

DOWNLOAD PDF CHALLENGES OF CONTRACT MANAGEMENT IN PUBLIC PROCUREMENT

Chapter 1 : Challenges for Public Procurement – Austerity

Procurement and contracts management go hand-in-hand, so why is there still so much confusion about what good contract management skills look like? In fact, poor contract management more so than poor procurement is to blame for poor results in public procurement efforts.

While some of those obstacles may be minor, others are not only eating away your profits but also lessening the chances for sustainable operation. Here are 5 major challenges in contract management to watch out for. While verbal contracts are supposed to hold up just fine in court, the reality is that verbal contracts are open to interpretation from each party. If the relationship were to go sour, what would happen to with the agreement? It goes without saying, any contract needs to be inside of your contract management system so that there are no doubts about the terms and conditions. Several government contractors have been slow to adapt digital systems to keep track of costs. Dealing with Boilerplate Language One of the benefits of boilerplate language is that it speeds up execution of contracts. However, boilerplate language should be reviewed on a regular basis to make sure that it meets internal and external compliance requirements. A rule of thumb is to review standard contract language every 6 to 12 months. One important benefit from a robust enterprise contract management system is the ability to handle several contract templates. Unlike paper-based contract management systems, your company is limited to a single template. The digital system allows your team to have several different templates. Even more, the system allows managers to assign access to certain templates only to those that really need them. This way any doubt about what is the right template to use is prevented. Unfortunately, several businesspeople want to circumvent legal review in the contracting process because that step takes too long. A simple way to prevent that clients become frustrated with legal reviews is to highlight only the necessary key legal terms to be reviewed. By assuring business partners that legal review will take the right amount of time, you are ensuring that they welcome it instead of shunning it. Executing Contracts Via Snail Mail Talking about unnecessary delays in contract management, contract execution can be a major pain point in any contract lifecycle. Printing out and mailing out a contract so that the other party reviews a contract, only to send it back with revisions, is a very inefficient process. Emailing out contracts so that the other party prints the contract out, either to mail back or email back a scanned copy is not that much more efficient. Your company should leverage e-signature capabilities of contract management systems to execute contracts faster. CLM Software from Contract Logix provides everyday business users at companies across dozens of industries to draft, negotiate, approve, execute, and manage their mission-critical contracts and legal agreements. Connect with Us Partner with Us Hundreds of brands have partnered with Contract Logix to automate their contracting process for the purpose of mitigating legal and financial risk, while maximizing corporate and regulatory compliance. Contract Logix provides products that address all phases of buy-side and sell-side contract lifecycle management, from contract creation to post-execution management. Want to know more? Click the button below.

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Chapter 2 : Contract Management in Public Procurement

Public Procurement & Contract Management PUBLIC PROCUREMENT CHALLENGES Contract management is the process by which.

At the initiate stages of planning, contract management can be split down into service delivery management, relationship management, and contract administration. In public procurement, service delivery management is concerned with meeting fully the deliverables that were agreed upon in the contract, the levels of performance as per the contract, and quality. Changes can affect the performance of the contract. The methodology adopted case to undertake an in-depth analysis in the levels of non compliance in procurement contract management. Basing on the results of this study proper contract management is key to improving procurement performance in public entities regardless of the challenges that respondents pointed out as essential in contract management and the strategies that can be adopted to minimize the short coming in procurement contract management. The study recommends need for Commitment, trust of suppliers and maintaining relationships with suppliers who are honest and trustful, and supplier of high level of integrity in contract management. Practices, Innovation and Knowledge-Sharing pp. E and Shipman, N. Public Procurement Reforms in developing Countries: The Uganda Experience Alvarez, M. Case-based instruction and learning: Proceedings of 34th Annual Conference pp. Fighting Corruption in Customs administration: Understanding Public Sector Procurement Process. V and Morgan D. Determining sample size for research activities. Education and psychological measurement, 30, Procurement Monitoring in the Tanzanian Public Sector. Public Procurement Regulatory Authority. Dar es Salaam, Tanzania. Office of Federal Procurement Policy. A Guide to Best Practices for Contract administration. Office of the Auditor General. Annual Report of the Auditor General for the year ended 30th June The Republic of Uganda, Kampala. Procurement Capacity Strengthening Initiative in Uganda. Discussion Paper on Amendment to the Act. Protiviti Independent Risk Consultanting. Retrieved April 16, , from rfp site: The art of case research. Design and methods 1st ed. Applications of case study research. Design and methods 2nd ed. Design and methods 4th ed.

