

List of Cyril Jankoff Courses As at 23 August 2018

Contact Details

Dr Cyril Jankoff (“The Risk Doctor”)

EdD, MBA, Grad Dip Tax, LLB, B Business (Accountancy), Diploma of Contract Management, Cert IV A+WT, SRME, FCPA, FAIM

Address: 1 Seddon Street Seddon Vic 3011

Mobile: 0414 819 157

Email: Cyril@TheRiskDoctor.com.au

Web: www.TheRiskDoctor.com.au



Cyril Background

Over the last 30 + years Cyril has worked as an external solicitor, in-house counsel as well as an accountant and financial controller. He also worked as the Australia and Oceania manager for a division of a global listed UK global publishing company. He now works as a consultant, speaker, trainer, author and mentor in commercial contracts especially in procurement and Supplier Relationship Management as well as in business improvement and general management. For many years he also simultaneously worked as a Certified Practising Accountant in private practice and as a forensic accountant where he quantified loss of profits and damages claims in contested breach of contract commercial and fraud disputes.

In addition to his MBA he has formal qualifications in law, accounting, contract management and education/training. Cyril’s Doctorate is in business improvement and the necessary continuing professional development of the organisation’s managers and advisers. He has taught accounting, finance and law to executives and university undergraduate and post graduate students for over 30 years. Until recently he lectured in Contract Law on a part-time basis in the law school. He has for many years been closely involved with the International Association for Contract and Commercial Management (www.IACCM.com) and is on their International Advisory Council.

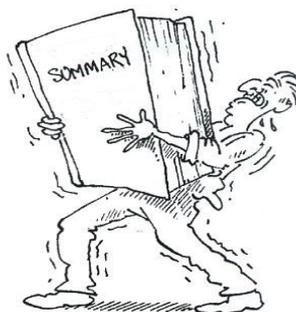
He runs a number of training courses including procurement, contract management, procurement finance, contract and commercial law, negotiation and identifying and mitigating contracting risks. For further details about Cyril see www.TheRiskDoctor.com.au.

Cyril has written two books:

- **Manage Your Contracts** – *A practical start to finish guide for contracting professionals* (450 pages and now in its 4th Edition). Key things to do at each of the contract lifecycle steps.
- **Tools to Improve Contract Outcomes** – *A practical Guide of contracting professionals* (250 pages). Key tools to make your contracts more effective.

Manage Your Contracts

A practical start to finish guide for contracting professionals



Dr Cyril Jankoff

Tools to Improve Contract Outcomes

A practical guide for contracting professionals



Dr Cyril Jankoff
“The Risk Doctor”

List of courses offered

PART A. COURSE CUSTOMISATION3
 All courses can be customised3
 Sample Three-Phase Plan for a Two-Day Commercial Awareness Program.....4

PART B. THE “BEST OF” COURSE – WAYS TO IMMEDIATELY REDUCE CONTRACT RISK.....5
 1. Ways to Immediately Reduce Your Contract Risk.....5

PART C. NEGOTIATION COURSE7
 2. Negotiating a Successful Commercial Contract Outcome7

PART D. CONTRACT AND COMMERCIAL LAW COURSES9
 3. Contract and Key Commercial Laws for Contracting Professionals9
 4. Navigating Difficult Contract Terms 11

PART E. PROCUREMENT FINANCE / ACCOUNTING COURSES 13
 5. Finance for Procurement 13

PART F. PROCUREMENT/CONTRACT MANAGEMENT COURSES 15
 6. The “Accidental Contract Manager” (A basic level course) 15
 7. Procurement and Contract Management (A mid-level course)..... 17
 8. Commercial Awareness for Contracting Professionals (A mid to advanced level course)..... 19

PART G – COMBINED COURSES..... 21
 9. Finance and Law for Managers. 21
 10. Negotiating a Successful Contract Legally and Financially 23

PART H. OTHER COURSES..... 25
 11. Finance for Non-Finance Managers 25
 12. Consulting Basics for Consultants 27
 13. MBA in a Nutshell® (this is akin to a “Mini MBA”) 29

Note:

1. All courses can be customised (see Part A for details)
2. Each participant will be given extensive course materials.

PART A. COURSE CUSTOMISATION

All courses can be customised

All courses can be individually and creatively customised. You may wish to choose one from one or more of the following (or suggest your own) ways:

- **Before the Program**
 - Pre-program reading or activity
 - Pre-program group meeting, or web-conference
 - Pre-program questionnaire where participants advise the presenter of their backgrounds, their positions, duties and what they would like to have covered in the course as well as questions they have which they would like answered in the course.
- **During the Program**
 - Using organisation-specific documents (contracts, tender documents, purchase orders etc) in class, rather than generic examples
 - If the course is for longer than a day then there could be:
 - A work-related problem activity (approved by the organisation) to be completed between the two sessions. This can even be presented to senior management who will obtain solutions to the posed work-place problem
 - Reading or a short activity between the two sessions
 - A group meeting, or web-conference between the two sessions
 - Mentoring which preferably is part of a “70/20/10” learning and development plan. This is where each employee is tested (by the organisation or by Cyril Jankoff) to determine where their knowledge and skills currently lie, where they should be and what the gaps are. Key gaps can be narrowed by a learning and development plan where the individual obtains 10% of their necessary gap reduction knowledge from courses such as this; they obtain 20% of gap-narrowing knowledge from a formal mentoring program and 70% of gap-narrowing knowledge from on-the-job training.
- **After the Program**
 - Post-program group meeting, or web-conference
 - Mentoring (as per During the Course, above)
 - Meet say 4-8 weeks after for half a day and:
 - Review the course materials and answer any questions; and
 - Get the participants to work either individually or in groups on a work-related problem and present at this session a suggested solution to senior management. This activity is like a consulting project where key business problems are researched.

Note: for an example of how this three-stage facilitation process works (pre-program, program and post-program) see next page or Course 8 on pages 19 and 20.

Sample Three-Phase Plan for a Two-Day Commercial Awareness Program

This is Course 8 (pages 18 & 19) in this booklet.

