

MASTERING **ESG** CONTRACTS & TENDERS

Strategies for Successful Implementation

Kuala Lumpur: 14 & 15 June 2023



Facilitated by:

JIM BERGMAN

Thought Leader & Co-Author of:



Amazon Ratings



Contracting in the New Economy

Using Relational Contracts to Boost Trust and Collaboration in Strategic Business Relationships (Palgrave Macmillan, 2021)



Rave Review from Jim's Sessions!

"Jim delivered the training well by providing an in-depth understanding about the principles of contract management"

Mohd Norhatta Bin Azhar - AGM, Contract Management, Velesto Drilling

"The main strength for me was the practical examples given. To those who have yet to attend this training, I would definitely encourage them, especially to those involved in negotiation as Jim does not only share theoretical concepts but really more real-world experiences which are of high value. I would like to give credit to Kexxel Group as this is my second event here. Their selection of speakers are excellent"

Hasfizar Bin Mukhtar - Senior Manager, Chemical Company of Malaysia

"Jim Bergman is very well experienced and he was able to share a good perspective on contract planning, strategizing and negotiation. This is a great course for those involved with tenders, contracts, supplier relationships and even customer relationships"

Akhbar Bin Muhamad - Senior Manager, Pharamniaga Logistics

"One thing that Jim has instilled in me is to have as much clarity and trust in the contractual relationships, so it brings value to both parties engaged in a contract to get a win-win negotiation. The topics discussed were great as Jim Bergman is an excellent speaker."

Mohamad Halil Bin Haron - Head of Project Management & Control, Tenaga Nasional Berhad

Meet Our Facilitator

JIM BERGMAN

President and CEO of Commercial Officers Group

Co-Author of: Contracting in the New Economy

Using Relational Contracts to Boost Trust and Collaboration in Strategic Business Relationships (Palgrave Macmillan, 2021)



With extensive contracting and negotiation experience in supply management and sales contracting, Jim Bergman serves as President and CEO of a global training firm and consultancy focused on the effective implementation and execution of leading contracting and commercial management practices – including ESG initiatives.

Prior to establishing Commercial Officers Group, Inc., Jim was a contracts attorney for a Fortune 500 petrochemical corporation, Amoco Corporation, and was responsible for legal and negotiations support to the procurement staff. He supported multiple locations globally, where he addressed commercial and legal issues in transactions valued up to and greater than \$1 billion.

Jim's experience encompasses developing, negotiating and managing contracts for a wide array of projects with multiple clients in multiple sectors. He has been extensively involved in establishing many successful and innovative customer-supplier commercial relationships. He has also developed and delivered both public and internal training programs on many topics regarding tendering, strategic sourcing, contracting, outsourcing, law and negotiations.

As a strategic management consultant, Jim has assisted numerous clients through all phases and steps of contract development, contract drafting, contract negotiation and contract management processes, demonstrating savings in excess of \$300 million. His audiences and clients have included attorneys, plus financial, operational and sourcing professionals from multinational corporations and the public sector.

Jim holds a Law Degree, an MBA, a Bachelor of Arts and a Master of Arts degree. In addition, he is licensed to practice law in Illinois, Texas and Oklahoma, as well as various US federal courts.

Partial Client List

- Maxis
- Merck
- Monsanto
- Petrofac
- Petronas
- Petrovietnam Gas
- Vietnam Oil and Gas Group
- VRJ Petroleum Company
- PGNiG SA Egypt
- RasGas
- Dana Gas
- ExxonMobil
- BHP Billiton
- Borouge Abu Dhabi
- BP
- Carigali Hess
- Chevron
- DuPont
- Egyptian Petrochemicals Holding
- FedEx
- GASCO
- General Motors
- Halliburton
- Hess, Intuit
- Japan Vietnam Petroleum
- Johnson & Johnson
- Makro
- Al-Majdouie Group
- Apache
- ConocoPhillips
- Delphi Automotive
- WalMart
- Samsung
- Saudi Aramco
- Schlumberger
- Shell
- the State of California
- the State of Florida
- the State of Texas
- Sun Life of Canada
- Warburg Dillon Read
- Union Bank of Switzerland

