



استراتژی مدیریت قرارداد

برای مدیران قرارداد

معرفی دوره

ارائه دهنده:

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ACEMI

مقدمه

دستورالعمل جامع بوده و در دو بخش زیر ارائه می‌شود.

۱. نسخه سوم استاندارد مدیریت قرارداد Contract Management Standard یا همان CMS (ارائه شده توسط انجمن مدیریت قرارداد آمریکا (NCMA) در سال ۲۰۲۲)

۲. نسخه هفتم پیکره دانشی مدیریت قرارداد Contract Management Body of Knowledge یا همان CMBOK (ارائه شده توسط انجمن مدیریت قرارداد آمریکا (NCMA) در سال ۲۰۲۳) دوره‌ای که نه تنها برای مدیران و کارشناسان امور قرارداد الزام‌آور است، بلکه به دلیل توجه ویژه به ساختارهای مدیریت پروژه‌ای، مدیران پروژه نیز باید به یادگیری این مبانی اقدام نموده تا بتوانند از یک مزیت رقابتی بزرگ با فراگیری ساختاری نوین در کشور بهره‌مند گردند.

همان‌طور که در دوره استراتژی مدیریت قرارداد برای مدیران پروژه اشاره شد، موسسه ACEMI سه ساختار را برای مدیریت قرارداد طراحی نموده، که در سه سطح کارشناسی، ارشد و مشاوران ارائه می‌گردد و بر اساس آنچه در محتوای آن دوره اشاره شد، موسسه ACEMI در دو سطح ارشد، استراتژی مدیریت قرارداد را در دو بخش زیر ارائه می‌کند.

۱. استاندارد مدیریت قرارداد برای مدیران پروژه
۲. استاندارد مدیریت قرارداد برای مدیران قرارداد

در نتیجه، این دوره، بخش دوم از ساختار جامع استراتژی قرارداد است که با بهره‌گیری از یک استاندارد و دو راهنمای اجرایی بسیار مهم که در آمریکا ارائه شده است، یک ساختار جامع قراردادی را در سطح کلان و سازمانی، ارائه می‌نماید. ساختاری که به شکل یک

CMBOK، بررسی چهارچوب اصلی و ارتباط CMS با CMBOK و...

« شایستگی‌های رهبری در مدیریت قرارداد: تعریف رهبری، مدل شایستگی رهبری CMBOK، شایستگی‌ها، کاراکتر، مشارکت تیمی، نگرش و اهداف در مدیریت قرارداد و... »

« شایستگی‌های مدیریتی در مدیریت قرارداد: تعریف مدیریت، مدیریت کسب‌وکار (یکپارچه‌سازی برنامه‌ریزی، مدیریت مالی، ارزیابی اقتصادی، آنالیزهای مالی، مدیریت اطلاعات، بازاریابی، مدیریت عملیات)، مدیریت پروژه (ارتباط بین ساختارهای مدیریت پروژه و مدیریت قرارداد بر اساس چهارچوب استاندارد CMS)، مدیریت ریسک، مدیریت مالی و مدیریت زنجیره تامین در قالب ساختار قرارداد و بر اساس چهارچوب CMS و... »

« فاز Pre-Award از چرخه حیات مدیریت قرارداد: تعریف فاز Pre-Award، درخواست برنامه و پیشنهادات، آماده‌سازی پیشنهاد و... »

« فاز Award از چرخه حیات مدیریت قرارداد: تعریف فاز Award، آنالیز قیمت و هزینه، برنامه مذاکرات، انتخاب منابع و مراجع، مدیریت اختلاف نظرات و... »

« فاز Post-Award از چرخه حیات مدیریت قرارداد: تعریف فاز Post-Award، مدیریت قرارداد، تضمین کیفیت، مدیریت قراردادهای فرعی و پیمانکاران جزء، مدیریت تغییرات، اختتام قرارداد و... »

« فراگیری شایستگی‌ها: یادگیری مداوم، شایستگی‌های فردی، مزیت رقابتی سازمانی و... »
الحاقیه‌ها: چکلیست‌های ارزیابی سازمان و ساختار مدیریت قرارداد

« ۱. ساختار کلی و استاندارد اصلی مدیریت قرارداد (Contract Management Standard) »

« چرخه حیات مدیریت قرارداد (Contract Life Cycle): بررسی اصول کلی مدیریت قرارداد برای مدیران قرارداد و ارائه فرآیند استاندارد در تمام چرخه مدیریت قرارداد »

« فازهای چرخه حیات مدیریت قرارداد (Contract Life Cycle Phases): بررسی فازهای Pre-Award و Award و Post-Award در زمینه مدیریت قرارداد »

« حوزه‌های اصلی در فازهای چرخه حیات مدیریت قرارداد (Domains): بررسی محدوده‌های ارائه شده مدیریت قرارداد در هر فاز برای ایجاد نتایج اثربخش مدیریت قرارداد »

« صلاحیت‌ها و شایستگی‌های موردنیاز در حوزه‌های اصلی در فازهای چرخه حیات مدیریت قرارداد (Competencies): بررسی فرآیندهای تایید شده در هر حوزه (Domains)، به همراه ارزیابی همزمان وظایف شغلی برای کسب نتایج قابل قبول در زمینه مدیریت قرارداد »

« وظایف مدیران قرارداد (Job Tasks): بررسی وظایف مدیران قرارداد برای کسب حداکثری نتایج در فرآیند تدوین شده »

« ۲. پیکره دانش مدیریت قرارداد (Contract Management Body of Knowledge) »

« چهارچوب اصلی مدیریت قرارداد: اهداف، تعاریف، چرخه حیات، ذینفعان، روندهای محیطی و اثرات آن بر روی الزامات کسب‌وکار، شاخص‌های عملکردی، حرفه مدیر قرارداد، محدوده‌های دانشی موردنیاز برای مدیر قرارداد و... »

« بررسی پیکره اصلی CMBOK: سیستم شایستگی »

آنچه خواهید آموخت

شاید بتوان گفت این رویه تدوین شده برای مدیریت قرارداد در صنعت ساخت، یکی از جامع‌ترین رویه‌ها در کشورمان بوده، که با ترکیب ساختارهای مدیریت پروژه و قرارداد، برای اولین بار به این شکل ارائه می‌شود. در این دوره:

- ۱ ساختار کلی و استاندارد اصلی مدیریت قرارداد را از منظر چرخه حیات، فازها، حوزه‌ها، شایستگی‌ها و وظایف مدیر قرارداد فرا خواهید گرفت.
- ۲ نحوه تدوین ساختار قرارداد را در پروژه‌ها و با توجه به استاندارد مدیریت قرارداد، در بخش‌های مختلف Pre-Award و Award و Post-Award، همراه با شایستگی‌های موردنیاز رهبران و مدیران قرارداد، فرا خواهید گرفت.

وجه تمایز این دوره

- ۱ اولین موسسه‌ای که مدیریت قرارداد را بر اساس آخرین نسخه استاندارد (CMS) (سال ۲۰۲۲) و راهنمای مدیریت قرارداد (CMBOK) (سال ۲۰۲۳) در کشور آموزش می‌دهد.
- ۲ برگزاری دوره بر اساس جدیدترین نسخه از راهنماها و استانداردهای مدیریت قرارداد که بعضاً دسترسی به بسیاری از آنها در کشور سخت و یا ناممکن است.
- ۳ اولین برگزارکننده دوره جامع مدیریت قرارداد در کشور و عرصه بین‌الملل که مبنای برنامه‌ریزی، مدیریت مالی، مدیریت اسناد، آنالیز تاخیرات، مدیریت ادعاء و مدیریت قرارداد را یکپارچه نموده است.
- ۴ متمایزسازی فراگیران با آموزش به‌روزترین منابع، استانداردها، سندها و مراجع مدیریت قرارداد در دنیا که بعضاً دسترسی به برخی از آنها در کشور سخت و یا ناممکن است.
- ۵ ارائه ویدئوها و جزوات به صورت کامل
- ۶ گروه پشتیبانی ۶۰ روزه از زمان شروع دوره
- ۷ ارائه محتوا به صورت جامع، ساختار یافته و هدفمند در راستای نقشه راه CM

جزئیات دوره



نوع دوره	مهارت سخت
سطح دوره	ارشد - استراتژی
سطح تخصص	سطح ۳
دپارتمان	مدیریت قرارداد
مدرس	دکتر سید محمدرضا علوی‌پور
گواهینامه‌ها	گواهینامه حضور - گواهینامه حرفه‌ای
پیش‌نیاز	قراردادهای ساخت، مدیریت برنامه‌ریزی و زمان‌بندی، مدیریت مالی، مدیریت اسناد و مدارک پروژه، آنالیز تاخیرات، مدیریت ادعاء، استراتژی مدیریت قرارداد برای مدیران پروژه

مهارت‌های سخت (Hard Skills) - سطح کارشناسی و اجرایی

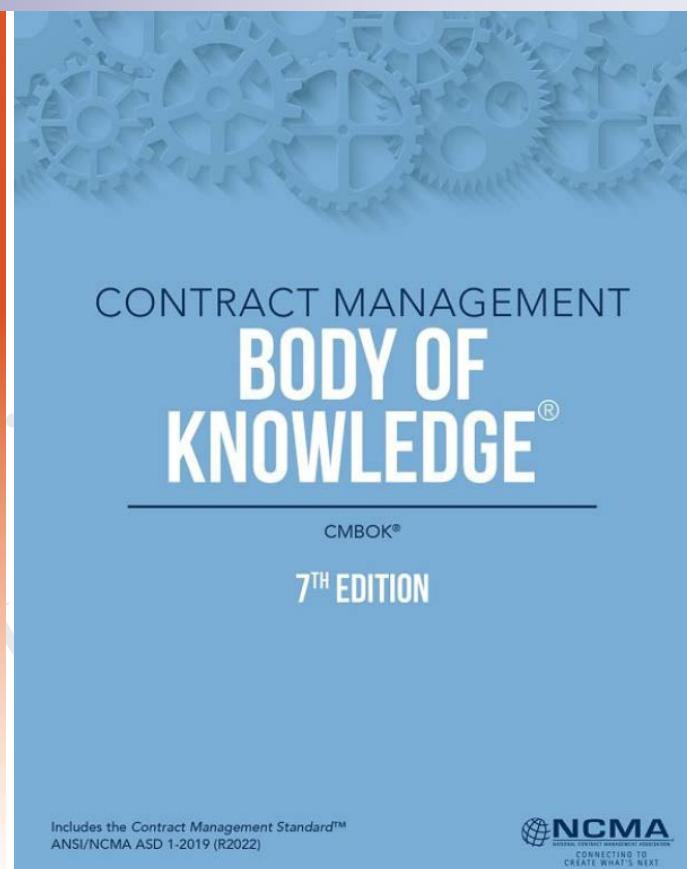
سطح ۵	سطح ۴	سطح ۳	سطح ۲	سطح ۱	دپارتمان‌ها
	استاندارد مدیریت ساخت CMAA	متدولوژی Prince2	راهنمای PMBOK	مدیریت پروژه‌های صنعت ساخت	مدیریت پروژه
	تامین مالی پروژه			مدیریت مالی و هزینه پروژه ارزیابی اقتصادی پروژه	مدیریت مالی و هزینه
				برنامه‌ریزی و کنترل پروژه نرم‌افزار MSP نرم‌افزار P6	مدیریت برنامه‌ریزی و زمان‌بندی
		مدیریت کیفیت پروژه			مدیریت کیفیت
اجرای پروژه به روش CM			مدیریت ادعاه و اختلافات	آنالیز تاخیرات پروژه	مدیریت قرارداد
		مدیریت ایمنی پروژه			مدیریت ایمنی
مدیریت طرح		مدیریت چابک Agile	مدیریت پروژه به روش Lean دفتر مدیریت پروژه (PMO)		مدیریت طرح و برنامه
		مدیریت پایداری پروژه			مدیریت پایداری
			مدیریت ریسک پروژه		مدیریت ریسک
			نرم‌افزار Power BI	مدیریت اسناد و مدارک پروژه	مدیریت اطلاعات
	مدیریت BIM در پروژه		نرم‌افزارهای BIM		مدیریت مدل‌سازی اطلاعات ساختمان (BIM)

مهارت‌های سخت (Hard Skills) - سطح ارشد استراتژی

سطح ۵	سطح ۴	سطح ۳	سطح ۲	سطح ۱	دپارتمان‌ها
		منشور اخلاق در مدیریت پروژه			مدیریت پروژه
			استراتژی مدیریت هزینه و مهندسی ارزش		مدیریت مالی و هزینه
			استراتژی مدیریت برنامه‌ریزی و زمان‌بندی		مدیریت برنامه‌ریزی و زمان‌بندی
	استراتژی مدیریت کیفیت				مدیریت کیفیت
		استراتژی مدیریت قرارداد		اصول مدیریت ساخت	مدیریت قرارداد
	استراتژی مدیریت ایمنی				مدیریت ایمنی
استراتژی مدیریت طرح و برنامه					مدیریت طرح و برنامه
	استراتژی مدیریت پایداری				مدیریت پایداری
		استراتژی مدیریت ریسک			مدیریت ریسک
		استراتژی مدیریت اطلاعات			مدیریت اطلاعات
استراتژی مدیریت BIM					مدیریت مدل‌سازی اطلاعات ساختمان (BIM)

References Used in This Course

Primary resources



References Used in

Contract Management for

Construction Managers

Primary resources



Other resources

- ❑ **Construction Contract Administration**, Construction Specification Institute, **2020**
- ❑ **Construction Delays**, Nagata, Manginelli, Lowe, Trauner, *Elsevier*, **2018**
- ❑ **Drafting Scheduling Specifications**, Wickwire Groff, *CMAdvisor*, **2003**
- ❑ **Contract Scheduling Provisions**, Long International, Inc., **2021**

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استراتژی مدیریت قرارداد

برای مدیران قرارداد

ساختار کلی و استاندارد اصلی مدیریت قرارداد (Contract Management Standard)

ارائه دهنده:

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What we will learn?

- ☐ Introduction to contract management standard (CMS)
- ☐ Standard definitions
- ☐ Structure of the CMS
- ☐ Component 1
- ☐ Components 2-5
 - ❖ Introduction
 - ❖ Pre-award lifecycle
 - ❖ Award lifecycle
 - ❖ Post-award lifecycle
- ☐ The contract management standard (importance, development, and intent)



INTRODUCTION TO CONTRACT MANAGEMENT STANDARD (CMS)

CMS introduction

- ❑ An **American National Standard** is a document established through the consensus-based activities of an accredited, authoritative organization.
- ❑ The **common** and **repeated** use of a consensus-based standard will improve productivity, increase efficiency, and reduce costs.

How the CMS developed?

CMS introduction

How the CMS developed?

- ❑ The **Contract Management Standard™ (CMS™)** was developed through a rigorous process involving **interested parties**.
- ❑ Conceptually, the **process** was based on due process, which was established through consensus, openness, lack of dominance, and a balance of interests.

How the process designed?

CMS introduction

How the process designed?

❑ Specifically, the **process** included

1. Job task analysis survey
2. Expert drafting
3. Peer review
4. Public comment validation

Why CMS is important?

CMS purpose

Why CMS is important?

❑ The **Contract Management Standard™** defines **key**

1. Contract management concepts
2. Processes
3. Relationships

and serves as the foundation and framework for the **Contract Management Body of Knowledge (CMBOK®)**.

PURPOSE OF THE CONTRACT MANAGEMENT STANDARD™

The purpose of the Contract Management Standard™ is to describe contract management in terms of the processes and stakeholder relationships created through the integration and interaction of job tasks and competencies, and the purposes they serve.

What is CMBOK then?

CMBOK purpose

What is CMBOK then?

- ❑ The **CMBOK®** **expands** on the **information** contained in the **Contract Management Standard™**.
- ❑ The **CMBOK®** is intended to **advance**
 1. Individual competence
 2. Organizational capabilityby **providing** a more in-depth description of context, environment, and influences on contract management.

Why do we need them?

CMS and CMBOK

Why do we need them?

- ❑ The **success** of buyers and sellers can be assessed through
 1. Direct interaction (e.g., Negotiations, contract performance)
 2. Indirect contact (e.g., Planning)

Success of one party cannot occur without the success of the other party.

- ❑ Successful contract management is more likely to occur **when both parties** have a **clear understanding** of all
 1. Job tasks
 2. Competencies
 3. Deliverables

What is the scope of CMS?

CMS scope

What is the scope of CMS?

- ❑ The scope of the **Contract Management Standard**TM includes all the contract management processes and relationships required to
1. Develop solicitations
 2. Develop offers
 3. Form contracts
 4. Perform contracts
 5. Close contracts
- for the **furnishing** of goods or services.

Who could use this standard?

Primary participants

Who could use this standard?

❑ The primary participants in this process are

1. Buyers and sellers in the practice of **contract management**;

2. Buyer and seller **collaboration with stakeholders** such as

engineering, estimating, finance, legal, logistics, pricing, project management, requirement development, supply chain management, quality control, customers, and others.