Phase	When	Session Name and Number	Session	Activity
1. Pre-program	About a fortnight before Session 2.1	1. Pre-Program Preparation	Participants will be asked to prepare for the program by: <ul style="list-style-type: none"> Undertaking background reading and Self-assessing relevant knowledge and skills. 	Participants will be sent a "Welcome Letter" and asked to: <ul style="list-style-type: none"> do pre-reading relating to contracting risks and be asked to answer some questions; and complete and submit Training Assessment Analysis (manager to do one also).
2. Program	Day 1	Morning	2.1 Introduction and Why the CEO Looks at the Big Picture	The big picture – aligning strategy, commerciality and everyday business <ul style="list-style-type: none"> Activity relating to a realistic disputed variations negotiation. Issues covered include: risk, legal, financial, negotiations, relationships, trust and getting the contact right.
			2.2 The Numbers	Success through the numbers including developing effective business cases <ul style="list-style-type: none"> Key financial issues for: <ul style="list-style-type: none"> procurement sales.
		Afternoon	2.3 The Negotiation	Negotiating successful outcomes <ul style="list-style-type: none"> Common negotiation mistakes in the different lifecycle stages
			2.4 The Law	Effective legal management of contracts. <ul style="list-style-type: none"> Analysing: <ul style="list-style-type: none"> Sample (or client) contract, tender docs etc Key problematic clauses including Liability limitation, indemnity, IP, insurance and force majeure.
	Day 2	Morning	2.5 The Risks	Practical Risk Mitigation Issues <ul style="list-style-type: none"> Reviewing your risk using <i>The Risk Diagnostic™</i>
			2.6 The Deliverables	Managing deliverables successfully. <ul style="list-style-type: none"> The buyer's bargaining power in the different outsourcing lifecycle phases.
		Afternoon	2.7 The Relationships	Managing the relationships. <ul style="list-style-type: none"> Managing vendor/client relationships.
			2.8 Putting it all together	<ul style="list-style-type: none"> Making and managing better contracts Action Planning – a final practical exercise to make your contracting more effective. <ul style="list-style-type: none"> Identifying your contractual risks Mitigating these identified risks What risks are you able to mitigate, how by whom and by when?
3. Post-program	About 2-3 weeks after Session 2.8	3.1 Post-Program Follow Up	<ul style="list-style-type: none"> Follow up Answer questions Class presentations 	<ul style="list-style-type: none"> This is an activity to: <ul style="list-style-type: none"> improve the learner's knowledge and skills; and to provide useful knowledge about the state of the organisation's contracts. The learner (individually or in groups) needs to: <ul style="list-style-type: none"> speak for up to 10 minutes regarding a contract they have been allocated; and provide a written summary of what they have delivered.
	About 2-3 weeks after Session 3.1.	3.2 Post-Program Review	<ul style="list-style-type: none"> Review of assessment surveys (by learner and by manager) Tangible and intangible benefits ROI obtained. 	Review by manager and Cyril Jankoff (and anyone else if necessary, for example HR, the chief procurement officer, legal counsel).

PART B. THE “BEST OF” COURSE – WAYS TO IMMEDIATELY REDUCE CONTRACT RISK

1. Ways to Immediately Reduce Your Contract Risk

What the course is about

This is a “best of” course which includes many key features of Cyril Jankoff’s (the Risk Doctor) contracting courses. It is an intermediate and above level intensive two-day workshop which aims to equip participants with an appreciation of how to understand and apply the concept of risk management to reduce contracting (procurement, sales and contract management) risk. Contract risk can be defined as “a chance of not achieving your contractual objectives”. This workshop is relevant to both buy-side and sell-side contracting staff. This workshop assumes prior knowledge of contractual concepts.

Focus

The focus on the practical – what you learn today you can implement tomorrow.

On completion of this course participants should be able to:

- Part 1: Describe and evaluate the elements of an effective contract:
 - Governance: organisational and contract
 - Key legal issues: formation, design and clarity of rights and obligations.
 - Key commercial issues: operations and finance
- Part 2: Proactively mitigate contracting risk dealing with:
 - Basic concepts:
 - Compare the ISO 31000 Risk Management Standard and the Project Management Institute Book definitions of risk and risk management
 - Describe how best practice organisations seek to manage risk
 - Describe how to take “calculated” risks
 - Identify and mitigate key contracting risks
 - Discuss 24 practical ways to mitigate risk in your organisation
 - Risk tools: Ten key tools to reduce risk will be reviewed.

Course features

- Apart from considering the elements of an effective contract a *major point of difference* of this course is that you will be taken through ten key tools to reduce risk. They will be introduced in the order that a contracting professional would ordinarily use them on the job.
- The main tool is Tool 6, the Boilerplate Pushback Register, which is a list of 55 key contractual clauses that *are* each analysed in detail under the following nine headings:
 1. Overview of the clause
 2. Sample clause
 3. What the buyer seeks from the clause
 4. What the supplier seeks from the clause
 5. Risk areas
 6. How far to compromise based on organisational risk appetite and capacity

List of Cyril Jankoff Courses

7. The law
 8. Other issues
 9. Conclusion.
- The clauses include (there are 55 clauses):
 - Capping of liabilities
 - Force majeure
 - Indemnity
 - Insurance
 - Intellectual property.
 - The categories of clauses include (there are 10 categories):
 - The clauses are arranged in ten different categories including:
 - Legal and compliance
 - Ownership of information and property rights
 - Operational issues
 - Liabilities and indemnities and
 - Finance and payment issues.

Courseware

- Each participant will be given an extensive manual discussing the risk issues, detailing the ten tools, and providing many resources. A key feature is the detailed analysis of each of the 55 clauses.
- Workbook.

Level

Intermediate and higher level.

Who should attend?

- The workshop will benefit those who wish to build upon their prior knowledge of the contracting process, and be able to:
 - identify effective contracts and
 - be able to mitigate key contracting risks.
- Suitable for both buy-side and sell-side contracting staff
- Assumes prior knowledge of contractual concepts.

Benefits of attending

Attendance will:

- provide knowledge on how to identify and mitigate key contractual-type risks.
- improve the participant's knowledge of areas of generic organisational risk relating to contracts that could cause significant financial and/or reputational injury.