Book Reviews



"For those of us that need our complex contract to be high performing, this book is a must read. The importance of the relationship in working together for mutual benefit is a prevalent theme that inspires the reader to act boldly. Follow the framework and tools within to achieve success with Relational Contract"

David Handley – VP Business Partnerships PHSA , Provincial Health Services Authority

"This is a terrific book for both academic and practitioners. The theory draws from economic, law, and psychology, yet the five-step process for building a relational contract is not only concrete but also illustrated with many useful case studies. Honestly, this book is ahead of any economic theory i know in suggesting how parties might build and maintain the kind of shared understanding that is of course crucial for may collaborations. The author have managed a rare feat: not only combining theory and practice, but also getting each to feed the other."

Robert Gibbons - Sloan Distinguished Of Management , Sloan School Of Management, and Professor Of Organizational Economic, Department Of Economic, MIT

"Many people offer advice on how to write better contract, or for that matter how to live a better life, run a business, etc. What makes David, Kate, Tim, and Jim's work stand out in my opinion is that has a solid scientific basis. This is what i like so much about this book. It is aimed at practitioners and describes David, Kate, Tim, Jim's powerful method for writing better contract. But it also explain why the practical solution work. The book offer indispensable knowledge: process and tools to overcome the challenges of entering into and living through long-term relationships; how to ensure that your partner cooperate efficiently and don't resort to ensure that you and your partner cooperate efficiently and don't resort to blame games; how to build trust; how to avoid bad feelings, and so on. In short how to ensure that the potential gains from a relationship are actually realized"

Oliver Hart -Lewis P. and Linda L. Geyser University Professor Of Economics, Harvard University



SESSION 1

Integrating Your ESG Corporate Strategy into ESG Supply Management

- Understanding the ESG purpose – what is the overall reason?
- What is in the mind and motivation for your customer?
- What are the motivations for your supplier and sub-supplier?
- Understanding the market – your competition and fellow customers
- Integrating ESG corporate strategies and aligning it with market approach strategy



Practical Exercise:

What makes an organization's ESG supply management and contracting strategy unique? Attendees will develop a simple ESG supply management and contracting strategy.

SESSION 2

Tendering & Proposal Checklist for a Services Contract in the ESG Domain

- Top reasons why the tendering and proposal process fails in an ESG project
- Best practices in tenders and bidding
- The difference between an ESG-related tender and a non-ESG tender
- Tender and bidding Strategies in the ESG domain
- Tender and bidding Tactics in the ESG domain



Practical Exercise:

Developing a tendering and proposal checklist for a services contract in the ESG domain.

SESSION 3

Developing Bid Evaluation and Negotiation Strategies

- RFx's, RFP, RFI, RFT, RFQ, RFO and an occasional EOI
- Prioritizing the project objectives and mapping to the RFx
- Developing a preliminary Evaluation Matrix
- Crafting a preliminary Negotiation Strategy



Practical Exercise:

Contracting and Sourcing objectives for ESG success: Negotiating internally and externally at a Multi-National Company

SESSION 4

Establishing The Connection Between Your ESG Purpose and Deal Value

- What do we want?
- Defining value
- Embracing Total Cost of Ownership – TCO
- What is in and out of scope?



Practical Exercise:

The difference between result, resource, and relational deals. Explore the impact on a commercial relationship in the ESG domain

Why You Should Attend

Significant and rapid developments are occurring across supply chains, especially in Environmental, Social, and Governance, or ESG, initiatives. **Key to ESG capturing the forecasted value is the contracts and sourcing relationships** an organization has in place.

This can affect the profitability, reputation, market share, and growth for the customer, as tenders result in aligning with suppliers and contractors who might create greater risk and prevent the customer from attaining their ESG purpose.

By attending this highly interactive and practical workshop, you will learn how to avoid shortcomings in your tender and contracting practices, ranging from terms and conditions, to scopes of work and service level agreements, to the key performance indicators. **This workshop will equip you with the framework in implementing effective tendering and contracting strategies, especially related to ESG**, with an in depth look into the market approach strategies, tendering and contracting strategies, negotiation models, and post-award contract management strategies.