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Chapter 3 : Contract Management - The Chartered Institute of Procurement and Supply

That has led to various attempts, some more successful than others, to make social issues part of supplier selection decisions at the tendering stage, and also in the contract management stage post award.

Examination of public sector financial management principles, practices and processes. Emphasis on financial auxiliary services employed in local government financial management. Introduction to governmental accounting practices and financial statements. Micro-computer applications to public sector financial decision-making techniques. Methods of Public Program Evaluation. Examination of various methodologies for designing and conducting program evaluation and research. Experimental, quasi-experimental and nonexperimental procedures will be covered. An in-depth analysis of the forces behind the privatization movement. Examines the context of privatization, the theoretical and empirical arguments on both sides of the debate, and the different forms of privatization practiced in the U. The course draws on a wide range of disciplines in a quest for an understanding of the privatization phenomenon-political science, public administration, public policy, sociology, economics, management, and others. Public Sector Contract Administration. Examines the actions that must be taken following the award of a contract, including assurance of required outcomes, assurance of compliance, proper contract launch, proper contract close-out, and documentation and carrying forward lessons learned. Connections to steps that must be taken in the other two phases of the procurement process are noted. Examines leadership through theoretical and practice-based frameworks. Offers analytical and intellectual examination and reflection on core issues in the practice of leadership. These objectives will be achieved through open discussion, honest self-assessment, experiential exercises, and observation of real-life leadership practice. Introduction to Public Procurement. This course provides an overview of procurement and contract management as a core function in public sector organizations. Challenges and opportunities for all stakeholders are addressed. Special attention is given to ongoing changes in public procurement. Public Procurement and Project Management. Course covers each phase of the public procurement project cycle, with an emphasis on tools and techniques to manage a public procurement project. Public Sector Contract Planning and Formation. This course provides insight into why and how public sector contracts should be planned and formed properly. A strong emphasis is placed on the strategic role that procurement can play in public sector organizations and how procurement planning and source selection, in particular, fit into that role. Public Sector Procurement Law and Ethics. This course surveys the laws and ethics applicable to public sector procurement and contract management. A theoretical and problem-based, interdisciplinary approach is used to address the major legal and ethical issues that arise when public sector organizations plan, form, and administer contracts. Attention is given to the role of professionalization in socializing appropriate ethics. Negotiation and Dispute Resolution. The course provides conceptual and practical skills in negotiations. It examines the underlying cultural, legal, and organizational issues and problems that affect managing human resources in the workplace. Analysis of relationships among federal, state, and local governmental units in the delivery of governmental programs. Focus on intergovernmental issues in urban metropolitan regions.

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Chapter 4 : 5 Challenges in Contract Management - Contract Logix

Procurement has become an integral part of corporate performance and is drawing increased attention from senior management. In this interview, Andreas Gocke, a BCG partner and managing director.

The contract manager develops the contract document from a written request for offers, vendor responses and negotiations with bidders. A clear, comprehensive and enforceable contract is essential in order to successfully remedy any problems that occur during execution of the contract, including the common contract management challenges that are discussed in this article.

Work Is Not What Is Expected The best way to avoid the challenge of work not being what is expected is to clearly define your expectations in your contract. Business requirements are usually documented in a Statement of Work. Involve people at all levels of the business in establishing requirements and writing the Statement of Work, including end users. Do not use jargon. Define all business terms and acronyms.

Budget or Timeline Is Exceeded In your contract, clearly define the scope of the project. Ensure that the negotiated budget and timeline are realistic. Establish a method by which to track the budget and timeline to ensure that you are on target. In this way, you can monitor the budget and timeline constantly throughout the project.