Duration

Two days (too much content for one day, unless it is condensed).

Customisation

See Pages 3 and 4 for the different ways this course can be individually and creatively customised.

PART C. NEGOTIATION COURSE

2. Negotiating a Successful Commercial Contract Outcome

What the course is about

- This course considers ways to negotiate a successful outcome to negotiations, whether internal or external to the organisation. If one defines a contract as a legally enforceable voluntary agreement between two or more parties, then negotiation is the process that leads up to the creation of the contract.
- Common tactics used in negotiations.
- How to overcome common mistakes made in negotiations, and link them to the different stages of the lifecycle of a contract
- Briefly consider the law of contract regarding when a negotiation results in a legally binding agreement.

On completion of this course participants should be able to

- Recognise the different strategies and tactics that you, and the other party, can use in negotiating.
- Negotiate longer lasting and more mutually satisfying contracts, variations, renewals & internal agreements
- Negotiate more successfully with face to face or non-face to face negotiations, both inside and outside the organisation and including suppliers, customers, stakeholders etc
- Describe possible legal problems that can occur in a negotiation.

Level

Intermediate level.

Who should attend?

Any manager who is involved in any part of the organisation dealing with negotiating, business cases, contracting, procurement and contract management and anyone who needs to understand how to negotiate internal agreements and external contracts.

Key topics

- Linking the negotiation, the contract and the strategic plan
- Fisher and Ury's "Getting to Yes" book on negotiations
- Using "three dimensional" negotiating to get the best outcome
- The different negotiation styles and phases
- Bargaining power and the outsourcing lifecycle – knowing when you have the most power
- The IACCM "Top Terms in Negotiation Report"; seeking the "real" win-win
- Negotiating with people from other cultures
- Improving your face-to-face and non-face-to-face negotiations
- Common problems faced by inexperienced negotiators
- Common mistakes in the different negotiation phases.

Duration

- One day
- If combined with another course it can be two days or even three days. It could be combined with any of the courses listed in this document. An effective combination would be:
 - Negotiation and Contract Law (Courses 3 or 4), where Negotiation is facilitated on Day 1 and Contract Law on Day 2. The advantage of this Course is that the participant will be able to *seamlessly* negotiate a legally binding agreement
 - Negotiation and Finance (Course 5 or 11), where Negotiation is facilitated on Day 1 and Finance on Day 2. The advantage of this course is that the participant will be able to negotiate *more confidently* knowing the financial issues.
 - Negotiation, Contract Law and Finance (Course 10), where these three areas will be combines and facilitated on Days 1 and 2 (or over three days if desired). The advantage of this Course is that the participant will be able to *seamlessly* negotiate a legally binding agreement that has been well-considered financially. *This is a very valuable course for any manager.*

Customisation

See Pages 3 and 4 for the different ways this course can be individually and creatively customised.

Note:

- This course is aimed at managers who need to negotiate successful commercial contracts
- It is facilitated by an experienced commercial negotiator (a solicitor and an accountant) who has negotiated many successful contracts for his clients and himself

Combined courses

By combining negotiation with finance and or the law you will be attending a very valuable course for any manager. Thus, you may also be interested in a course that combines:

- Negotiation and the law. If so, Courses 2 and 3 will be combined; or
- Negotiation, finance and law. If so, see Course 10. *Negotiating a Successful Contract Legally and Financially.*

PART D. CONTRACT AND COMMERCIAL LAW COURSES

3. Contract and Key Commercial Laws for Contracting Professionals

What the course is about

Laws are the rules of business. This course is for non-lawyers who need practical assistance with how to read, negotiate, write and use a contract as well as resolve disputes. A contract can be defined as a legally enforceable voluntary agreement between two or more parties, and in this course you will cover the creation, operation and termination of a contract including your contractual rights and obligation and consider other key laws that will affect your contract.

On completion of this course participants should be able to:

- Create a valid and legally enforceable contract
- Safeguard that breaches attract appropriate remedies.
- Make better contracting judgments and quicker decisions.
- Use contracts more confidently.
- Describe how other key laws can affect a contract.
- Achieve contractual goals faster and with less effort, disputes and cost.
- Describe the key laws that can affect your business: contracts, negligence, Australian Consumer Law, intellectual property, dispute resolution, insurance, GST, tender, agency etc
- Be able to confidently protect your interests using the new Small Business Unfair Contract Terms legislation that commenced on 12 November 2016
- Describe key terms that you need in your agreement with your client
- Identify the effect of an indemnity clause and liability capping clause on each party.

Level

Intermediate level

Who should attend?

- Any middle/senior manager from the public, not-for-profit or private sectors (including from any industry)
- Anyone involved in contracting whether from buy or sell side, including procurement, sales & contract management.

Key topics (summary)

- Part 1: Creation, operation and termination issues
 - The legal process: The obligations of the court, costs, where to find the law, who must prove what and how, evidence, avoiding litigation etc.
 - Creation issues: Creating a valid and legally enforceable contract
 - Operational issues: Parties, terms, interpretation, breach and a discussion on remedies
 - Finalisation issues: Termination.
 - Other key laws that can affect the contract including: agency, Australian Consumer Law, insurance, intellectual property, tender, GST.

List of Cyril Jankoff Courses

- Part 2: A practical analysis of a contract and 40 key terms
 - The nine key parts of a contract explained
 - Forty key terms analysed, including: indemnity, limitation of liability, insurance, force majeure and intellectual property.
 - Managing contract risks: practical ways to reduce risk.
 - Action Planning: what to do now to better manage your contracts.

Duration

- One or two days (one is not recommended due to the amount of material to be covered)
- If two days then Day two will be taken up by a detailed analysis of the practical effect of 40 key terms, including indemnity, limitation of liability, insurance, force majeure and intellectual property.

Customisation

See Pages 3 and 4 for the different ways this course can be individually and creatively customised.

