17th National Public-Sector Contracts and Procurement Management Summit 21 & 22 November, Cliftons Centre, Canberra

LEGAL FRAMEWORK AND RISK MANAGEMENT FOR

MANAGING CONTRACTS AND PROCUREMENT IN THE PUBLIC SECTOR

Addressing the impact of the legal framework and a proactive risk management approach in managing contracts and procurement in the public sector

Key discussion highlights

- Changes to public sector procurement and what to look for in near future •
- Legal and practical overview of government procurement and profiling contract risks •
- Application of the constitutional and legal framework for government contracting •
- Operational and legal impact of the 'Government Procurement (Judicial Review) Bill 207'
- Managing your actual contract a practical approach for procurement professionals and • contract managers
- Legal and practical considerations in writing and reviewing effective Statements of Work •
- Key essentials in contract formation and risks associated in terminating contracts after • acceptance
- Dealing with complex contract negotiations within legal principles and a fresh approach •
- Challenges in developing and managing a Service Level Agreement and risks associated
- Looking beyond procurement and setting your project for long term success •
- Contract risk management and how to allocate risks in public sector contracts •
- What constitutes an unfair contract and the impact of the Unfair Contracts Act on • government contracts
- How to mitigate risks, reduce costs and enhance contract performance by applying a probity • framework
- ICT contracting practical ways to streamline ICT procurement and contracts •
- DTA digital marketplace approach and some ledger applications to public sector ICT and • digital contracting
- Administrative law challenges to tender decisions

Who Should Attend?

Directors, Branch Managers, Senior Managers, Managers, Officers and Advisors involved with: *Contracts

*Procurement

*Legal advisory roles

- *Commercial
- *Vendor Management

*Risk

3 EASY WAYS TO REGISTER!

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Developed and Organized by: LEARNING NETWORK SOLUTIONS



Overview of the Summit:

After 16 successful summits and conferences attended by hundreds of delegates, Learning Network Solutions is proud to present its 17th Contracts and Procurement Management Summit with all new updates and key and relevant issues that impact the management of contracts and procurement in the public sector.

The central theme of this year's summit is **Risk Management** and the **Legal Framework** for public sector contracts and procurement. Backed up by a highly regarded and experienced speaking panel, the summit will address a range of key current issues besides how some future changes in law and legislation will impact the management of contracts and procurement in the public sector.

Early bird options, discounts and team discounts are also included to assist you in getting the maximum value for money. You can register for either of the days for both days of the summit. Please contact our program manager Mohammed Khatri if you have any questions about the summit.

PROGRAM AGENDA

Day1, Tuesday, 21st November

8.20 -9.00: REGISTRATION AND TEA ON ARRIVAL

9.00 - 9.10: OPENING REMARKS BY THE CHAIR, Paul Armarego, Special Counsel, MILLS OAKLEY

9.10-10.10 - SESSION 1

LEGAL AND PRACTICAL OVERVIEW OF GOVERNMENT CONTRACTS AND PROFILING THE RISKS IN GOVERNMENT PROCUREMENT

- Constitutional and legal framework for government contracting
- How government contracts differ from other ordinary contracts
- Standards of conduct and ethics that apply to government contracting
- Exploring the risks of the past decade and what are the future risks
- Contract law and its impact on contract risk

Kyle Gillan, Special Counsel, RUSSELL KENNEDY

10.10-10.25: NETWORKING TEA BREAK

10.25-11.20 - SESSION 2

GETTING READY FOR THE GOVERNMENT PROCUREMENT (JUDICIAL REVIEW) BILL

The Government Procurement (Judicial Review) Bill was introduced into the House of Representatives on 25 May. If passed, the Bill will effect a significant change to the law concerning tender challenges and represents the biggest change to Commonwealth procurement in recent history.

- What changes need to be made to current request for tender terms and conditions to integrate with the legislation?
- How will procurement policies and procedures be affected and what changes should be made?
- How could the legislation impact procurement planning and timing?
- When does the obligation to suspend arise and when can a public interest certificate be issued?
- What steps should be taken during a procurement process to manage the risk of a challenge?

Amanda Story, Partner and Will Sharpe, Partner, MINTER ELLISON

LEGAL AND PRACTICAL CONSIDERATIONS IN WRITING AND REVIEWING AN EFFECTIVE 'STATEMENT OF WORK' (SOW)

- What should a 'SOW' contain and key considerations for writing a 'SOW'
- Legal status of a 'SOW'
- What a SOW can and cannot do and what it should and should not contain
- Practical tips for writing a SOW and avoiding common mistakes

Gavan Mackenzie, Partner Public Law, MADDOCKS

12.15-1.15- SESSION 4

CONTRACT RISK MANAGEMENT AND UNFAIR CONTRACTS: HOW TO ALLOCATE AND MANAGE RISKS IN PUBLIC SECTOR CONTRACTS

- What are the common and uncommon risks in contracts management
- Profiling and managing the risks at various stages of contracts management
- Contractual risk allocation provisions to minimize risks and maximize positive outcomes
- Unfair contracts act including its impact on government contracts

Michael Chin, Consultant, MILLS OAKLEY

1.15-2.10: NETWORKING LUNCH

2.10-3.05 - SESSION5

ICT CONTRACTING - SUPPLIERS PERSPECTIVES & CURRENT ISSUES

- Current issues including privacy, cloud, data sovereignty
- Negotiating with government some key supplier concerns
- Reform lessons Changes to GITC in Queensland