Video of the Day Brought to you by Techwalla Brought to you by Techwalla

Lack of Resources with the Right Skills It is essential to name a project team on both sides of the contract who are empowered to carry out the work. An Organizational Plan should be included as part of the contract requirements. In the contract, define titles, if not individuals, to work on the project and state skills or certifications that may be required. The Organizational Plan will expand on this, including an organizational chart of all project team members. This plan should include what is required in terms of status updates and routine meetings, as well as address how communication will occur with other parts of the organization, especially those people working on dependent projects.

Change Occurs Structuring the contract to ensure that risks are identified and reviewed weekly by the team is the best way to prepare for change. The contract should include requirements to assess risk and identify solutions to mitigate risk. In addition, a formal change control process should be included in your contract. Define methods to measure progress. Set exact acceptance criteria. This clarity in the contract will ensure that both parties understand what is expected for acceptance and payment.

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Chapter 5 : Understanding the challenges of contracts & procurement | APM

Basing on the results of this study proper contract management is key to improving procurement performance in public entities regardless of the challenges that respondents pointed out as essential in contract management and the strategies that can be adopted to minimize the short coming in procurement contract management.

CPO , outsourcing management , Sourcing , Technology , Xchanging Procurement We are pleased to bring you an overview of the chief findings from a recent survey of European CPOs conducted by Xchanging , the third-largest procurement outsourcing provider in the world. The life of a CPO can be fraught with complex and competing challenges. In a recent survey we carried out amongst CPOs across Europe we found that reducing spend with third-party suppliers, driving down the cost of procurement, managing supply-led risk and harnessing true innovation from the supply base remain the most significant business objectives that the CPO must address. In doing so, the CPO must also ensure that the benefits derived from a professional sourcing and procurement programme are realised by the organisation, continue to secure first-class goods and services and develop a leading procurement capability which enhances the reputation of the company. Here are the top five challenges that we hear consistently from CPOs during our discussions: Managing spend creep and ensuring cost containment is often a challenging task. For CPOs, they need to have a strong team and capability across the end-to-end sourcing and procurement process to ensure costs are contained. Without a dedicated team to run a quality sourcing event, requirements are often not accurately captured or scrutinised and money is wasted on unnecessarily high-specification products and services. Without a dedicated team at the other end of the source to manage process and supplier adherence to contract, scope creep becomes an issue. The visibility of realised savings is a common challenge for many CPOs particularly in the indirect categories of expenditure. Success for the CPO is to deliver benefits that are aligned to business outcomes, such as earnings per share, working capital and operating profit. Only when the savings can be measured and audited in this way can the procurement function really become a fundamental part of the business performance planning process. Finding the right means to ensure compliance to contracts is also a key challenge for the CPO. Translating into business reality the value that is created through sourcing processes and contained in supplier contracts is a difficult but critical task. There is nothing more frustrating for a sourcing professional than to find a contracted supplier being ignored in favour of one that is delivering less value to their organisation. In addition to the obvious forfeit of savings to the business, the CPO knows that this non-compliance will, over time, dilute the buying position of their company in the marketplace. A CPO needs to have at their disposal, strong contract and supplier management processes and technologies to underpin existing governance structures. Making the correct decisions regarding the leveraging of technology is crucial to delivering best-practice sourcing and procurement and the CPOs that we talk to recognise this. The coupling of these collective technologies with market intelligence and data will drive greater procurement effectiveness, improved processes, better visibility, detailed audit and more accurate tracking of savings. The challenge faced by the CPO is finding the up-front capital to invest in these technologies and justifying the increased cost required to better enable cost reduction. Sometimes we speak with a CPO who has a good strategic vision of where they want to take their operation, but they have inherited a team that lacks the deep sourcing or industry expertise they need to execute such a vision. Consequently, the CPO does not have the adequate skill-level in their organisation to elevate the sourcing and procurement function to the next level of maturity. This infographic sums up the points nicely.