Combined courses

By combining negotiation with finance and / or the law you will be attending a very valuable course for any manager. Thus, you may also be interested in a course that combines:

- Negotiation and the law. If so, Courses 2 and 3 will be combined; or
- Negotiation, finance and law. If so, see Course 10. *Negotiating a Successful Contract Legally and Financially.*

4. Navigating Difficult Contract Terms

What the course is about

This intermediate level intensive one-day workshop aims to equip delegates with an appreciation of how to best use the “fine print” terms in a contract, also known as the “legal”, “boilerplate” or “safety net” terms. This workshop explores the key “difficult” contract “fine print” terms and in doing so it considers the nine key parts of a contract which will be of benefit in drafting the contract. This workshop assumes prior knowledge of basic contractual concepts.

On completion of this course participants should be able to

- Describe the function of, and the risks relating to, a number of key contract terms
- Review a contract and identify and be able to list the functions of the nine key parts of a contract
- Design the contract in the light of the risks in the contract and the power balance between the parties
- Design and draft terms so that they reduce risk borne by the organisation
- Identify and mitigate the common legal risks faced by non-lawyers
- Describe how to best use internal/external lawyers.

Level

Intermediate level

Who should attend?

The workshop will benefit those who wish to build upon their prior knowledge of the contracting process and be able to use a contract’s terms to their benefit.

Benefits of attending

Attendance will improve the participant’s knowledge of difficult contract terms and thus increase the likelihood of achieving better contractual outcomes. In addition, delegates will gain the following key benefits:

- More understanding of difficult terms, including: indemnity, capping of liabilities, insurance, force majeure, jurisdiction, waiver of subrogation, intellectual property, entire agreement, subcontracting, assignment, change of control, retention of title/PPSA, guarantees, liquidated damages, good faith, and transition.
- An analysis as to whether the new Small Business Unfair Contract Terms legislation which commenced on 12 November 2016 will affect your organisation.
- With a greater understanding of difficult terms there will be more rigour in contractual preparation and planning resulting in the negotiating team being better prepared for the negotiations.
- Less likelihood of accepting unfavourable clauses.

Key topics

- The nine key parts of a commercial contract
- Laws that can affect a contract
- Interpreting the contract

List of Cyril Jankoff Courses

- Deal versus Boilerplate Terms (an analysis of 40 terms)
- Identifying the parties
- The key “difficult” contract terms
- Review of a sample commercial contract
- How to quickly draft a contract
- Common legal risks faced by non-lawyers.

Duration

One day

Customisation

See Pages 3 and 4 for the different ways this course can be individually and creatively customised.

PART E. PROCUREMENT FINANCE / ACCOUNTING COURSES

5. Finance for Procurement

What the course is about:

This one-day intermediate level workshop focusing on the financial side of the procurement process aims to equip delegates with the financial literacy to deploy financial tools and techniques to reach better procurement decisions. Sales and marketing professionals would also benefit from knowing “how procurement thinks”.

Upon completion of this course, delegates will be equipped with:

- Confidence to assess a supplier’s published financial information and then use that data to influence a sourcing decision. Furthermore, this course will examine how to best read this data to help steer the organisation away from unreliable suppliers.
- The ability to use a variety of sources, including industry data and cost breakdowns to influence and tailor specific negotiation targets.
- Tools that can be used immediately to drive and logically motivate key procurement decisions, and the confidence to put them into practice to achieve the best outcome for the organisation.
- A knowledge of what is required to contribute in a meaningful way to investment appraisals and/or business cases.
- The ability to determine “value for money”, assess the total cost of ownership and apply appropriate modelling to reduce the total cost of ownership where possible.

Level

Intermediate level

Who should attend?

- Procurement managers who are looking to enhance their understanding and usage of financial tools and techniques, to underpin the entire procurement process.
- Sales and marketing professionals should also attend so that they can see how procurement professionals approach financial decision making.

Key topics

- Introduction to finance for procurement
- Supplier and own financial strength
- Pricing and costing
- Management of funds and resources
- Purchasing decision making techniques
- Business cases
- Key procurement lifecycle financial issues
- Core benefits of professional procurement
- Capturing lessons learned

Duration

One day

Customisation

See Pages 3 and 4 for the different ways this course can be individually and creatively customised.

PART F. PROCUREMENT/CONTRACT MANAGEMENT COURSES

6. The “Accidental Contract Manager” (A basic level course)

What the course is about

A two-day overview of the essentials of procurement and contract management from end-to-end, exploring the various ways each process can add value. It is ideal for those new to procurement and/or contract management, that is for those who have been assigned to such tasks with little or no knowledge or skills in the area.

Upon completion of this course, delegates will be equipped with

- An understanding of the end-to-end procurement process with a focus on how value is added with each component. Within this, delegates will also understand how the role of procurement is far more intensive than straightforward transactional purchasing.
- A look at appropriate demeanour and approach when going out to tender and dealing with suppliers, and how to mitigate potential risks posed by supplier behaviour.
- The ability to identify and separate the tools used to engage the market, such as Requests for Information and/or Proposals, and ultimately the usage of those systems.
- An understanding of how expertise in the procurement field is ultimately essential, particularly around how that expertise is applied.
- The ability to demonstrate and define value by implementing a variety of evaluation tools and theories.

Level

Introductory – intermediate level

Who should attend?

- This course is ideal for those new to the procurement profession and process and wanting to gain a broad overview of the various components involved. That is, if you have just been appointed in procurement person or contract manager then this is an excellent good first course to attend, as you will be able to enhance your knowledge quickly. It is also beneficial if you are not working in procurement but would to develop an understanding of what it involves. Since this course serves as a broad introduction, the various topics and theories introduced across the two days are further expanded on in our other more specialised courses.
- Sales and marketing professionals should also attend so that they can see how procurement professionals approach financial decision making.

Key topics

Key topics will follow the lifecycle of a typical contract (and thus it can also be of benefit to people in sales who seek to understand the procurement process):

- Commercial Management – tips & tricks for beginners
- Capturing Business Needs and development of scope and deliverables for service agreements
- Supply Risk Management
- Due Diligence for beginners – what to look for

List of Cyril Jankoff Courses

- Responsible Sourcing
- Contracting Risk Management
- Negotiations for beginners
- Key components of a contract
- Supplier Performance Management
- Managing the contract after the delivery

Duration

Two days (but can be facilitated in one day, but due to amount of content this is not recommended).

