



## Government Contract Drafting and Tendering

Take-away tools to enhance your negotiation, drafting and tender management skills

27 March 2012, Crowne Plaza Canberra

### Program highlights

- A step-by-step guide on how to negotiate and draft a government contract
- Common pitfalls experienced when negotiating with the private sector – case examples
- Thorough tendering guidelines incorporating issues that are unique to government when managing the tendering process
- Learn from real-world case studies where the tender process has gone wrong, including issues with tender advertisements and tender evaluation

### Speakers

- **Paul Armarego**, Special Counsel, Norton Rose Australia
- **Alexandra Wedutenko**, Partner, Clayton Utz

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# Government Contract Drafting and Tendering

## Take-away tools to enhance your negotiation, drafting and tender management skills

Tuesday, 27 March 2012

### WORKSHOP 1

#### Public sector contract drafting and negotiation

8:30 Registration

9:00-12:00 (Morning tea included)

Contracting is an integral part of public sector business, with a vast majority of government programmes requiring agreements with private sector providers. As a result, contract drafting and negotiation skills are essential for the management of the majority, if not all, government programmes.

This interactive workshop is designed for government lawyers who would like to develop best practice methods for contract drafting and negotiation. The session will include practical and in-depth drafting exercises and will explore:

- A step-by-step process on how to negotiate and draft a government contract
- Common formation errors with particular emphasis on governmental policy and program implementation
- Letters of Intent, Heads of Agreements and MoU documents in the government context
- Common pitfalls experienced when negotiating with the private sector – case examples
- Integrating legal and non-legal risk management and due diligence
- Simplifying and standardising contract structures, formats and styles
- Drafting termination, dispute resolution and boiler plate clauses

**Paul Armarego**, *Special Counsel*, **Norton Rose Australia**

■ 3 CPD points in Professional Skills

### WORKSHOP 2

#### Tenders – managing process and procedure

12:30 Registration

1:00-4:15 (Afternoon tea included)

#### PART 1

1:00-2:00 Managing the tender process

This session will focus upon issues that are unique to government organisations when managing the tender process, including an overview of relevant compliance requirements with state and federal procurement guidelines.

This session will also provide a step-by-step tendering guide to ensure that best-practice procedure is followed:

- Needs analysis
- Project scope and funding approval
- Procurement plan: strategy for approaching the market
- Service provider selection
- Contract management
- Evaluation

■ 1 CPD point in Professional Skills

“

Great that we could discuss individual scenarios and seek collective ideas.

Delegate, Government Contracts 2011

”

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## PART 2

2:00-2:15 Afternoon tea

2:15-3:15 Probity and ethics in tendering

The procurement process is guided by a raft of policy which incorporates rules to promote ethical practices. In recent years there has been greater commitment in the public sector for greater transparency and accountability in procurement and tendering. This session will focus upon key issues that government professionals must consider to ensure that probity and ethics are upheld throughout the tendering process.

- Following ethical evaluation methodologies
- Tips to manage such issues as publicity and multiple comparative bids throughout the process
- Ethical management and communication with bidders especially in the case of unsuccessful tenders
- Steps to ensure high transparency, accountability and disclosure standards are maintained

■ 1 CPD point in Practical Legal Ethics

## PART 3

3:15-4:15 Case study analysis: Common tendering problems

This practical session will analyse real-world case studies where the tender process has gone wrong. Through this analysis, Alexandra will point out how these common pitfalls could have been avoided, including issues with tender advertisements and tender evaluation.

**Alexandra Wedutenko**, *Partner*, **Clayton Utz**

■ 1 CPD point in Practice Management and Business Skills

“ A great opportunity to interact, ask questions and discuss solutions. ”

Delegate, Government Contracts 2011

## Who should attend?

- Assistant secretaries
- Legal officers
- Senior executive lawyers
- Senior procurement professionals
- Contract managers
- Law firm partners, special counsel and senior associates

To register now visit: [www.lexisnexis.com.au/pd](http://www.lexisnexis.com.au/pd) or ph: 1800 772 772 or fax: 02 9422 2338

# Priority registration form

# 5 easy ways to register

## Government Contract Drafting and Tendering

27 March 2012  
Crowne Plaza Canberra  
1 Binara Street  
Canberra ACT 2601

Online: [www.lexisnexis.com.au/pd](http://www.lexisnexis.com.au/pd)  
Email: [registration@lexisnexis.com.au](mailto:registration@lexisnexis.com.au)  
Phone: 1800 772 772  
Fax: (02) 9422 2338

Mail: Conference Co-ordinator, LexisNexis  
Locked Bag 2222, Chatswood Delivery  
Centre, Chatswood NSW 2067  
or: DX 29590 Chatswood

Please complete sections A, B, C, D

TAX INVOICE

Conference code: PD5212

ABN: 70 001 002 357

### A Delegate 1 details

Mr/Ms/Dr: \_\_\_\_\_  
First name Last name

Organisation: \_\_\_\_\_

Address: \_\_\_\_\_

Position: \_\_\_\_\_

Telephone: \_\_\_\_\_

Fax: \_\_\_\_\_

Email (required\*\*): \_\_\_\_\_

### Delegate 2 details

Mr/Ms/Dr: \_\_\_\_\_  
First name Last name

Organisation: \_\_\_\_\_

Address: \_\_\_\_\_

Position: \_\_\_\_\_

Telephone: \_\_\_\_\_

Fax: \_\_\_\_\_

Email (required\*\*): \_\_\_\_\_

### Delegate 3 details

Mr/Ms/Dr: \_\_\_\_\_  
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Organisation: \_\_\_\_\_

Address: \_\_\_\_\_

Position: \_\_\_\_\_

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- Contracts 2012 – NSW, 14-16 February 2012
- Commercial Litigation – NSW, 7 March 2012
- Legal Intensive 2012 – NSW, 15 March 2012

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#### EXAMPLE

<input checked="" type="checkbox"/>	Conference	7	\$ 900 + GST = \$ 990	\$990
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Standard price				
Please Select	Options	Qty	Price	Subtotal
	Workshop 1		\$450 + GST = \$495	
	Workshop 2		\$450 + GST = \$495	
	Workshop 1 & 2		\$818.18 + GST = \$900	



#### Conference Resources

I am unable to attend but please send me the Government Contract Drafting and Tendering conference papers

Qty	Price	Subtotal
	\$180 + GST = \$198	

\* Advanced price, team discounts and any other discount cannot be taken concurrently

TOTAL

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