STANDARD DEFINITIONS

Common terms

- ❑ In the practice of contract management, the following are **common terms** with their basic definitions.

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Contract

☐ A legally enforceable agreement for

1. Sale, purchase, or lease of products, goods, supplies, or services; or
2. The construction, alteration, or repair of real property.

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Contract

❑ The **agreement** is either

1. An exchange of **promises** to act or refrain from acting in a specified way (bilateral contract) or
2. An exchange of an **act for a promise** (unilateral contract, e.g., a purchase order)

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Contract

❑ To **be legally enforceable** such agreements must **satisfy the requirements** of pertinent government laws, codes, and regulations;

the **common law** of contracts; and treaties or **other international agreements**.

1. **Contracts** include acquisitions, grants, leases, orders, procurements, purchases, subcontracts, and other legally enforceable agreements consistent with the above description.
2. **Orders** may be awarded as standalone contracts themselves or as an order made against a previously awarded contract.

Contract management

❑ The **actions** of a **contract manager** to

1. Develop solicitations
2. Develop offers
3. Form contracts,
4. Perform contracts
5. Close contracts

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Contract management

❑ Contract management manages both **pre** and **post** contractual matters which includes:

1. **Review**
2. **Drafting** and **negotiation** of contracts
3. **Thorough monitoring** of the performance of that particular signed contract **until close-out**



Contract manager

- ☐ The authorized representative or agent for a **contracting party**.

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Contract performance

- ❑ The **execution** of the terms of a contract.

4.1 Administer Contract

Administer Contract is the process of establishing expectations, maintaining communication channels, processing contract documentation, conducting post-award performance reviews, and assessing contract performance.

This process involves managing risk and increasing the likelihood of satisfactory contract execution.

Customer

- ☐ The recipient or user of goods or services **delivered under a contract.**

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Guiding principles

❑ Principles of contract management that are **applicable**

throughout all phases of the contract life cycle

in **all** contract management **circumstances**,

irrespective of **changes** in priorities, strategies, requirements, or resources (e.g., personnel, money, equipment, time).

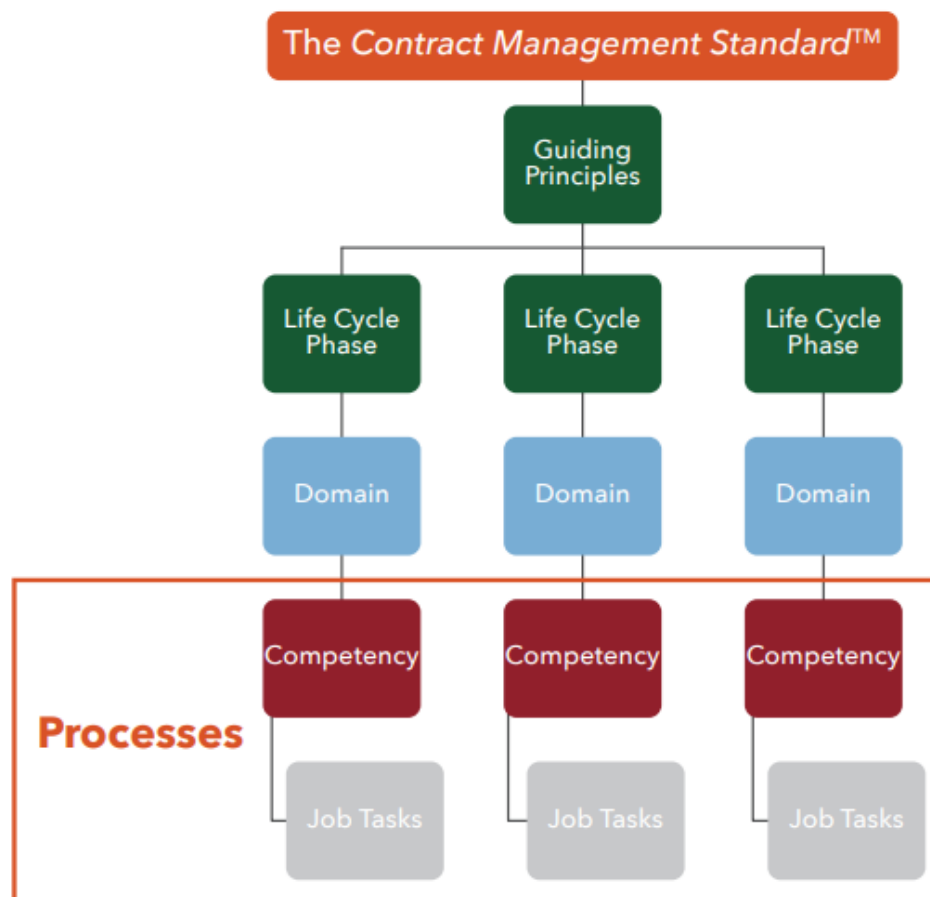
Guiding principles include skills and roles, contract principles, standards of conduct, regulatory compliance, situational assessment, team dynamics, and communication and documentation.

STRUCTURE OF THE CMS

Contract life cycle – Five components

- ❑ The Contract Management Standard™ is comprised of **five components** (see FIGURE 1):

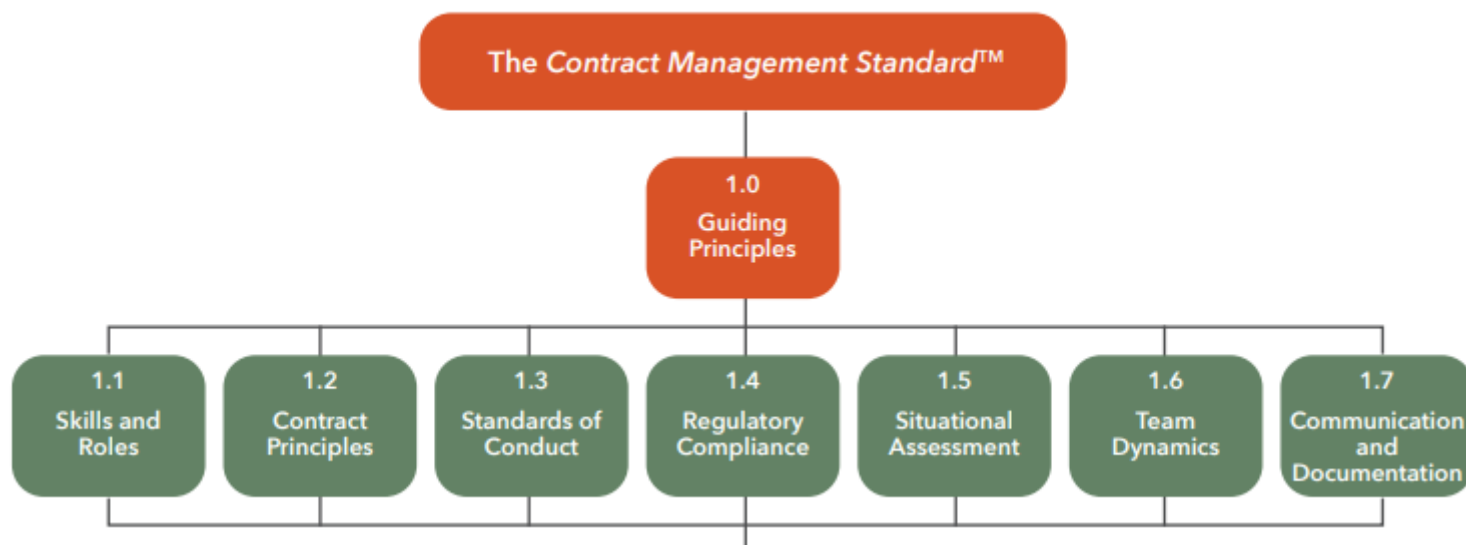
FIGURE 1. Component Structure of The Contract Management Standard™



Component 1: Contract principles

- ❑ These principles apply to all contract managers in all phases of the contract life cycle.

FIGURE 2. The Contract Management Standard™



Component 2: Contract life cycle phases

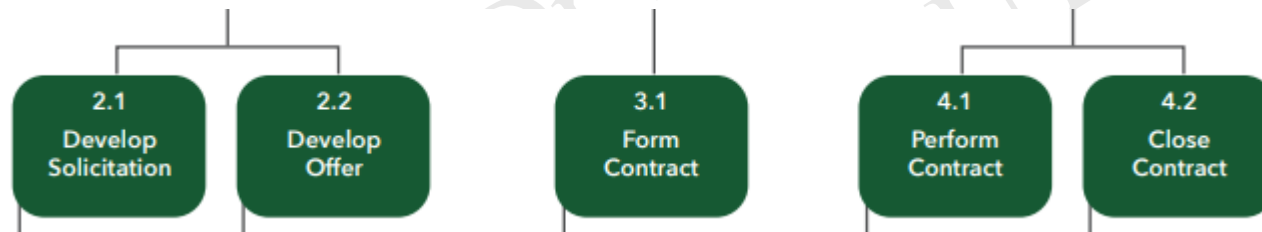
❑ The phases of a contract:

1. Pre-award
2. Award
3. Post-award



Component 3: Domains

- ❑ The areas within a contract life cycle phase that **produce** significant contract management outcomes.



Component 4: Competencies

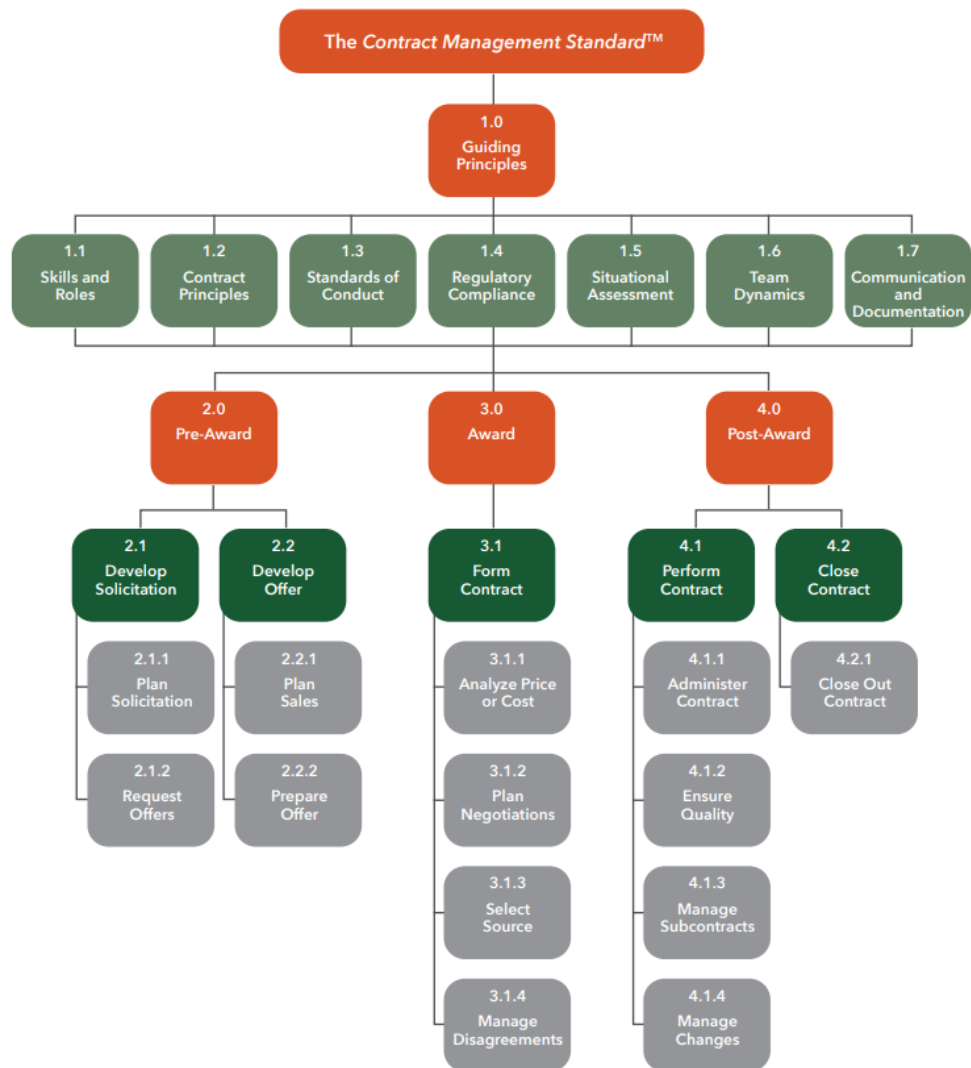
- ❑ The processes utilized to **produce** the **expected contract management outcomes** of the domains.
- ❑ These processes involve the **ability** to perform multiple job tasks, both simultaneously and sequentially, **while achieving** meaningful results.



Component 5: Job tasks

- ❑ The tasks performed on a **routine basis** by **contract managers**.
- ❑ **Contract managers** systematically process the **job tasks** to achieve the expected results of the competencies.
- ❑ Though the **job tasks** are presented as lists,
contract managers are expected to **skillfully process** them
concurrently or sequentially,
as appropriate, throughout the **contract life cycle**.

FIGURE 2. The Contract Management Standard™



COMPONENT 1:

CONTRACT PRINCIPLES

Principles

❑ **Guiding Principles** are applicable throughout all phases of the contract life cycle in all contract management circumstances,

irrespective of **changes** in priorities, strategies, requirements, or resources (e.g., personnel, money, equipment, time). (See FIGURE 3.)

FIGURE 3. The Guiding Principles of Contract Management

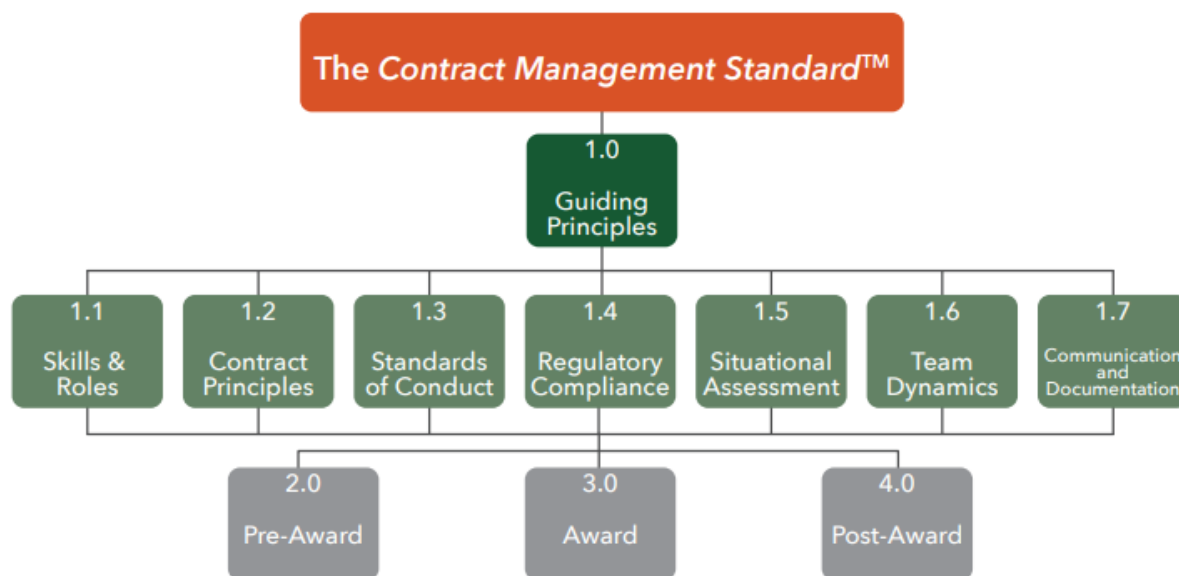


Skills and roles

- ❑ Contract management is the process of **managing** contracts throughout the contract life cycle

while ensuring customer satisfaction.

FIGURE 3. The Guiding Principles of Contract Management



What elements should be mostly managed?

Skills and roles

What elements should be mostly managed?

❑ This includes the **management of contract elements** such as

- ❖ Negotiations
- ❖ Changes
- ❖ Requirement interpretations
- ❖ Deliverables
- ❖ Contract terms and conditions
- ❖ Risk management

What responsibilities assigned to the Contract Manager?

Skills and roles

- ❑ In terms of the **responsibilities** assigned to a contract manager, contract management has a very broad perspective.

- ❑ The **job scope ranges from** the skills of
 1. Planning
 2. Organizing
 3. Managing
 4. Negotiatingof **complex contracts**

What does successful contract management demand?



Skills and roles

❑ Successful contract management demands:

1. Leadership proficiency through the **cumulative effect** of competence, character, collaboration, emotional intelligence, and vision
2. Specialized management skill, acumen, and judgment in such areas as business management, change management, financial management, project management, risk management, and supply chain management
3. Continuous, lifelong learning to advance individual competence and organizational capability

What are the two primary functions of the contract managers?

Skills and roles

What are the two primary functions of the contract managers?