Customisation

See Pages 3 and 4 for the different ways this course can be individually and creatively customised.

7. Procurement and Contract Management (A mid-level course)

What the course is about:

This course is aimed at improving contract professionals' knowledge of procurement and contract management at the different phases of the lifecycle of a contract.

On completion of this course participants should be able to:

- Streamline the procurement process so that you obtain what you paid for and obtain it when and where as agreed, and simultaneously ensuring that the vendor will satisfactorily keep supplying you in the future.
- Make better contracting judgments and quicker decisions.
- Discuss the issues surrounding Supplier Relationship Management
- More confidently create enforceable contracts, with appropriate remedies upon breach, and ensure that if it is breached there will be appropriate remedies.
- Achieve goals more quickly and with less effort, disputes and cost.

Level

Up to and including intermediate level

Who should attend?

- Any middle/senior manager from the public, not-for-profit or private sectors (including from any industry)
- Anyone involved in contracting whether buy or sell side, including procurement, sales & contract management.

It is a helpful course for:

- Procurement and contract management professionals to see “the bigger picture”, and obtain more knowledge on key processes
- Sell side contracting professionals as vendors need to know how purchasers think.

Key topics

- Background to Contracting
- Key Contract Lifecycle Risks
- Creating Effective Performance Criteria: SLAs and KPIs
- Key Legal Issues
- Selecting the Best Supplier Response
- Evaluation Risk in Bids
- Advanced Negotiation Techniques
- Monitoring and Evaluation Vendor Performance
- Renegotiating Contracts
- Risk Management and Contingency Planning
- Key Contracting Financial Issues
- Managing Contract Risks
- Action Planning

List of Cyril Jankoff Courses

Duration

Two days (can be one-day but not recommended due to the amount of content that needs to be covered)

Customisation

See Pages 3 and 4 for the different ways this course can be individually and creatively customised.

8. Commercial Awareness for Contracting Professionals (A mid to advanced level course)

What the course is about

- Commercial awareness is the ability to provide an insightful assessment on key business factors in the current and future operating environment.
- The course will assist the *buyer* or *seller* participant in seeing the “big picture” and then knowing how to run the organisation’s commercial contracting in a more effectively.

On completion of this course participants should be able to:

- Make better contracting judgments and quicker decisions
- Be more likely to achieve contractual goals more quickly and with less effort, disputes and cost.

Level

Intermediate level

Who should attend?

- Any middle to senior manager from the public, not-for-profit or private sectors
- Anyone from any industry involved in contracting whether buy or sell side, including procurement, sales & contract management.

Key topics

1. The big picture – aligning strategy, commerciality and everyday business
2. Success through the numbers including developing effective business cases
3. Negotiating successful outcomes
4. Effective legal management of contracts
5. Practical risk mitigation issues
6. Managing deliverables successfully
7. Managing the relationships
8. Making and managing better contracts and Action Planning – a final practical exercise to make your contracting more effective.

Duration

Two days (can be one day but not recommended due to the amount of content to be covered).

Customisation

See Pages 3 and 4 for the different ways this course can be individually and creatively customised. Sample of customisation is on the next page.

Note:

- Can be run for non-contracting managers and thus with less of an emphasis on contracting.
- Can be customised.
- Facilitated by an experienced contracting consultant.
- If a general management course dealing with business awareness is sought see Course 13: MBA in a Nutshell® (also known as *Business Awareness for Managers*).

Sample Three-Phase Plan for a Two-Day 2. Commercial Awareness for Purchasing, Contract Management and Sales Professionals Program

Phase	When	Session Name and Number	Session	Activity
1. Pre-program	About a fortnight before Session 2.1	1. Pre-Program Preparation	Participants will be asked to prepare for the program by: <ul style="list-style-type: none"> Undertaking background reading and Self-assessing relevant knowledge and skills. 	Participants will be sent a “Welcome Letter” and asked to: <ul style="list-style-type: none"> do pre-reading relating to contracting risks and be asked to answer some questions; and complete and submit Training Assessment Analysis (manager to do one also).
2. Program	Day 1	Morning	2.1 Introduction and Why the CEO Looks at the Big Picture	The big picture – aligning strategy, commerciality and everyday business <ul style="list-style-type: none"> Activity relating to a realistic disputed variations negotiation. Issues covered include: risk, legal, financial, negotiations, relationships, trust and getting the contact right.
		2.2 The Numbers	Success through the numbers including developing effective business cases <ul style="list-style-type: none"> Key financial issues for: <ul style="list-style-type: none"> procurement sales. 	
		2.3 The Negotiation	Negotiating successful outcomes <ul style="list-style-type: none"> Common negotiation mistakes in the different lifecycle stages 	
		Afternoon	2.4 The Law	Effective legal management of contracts. <ul style="list-style-type: none"> Analysing: <ul style="list-style-type: none"> Sample (or client) contract, tender docs etc Key problematic clauses including Liability limitation, indemnity, IP, insurance and force majeure.
	Day 2	Morning	2.5 The Risks	Practical Risk Mitigation Issues <ul style="list-style-type: none"> Reviewing your risk using <i>The Risk Diagnostic™</i>
		2.6 The Deliverables	Managing deliverables successfully. <ul style="list-style-type: none"> The buyer’s bargaining power in the different outsourcing lifecycle phases. 	
		2.7 The Relationships	Managing the relationships. <ul style="list-style-type: none"> Managing vendor/client relationships. 	
		Afternoon	2.8 Putting it all together	<ul style="list-style-type: none"> Making and managing better contracts Action Planning – a final practical exercise to make your contracting more effective. <ul style="list-style-type: none"> Identifying your contractual risks Mitigating these identified risks What risks are you able to mitigate, how by whom and by when?
3. Post-program	About 2-3 weeks after Session 2.8	3.1 Post-Program Follow Up	<ul style="list-style-type: none"> Follow up Answer questions Class presentations <ul style="list-style-type: none"> This is an activity to: <ul style="list-style-type: none"> improve the learner’s knowledge and skills; and to provide useful knowledge about the state of the organisation’s contracts. The learner (individually or in groups) needs to: <ul style="list-style-type: none"> speak for up to 10 minutes regarding a contract they have been allocated; and provide a written summary of what they have delivered. 	
	About 2-3 weeks after Session 3.1.	3.2 Post-Program Review	<ul style="list-style-type: none"> Review of assessment surveys (by learner and by manager) Tangible and intangible benefits ROI obtained. <ul style="list-style-type: none"> Review by manager and Cyril Jankoff (and anyone else if necessary, for example HR, the chief procurement officer, legal counsel). 	

