

When you register before **Friday, 27 Jan 2012**: Only **\$995 plus gst** to attend and receive the "**Negotiating IT Contracts**" report.



Negotiating Major IT Contracts

Understanding and leveraging your legal and commercial bargaining strengths

One-day Workshop
5 March 2012
The Sebel Surry Hills, Sydney

This workshop will provide you with valuable insights into:

- Due diligence: Importance of systematic preparation in identifying risks, requirements and deliverables precisely
- Probity and governance: Latest best practice in IT procurement processes
- Detailed analysis of the fundamental contracting models used in IT projects
- Managing change
- Managing the risks of Cloud computing projects

Plus: Learn where others have failed from case studies based on actual IT projects that ended up before the courts. Take away important lessons from these court judgments.



Julian Gyngell
MBL, LLB, Dip IPL,

Solicitor and attorney with more than 25 years of experience in IT contract negotiation, and formerly a Partner in top-tier law firms in London, Hong Kong and Sydney

Julian Gyngell MBL, LLB, Dip IPL, is a solicitor and attorney with more than 25 years of experience in IT contract negotiation and formerly a Partner in top-tier law firms in London, Hong Kong and Sydney.

Julian has specialised in technology and intellectual property law, working predominantly with clients who operate in a number of complementary (and converging) industry sectors:

information and communication technology (IT and ICT), telecoms, e-commerce, biotech/pharmaceutical/life sciences, entertainment/multi-media. Julian entered the IT industry in 1984 when he was employed by ICL (now Fujitsu) in the Strategy and Technology unit. Since moving into private practice in 1986 he has been a partner at top-tier law firms in Sydney, Melbourne, London and Hong Kong.

Based in London from 1990-2002, he was involved with numerous high profile public and private sector IT projects throughout Europe and the Middle East, and while on secondment in Hong Kong he worked on the outsourcing of a number of major banks' IT systems in Hong Kong, Singapore, Japan and Malaysia. After 12 years in London he returned to Sydney. He founded and is now the Principal of his own specialist IT law firm.

Julian is one of the most experienced IT negotiators, having led negotiations with the ICT industry's major vendors/service providers around the world, including HP, IBM, Telstra, Accenture, AtosOrigin, Logica, Siemens and many others.

In the past 15 years, outsourcing has become a viable means for companies to control costs. As IT projects increase in scope and value, it becomes critical for you, as the CTO, CIO or IT Manager to ensure that you have negotiated the best deal up-front rather than to discover mid-way through the contracted period that the contract terms do not adequately meet your organisation's needs.

The IT function is increasingly seen as a business unit where CIOs and IT managers become a business manager, overseeing many strategic and operational issues, including the outsourcing of both core and non-core functions.

With the intention of lowering costs, service contracts or service level agreements (SLA) are signed, together with the problems that come with it – discrepancies in service, misunderstanding of contract terms, mismatched expectations, amongst others.

- Are you currently looking at outsourcing your IT functions or moving into the Cloud?
- Perhaps you need to upgrade your CRM systems, or comply with new regulatory requirements?
- Your organisation may have recently merged with another – how will you integrate effectively the IT systems of each?

By attending this invaluable one-day workshop, you will have the opportunity to examine the business issues that you need to understand and address when entering the negotiation process and to formulate a negotiation framework that will maximise the value of your IT contract.

AGENDA-Monday, 5 March 2012

8.30 Registration and refreshments

9.00 Introduction and welcome

Julian will introduce the objectives and discuss how the day will proceed. Attendees will have the opportunity to participate in a brief 'getting to know you' exercise, so that everyone is familiar with fellow attendees' backgrounds and what they hope to achieve from the workshop.