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Chapter 6 : 4 More Contract Management Challenges in the Business Svcs. Industry

That brings a number of challenges not just for the politicians, but also for executives in the public sector, including procurement of course. So here are our key points to note around this issue, with some suggestions for procurement professionals facing austerity in

Most people in public procurement only know a small portion of the responsibilities that go into contract management. That means that most procurement people think contract management is all about disputes and arguments surrounding those elements: Has the supplier done what they said they would? In reality, contract management is a much broader topic than that, as all of us who have really been down in the contract management trenches can attest. In its broadest definition, contract management includes every aspect of both the value and the risk arising from the contract, and how both those elements can affect the buyer. It is much more than just managing the specific words in the contract although in many cases, unfortunately even that is not done well. Contract management is usually dispersed throughout the organization. In most organisations, contract management is not a task that is relegated to a specific person or even to a specific department. Instead, contract management activity is often spread throughout the organization, involving many different peoples from its farthest corners. Now, that makes a lot of sense—managing contracts is best done by people who really care about and are close to the contract delivery. That is not necessarily the wrong approach. It may indeed be inevitable. But it does present a challenge for getting to grips with this diverse and dispersed situation. Contract management skills are difficult to define and master! Contract management requires a complex skill set. Because contract management is not well understood, there is also little understanding of what it means to possess good contract management skills, and this challenge tends to persist whether contract management is a full-time role at an organization or just an element of a wider job. Yet effective contract management requires, in many cases, a challenging and quite complex set of skills. There may be technical aspects understanding the detail of supplier performance in the case of a complex IT contract, for example, as well as more generic technical skills such as negotiation and project management. A good contract manager also requires a range of softer interpersonal skills: When other procurement activities go well, you can expect a celebration. It is difficult to measure the benefits of contract management. When contract management goes wrong, it really goes wrong. Many of us have examples horror stories, we might say that show the cost when things go wrong with contract management. But what does it look like when contract management goes right? Identifying the tangible benefits of good contract management is, unfortunately, much more difficult. If the supplier delivers the contract perfectly, everything works well, risks are avoided and managed, then often, nobody notices! This too contributes to the elusive nature of good contract management. Contract management requires a variety of skills and competencies, and yet it is underappreciated by most organizations. Contract management is not valued. That brings us to our final point: Yet when it goes wrong, it is clear just how important it is to the organisation. But we still have a long way to go before contract management gets the recognition it deserves. Addressing the challenges of contract management will take effort from across public sector organizations. Understanding that challenges that have allowed contract management to remain such a significant challenge for the public sector is an important step towards improving the situation. Share your ideas with us in the comments! Keep up with the latest! Join our mailing list.

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Chapter 7 : Public Procurement & Contract Management (Certificate) - Old Dominion University

International Journal of Economics, Finance and Management Sciences , 1(2): considerations as well (Shaw,).
Procurement activity must, therefore, be considered as an.

But times have changed: These days, procurement organizations within companies are playing pivotal roles in the success of global firms in ways that old-fashioned purchasing managers could never have imagined. In this special report, Wharton faculty and procurement experts at The Boston Consulting Group discuss why the procurement function has risen to such prominence in a highly competitive global environment, and how, as supplies of critical commodities tighten and prices rise, companies can strategize to mitigate these and other risks. Challenges Facing Procurement Organizations Procurement has become an integral part of corporate performance and is drawing increased attention from senior management. In this interview, Andreas Gocke, a BCG partner and managing director, spoke with Knowledge Wharton about the most critical challenges facing procurement organizations over the next five to 10 years, including training and employee development, managing global sourcing offices and ensuring collaboration across corporate departments. Can you talk a little bit about the biggest challenges that procurement organizations face today? We did a quick survey about the most challenging topics for the next five to 10 years. Surprisingly enough, people “training and development” was the number-one topic as the key challenge for procurement organizations. Number two was also related to organizational aspects. It was the organization of global sourcing. That is, how to set up and how to manage global sourcing offices. That is also more in terms of processes, a linkage between the global sourcing offices and the headquarters. And number three is cross-function and collaboration. That is, how does procurement work with not only engineering and quality management “which has been the nature of the procurement department for a long time already” but also with other functions like sales and marketing when it comes to requirements management? These are the top three: Are those three much different from the challenges that faced procurement people 10, 15 or 20 years ago? Have they listened and do they have the right organizational position? In most organizations we see right now, this point has been reached already. The war for talent [is seen] in all three regions, by the way. You mentioned a moment ago that procurement has become more accepted as an integral part of organizations. The share of material costs and the share of purchased services are growing continuously. We have some comparisons. What kind of external delivery for automotive OEMs, for instance, is like that “the pacesetter of these developments [over] the next couple of years? But if you see the qualitative aspect as well, sourcing now also becomes the gatekeeper for supplier innovation”. The technology competence with suppliers is growing more and more. You can easily measure it by the number of patents which are applied for in many industries. And even in the customer organizations, the supplier will influence our technological development more and more. Therefore, sourcing will be the organizational unit which will manage these aspects. If procurement is becoming increasingly important and strategic, getting back to something that you mentioned, which was retention and development of key people in this area, where are organizations finding the best people? How do they go about doing that and is it a difficult task? This is one of the key questions where we need to confess to not having the right answer yet. Unlike most other functions, there is not the academic purchasing manager education. Very few universities around the world really focus and specialize on purchasing as an education path by itself. So, we are working with our clients to develop those career paths by themselves. They cannot wait for the outside world. They need to develop it internally by setting up career paths across different functions, by setting up education programs for hard skills “language, engineering, etc. These skills need to be developed by your own organization. And because global sourcing is the second of those three important topics that were discussed at the summit that you talked about a little while ago, it would seem that the type of people that would be best suited for global sourcing would be people with the kind of skills that you just mentioned also a moment ago. Yes, and I would even stress that they have additional skills”. And the people