PART G – COMBINED COURSES

9. Finance and Law for Managers.

What the course is about:

Managers need to understand core areas including finance and law. This two-day course will cover the financial aspects on Day 1 and the legal aspects on Day 2 (order can be reversed). There are two key features of this course: (1) it is very practical: what you learn today you can use tomorrow; and (2) these two key areas of business will be *seamlessly* facilitated over two days to show the key aspects of each and how they are interrelated. If interested the Negotiating a Successful Commercial Contract Outcome course can also be added (see Course 1). The two days are:

- *Day 1 Finance:* Numbers are the language of business. This day is aimed at improving a manager's knowledge of how the numbers work and can be used in a business setting and how they can affect an organisation.
- *Day 2 Law:* Laws are the rules of business. This day aims at how to read, negotiate, draft and use a contract and covers contract creation, operations and termination. A contract can be defined as a legally enforceable voluntary agreement between two or more parties, and in this course you will also cover other key laws that will affect your contract.

On completion of this course participants should be able to:

Finance

- Recognise how the finance and legal functions of an organisation interact and overlap
- Recognise when and where a manager needs to critically understand how the numbers work.
- Confidently make quicker decisions involving numbers, which includes pricing, the movement of cash and profits and making capital purchasing decisions, remembering that such decisions may have major consequences for the organisation
- Financially investigate the other party
- Recognise how GST affects commercial decisions
- Describe how the financial statements are prepared and interpreted
- Distinguish between cash and profits and describe why it is important to do so.

Law

- Recognise how the finance and legal functions of an organisation interact and overlap
- Describe how the commercial legal system works, avoid litigation and what to do if sued
- Create a valid and legally enforceable contract and ensure that breaches attract a remedy.
- Achieving contractual goals faster more confidently, but with less effort, disputes and cost.
- Describe the key laws that can affect your contracts: negligence, Australian Consumer Law, tender, intellectual property, dispute resolution, GST, insurance, agency etc
- List better ways to resolve disputes
- Be able to confidently protect your interests using the new Small Business Unfair Contract Terms legislation that commenced on 12 November 2016
- Describe key terms that you need in your agreement with your client
- Confidently negotiate dealing with key boilerplate terms such as: indemnity, capping of liabilities, force majeure, intellectual property, insurance, entire agreement

List of Cyril Jankoff Courses

- Identity the legal and financial effect of an indemnity clause on each party
- Describe the key aspects of due diligence investigation of a counterparty as well as bank security.

Level

Intermediate level

Who should attend?

- Any middle/senior manager from the public, not-for-profit or private sectors. Can be from any industry
- Anyone involved in any part of the business including planning, business cases, sales, finance, operations, HR, IT, manufacturing, legal, procurement and contract management.

Duration

Two days: Day 1 finance and Day 2 the law. The two days can be reversed.

Notes

Customisation

- The course can be customised for an in-house program including the use of the organisation's own accounts/financial statements and typical purchase/sale contracts, and any other adjustments of the syllabus to suit the needs of the client. All information will be kept confidential.
- For creative ways to individually and creatively customise the program see Pages 3 and 4, above.

Improving the learning

To improve the learning, the course can be facilitated over two days separated by a week or two with the participants having to complete a short activity between the two days.

Other combined courses

You may also be interested in a course that combines:

- Negotiation, finance and law. If so, see Course 10. *Negotiating a Successful Contract Legally and Financially*.
- Negotiation and the law. If so, Courses 2 and 3 will be combined.

10. Negotiating a Successful Contract Legally and Financially

What the course is about:

When negotiating managers need to understand core areas including finance and law. This two-day course will cover key finance and legal issues of relevance in a negotiation.

Key course features

The key features of this course are:

- it is very practical: what you learn today you can use tomorrow; and
- the three areas (negotiation, finance and law) will be *seamlessly* facilitated over two days to show the key aspects of each and how they are interrelated.

The two days are

- *Negotiation*: Negotiation is the process that is used to arrive at a legally binding contract. This part aims at helping the manager come to a financially and legally acceptable agreement. Knowledge of core negotiation principles will improve the negotiator's outcomes.
- *Finance*: Numbers are the language of business. This part is aimed at improving a manager's knowledge of how the numbers work and can be used in a business setting and how they can affect an organisation. Knowledge of the numbers will improve the negotiator's outcomes.
- *Law*: Laws are the rules of business. This part aims at how to read, negotiate, draft and use a contract and covers contract creation, operations and termination. A contract is a legally enforceable voluntary agreement between two or more parties. Key laws that will affect your contract will quickly be covered. Knowledge of the law will improve the negotiator's outcomes.

On completion of this course participants should be able to

Negotiation

- Recognise the different strategies and tactics that you, and the other party, can use in negotiating.
- Negotiate longer lasting and more mutually satisfying contracts, variations, renewals & internal agreements
- Negotiate face to face or non-face to face negotiations more successfully, both inside and outside the organisation and including suppliers, customers, stakeholders etc
- Describe possible legal problems that can occur in a negotiation.

Finance

- Recognise how the finance and legal functions of an organisation interact and overlap
- Recognise when and where a manager needs to critically understand how the numbers work.
- Confidently make quicker decisions involving numbers, which includes pricing, the movement of cash and profits and making capital purchasing decisions, remembering that such decisions may have major consequences for the organisation
- Financially investigate the other party
- Recognise how GST affects commercial decisions
- Describe how the financial statements are prepared and interpreted
- Distinguish between cash and profits, and describe why it is important to do so.