- ❑ Contract managers fall into **two primary functions**—the buyer and the seller.
 1. **Buyer**—the contracted party with the **requirement** for goods or services to be fulfilled by one or more sellers.
 2. **Seller**—the contracted party **tasked** with fulfilling the buyer's requirement for goods or services.

What is the most area the contract manager should focus?

Skills and roles

What is the most area the contract manager should focus?

- ☐ The buyer and the seller **satisfy** requirements through effective management of the contract.
- ☐ This skill requires the contract manager to
 1. **Focus** on the problem as stated and
 2. **Process** the available information and knowledge to achieve an **effective solution**.
- ☐ This process is **highlighted** by
 1. **Identifying** risks
 2. **Facilitating** the mitigation of the risks

What are three areas the contract manager should strive to resolve?

Skills and roles

What are three areas the contract manager should strive to resolve?

- ❑ The **contract manager** should strive to
 1. **Minimize** the influence of personal biases
 2. **Maximize** the likelihood of a successful result
 3. **Facilitate** communication among affected parties

Who is the successful contract manager?

Skills and roles

Who is the successful contract manager?

❑ Successful contract managers are those who can

1. Develop **business strategies**
2. Execute **business strategies**

How to reach that success?

Skills and roles

How to reach that success?

❑ To serve in this **role requires**

1. Higher education
2. Professional training
3. Occupational experience

to help guide the customer and other stakeholders through the **contract life cycle phases**.

What are the primary skills the contract managers need?



Skills and roles

What are the primary skills the contract managers need?

- ❑ Contract managers **must have**
 1. Effective analytical
 2. Problem-solving
 3. Communication skills—andmust be **adaptable** to a changing business environment.

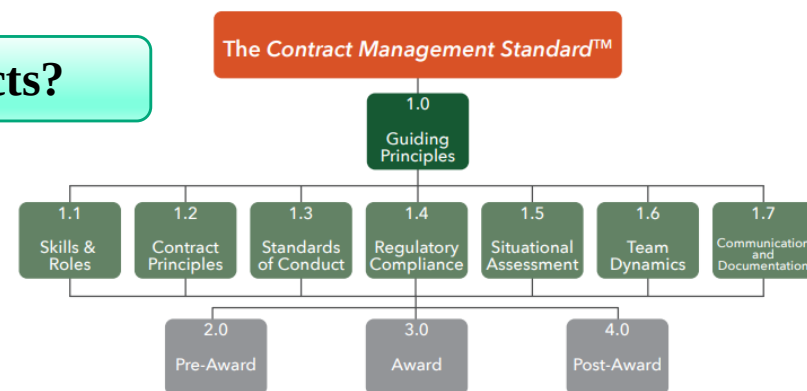
- ❑ Contract managers **must**
 1. **Understand** the regulatory environment in order to **legally implement effective solutions**
 2. **Manage** risk while **satisfying** contract requirements and obligations

Contract principles

- ❑ **Contract principles** are the fundamentals of contracting that all contract managers must understand and apply.
- ❑ Simply put, a contract results from:
 1. Offer
 2. Acceptance
 3. Consideration
 4. Intent to create a legal relationship

FIGURE 3. The Guiding Principles of Contract Management

Difference between valid and binding contracts?



Contract principles

Difference between valid and binding contracts?

- ☐ For a contract to be valid,
both parties must indicate that **they agree** to the terms.
- ☐ For a contract to be binding,
it must be for a legal purpose and it can only be made by parties who are **competent**.

What are the two major categories of contract principles?



Contract principles

What are the two major categories of contract principles?

❑ Contract principles fall into **two major categories**:

1. **General contracting concepts**—These include such notions as *principal and agency, types of authority, essential elements of a contract, market research, competition, fair and reasonable prices, and ethics; and*
2. **Terms and conditions to address specific contract matters**—These include *requirements and the rights and remedies of the parties in such areas as inspection and acceptance, title transfer, excusable delay, risk of loss, repudiation, warranties, payment terms, contract changes, and termination.*

Terms and conditions (T&C)

- ❑ **All language** in a contract, including
time of delivery, packing and shipping, applicable standard clauses, and
special provisions.
- ❑ The **primary function** of terms and conditions is to
eliminate or reduce the **risk** of contract **ambiguity**;
often the source of disputes and misunderstandings.

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Standards of conduct

- ❑ Standards of conduct help to **define** the ethical behavior expected of all contract managers and their organizations.
- ❑ Standards of conduct are intended to **create** trust and confidence in the integrity of the contract management process.
- ❑ The standards require contract managers to **conduct** themselves in such a manner as to bring credit upon the profession.

FIGURE 3. The Guiding Principles of Contract Management



What are the four major components that should be considered here?

Standards of conduct

What are the four major components that should be considered here?

❑ Contract managers conduct **all business** in **good faith** while:

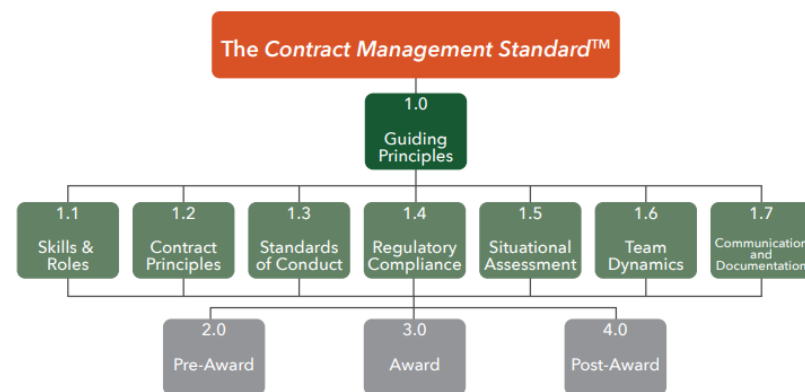
1. Making timely and reasonable **decisions**
2. Being transparent in making **appropriate disclosures**
3. Adequately protecting **proprietary information**
4. Avoiding actual or apparent **conflicts of interest**

Regulatory of compliance

❑ Fundamentally, the contract management profession is about the knowledge and application of

1. Laws
2. Codes
3. Regulations

FIGURE 3. The Guiding Principles of Contract Management

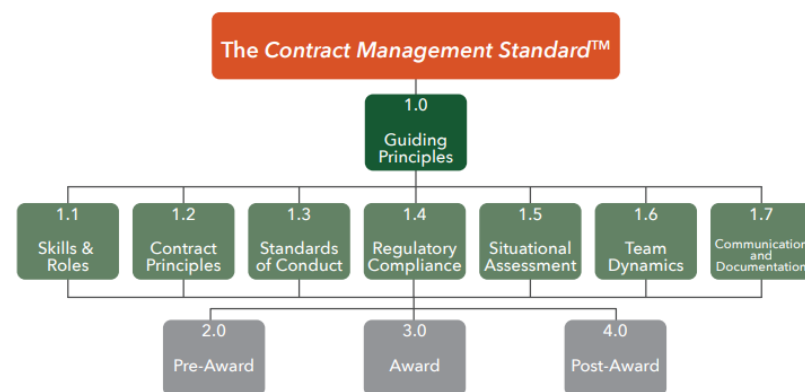


Situational assessment

□ Applying knowledge through

lessons learned to the management of current and future contracts is a crucial ability in contract management.

FIGURE 3. The Guiding Principles of Contract Management



What usually successful contract managers do here?

Situational assessment

What usually successful contract managers do here?

❑ **Successful contract managers** do the following:

1. Know how to capture, document, and share knowledge;
2. Know how to shape and manage requirements to align with an organization's vision, mission, and strategic goals;
3. Are aware of how seemingly independent contract actions impact each other now and in the future;
4. Understand product and systems life cycle principles;
5. Apply effective market research techniques to collect, analyze, and implement market intelligence;
6. Identify opportunities for process improvement and optimization; and
7. Negotiate meaningful contract terms and conditions while meeting customer needs.

Team dynamics

- While **buyer and seller** teams may work independently in the pre-award phase, the relationship becomes formal upon contract award and continues until the contract is closed.

FIGURE 3. The Guiding Principles of Contract Management



Does anyone have role here?



Team dynamics

Does anyone have role here?

- ☐ To be successful, **each member** must have a **working knowledge** of all roles involved on the team.
- ☐ These **roles can include**, for example,
engineering, estimating, finance, legal, logistics, pricing, project management, requirement development, supply chain management, quality control, customers, and others.

Does anyone need to be familiar with the roles of other team members?

Team dynamics

Does anyone need to be familiar with the roles of other team members?

❑ **Becoming familiar** with the other roles on the team

will enable

1. Each role to complement one another,
2. Allow for identification of gaps
3. Overlaps in responsibilities

What three important features communication should have?



Communication and documentation

What three important features communication should have?

☐ Communication must:

1. **Minimize** the effect of personal biases
2. **Maximize** the likelihood of accurate results
3. **Facilitate** communication among affected parties

How to facilitate communication?



Communication and documentation

How to facilitate communication?

- ☐ Contract managers **facilitate communication** through clearly written documentation that is unambiguous and able to be understood.
- ☐ Where appropriate, **documentation** is exchanged and managed among **affected parties**.
- ☐ Documentation is often prepared and retained in **contract files** to support determinations made and actions taken.

Let's see some examples of topics to document

Communication and documentation

Let's see some examples of topics to document

❑ **Examples of topics to document** include, but are not limited to:

- ❖ Contracts and the planning leading to a contract;
- ❖ Gestures, conduct, and verbal exchanges;
- ❖ Rationale used in decision-making and business judgment;
- ❖ Mutually agreed-upon expectations;
- ❖ Planned and unplanned events;
- ❖ Performance issues and accountability;
- ❖ Conflict and resolutions;
- ❖ Changes and solutions;
- ❖ Risk management and mitigation;
- ❖ Contract compliance and performance quality; and
- ❖ Knowledge gained and lessons learned.

COMPONENTS 2-5:

- 2. CONTRACT LIFE CYCLE PHASES**
- 3. DOMAINS**
- 4. COMPETENCIES**
- 5. JOB TASKS**

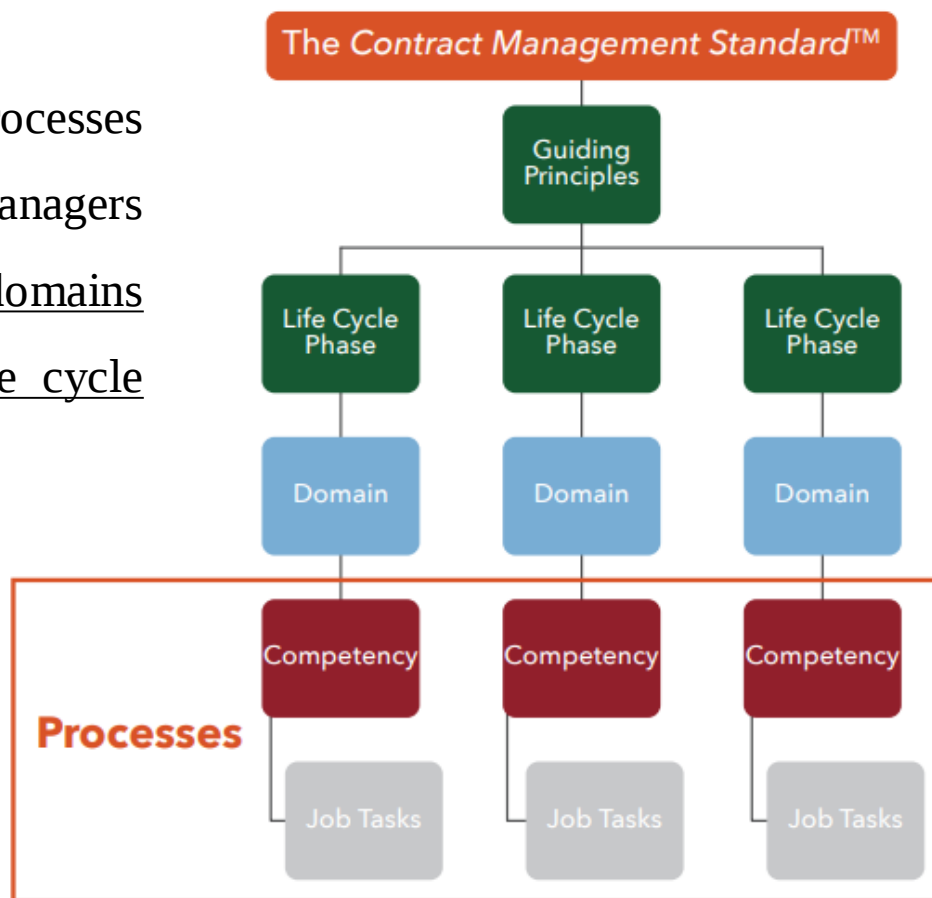
INTRODUCTION

Structure of the CMS

- ❑ The Contract Management Standard™ is comprised of five components (see FIGURE 1):

FIGURE 1. Component Structure of The Contract Management Standard™

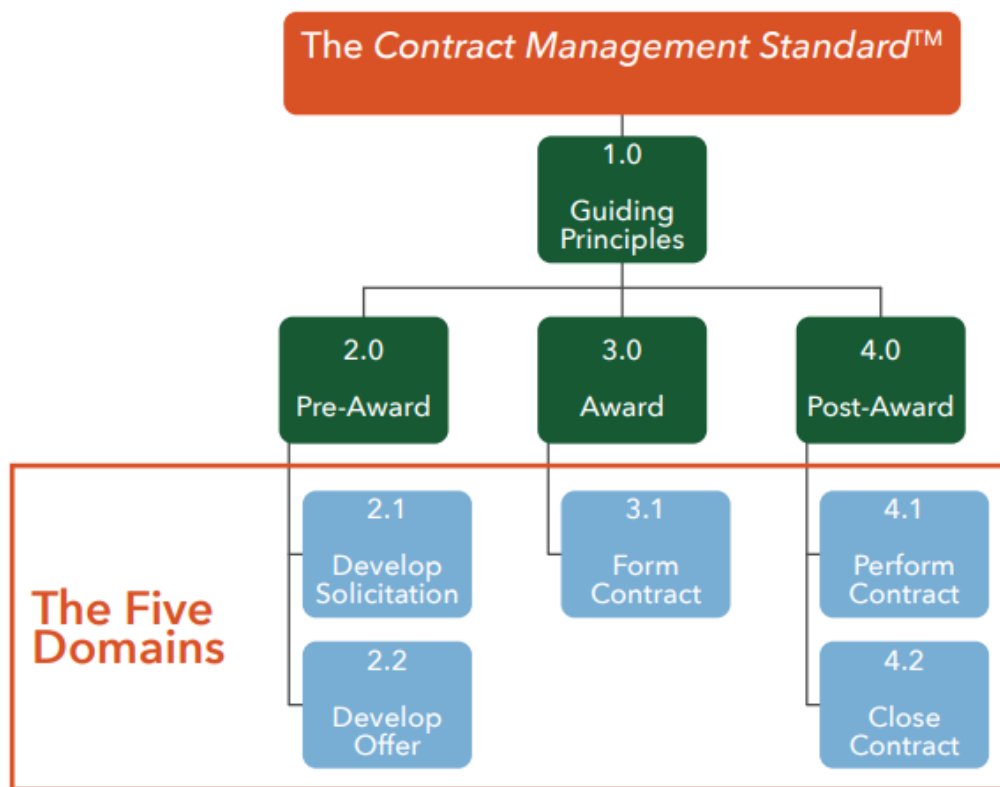
- ❖ Contract management processes performed by contract managers generally fall into five domains within the three contract life cycle phases.



Contract life cycle phases and domains

- ❑ FIGURE 4 illustrates how the domains relate to the life cycle phases.

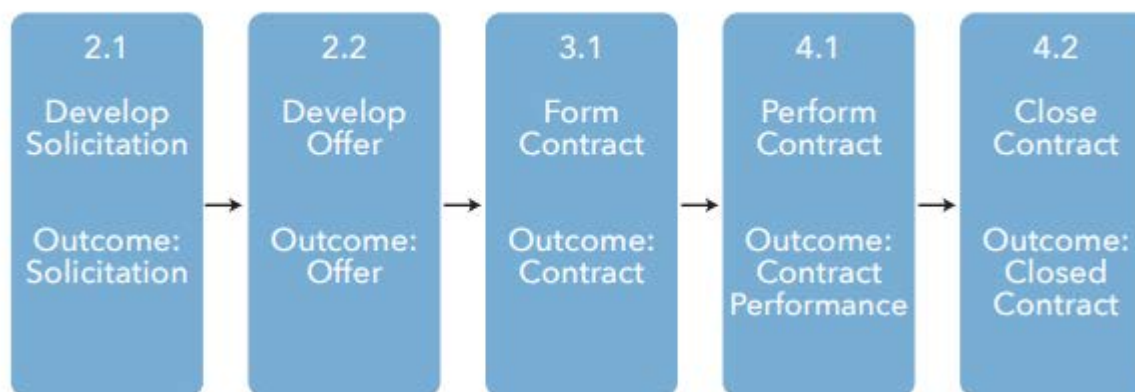
FIGURE 4. Contract Life Cycle Phases with Associated Domains



Contract life cycle phases and domains

- ❑ FIGURE 5 illustrates the domains and their outcomes.