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there need to be much more like entrepreneurs. They need to improvise. They need to bridge their home organizations – their headquarters – with their local supplier markets. So the intercultural management skills are regarded as even more important than that of a domestic purchasing manager. Is being a purchasing manager – or a chief procurement officer, or whatever the organizational title happens to be – a good career path for those people? If procurement is increasingly important, is it a good idea for people to seek those jobs out, if they think that they can do well at them? In terms of status quo, I would be honest and rather critical. In terms of potential, I would be very positive. Let me just talk about the status quo and those managers who traditionally are in sales and marketing. Those who contribute to the top line are still regarded as contributing the most to corporate success. Those who improve the bottom line [with things like] cost improvements [and] volume reduction still have less of a reputation [for] contributing to corporate success. As I mentioned in my answer five minutes ago, as purchasing becomes more and more the gatekeeper for innovation of suppliers, for instance, this innovation some time later will result in additional sales. So, suddenly purchasing not only becomes a bottom line impact, but also a top line impact, and at this moment the sales purchasing manager has a huge potential. We see that also reflected in the corporate organizations. More and more organizations in the automotive industry, which is like the front runner in this dimension, have a CPO function on the board level. That had not been the case some 10 or 15 years ago. Now we see that the CPO has his own position in the organization. Would that be accurate? If we see the history of purchasing then that would give you a kind of maturity progress. And when we see different organizations across history, we see six different steps. Purchasing was more in clerical and logistics activities, so these skills were requested. The next step was more like reaching the lowest unit cost. Suddenly, the purchasing department was an equal part across different functions, in which all contributed to the corporate success. Each function was dependent on the other, especially technical improvement leaders like make or buy; like standardization; like design to cost and process improvement leaders; [and] like demand bundling. And so, they are building up supplier networks by themselves. They are offering supplier networks to the rest of the organization. They bring in ideas. So, purchasing is not reacting to the organization demand, but it is vice versa. Sourcing brings in its own initiatives and thereby triggers the rest of the organization. A few minutes ago, you mentioned again as one of those important themes that emerged from your meeting on global sourcing: Does global procurement, in your view, demand any special skills or organizational needs? What do I mean by that? If you are really taking global sourcing seriously, you need to sometimes extend your development process to allow a longer screening phase from your suppliers, to allow longer trial periods with new suppliers, etc. And this also then comes into play for the need in the organization to reflect those requirements in terms of processes. So you need people and also departments who know how to deal with those challenges. You sometimes need to have more resources because you need to write specifications sometimes in the language of the global sourcing country, like Chinese. Eastern Europe is also a huge challenge. You need maybe more resources in terms of supplier qualification management. So in terms of skills, resources, and new processes, organizations need to learn more. Do you see any significant differences between the way companies in Europe and companies, say, in North America approach the whole topic of purchasing? Yes, in maybe two dimensions, I would say. The second one is still at the hypothesis level. The first one is the openness toward global sourcing, since Europe has its global sourcing market directly next door, which is Eastern Europe. But this is not comparable to dealing with 10 to 12 different Eastern European countries – including Turkey – and then [expanding to] 13 or 14 countries. This is the difference. Number two is that there might be a slightly different understanding in terms of supplier-customer relationship management in Europe compared to the U. The openness for more trustful supplier-customer relationships is slightly higher and more developed in Europe. They have learned that they cannot rely on those supplier-customer relationships which are doomed to fail because they are just built on market power. That will not be successful and the result, unfortunately, is that many tier one suppliers are close to bankruptcy and are not managed well. There needs to be, I would even say, a turnaround management for most of the relationships. Well, from everything that you have discussed today, it certainly