You will walk away with a whole new perspective on tendering and contracting that will apply to your job requirements, and enable you to succeed in the ESG-driven economy.

Who Should Attend

This highly practical and interactive course is designed for professionals from across all sectors, including the public sector and financial communities for:

- Legal Managers and Support Staff
- Tender Managers and Support Staff
- Contract and Procurement Managers
- Purchasing and Supply Managers
- Financial Managers and Auditors
- Project Coordinators, Supervisors, Engineers, Assistants and Administrators
- Compliance Managers
- Planning Supervisors, Coordinators, Assistants, Engineers
- Operations Supervisors, Engineers, Coordinators



SESSION 5

The Art of Communications and Change Management in Tenders & Contracting

- Develop Communication and Change Management strategies that lead to superior contracting results
- Effective writing styles - common faults in business writing and how to avoid them
- Making an effective presentation
- Managing Communications and Change Management throughout the stakeholder base.



Practical Exercise:

Developing and Integrating a Communication and Change Management strategy with the ESG-focused tender and contracting package.

SESSION 6

Reviewing Best Practices in Negotiating ESG Initiatives

- Negotiation philosophies
- Negotiation strategy documents
- Negotiation tactics and counter tactics
- Defining a win-win and placing a price on it



Practical Exercise:

Negotiating superior contractual results that are aligned with the evaluation criteria in a data services contract.

SESSION 7

Managing ESG Risk in Contract Management

- Identifying and managing contract risk (the role of contract risk assessment)
- Types of ESG risk
- Sources of ESG risk
- Mitigating ESG risk through effective contracting
- Building long-term relationship after the contract is signed
- Supplier Relationship Management, Customer Relationship Management



Practical Exercise:

Assessing Risk and managing a relationship through the Post-Negotiation phases of an Equipment Maintenance Contract.

SESSION 8

The Role of Automation and Human Resource in ESG Tenders and Contracts

- Contract Administration and Contract Management
- The role of automation in ESG Tenders and Contract Management
- The importance of Key Performance Indicators in ESG
- Key process steps and team members



Practical Exercise:

Recruiting the team and developing the skills needed to successfully manage an ESG-oriented Services Contract.

Capitalise on Expert Knowledge to Gain Maximum Value on These Vital Issues:

- **DISCOVER** the latest trends and strategies in creating effective ESG results.
- **EXPLORE** the best practices for picking the right supplier for the right reasons in order to achieve a win-win situation in ESG.
- **MAXIMISE** and improve your business leverage from tenders by minimizing and managing the ESG investment and risk.
- **DEFINE** your own personal value and the value of your team as a key advisor on ESGs related to tenders within your organization.
- **GAIN INSIGHT** on essential service procurement and/or tendering tools and techniques from the ESG perspective.
- **ENHANCE** your procurement skills and techniques with well recognized methodologies and practices to attain intended ESG-related outcomes.
- **IDENTIFY** both supplier and buyer perspectives and differences in the tendering process to achieve mutual understanding around ESG.
- **ESTABLISH** effective tender writing skills and information mapping within your organisation with proven ESG results.
- **GUARANTEE** your ESG value to suppliers and sub-suppliers and outshine competing supply chains by building a long-term relationship after the contract.

Programme Schedule

0845	Registration & Snacks
0900	Workshop commences
1015	Morning break
1230	Lunch
1500	Afternoon break
1700	End of day

Mastering ESG Tenders and Contracts

14 & 15 June 2023, KL , Malaysia



Registration Inquiries: ☎ : +603 2282 1688 📞 : +6011 1633 1600 ✉ : boon@kexxel.com

REGISTRATION FORM

Early Bird Fee Register Before 14th Apr 23	Special Discount Rate Register Before 12th May 23	Normal Rate Register After 12th May 23
<input type="checkbox"/> RM7,995	<input type="checkbox"/> RM8,395	<input type="checkbox"/> RM8,795
<input type="checkbox"/> 3 + 2 Package (Buy 3, get 2 Seats FREE!)		