FIGURE 5. Contract Management Domains and Their Outcomes



- ❑ Each contract life cycle phase and domain have specific competencies and job tasks that **together are called “processes.”**

COMPONENTS 2-5:

- 2. CONTRACT LIFE CYCLE PHASES**
- 3. DOMAINS**
- 4. COMPETENCIES**
- 5. JOB TASKS**

PRE-AWARD LIFE CYCLE PHASE

Pre-award life cycle phase: Phase

- ❑ Pre-Award is the **first phase** of the contract life cycle.
- ❑ The pre-award process involves the contract management functions of “**contract planning**” and includes the **processes for**
 1. **Buyers** to produce solicitations
 2. **Sellers** to prepare offers



Pre-award life cycle phase: Domains and competencies

❑ There are **two domains** within the pre-award life cycle phase:

1. **Develop Solicitation**—The **buyer competencies** for this domain are

1. “Plan solicitation”
2. “Request offers”

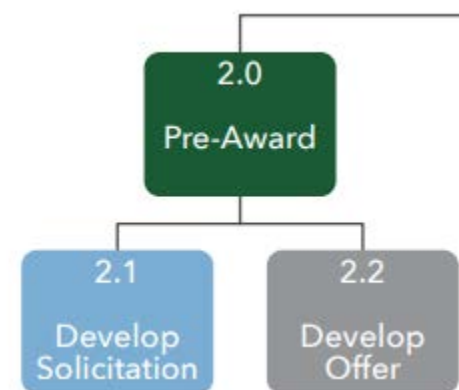
2. **Develop Offer**—The **seller competencies** for this domain are

1. “Plan sales”
2. “Prepare offer”



Pre-award – Develop solicitation

- ❑ Develop Solicitation is primarily the **domain of the buyer**.
- ❑ It contains the processes of **describing all the elements** of the customer requirements (technical, business, regulatory, etc.) to the sellers.
- ❑ The **value added** by this domain is the **accurate presentation** of the customer requirement through a solicitation leading to **responsive offers** and resulting in **successful contract performance**.



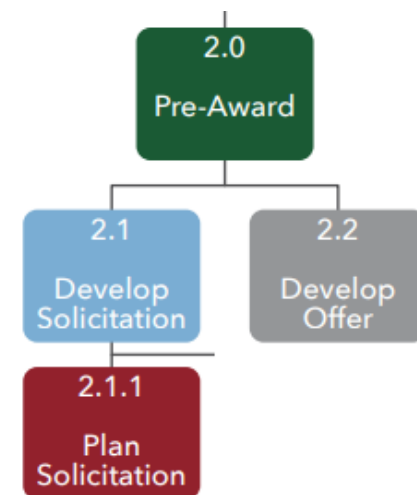
Pre-award – Develop solicitation: Plan solicitation

- ❑ Plan Solicitation is the **process** by which **efforts of all personnel responsible**

for acquiring goods or services are coordinated and integrated

through a comprehensive plan for **fulfilling** the **customer need** in a timely manner at a reasonable price.

- ❑ It includes developing the overall strategy for **managing the acquisition**.

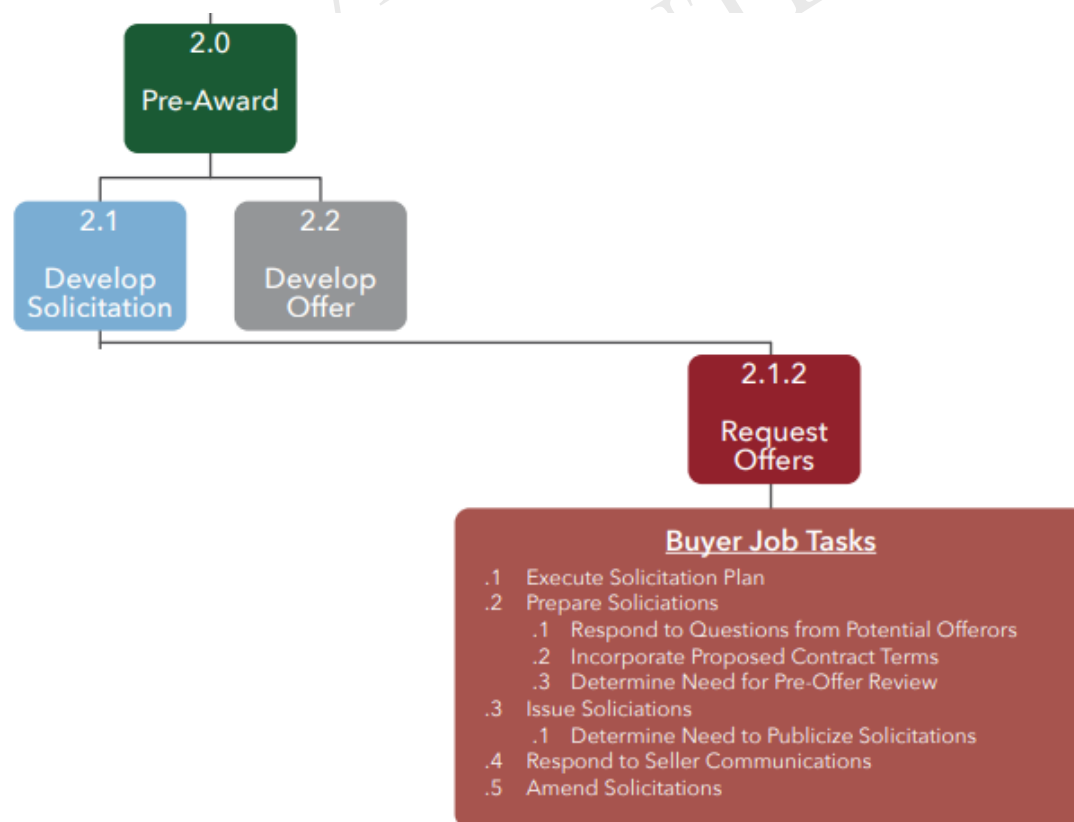


Buyer Job Tasks

- .1 Shape Internal Customer Requirements
 - .1 Perform Needs Assessment
 - .2 Perform Requirements Analysis
 - .3 Identify Measurable Outcomes and Incentives
 - .4 Verify Availability of Funds
- .2 Conduct Market Research
 - .1 Identify Potential Suppliers
 - .2 Evaluate Requirement Achievability
 - .3 Conduct Pre-Offer Conference
 - .4 Consider Solicitation Changes
- .3 Perform Risk Analysis
 - .1 Make or Buy Assessment
 - .2 Supply or Services Determination
 - .3 Develop Delivery Schedule
 - .4 Determine Owner-Furnished Property/ Equipment/Information Management
- .4 Formulate Contracting Strategy
 - .1 Select Proper Contract Type
 - .2 Select Proper Contract Method
 - .3 Determine Appropriate Business and Regulatory Requirements
 - .4 Formulate Offer Evaluation Plan
- .5 Finalize Solicitation Plan

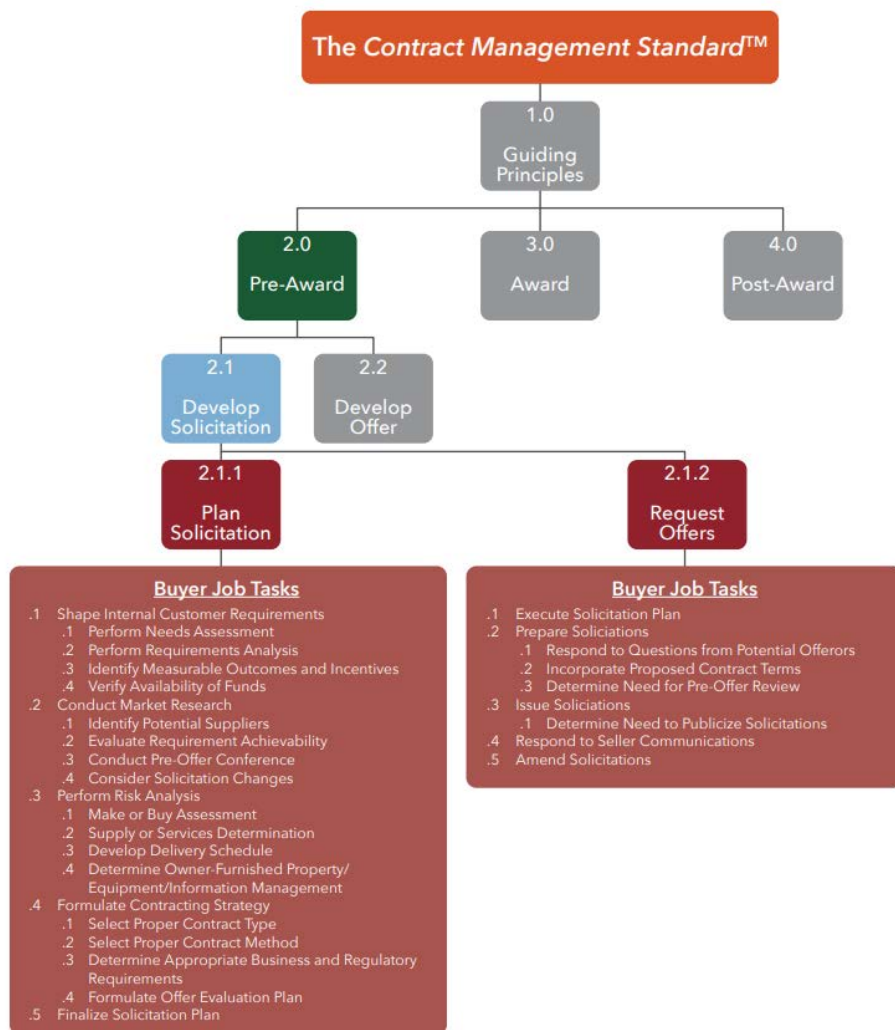
Pre-award – Develop solicitation: Request offers

- ❑ Request Offers is the **process** of implementing the plan by **soliciting responses** from **sellers** in order to fulfill a customer need.
- ❑ It produces a clear and concise solicitation that effectively **communicates all the buyer's requirements** and enables the sellers to provide comprehensive, responsive proposals.



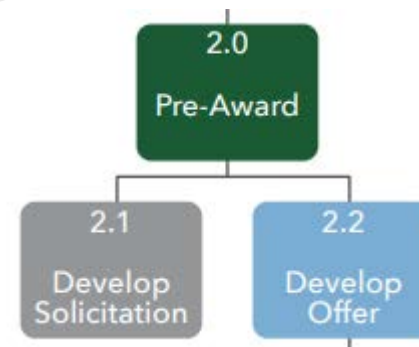
Pre-award – Develop solicitation

FIGURE 6. Competencies and Common Tasks for the Develop Solicitation Domain



Pre-award – Develop offer

- ❑ Develop Offer is primarily the **domain of the seller**.
- ❑ It contains the **processes** of
 1. Applying business practices
 2. Developing strategiesto pursue and obtain **contract award**.
- ❑ The value added by this domain is in **providing the buyer** with a responsive offer resulting in a **contract award**.



Pre-award – Develop offer: Plan sales

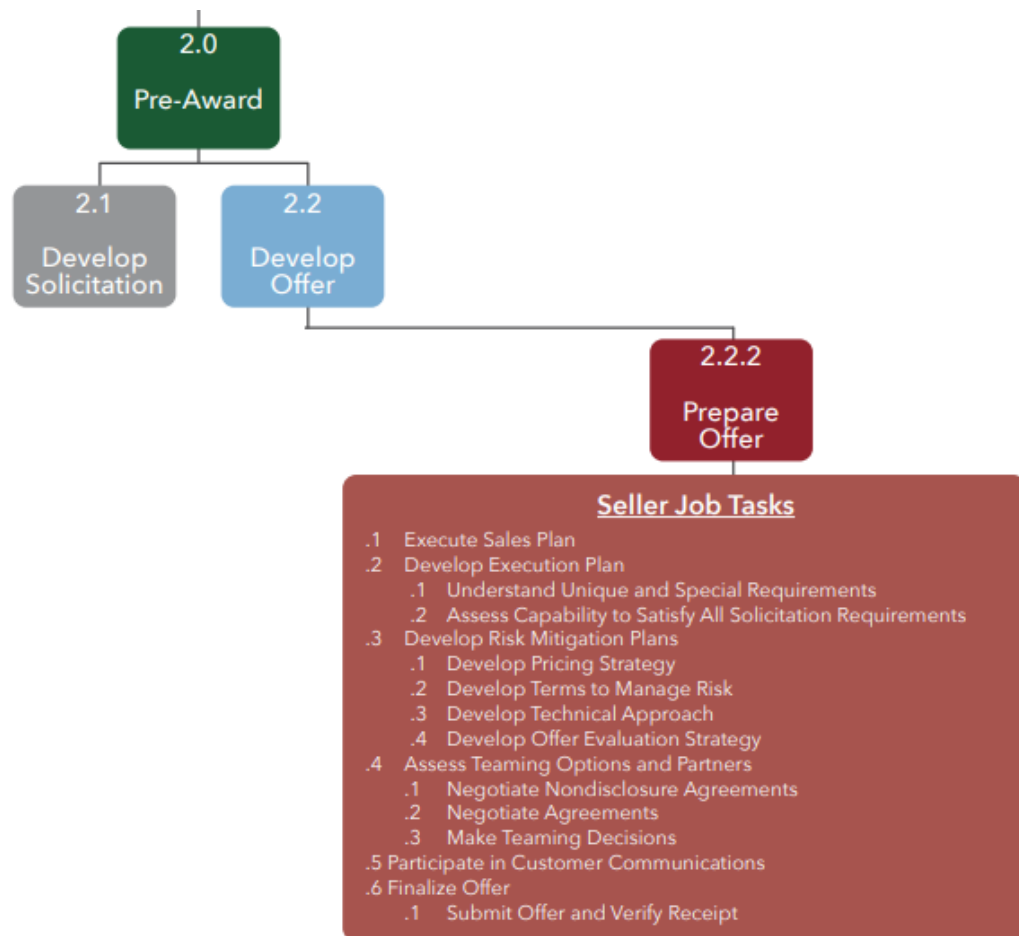
❑ Plan Sales is the **process** of

1. Understanding the customer's **requirements**,
2. Assessing the **competition**
3. Organizing pre-sales activities to **develop market strategy**



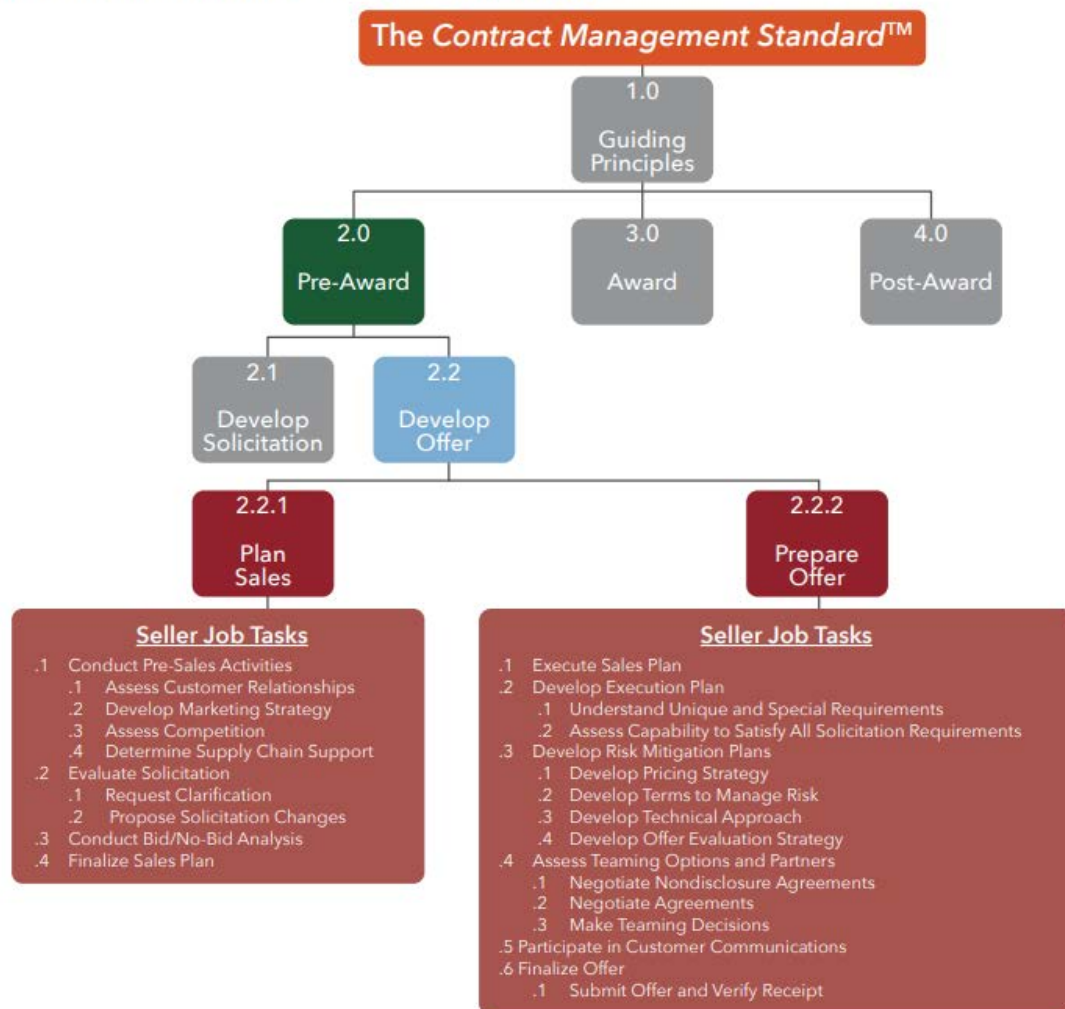
Pre-award – Develop offer: Prepare offer

- ❑ Prepare Offer is the **process** of executing the **sales plan** as it assembles an offer to win business.