Joe Siracusa, Principal, Siracusa Legal

3.05 -4.05- SESSION6

A PRACTICAL APPROACH TO 'IT' PROCUREMENT IN TIMES OF NEW TECHNOLOGIES AND SERVICE DELIVERY METHODS

- Streamlining ICT procurement and contracts
- ✤ Agile software development and agile contracting
- DTA digital marketplace approach and other jurisdictions
- Some blockchain/ledger applications to Commonwealth ICT and digital contracting

Paul Armarego, Special Counsel, MILLS OAKLEY

4.05-4.20: AFTERNOON TEA

4.20-5.15 - SESSION7

A PRACTICAL APPROACH TO CONTRACT MANAGEMENT: WORKING WITH PEOPLE AND NOT PAPER

- What can be considered a transformational change?
- The value of the human element
- Goal setting and managing your stakeholder relationships

Natalie Ladewig, PhD Student (ProjMgt) **USQ**; Commercial Law and Procurement, **AUSTRALIAN ELECTORAL COMMISSION**

5.15 – 5.30: SUMMING UP AND CLOSE OF DAY 1

8.20 -8.50: REGISTRATION AND TEA ON ARRIVAL

9.00 - 9.10: OPENING REMARKS BY THE CHAIR Vince Sharma, Partner, MILLS OAKLEY

9.10-10.10- SESSION 8

ADMINISTRATIVE LAW CHALLENGES TO TENDER DECISIONS

Dr Ashley Tsacalos, Partner, Clayton Utz

10.10 -10.35: NETWORKING TEA BREAK

10.35-11.35 - SESSION 9

DEVELOPING A FRESH AND INNOVATIVE APPROACH TO COMPLEX NEGOTIATIONS IN GOVERNMENT CONTRACTS

- How to achieve a fresh and innovative approach to contracts negotiation
- Essentials of an effective negotiation strategy and style
- What are complex negotiations how to deal with them effectively within legal principles
- Relationship between 'Value for Money' and effective negotiations
- Framework for contract negotiations, check lists, traps and mistakes made in the past

Alexandra Wedutenko, Partner, CLAYTON UTZ

11.35 -12.45 - SESSION 10

UNDERSTANDING AND MANAGING THE CHALLENGES OF SERVICE LEVEL AGREEMENT (SLA)

- Key elements and basis of a Service Level Agreement and why is it necessary
- What is the 'agreement role' of a service level agreement and key mistakes made
- How to develop a service level model and the risks associated
- Core elements of a SLA Performance indicators and Metrics
- Managing and monitoring a SLA

Andrew Whiteside, Partner, MADDOCKS

12.45-1.45: NETWORKING LUNCH

1.45-2.45 - SESSION 11

CONTRACT MANAGEMENT, SETTING YOUR PROJECT FOR LONG-TERM SUCCESS BY LOOKING BEYOND PROCUREMENT FROM THE GET GO

- Choosing your contract management style adversarial v collaborative
- When is the good time to start planning?
- Looking beyond a contract management plan
- Artificial Intelligence and Robotic Automation management tools a solution or a problem?

Tetyana Wotton, Procurement and Contracting Consultant, KPMG

KEY ESSENTIALS IN CONTRACT FORMATION – OFFER AND ACCEPTANCE

- What is an offer and how its viewed from a legal context
- Key issues in withdrawing from an Offer
- Termination of an Offer how does an Offer come to an end
- What is Acceptance and when does it takes place'
- Terminating Contracts after Acceptance and what are the risks

Virginia Orr, Senior Associate, TRESSCOX LAWYERS

3.45-4.00 - AFTERNOON TEA

4.00 -5.00 SESSION 13

ENSURING TRANSPARENCY, REDUCING COSTS AND ENHANCING CONTRACTUAL PERFORMANCE THROUGH PROBITY RISK MANAGEMENT

- assessing probity risk
- mitigating probity risk
- case studies where things went wrong
- why proper probity reduces costs
- applying probity to increase contract performance

Brian Ambler, Partner, TRESSCOX LAWYERS

5.00 - 5.10: SUMMING UP AND CLOSE OF THE SUMMIT

| Legal Framework and Risk Management for MANAGING CONTRACTS AND PROCUREMENT IN THE PUBLIC SECTOR | Venue Cliftons Centre, 10 Moore Street, (Optus Building), Canberra. Tel: 6122 0999 |
|---|---|
| 21 & 22 November2017, Cliftons Centre, Canberra | Continuous Professional Development Points This conference will add to your CPD points based on the state you are based in. You may claim up to |
| **REGISTRATION FORM** | |
| Register By: | one unit for each hour of attendance. Refreshment breaks are not included in this hour. |
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| Super Special: Register by 30th September * Register a delegate for 2 days: \$1099 + GST = \$1208.9 | Team Discounts - only one discount applies *Register 4 delegates for both days and get free |
| Early Bird Special: Register from 1st to 20th October *Register a delegate for 2 days: \$1199 + GST =\$ 1318.9 | passes for the 5 th and 6 th delegate |
| Register after 20 th October *Register a delegate for 2 days: \$1299 + GST =\$ 1428.9 | * Register 3 delegates for both days and get an additional free pass for the 4 th delegate |
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