*Fee quoted does not include GST / VAT or withholding tax (if applicable).

***Get 2 FREE seats if you send 3 pax! (3+2 Package)**

<p>Company Name: _____</p> <p>Delegate 1</p> <p>Name :</p> <p>Job Title :</p> <p>Email :</p> <p>Mobile :</p> <p>Direct Line :</p> <p>Delegate 2</p> <p>Name :</p> <p>Job Title :</p> <p>Email :</p> <p>Mobile :</p> <p>Direct Line :</p> <p>Delegate 3</p> <p>Name :</p> <p>Job Title :</p> <p>Email :</p> <p>Mobile :</p> <p>Direct Line :</p>	<p>FREE Seats for 3+2 Package</p> <p>*Delegate 4</p> <p>Name :</p> <p>Job Title :</p> <p>Email :</p> <p>Mobile :</p> <p>Direct Line :</p> <p>*Delegate 5</p> <p>Name :</p> <p>Job Title :</p> <p>Email :</p> <p>Mobile :</p> <p>Direct Line :</p> <p>Email the completed form to boon@kexxel.com</p>
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Payment Method

Bank Transfer Visa Mastercard

Name on card :

Card number :

Expiry date : CVV :

Signature :

Authorisation (Mandatory)

Name :

Job Title :

Email :

Signature :

Date :

***Signatory must be authorised to sign on behalf of contracting organisation. This booking is invalid without a signature.**

TERMS AND CONDITIONS

PRIVACY

Any information provided by you in registering for this event is being collected by Kexxel Group and will be held in the strictest confidence. It will be added to our database and will be used primarily to provide you with further information about Kexxel Group events and services.

From time to time Kexxel Group may share information from our database with other professional organizations (including our event sponsors) to promote similar products and services. Please send us an email if you do NOT want us to pass on your details. To amend your current details, advise of duplicates or to opt out of further mailings, please email us your request info@kexxel.com.

TERMS & CONDITIONS

Following completion and return of registration form, full payment is required within 5 (five) working days. Payment must be received before the commencement of the event. After registration all payment must be executed within the terms herewith irrespective of attendees. Due to limited of event space, we advise early registration to avoid disappointment. A 50% cancellation fee will be charged under the terms outlined below. We reserve the right to refuse admission if payment is not received on time. Fees is inclusive of program materials and refreshments.

Substitutions: If you cannot attend personally, a substitute delegate is welcome to join this course in your place - for no extra charge provided you inform us AT LEAST 3 days before the course else you will be issued with a 50% Discount Training Voucher which entitles you (or a nominated colleague) to attend a public course arranged by Kexxel Group within the next 12 months.

Cancellation: If Kexxel Group cancels the Event due to circumstances beyond the reasonable control of Kexxel Group (such as acts of God, acts of war, governmental emergency, labor strike or terrorism), Kexxel Group shall refund to each attendee its payment previously paid, minus a share of costs and expenses incurred, in full satisfaction of all liabilities of Organiser to Attendee. Kexxel Group reserves the right to cancel, re-name or re-locate the Event or change the dates on which it is held. If Kexxel Group changes the name of the event, relocates the event to another event facility within the same city, or changes the dates for the event to dates that are not more than 30 days later than the dates on which the Event originally was scheduled to be held, no refund will be due to attendee, but Kexxel Group shall assign to the attendee, in lieu of the original space/ seat, such other space as Kexxel Group deems appropriate. If Kexxel Group elects to cancel the Event other than for a reason previously described in this paragraph, Kexxel Group shall refund to each attendee its entire registration fee previously paid.

As such, Kexxel Group reserves the right to alter or modify the advertised speakers and/ or topics if necessary. Any substitution or alterations will be updated on our web page as soon as possible. Send 3 and get the 4th & 5th pax for free promotion is subject to Kexxel Group's discretion. In case of no show on the event day, the free attendee is assumed to have cancelled his/her seat and full payment is required as per invoiced.