Pre-award – Develop offer

FIGURE 7. Competencies and Common Tasks for the Develop Offer Domain



COMPONENTS 2-5:

- 2. CONTRACT LIFE CYCLE PHASES**
- 3. DOMAINS**
- 4. COMPETENCIES**
- 5. JOB TASKS**

AWARD LIFE CYCLE PHASE

Award life cycle phase: Phase

- ❑ The second contract life cycle phase is Award.

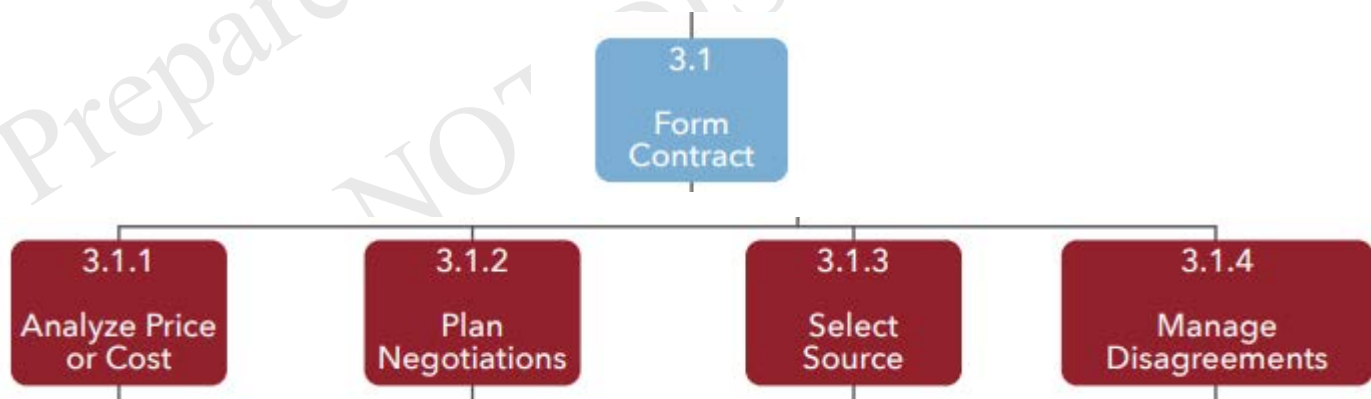


Award life cycle phase: Domains and competencies

- ❑ The award process involves the contract management functions known as “**contract formation**” and

reflects **all the work performed** by **both** the buyer and seller that produces an **awarded contract**.

- ❑ Some contracts are **very simple**, and others are exceedingly complex, but the **majority fall somewhere in between**.



Award – Form contract

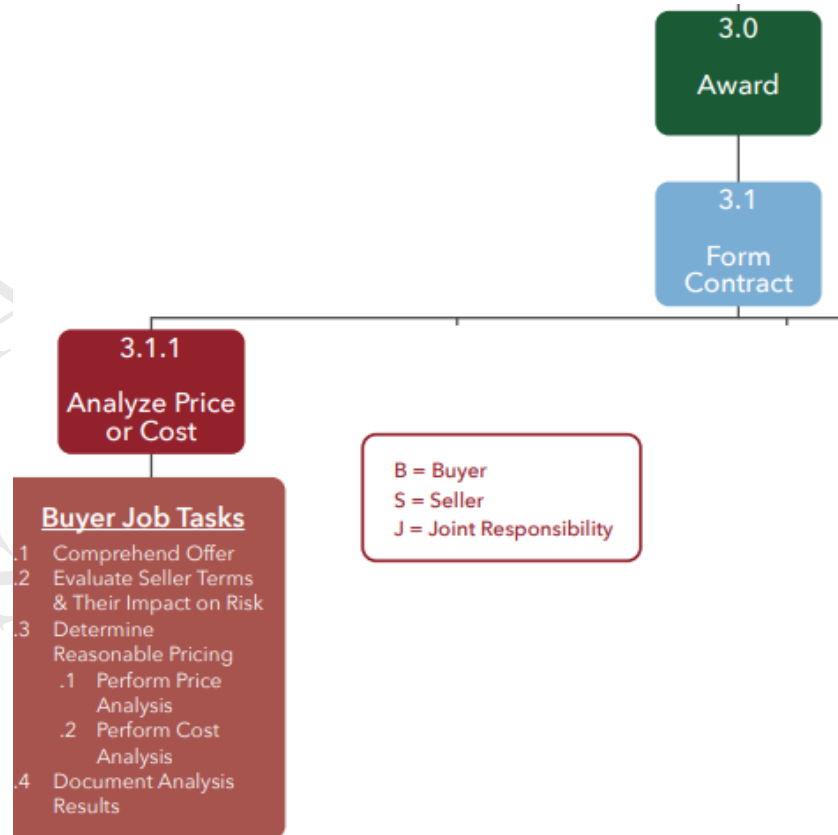
- ❑ There is **one domain** in the award phase: Form Contract.
- ❑ The processes involved in the Form Contract domain **produce the contract**.
- ❑ Form Contract involves the process of
 1. Determining reasonable cost and pricing
 2. Conducting negotiations
 3. Selecting the source, and
 4. Managing disagreements



Award – Form contract: Analyze price or cost

❑ Price Analysis is the **process** of **examining and evaluating** an offeror's proposed price **without** evaluation of

1. Separate detailed cost elements
2. Proposed profit of the offeror's price proposal

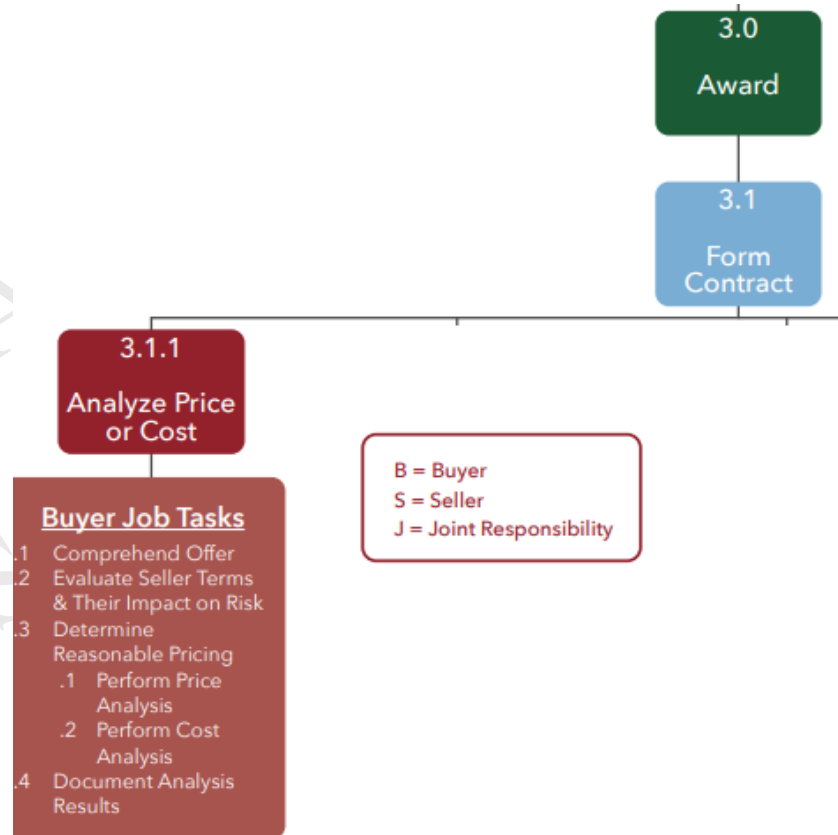


What does that mean?

Award – Form contract: Analyze price or cost

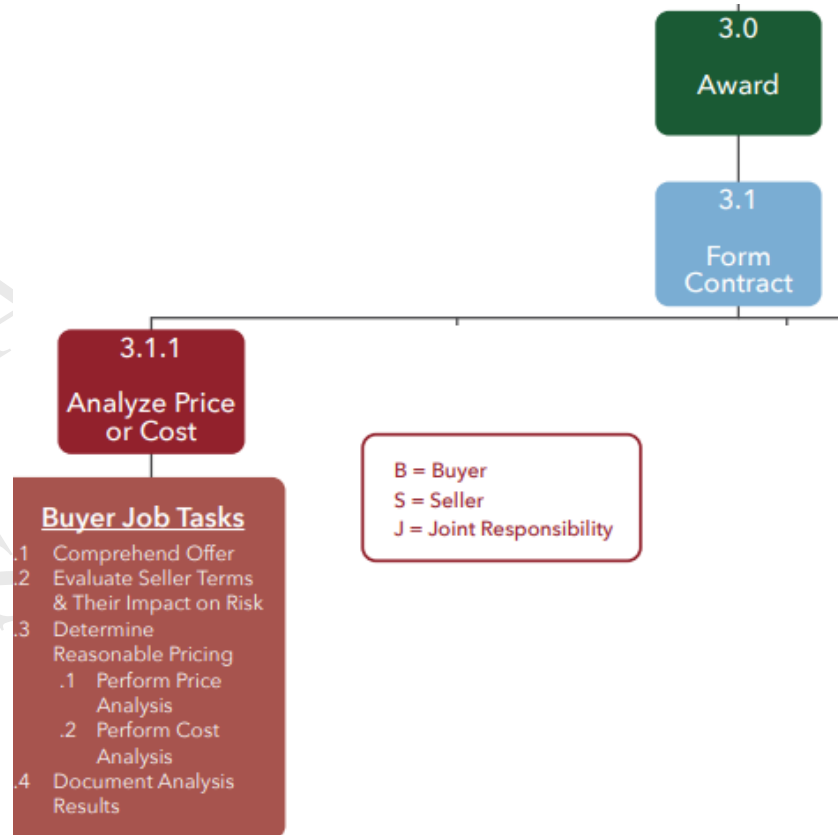
- ❑ This process involves the **buyer's ability** to **evaluate an offer** by comparing it with indicators of **reasonableness**, such as

1. Historical prices paid,
2. Published prices,
3. Competitive analysis,
4. Comparative analysis,
5. Market data



Award – Form contract: Analyze price or cost

- ❑ Cost Analysis is the **process** of **reviewing** and **evaluating** any separate cost elements and profit or fee in an **offeror's proposal**—and of the **judgmental factors** applied in projecting from the data to the estimated costs—to **determine** the degree to which the offeror's proposed costs **represent** the actual cost of contract performance assuming **reasonable economy and efficiency**.



What does that mean?

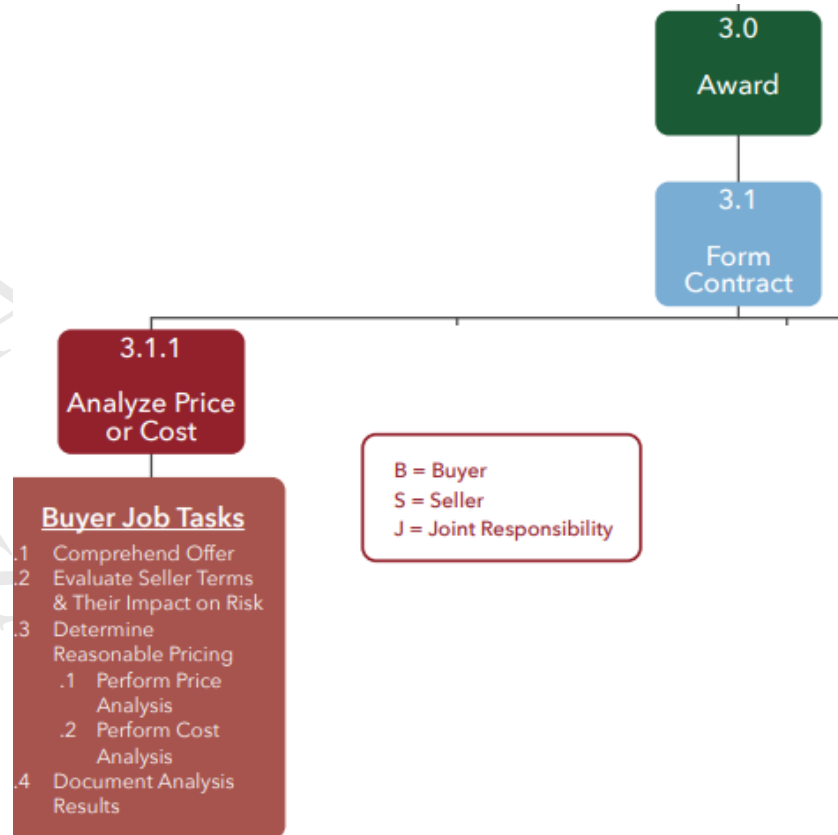
Award – Form contract: Analyze price or cost

❑ This **process** involves the buyer's ability to

1. Ascertain a **fair and reasonable price** and/or

2. Determine the **realism of the price** in preparation for

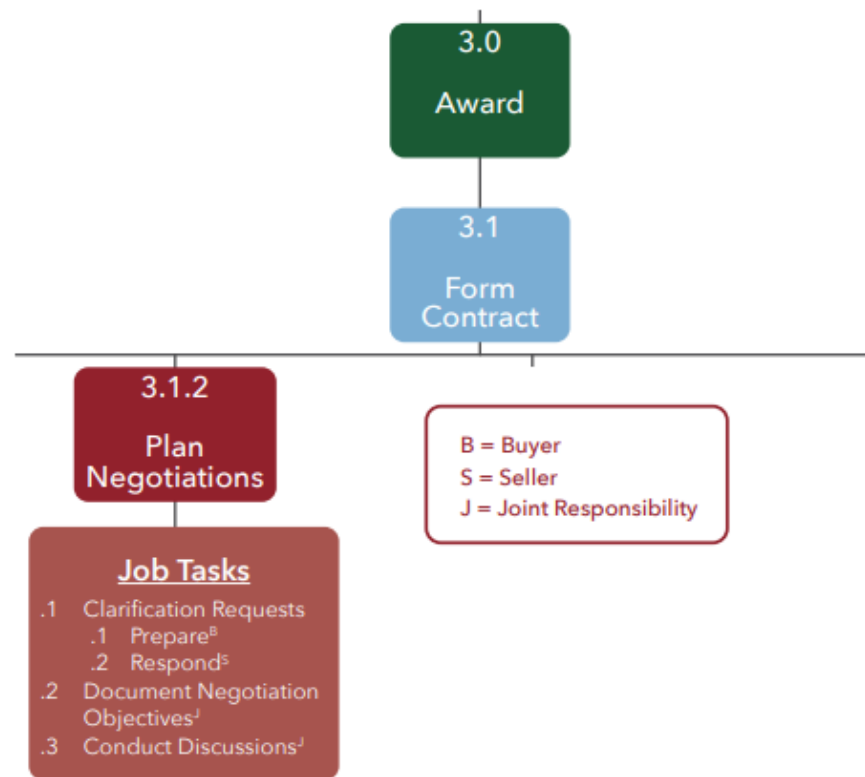
- i. Contract negotiations,
- ii. Discussions, and
- iii. Reducing risk in contract performance



Award – Form contract: Plan negotiations

❑ Plan Negotiations is the **process** of **preparing** for interaction between the buyer and seller regarding **all aspects** of the offer and its terms, and **often involves**

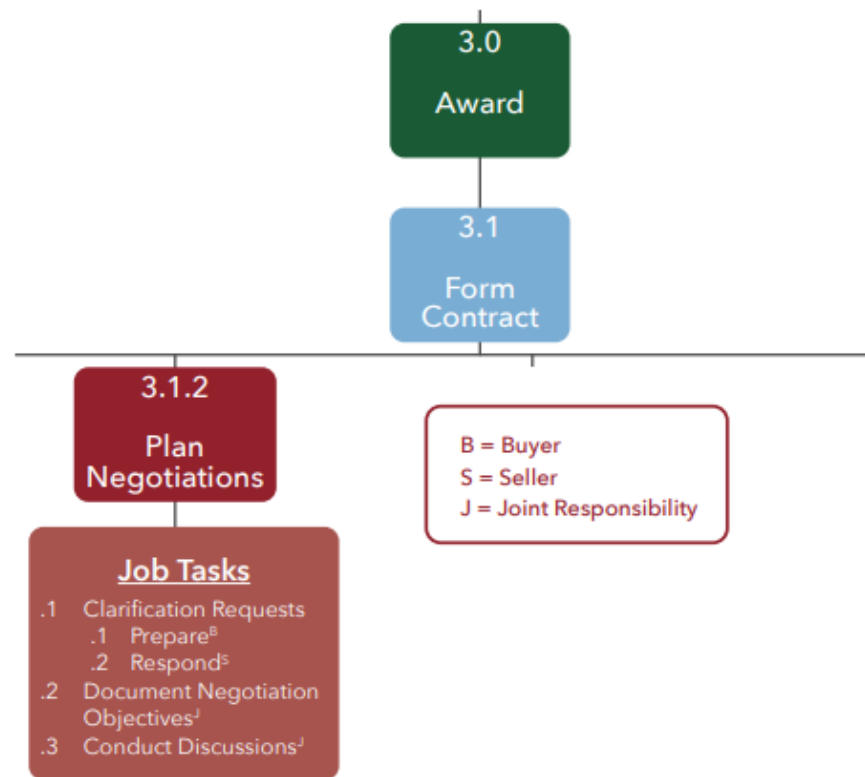
1. Clarifying requirements
2. Parties **requesting** changes or consideration of an alternate approach that may be **consistent** with the solicitation requirements



What does that mean?