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sounds as if purchasing will only become more important in the years ahead, for organizations of all kinds. The technology industry and the automotive industry “ I think they have already put sufficient emphasis on the procurement organization, and their reputation is higher. As I mentioned, we have a CPO on the board level. We have cross-functional teamwork. We have more and more sophisticated supplier-relationship management tools and also processes. So, I definitely agree with your observation that purchasing will become more and more relevant in strategic function.

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Chapter 8 : Contract award and challenges - Public procurement - Public Law - Lexi

The many challenges public procurement and contract management officials face and how to provide the best possible support for your organization as a whole and its departments and programs in spite of those challenges.

The SIG is concerned that there is little training available for project managers on contracts and procurement, which is why the guide was written to help project managers plan how to manage contracts better. This is an important area as many percent of project spend can be contracted out to external providers. Simplistically, procurement is about the cards you deal yourself, the decisions you make about how to contract for the supply of goods and services. Contract management is about managing what you have been dealt with. Procurement decisions are taken early in the project life cycle and have a big impact on total cost downstream. How risk is allocated and shared with suppliers is a major consideration. Care has to be taken to avoid allocating risk to a supplier that cannot manage the risk and could financially fail. In reality, attempting to transfer risk fully to a supplier, never works, the risk always remains with you, the customer, and you will pay a premium as the supplier will increase the price to try and protect their financial risk. Another challenge faced by the project manager, is that they are often brought in after the procurement decisions have been made, simply to deliver the contract stage. This is true of both the customer and suppliers project managers. Each stage is described with stage inputs, outputs and risks. If you are dropped in at the delivery stage it is advisable that you familiarise yourself with how it got there and what the next steps are. For the contract delivery stage, you should check both your own and the suppliers understanding of acceptance of deliverables, conditions of contract, requirements, technical issues and pricing. As project manager you need to know and review the contract, you need to own it. The guide identifies 19 typical risks, what they are and how they can be managed. It is all about the people and relationships. What can go wrong? Uncontrolled or unspecified dependencies, on you, on your supplier, or between suppliers, is one of the highest issues. Resource issues, including both numbers and quality of staff – both your own team and the suppliers. Change should not be avoided, but it does need resources to be allocated to manage it effectively, and that costs both the customer and supplier. The process must be agreed upfront. Changes at early stages are less costly than later. One of the latest challenges which the Contracts and Procurement SIG has been debating, is that of how you contract for agile project management. Agile is a way of thinking that is somewhat different from the conventional waterfall approach and contracting methods. The standard waterfall and contracting approaches assume there is a good idea of the requirement and how to deliver it. But of course, things change, and often the requirement is not that well understood at the beginning of a project. An agile project management approach can help reduce risk by breaking up work packages into manageable stages. If this cannot happen e. Product managers and senior users are essential roles. Both the client and supply have to fully commit to agile and the way of thinking it requires. The contract approach used must set the collaborative structures and ways of working in place. Main body should define contract background terms such as: An Annex Statement of Work, SoW , should detail thoroughly the ways of working for the agile method selected. In summary - to be successful, agile needs the correct culture for both client and supplier, it requires a truly collaborative mind set.

Chapter 9 : Procurement - Challenges Facing Procurement Organizations - Knowledge@Wharton

Contract management is the administration of a legally-binding agreement between two or more parties. The contract manager develops the contract document from a written request for offers, vendor responses and negotiations with bidders.