9.15 Preparation for the negotiation: forewarned is forearmed

- ☞ Due diligence: know your strengths and weaknesses, identify potential risks
- ☞ Identify legal issues and manage them properly
- ☞ Scoping the project and establishing benchmarks, deliverables and business requirements
- ☞ EXERCISE: Compiling a due diligence checklist

10.00 Procurement processes - best practice

- ☞ Pre-contract documentation – RFT's / ITT's / Tenders / BAFOs
- ☞ Managing the negotiation and drafting process, logistics and protocols
- ☞ Compliance with procurement and tendering laws

10.45 Morning refreshments and networking

11.15 Contracting models in the IT Sector – what's the right model for your project?

- ☞ Overview of traditional and "emerging" models
- ☞ Outsourcing / Off-shoring / multi-sourcing / in-sourcing / PSI
- ☞ Managed services / Output-based "partnering" / ASP / SaaS / IaaS / Cloud computing
- ☞ EXERCISE: Which model is best for your project? Group discussion of the pros and cons of the alternative models
- ☞ Turning the rhetoric into reality: Delivering value-for-money, win-win IT projects
- ☞ Inputs, outputs and outcomes – what's the difference? Why is it so important?
- ☞ EXERCISE: Distinguishing inputs, outputs and outcomes

12.15 Focus on Cloud computing

- ☞ What is cloud computing really?
- ☞ What are the technical and legal issues
- ☞ Data protection and privacy
- ☞ SLAs v's "as is"
- ☞ DR and BC planning
- ☞ EXERCISE: Creating a CHECKLIST for your "Cloud" project

1.00 Networking lunch

2.00 Negotiating tactics - key issues and the key contractual clauses

- ☞ Warranties and indemnities
- ☞ Service credits and liquidated damages
- ☞ Limitations of liability
- ☞ Change management and change control principles
- ☞ Insurance and risk management
- ☞ Assignment and sub-contracting
- ☞ Dispute resolution – options to consider
- ☞ Know your "boilerplates" – they're NOT all the same!

2.45 Establishing best practice contract management processes

- ☞ Post contractual documents – what is their legal significance?
- ☞ Managing the impact of change – flexibility and certainty are not inconsistent goals
- ☞ Managing contractual disputes - progress the project, preserve the contract

3.30 Afternoon refreshments and networking

4.00 Exit strategies: ensuring a seamless transition and business continuity

- ☞ Avoiding the risk of supplier dependence
- ☞ Dealing with sub-contractors
- ☞ Residual value recognition
- ☞ Forward planning for the next project: doing the "what if" analysis

4.45 Wrap-up and end of the workshop

When you register before Friday, 27 Jan 2012 - you will receive this PDF report
Negotiating IT Contracts
Author: Kit Burden
Pages: 96

(Valued at \$495 plus gst)

The report is a step-by-step guide to:

- ☞ Negotiating the allocation of risk between the supplier and the customer, minimising risks without paying excessively for the privilege
 - ☞ Different types of contract, their advantages and disadvantages and explanations of which projects they are most suitable for
 - ☞ Identifying the key risks likely to arise in an IT project and how to cater for them in the contract
 - ☞ Pricing models and the associated risks - again taking into account different project types - including an understanding of their long-term value
 - ☞ Warranties, indemnities, service credits, liquidated damages and liability claims, observing the advantages and pitfalls, and addressing common errors that you must be aware of in negotiations;
- and
- ☞ Key legal concepts, in particular relevant regulations (such as TUPE) and commonly misunderstood terminology, explained in easy to understand terms and in the context of negotiating a contract.

About the author:

KIT BURDEN specialises in the areas of outsourcing and complex technology transactions, advising both users and suppliers of IT on all aspects of the procurement process. His work ordinarily involves him in business-critical projects valued in the region of hundreds of millions of pounds. His major clients include: UBS, Dixons, RBS, Lloyds TSB, CMC Markets, TUI, Birds Eye Iglo, HCL Technologies, the Law Society, the British Council and Red Hat, as well as various major insurers, retail banks, and other large corporates and providers of IT and outsourcing services.



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- We occasionally allow reputable companies to mail details of products we feel may be of interest. If you do not wish to receive this service, please tick this box

Event Venue and Accommodation

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