Award – Form contract: Plan negotiations

- ❑ This process involves **both parties** collaborating to find common ground or offer compromises among their differences in quantity, price, delivery, quality, or other factors.

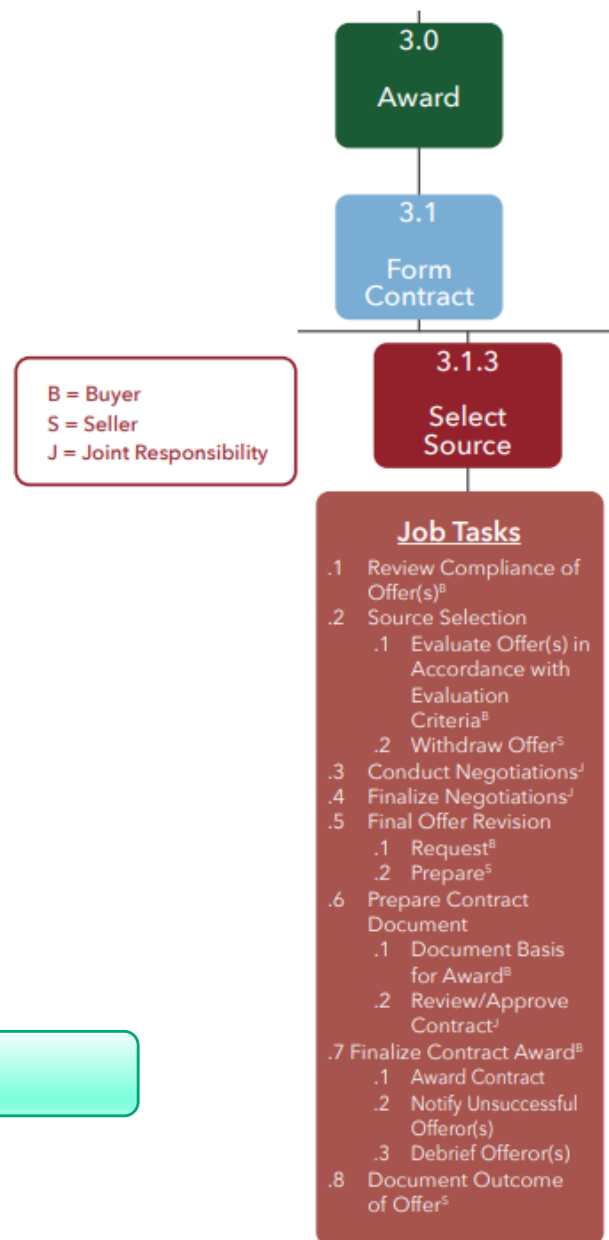


Award – Form contract: Select source

❑ Select Source is the **process** of analyzing submitted offers

in accordance with the **solicitation evaluation criteria** to

select the source that has the highest probability of satisfactory contract performance.



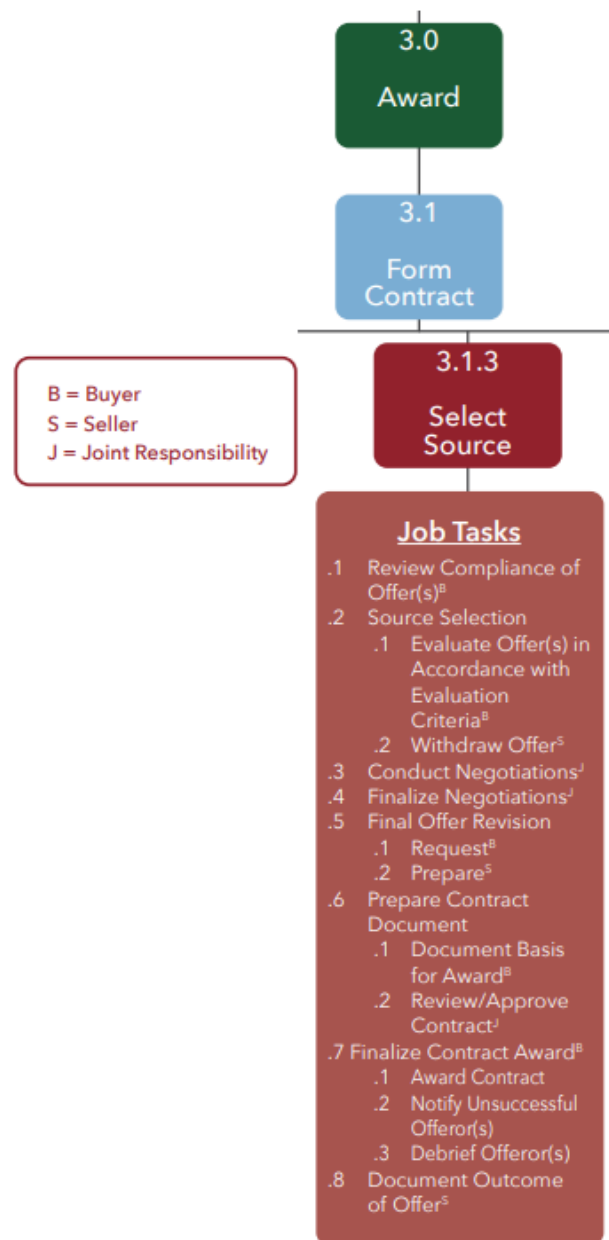
What does that mean?

Award – Form contract: Select source

❑ This process involves mitigating buyer risk

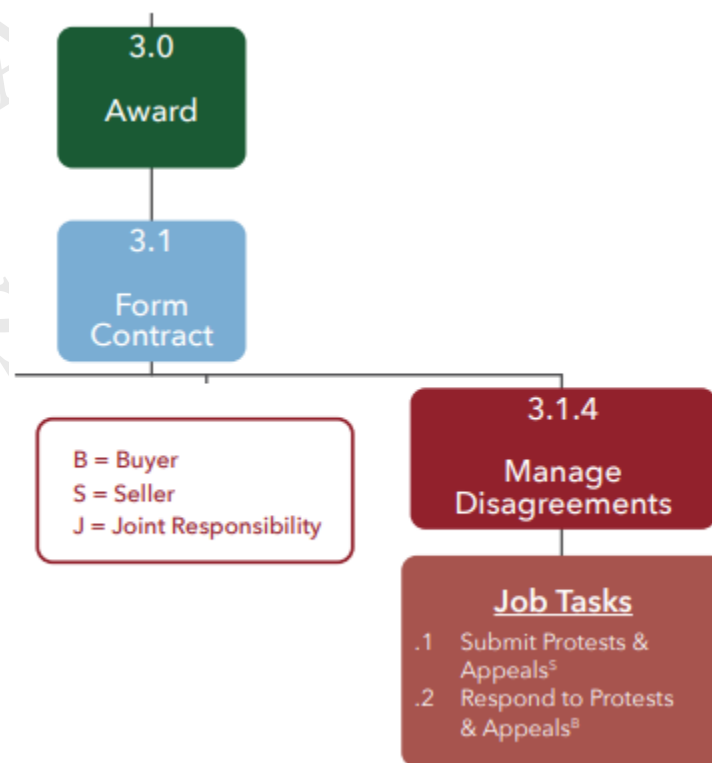
by

1. Selecting the **offeror most likely to satisfactorily perform** the contract and
2. Assures the seller of a **consistent and fair selection process**.



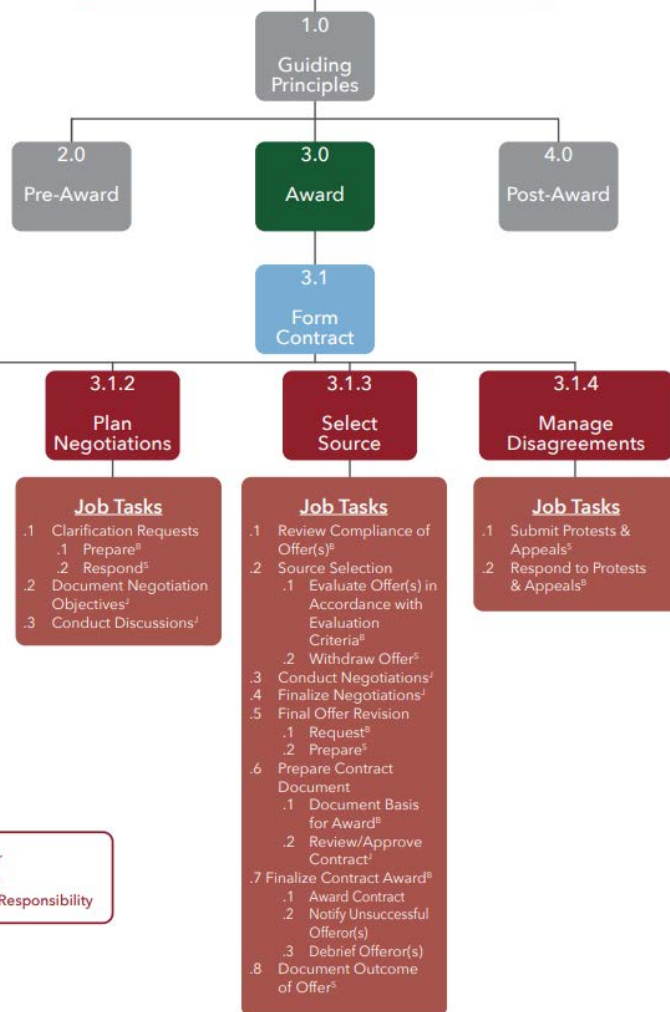
Award – Form contract: Manage disagreements

- ❑ Manage Disagreements is the **process** of resolving conflict between potential and actual contracted parties in order to **maintain legal conformity**.
- ❑ **This process** involves the ability to resolve issues related to the solicitation or source selection process through informal and formal means.



Award – Form contract

The Contract Management Standard™



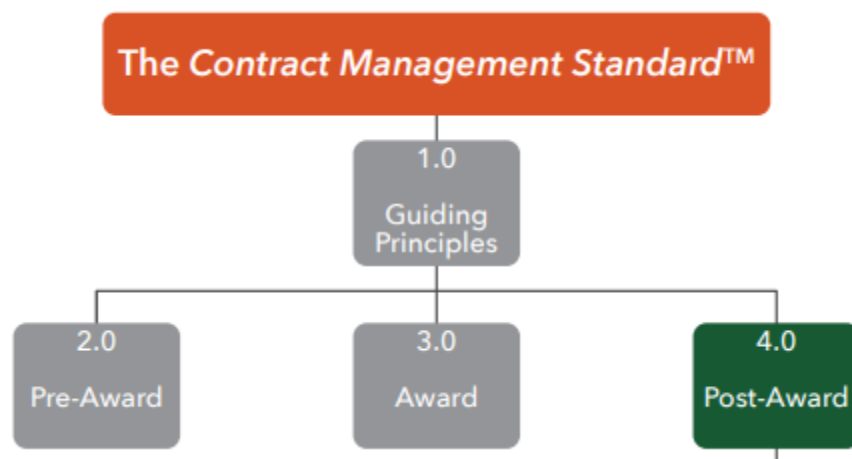
COMPONENTS 2-5:

- 2. CONTRACT LIFE CYCLE PHASES**
- 3. DOMAINS**
- 4. COMPETENCIES**
- 5. JOB TASKS**

POST-AWARD LIFE CYCLE PHASE

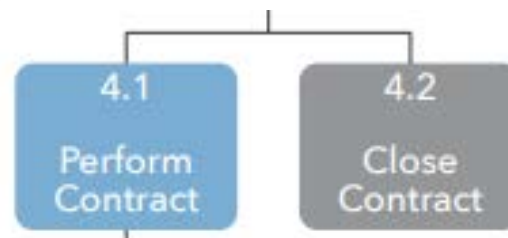
Post-award life cycle phase: Phase

- ❑ Once the award phase is completed, the post-award contract life cycle phase begins.

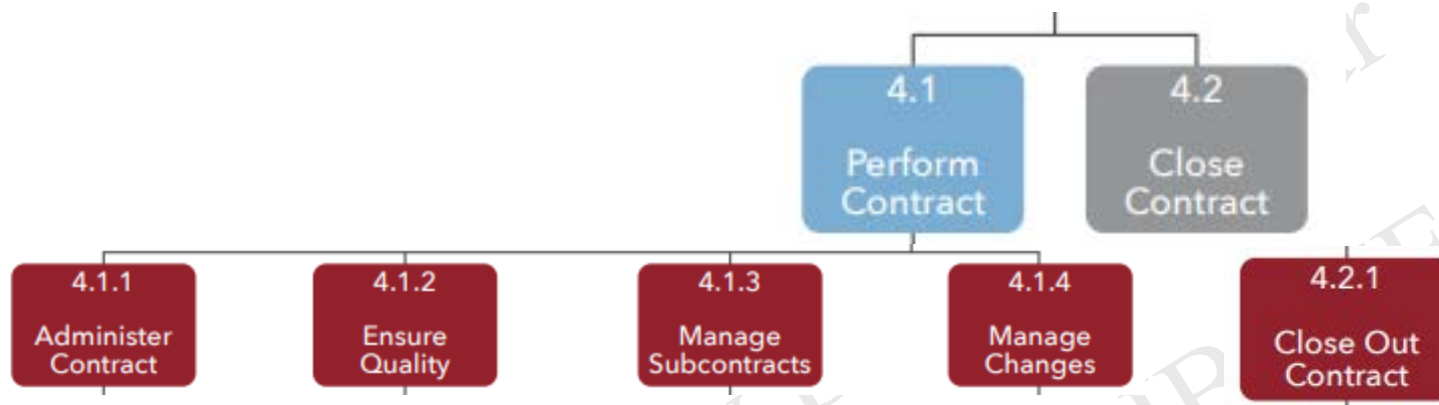


Post-award life cycle phase: Domains

- ❑ This involves the contract management functions known as “**contract administration**” and “**contract closeout.**”
- ❑ The contract administration functions will **vary greatly** depending on the complexity of the contract.
- ❑ Both the buyer and seller are **actively involved** in contract administration to ensure satisfactory performance and to bring the contract to a successful conclusion.



