management.

The traditional corporate approach to relationship management relies on individuals with some skills which are intuitive usually, not systematically acquired. Until recently, there has been little recognition of relationship management as a systematic part of the process of contract management.

This program develops a systematic model for creating and maintaining good working 'people' relationships in contracts. It covers Pillar 3 of The Four Pillars Model®.

UNDERSTANDING THE CONTRACTUAL RELATIONSHIP AS

- A legal relationship between the parties
- An important relationship between the people who represent the parties
- Cooperation and collaboration in contracts

CLARIFYING THE GOAL OF RELATIONSHIP MANAGEMENT

THE KIND OF INTERPERSONAL RELATIONSHIPS YOU NEED IN CONTRACTS

ASSUMPTIONS AND MISTAKES YOU SHOULD AVOID IN THINKING ABOUT AND DEVELOPING WORKING RELATIONSHIPS

A SIX ELEMENT MODEL FOR RELATIONSHIP MANAGEMENT: IDENTIFY THE OPERATING ELEMENTS IN RELATIONSHIPS AND GUIDELINES FOR BEHAVIOUR

HOW TO USE THE RELATIONSHIP MANAGEMENT MODEL

- Relationship Level Agreement
- Relationship Audit
- Relationship Rehabilitation

THE LINK BETWEEN RELATIONSHIP MANAGEMENT AND CONFLICT MANAGEMENT (NEGOTIATION)

CASE STUDIES

PROGRAM 4: CONTRACT GOVERNANCE

Negotiation: Conflict Management in Contracts

Sydney: 3 & 4 November 2010

Brisbane: 22 & 23 November 2010

Canberra: 8 & 9 November 2010

Contract relationships naturally and often give rise to differences.

Negotiation is the most common process used by organisations and contract managers to deal with these differences. The management of the negotiation process is therefore an essential skill in contract management.

This program deals with **how to negotiate in the context of an existing and ongoing contract relationship**. It covers Pillar 4 of The Four Pillars Model®.

WHY DIFFERENCES NATURALLY ARISE IN CONTRACT RELATIONSHIPS

THE DIFFERENT TYPES OF DIFFERENCES IN CONTRACT RELATIONSHIPS

THE PEOPLE CONTEXT: MANAGERS AS NEGOTIATORS

THE COMMERCIAL CONTEXT: A COMMERCIAL EXCHANGE RELATIONSHIP PARTLY OR WHOLLY PERFORMED

THE LEGAL CONTEXT: LAW & LAWYERS IN NEGOTIATION

THE LITIGATION PROCESS AND NEGOTIATION "LITIGOTIATION"

ALIGNMENT OF NEGOTIATION GOALS WITH CONTRACT MANAGEMENT GOALS

UNDERSTANDING THE ANATOMY OF THE NEGOTIATION PROCESS – AWAY FROM THE TABLE AND AT THE TABLE

THE DIFFERENT MODELS OF NEGOTIATION

WHY COMMERCIAL EXCHANGE INTERESTS SHOULD DRIVE NEGOTIATION IN CONTRACTS

THE INTERESTS DRIVEN MODEL FOR CONTRACT NEGOTIATION

HOW TO PREPARE FOR NEGOTIATION: A 7 POINT SYSTEMATIC PLAN FOR MANAGING THE PROCESS OF NEGOTIATION

CASE STUDIES

REGISTRATION FORM

Contract Governance – The Four Pillars Model®

Program 1

Sydney 3 & 4 August 2010
Quay West Hotel
Brisbane 25 & 26 August 2010
Quay West Hotel
Canberra 16 & 17 August 2010
The Diamant Hotel

Program 2

Sydney 2 & 3 September 2010
Quay West Hotel
Brisbane 8 & 9 September 2010
Quay West Hotel
Canberra 14 & 15 September 2010
The Diamant Hotel

The Diamant Hotel Canberra

15 Edinburgh Avenue, Canberra ACT 2600
Tel: (02) 6175 2222 Fax: (02) 6175 2233

Quay West Hotel Sydney

98 Gloucester, The Rocks NSW 2000
Tel: (02) 9240 6000 Fax: (02) 9240 6060

Quay West Hotel Brisbane

132 Alice Street, Brisbane, QLD 4000
Tel: (07) 3853 6000 Fax: (07) 3835 6060

Program 3

Sydney 19 & 20 October 2010
Quay West Hotel
Brisbane 11 & 12 October 2010
Quay West Hotel
Canberra 25 & 26 October 2010
The Diamant Hotel

Program 4

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Quay West Hotel
Brisbane 22 & 23 November 2010
Quay West Hotel
Canberra 8 & 9 November 2010
The Diamant Hotel

All enquiries and registration forms to:

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2-14 Kings Cross Road, Potts Point NSW 2011**

Tel: (02) 9360 1844 Fax: (02) 9356 8844

Email: info@cpli.com.au www.cpli.com.au

I wish to attend:

- Sydney Brisbane Canberra
- Program 1: \$2200 inc gst per delegate
 Program 2: \$2200 inc gst per delegate
 Program 3: \$2200 inc gst per delegate
 Program 4: \$2200 inc gst per delegate
 4 Programs \$7500 inc gst per delegate

A separate 10% discount applies for the second and subsequent delegates registering at the same time from the same organisation.

PAYMENT REQUIRED WITH REGISTRATION

Please make cheques payable to CPLI Pty Limited, OR please charge the following credit card.

- VISA MASTERCARD AMEX

Name: _____

Position: _____

Company: _____

Address: _____

Postcode: _____

Tel: _____

Fax: _____

Email: _____

Signature: _____

Date: _____

Card number: _____

Cardholder's name: _____

Signature: _____

Expiry date: _____

Fees are payable in advance. Confirmation of registration will be sent automatically. Fees include documentation, lunch and refreshments.

CANCELLATION: If unable to attend, a substitute delegate is accepted without extra charge. Cancellations received in writing 14 days or more prior to the event will be fully reimbursed. Cancellations received in writing 13-7 days prior to the event will receive 50% reimbursement of the registration fee paid. After this date, fees are not refundable. CPLI reserves the right at any time and without prior notice to change the venue/speakers or program from that described in this brochure. CPLI also reserves the right at its absolute discretion and without further liability to cancel this program in which event all fees paid will be refunded.