Law

- Recognise how the finance and legal functions of an organisation interact and overlap

List of Cyril Jankoff Courses

- Describe how the commercial legal system works, avoid litigation and what to do if sued
- Create a valid and legally enforceable contract, and ensure that breaches attract a remedy.
- Describe the key laws that can affect your contracts: negligence, Australian Consumer Law, tender, intellectual property, dispute resolution, GST, insurance, agency etc
- List better ways to resolve disputes
- Be able to confidently protect your interests using the new Small Business Unfair Contract Terms legislation that commenced on 12 November 2016
- Describe key terms that you need in your agreement with your client
- Confidently negotiate dealing with key boilerplate terms such as: indemnity, capping of liabilities, force majeure, intellectual property, insurance, entire agreement
- Identity the legal and financial effect of an indemnity clause on each party
- Describe the key aspects of due diligence investigation of a counterparty as well as bank security.

Level

Intermediate level

Who should attend?

- Any middle/senior manager from the public, not-for-profit or private sectors. Can be from any industry
- Anyone involved in any part of the business including planning, business cases, sales, finance, operations, HR, IT, manufacturing, legal, procurement and contract management.

Duration

Two days.

Notes:

Customisation

- The course can be customised for an in-house program including the use of the organisation's own accounts/financial statements and typical purchase/sale contracts, and any other adjustments of the syllabus to suit the needs of the client. All information will be kept confidential.
- For creative ways to individually and creatively customise the program see Pages 3 and 4, above.

Improving the learning

To improve the learning, the course can be facilitated over two days separated by a week or two with the participants having to complete a short activity between the two days.

Other combined courses

You may also be interested in a course that combines:

- Finance and law. If so, see Course 9. *Finance and Law for Managers*.
- Negotiation and the law. If so, Courses 2 and 3 will be combined.

PART H. OTHER COURSES

11. Finance for Non-Finance Managers

What the course is about:

Numbers are the language of business. This course is aimed at improving a manager's knowledge of how the numbers work in a business setting and how they can affect an organisation.

On completion of this course participants should be able to:

- Recognise when and where a manager needs to critically understand how the numbers work.
- Confidently make quicker decisions involving numbers, which includes pricing and the movement of cash and profits, remembering that such decisions may have major consequences for the organisation
- Distinguish between cash and profits and describe why it is important to do so.

Level

Intermediate level

Who should attend?

- Any middle/senior manager from the public, not-for-profit or private sectors (including from any industry)
- Anyone involved in any part of the business including planning, business cases, contracting, sales, operations, manufacturing, procurement and contract management.
- Anyone seeking to improve their financial knowledge on
 - How finance is the numerical part of a strategic business plan
 - How to prepare, read and interpret financial statements
 - Pricing goods and / or services
 - Whether to make or buy
 - Whether to go with project A or B
 - How to financially investigate the other party
 - How GST affects commercial decisions
 - Budgeting and forecasting
 - Managing cash flow
 - Business cases.

Key topics

- Background to finance
- Preparing the financial statements
- Interpreting the financial statements
- Cash flows
- Budgeting and forecasting
- Capital projects
- Breakeven
- Pricing and costing

List of Cyril Jankoff Courses

- GST
- Business cases
- Action Planning

Duration

One or two days

Customisation

See Pages 3 and 4 for the different ways this course can be individually and creatively customised.

Combination of courses

For a more holistic outcome this course can be combined with one or both of Negotiation or the Law. If interested see Part G, “Combined Courses”, for:

- Course 9. *Finance and Law for Managers*; or
- Course 10. *Negotiating a Successful Contract Legally and Financially*.

12. Consulting Basics for Consultants

What the course is about:

It is not easy being a consultant: not only do you need to know your profession/occupation (*working in your business*) but you ALSO need to know how to successfully run a business (*working on your business*). Of the two the latter is often harder and this course will help, as it focuses on working on your business and give you a tour of the key issues that you need to know, understand and implement to be a successful consultant.

On completion of this course participants should be able to:

- List key things that can positively and negatively affect the performance of your business
- Prepare a simple and effective one-page strategic business plan
- Plan the marketing of your business
- Negotiate with confidence, especially with a client who wants more from you but is willing to only pay you less
- Do the bookkeeping of your business yourself and be able to talk to your accountant about the preparation and interpretation of your businesses' financial statements
- Determine how much you should charge, how much profit you can make and how not to undercharge
- Describe the organisation's broad taxation and GST obligations and how to comply with them
- Identify key business risks and understand how to mitigate them, including a discussion on insurances
- Describe the key laws that can affect your business: contracts, negligence, Australian Consumer Law, intellectual property, dispute resolution, insurance etc
- Be able to confidently protect your interests using the new Small Business Unfair Contract Terms legislation that commenced on 12 November 2016
- Describe key terms that you need in your agreement with your client
- The key clauses that you should always insist on in your contract with your client
- Identify why it is so important to remove, or mitigate the effect of, an indemnity clause that a client wants you to agree to.

Level

Intermediate level

Who should attend?

- Any person who is in a consultancy, whether an owner or key staff member
- Anyone who wants to start a consultancy – as it will show you the key areas to focus on

Key topics

- Creating a consultancy
- Planning
- Marketing
- Operations, including negotiation
- Finance, including tax, GST
- Law, including the elements of an effective agreement

List of Cyril Jankoff Courses

- Pricing and costing
- GST
- Ending a consultancy
- Action Planning

Duration

- One or two days
- It is strongly suggested that it be two days to obtain value there are many key issues that need to be covered in detail and not just superficially.
- This can be facilitated to small groups or even to a single person
- Alternatively, the facilitator can act as a mentor.

Customisation

See Pages 3 and 4 for the different ways this course can be individually and creatively customised.

Note

- The facilitator has been a successful consultant for over 30 years.
- He is trained in law, accounting, contract management and has an MBA, as well and a degree in education.
- He has trained many people and groups in how to better consult.

13. MBA in a Nutshell® (this is akin to a “Mini MBA”)

What the course is about:

- This “*Business Awareness for Managers*” program covers many of the key topics of a full MBA. You will learn the “best of” each of the key areas described below. The author (who is also the lead facilitator) has an MBA and has taught in MBA and in graduate schools for nearly 30 years
- The program is designed for practical application in the workplace. What you learn today, you can use tomorrow. Our facilitators are practitioners and are known for their ability to simplify complex concepts to make it easy for participants to understand their real-life application. The modules are designed for highly interactive face-to-face delivery and are available for public courses and on-site delivery.
- Customisation can occur in terms of deliver, duration and content.