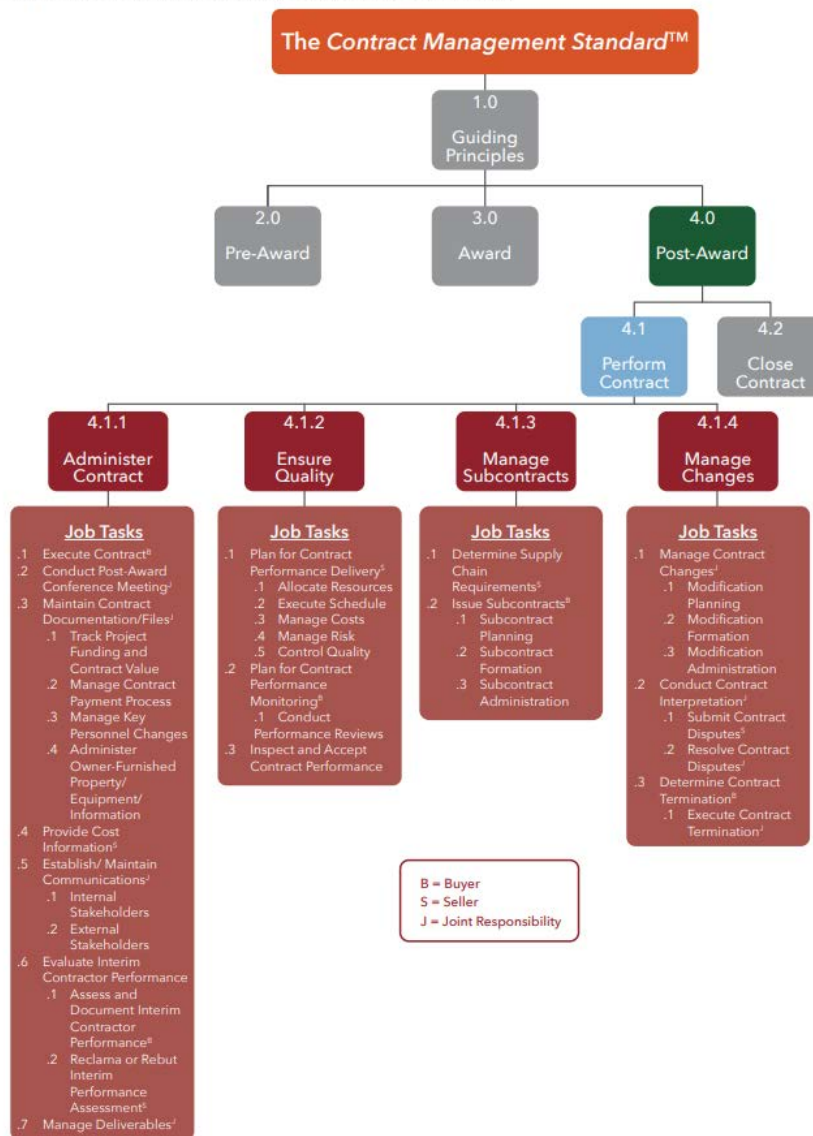
Post-award life cycle phase: Competencies



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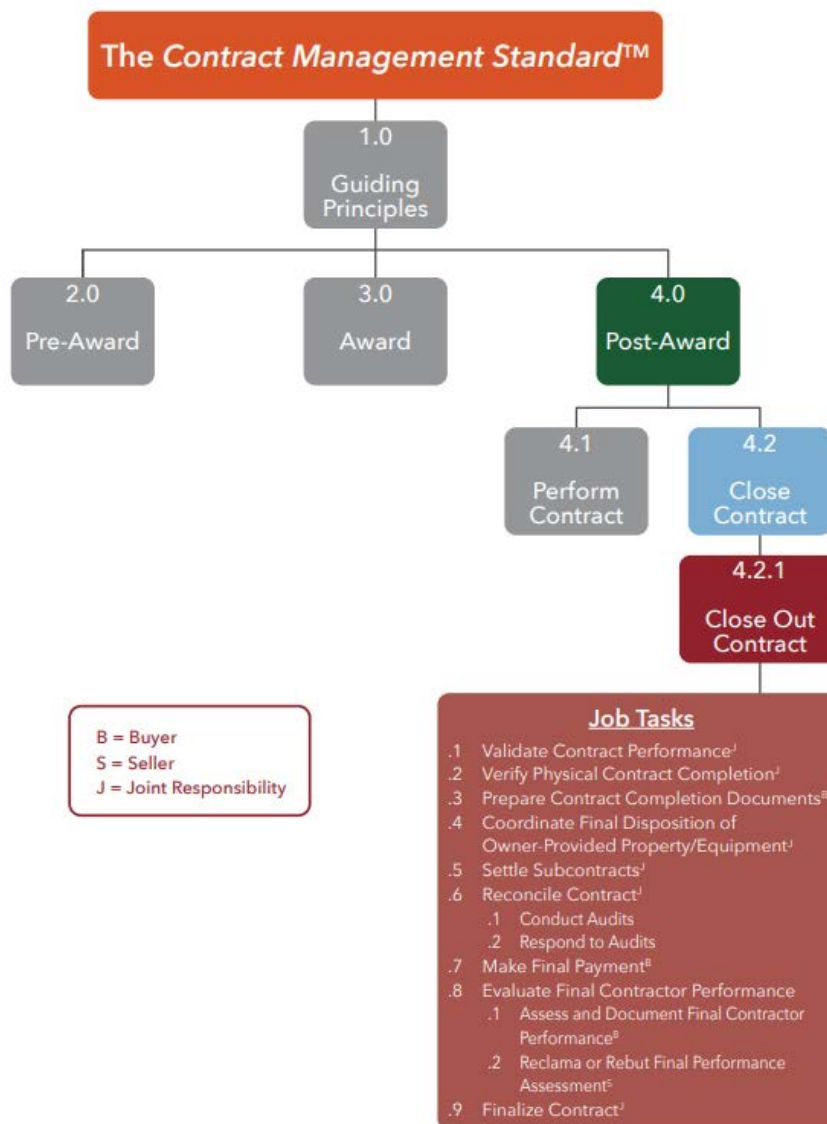
The domains, competencies, and common job tasks in the post-award life cycle phase

FIGURE 9. Competencies and Common Job Tasks for the Perform Contract Domain



The domains, competencies, and common job tasks in the post-award life cycle phase

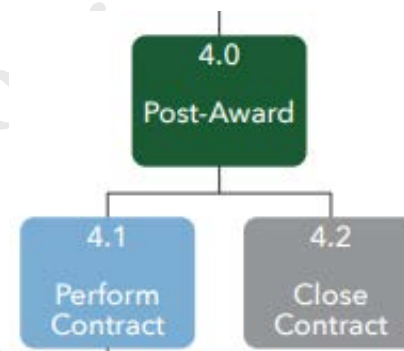
FIGURE 10. Competency and Common Job Tasks for the Close Contract Domain



Post-award – Perform contract

❑ Perform Contract involves the **process** of

1. Executing contract requirements,
2. Managing business relationships,
3. Ensuring quality,
4. Managing changes

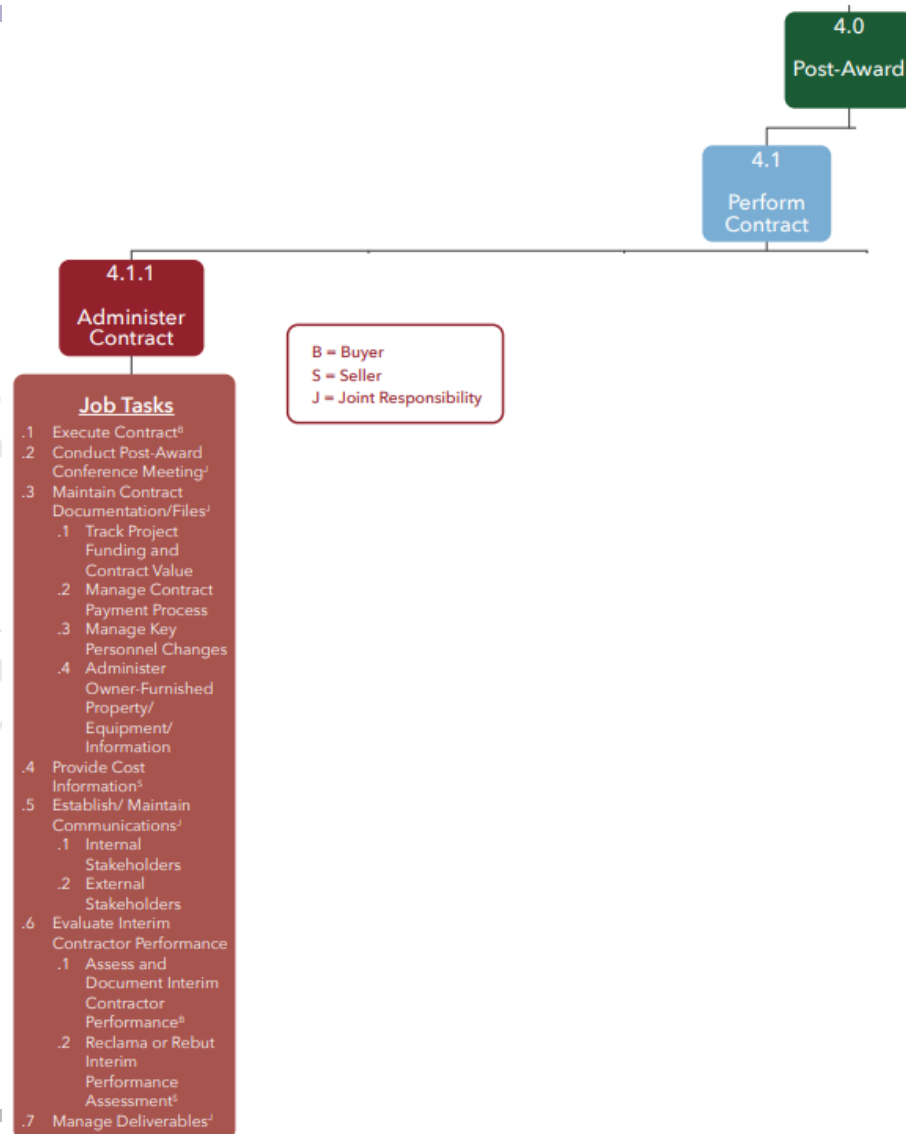


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Post-award – Perform contract: Administer contract

□ Administer Contract is the **process** of

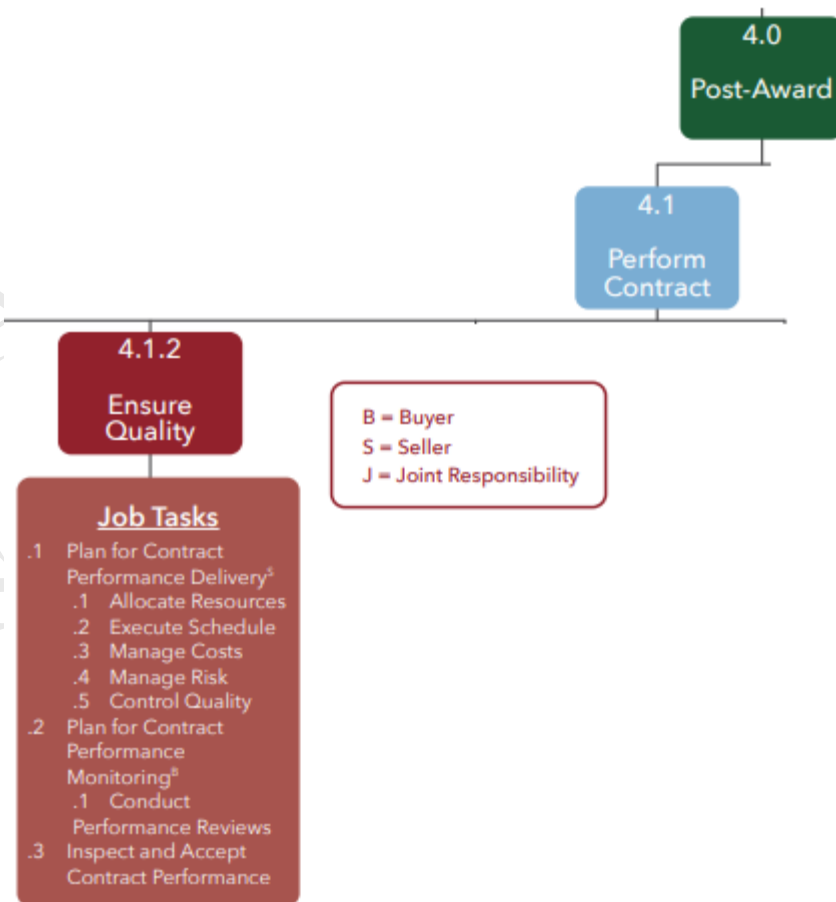
1. Establishing expectations,
2. Maintaining communication channels,
3. Processing contract documentation,
4. Conducting post-award performance reviews,
5. Assessing contract performance



Post-award – Perform contract: Ensure quality

□ Ensure Quality is the **process** of

1. Planning for contract performance and delivery,
2. Monitoring performance,
3. Inspecting and accepting contract deliveries.

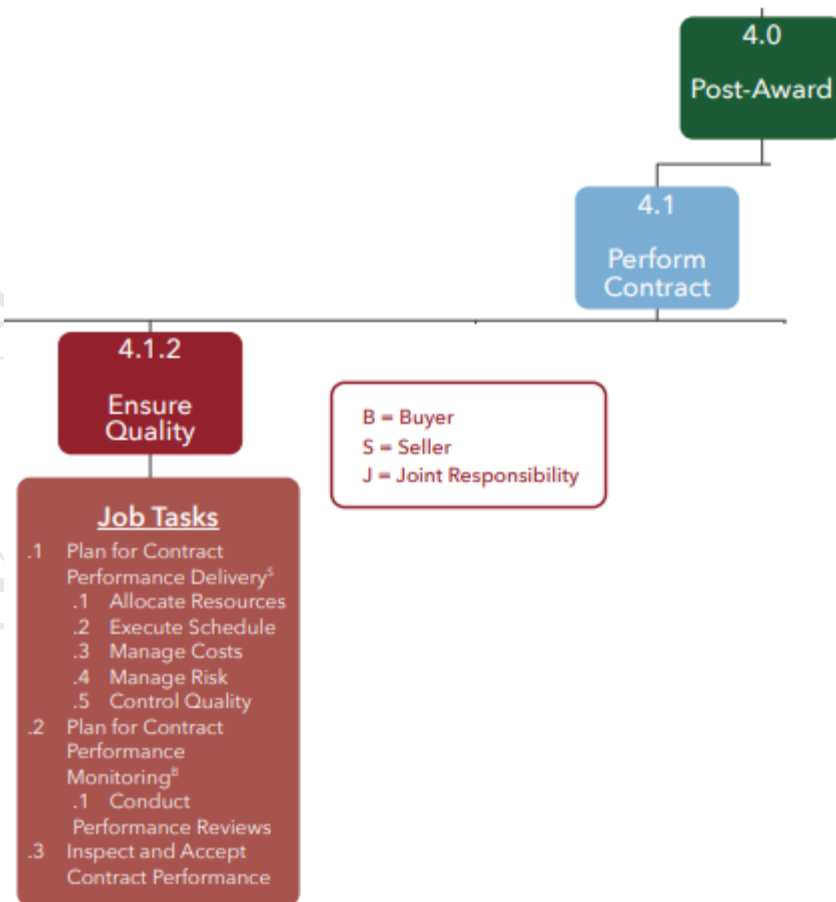


Post-award – Perform contract: Ensure quality

❑ This process involves ensuring the delivered goods or services meet

1. Specifications
2. Terms
3. Conditions

of the contract

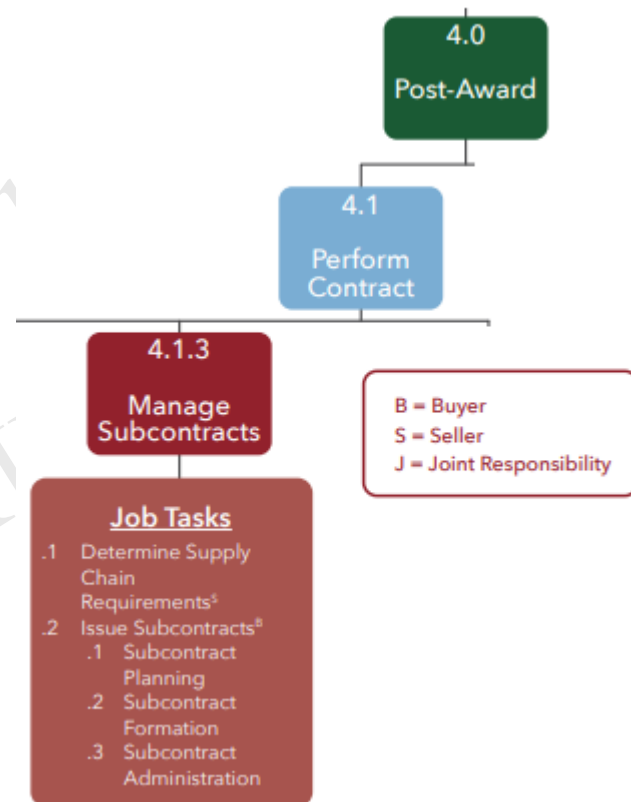


Post-award – Perform contract: Manage subcontracts

❑ Manage Subcontracts is the process of

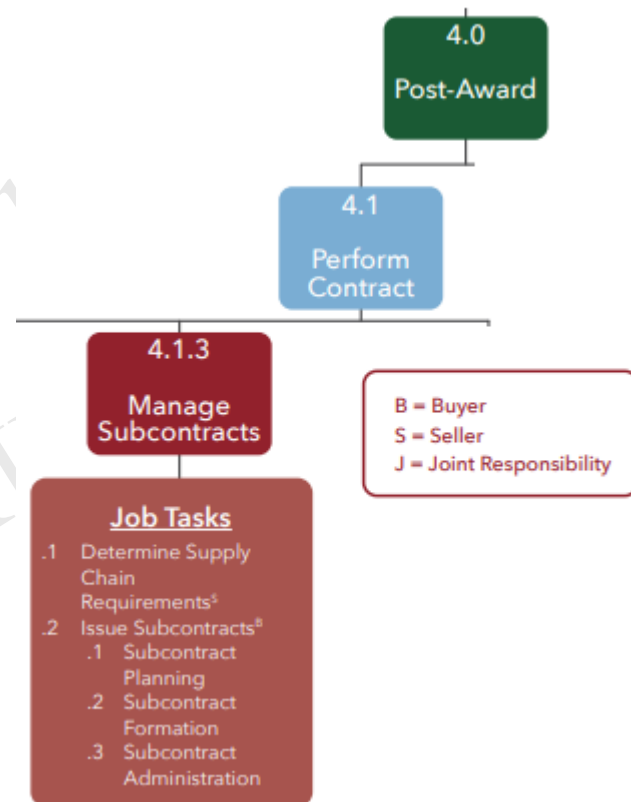
1. Planning
2. Awarding
3. Managing subordinate contracts

determined necessary to support and
successfully execute the **prime** contract.



