

# Commercial Awareness and Contract Best Practice

*Contract Management, Stakeholder Engagement, plus Legal and Commercial Awareness*

*Two-day course or four half-day online live learning modules.  
Graham Roberts-Phelps*

## **Overview**

This comprehensive course will give participants a clear understanding of the most important commercial, legal and stakeholder engagement considerations. It builds into a best-practice model of the key commercial, legal and stakeholder management issues that are essential for success. Just a few of the learning points covered:

- Managing contracts, projects licenses, and tenders to avoid costly mistakes and errors.
- Implementing agreements and undertakings promptly and correctly.
- Your responsibilities and best practice when issuing tender invitations or negotiating terms and conditions.
- Community engagement and stakeholder involvement.
- Ensuring you have greater commercial awareness and legal understanding.

## **Who will benefit?**

All those currently working in this area and those who are being prepared for more responsibility. This includes:

- Customer, supplier and contract management professionals
- Budget holders, procurement and supplier sourcing staff
- Functional, engineering, administrative or technical staff who have a direct impact on the success of the company
- Staff identified as having the potential to be developed
- Those who are preparing to take up a management role

## **Main objectives**

At the end of this training participant will be able to:

- Know how you and others can best influence the commercial success of the organisation
- Recognise the main commercial and stakeholder issues which are most important
- Increase your confidence when dealing with legal, commercial and contractual issues
- Identify the key aspects of contract performance which can be improved in your organisation and individual projects

## Typical course outline

The exact topics and sequence of modules will be adjusted following consultation and analysis of training objectives.

### **1. The elements of commercial behaviour and effective project and contract delivery**

- The key elements of success in a business
- Factors which make the difference between business success and failure in contracts and project management
- Examples of good and bad commercial behaviour and contractual mistakes
- Commercial awareness best-practice checklist and summary

### **2. The Commercial Environment**

- Understanding your company: Business strategy, Objectives / Organisation
- Identifying and managing the network of internal and external relationships
- Briefing and communication skills
- Establishing and using authority and influence
- Dealing with difficult people and situations

### **3. An introduction to contracts and stakeholder rights**

- Differing approaches to specifying goods and services
- Managing variations and change at different stages
- Writing documents that clear, accurate and increase the chance of success
- Pricing: the need to award business at a reasonable margin

### **4. The legal matters**

- What is a contract?
- The key elements of contract law
- Rights and remedies when contracts go wrong
- Specific issues such as Intellectual Property, Limits of Liability, Penalties and Damages
- Legal awareness best-practice checklist and summary

### **5. Contract management best practice**

- What is your stakeholder engagement strategy?
- Understanding the link between stakeholder engagement, risk and the contract
- The choices you face when thinking about a contract
- Partnerships and alliances: making them work to your benefit
- Contract management best-practice checklist and summary

### **6. Managing contracts effectively**

- Using the contract as a working tool
- The responsibilities and obligations of those involved
- Breach of contract, what it means and how to deal with it
- Dispute resolution, including arbitration, mediation and conciliation
- Claims, variations and change orders

## **7. Risk management**

- Risk management tools such as Heat Maps and Risk Registers
- Identifying risk: a simple approach for putting your arms around everything that could go wrong
- Prioritising risk and separating the trivial from the significant
- Dealing with risks: risk mitigation approaches
- Risk management best-practice checklist and summary

## **8. The financial environment**

- Understanding the key financial documents: the balance sheet, the profit and loss account and the cash flow statement
- Profits versus cash flow
- Methods of costing and the benefits and pitfalls of each of them
- Discounted cash flow and Net Present Value as a way of evaluating projects

## **9. Effective negotiation**

- Win-win and win-perceived win forms of negotiation
- Push and pull styles of persuasion; the five modes
- Behavioural skills in negotiation
- How to plan and structure your negotiation
- The most commonly made negotiation errors
- Negotiation best-practice checklist and summary

## **10. Action plan and learning summary**