On completion of this course participants should be able to:

- Be more aware of the key issues that can help them improve the running of their organisation, whether it is for profit, not-for-profit, a family business or a government organisation
- Be more confident in making strategic decisions that can have a lasting effect on their organisation
- More confidently plan, including using a “one-page plan”
- Confidently describe how to market the business
- Operate the business more efficiently
- Use the financial statements to make better business decisions
- Better price the products they sell and review the pricing of their suppliers
- Better identify and mitigate business risks
- More confidently negotiate into and out of contracts and variations
- Feel more comfortable dealing with the contracts, commercial laws and financial concepts.

The focus of the program

The focus is on:

- Business awareness / acumen
- Business improvement

What to bring

Participants are encouraged to bring sample commercial documents including contracts, financial statements, workplace policies etc that they can use as a reference throughout the program. These documents will *not* be shared with the class as they are solely for the reference of the participant.

Level

Up to and including intermediate level.

Who should attend?

The course is designed for anyone from the for-profit, not-for-profit, family business or government organisation sectors (including from any industry):

- who would like his or her organisation or department to run more efficiently and effectively

List of Cyril Jankoff Courses

- who would like to professionalise their organisation or department (that is, run it in a more business-like manner)
- wanting to attempt a full MBA but would first like to get an understanding of key topics
- from the CEO down who has knowledge gaps and would like to overcome the gaps
- ideal for family or privately-owned business organisations to quickly pick up “Just In Time” knowledge in chosen areas..

Duration

- Each module is ordinarily presented over one day
- Modules and sub-modules can be expanded or condensed if there needs to be a greater emphasis on certain content or duration needs to be changed. For example, Parts 1 and 2 in Module 6 (Managing your Commercial Contracts) is an important area and can be expanded to suit the client.

Key topics

There are six modules, and an organisation need not take all of them and the course or individual modules can be customised. Ordinarily each module is facilitated in a day. The modules are:

Customisation

The program can be customised from both content and duration viewpoints. We can use your documentation, including existing contracts, when we look at how to best write a commercial contract. See Pages 3 and 4 for the different ways this course can be individually and creatively customised.

List of modules

There are a number of modules and you can choose which modules you want, their contents and duration:

- Module 1: Strategic Planning (one day)
- Module 2: Marketing (one day)
- Module 3: Risk (one day)
- Module 4: Finance and Accounting: managing the business’ numbers (one day)
- Module 5: Negotiating for Successful Outcomes (one day)
- Module 6: Managing your Commercial Contracts and their Associated Risks (one to two days)

Detail of the modules

Each of the modules is detailed below:

Module 1: Strategic Planning (one day)

- How to prepare, monitor and evaluate a workable business plan of substance
- The four key steps in developing a workable plan
- The three key strategic business plan sub-plans: marketing, finance and operations, and how each functions and interrelates
- Business improvement strategies
- How to prepare a simple but effective one–page business plan
- How to improve the performance of a family business: to improve the business AND the family relationships (optional topic).

Module 2: Marketing (one day)

- What is marketing and why we bother with it
- Identifying the target market
- Focusing on customer needs
- The “marketing mix” – what you can (and cannot) control in the marketing function
- Price and achieving profitability
- How to prepare a simple but effective one–page marketing plan that dovetails into your strategic business plan.

Module 3: Risk (one day)

- Risk identification issues:
 - Identifying the key internal and external risks
 - Tools to help you identify and mitigate key risks
 - Using the procurement lifecycle to predict future risks
 - “Black Swan Events”
 - Determining a project’s risk before signing the contract
 - Learning from mistakes
- Practical risk mitigation issues:
 - Due diligence of vendors
 - Avoiding specific leakages by using a Contract Leakages Worksheet
 - Describing 24 effective ways to mitigate contractual risk
 - Examining the Risk Assessment and Control Worksheet.

Module 4: Finance and Accounting: managing the business’ numbers (one day)

- Creation of the key financial statements
- Reading and making business decisions using the key financial statements
- Working capital management and budgeting
- Breakeven analysis
- Purchase of capital assets (using NPV and IRR discounting and payback methods)
- Depreciation
- Australia’s direct and indirect taxes
- How GST affects the financial statements and the business
- Profit improvement methods
- How to prepare a simple but effective finance plan, business case and strategic plan.

Module 5: Negotiating for Successful Outcomes (one day)

- Linking the negotiation, the contract and the strategic plan
- Fisher and Ury’s “Getting to Yes” book on negotiations
- Using “three dimensional” negotiating to get the best outcome
- The different negotiation styles and phases
- Bargaining power and the outsourcing lifecycle – knowing when you have the most power
- The IACCM “Top Terms in Negotiation Report”; seeking the “real” win-win
- Negotiating with people from other cultures
- Improving your face-to-face and non-face-to-face negotiations

List of Cyril Jankoff Courses

- Common problems faced by inexperienced negotiators
- Common mistakes in the different negotiation phases.

Module 6: Managing your Commercial Contracts and their Associated Risks (one to two days)

- **Part 1 Background: Creation, operation and termination issues** (this part can be a half or a full day for greater coverage of this key contracting risk area):
 - The legal process: The obligations of the court, costs, where to find the law, who must prove what and how, evidence, avoiding litigation etc.
 - Creation issues: Creating a valid and legally enforceable contract
 - Operational issues: Parties, terms, interpretation, breach and a discussion on remedies
 - Finalisation issues: Termination.
 - Other key laws that can affect the contract including: agency, Australian Consumer Law, insurance, intellectual property, tender, GST.
- **Part 2: A practical analysis of a contract and 40 key terms**
 - The nine key parts of a contract explained
 - Forty key terms analysed, including: indemnity, limitation of liability, insurance, force majeure and intellectual property.
 - Managing contract risks: practical ways to reduce risk.
 - Action Planning: what to do now to better manage your contracts.