Post-award – Perform contract: Manage subcontracts

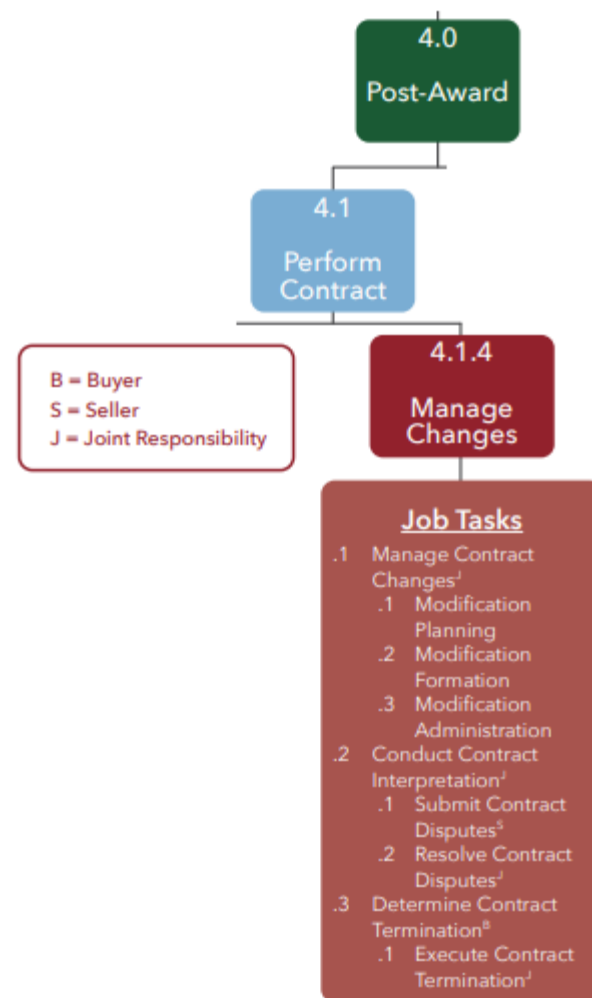
- ❑ The subcontracting process aligns to and is **integrated** with the pre-award, award, and post-award life cycle phases **applicable to the prime contract**.
- ❑ Though managing subcontracts is in the post-award life cycle phase of a contract.



Post-award – Perform contract: Manage changes

❑ Manage Changes is the **process** of

1. Initiating
2. Considering
3. Negotiating
4. Issuing contract modifications
5. Maintaining configuration control of the contract and subsequent contract performance

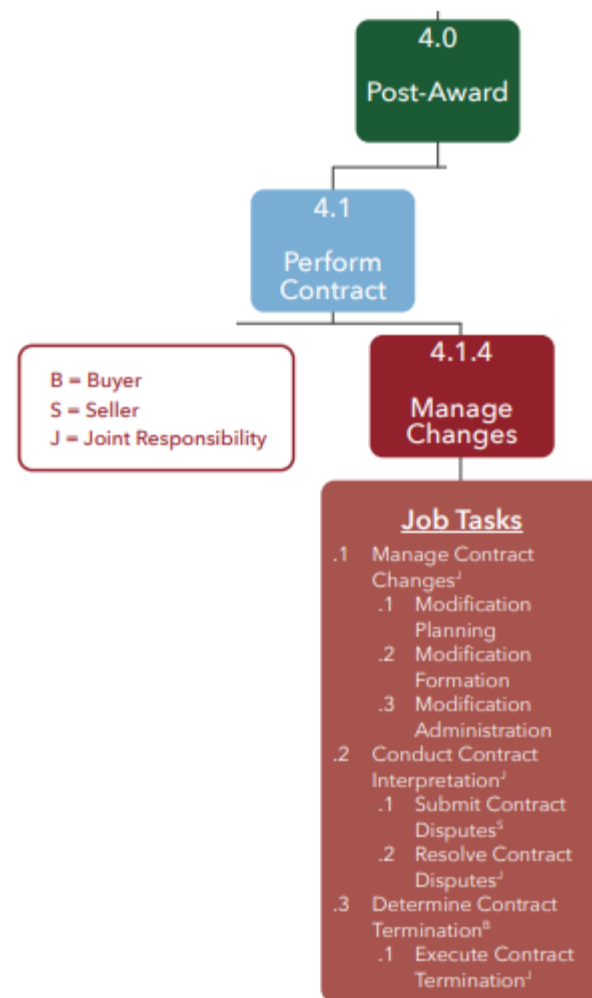


Post-award – Perform contract: Manage changes

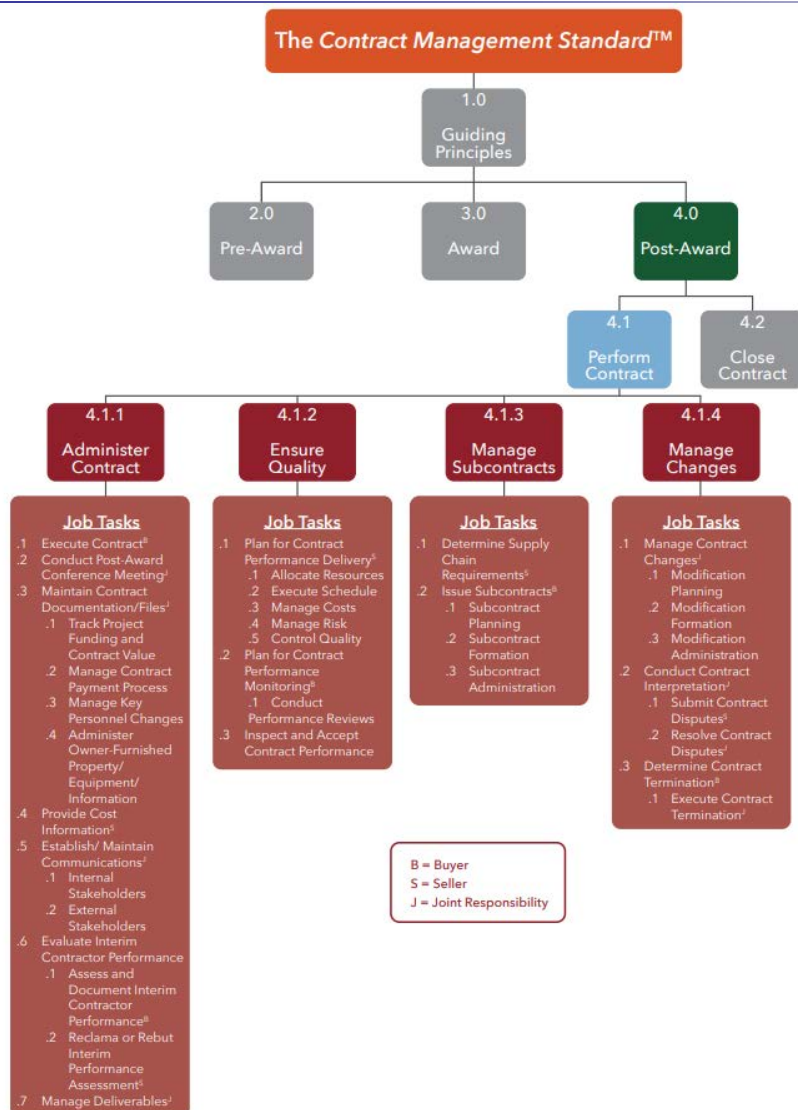
❑ This process involves

allowing flexibility in making necessary contract changes

while **protecting the integrity** of the contract.



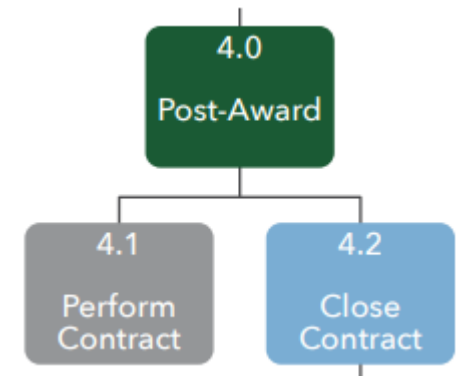
Post-award – Perform contract



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Post-award – Close contract

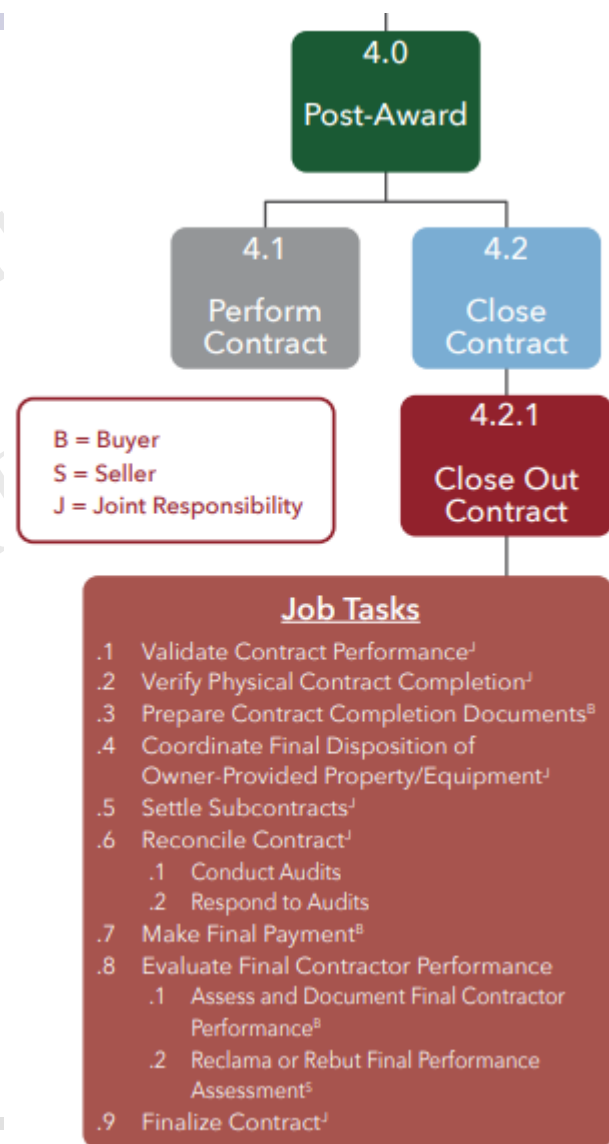
- ❑ The Close Contract domain is the domain of **both the buyer and seller**.
- ❑ It involves the **process** of
 1. Verifying all the **requirements** of the contract are satisfied
 2. Settling **unresolved** matters
 3. Reconciling the contract to make **final payment**
- ❑ The **value added** by this process is in **determining** that the buyer and seller contract obligations have all been satisfied.



Post-award – Close contract: Close out contract

❑ Close Out Contract is the **process** of

1. Ensuring all performance has been accomplished
2. Final contractor performance has been evaluated
3. Final payment has been made
4. Contract has been reconciled

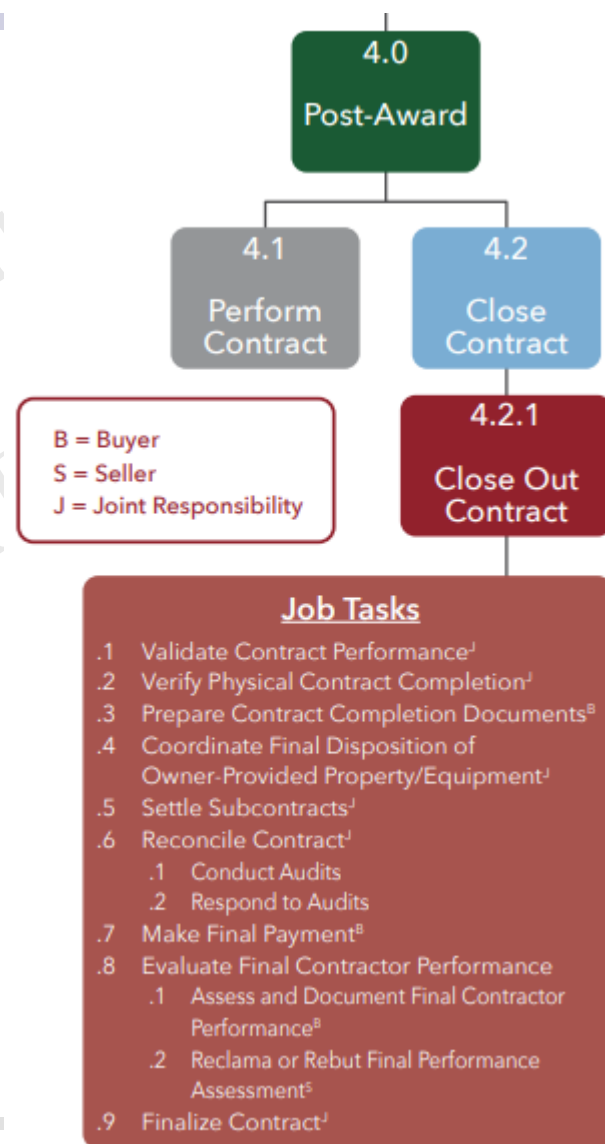


Post-award – Close contract: Close out contract

❑ This process involves

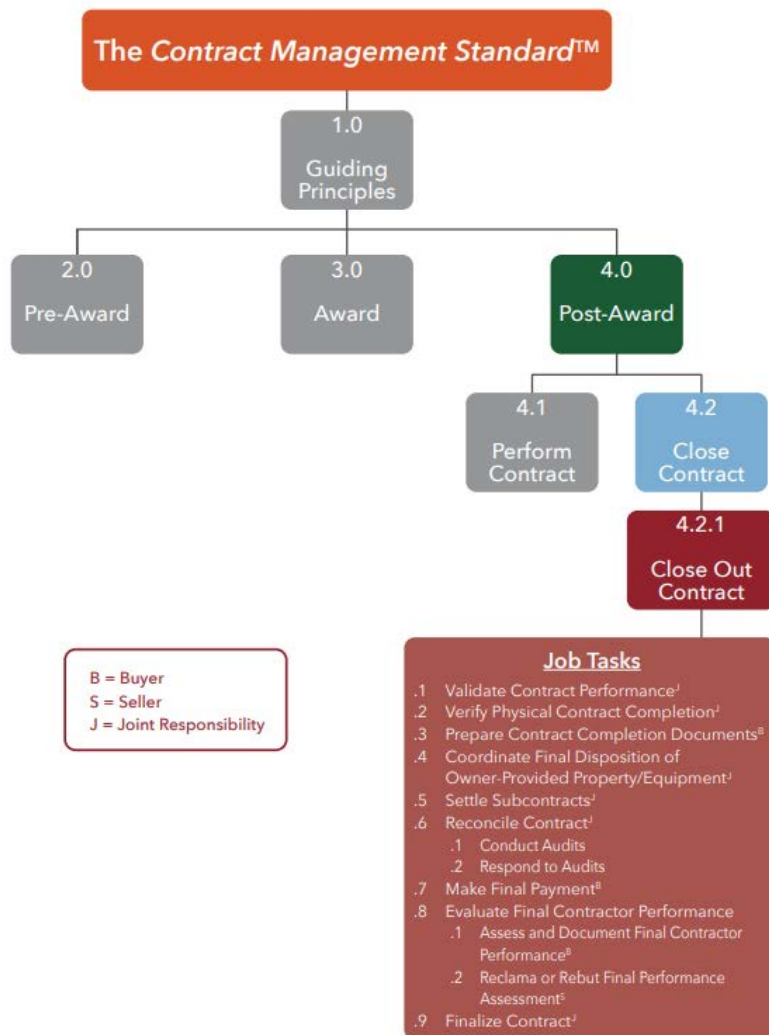
1. Completion
2. Delivery
3. Acceptance

of the **contract requirement(s)** in accordance with the terms and conditions of the contract.



Post-award – Close contract

FIGURE 10. Competency and Common Job Tasks for the Close Contract Domain



**THE CONTRACT MANAGEMENT
STANDARD:
ITS IMPORTANCE
DEVELOPMENT
INTENT**

What is a standard and why is it needed?

- ❑ ANSI defines a standard as

“[a] document, established by consensus, that provides rules, guidelines, or characteristics for activities or their results.”

- ❑ ANSI contends that the common and repeated use of a standard will **improve** productivity, increase efficiency, and reduce costs.

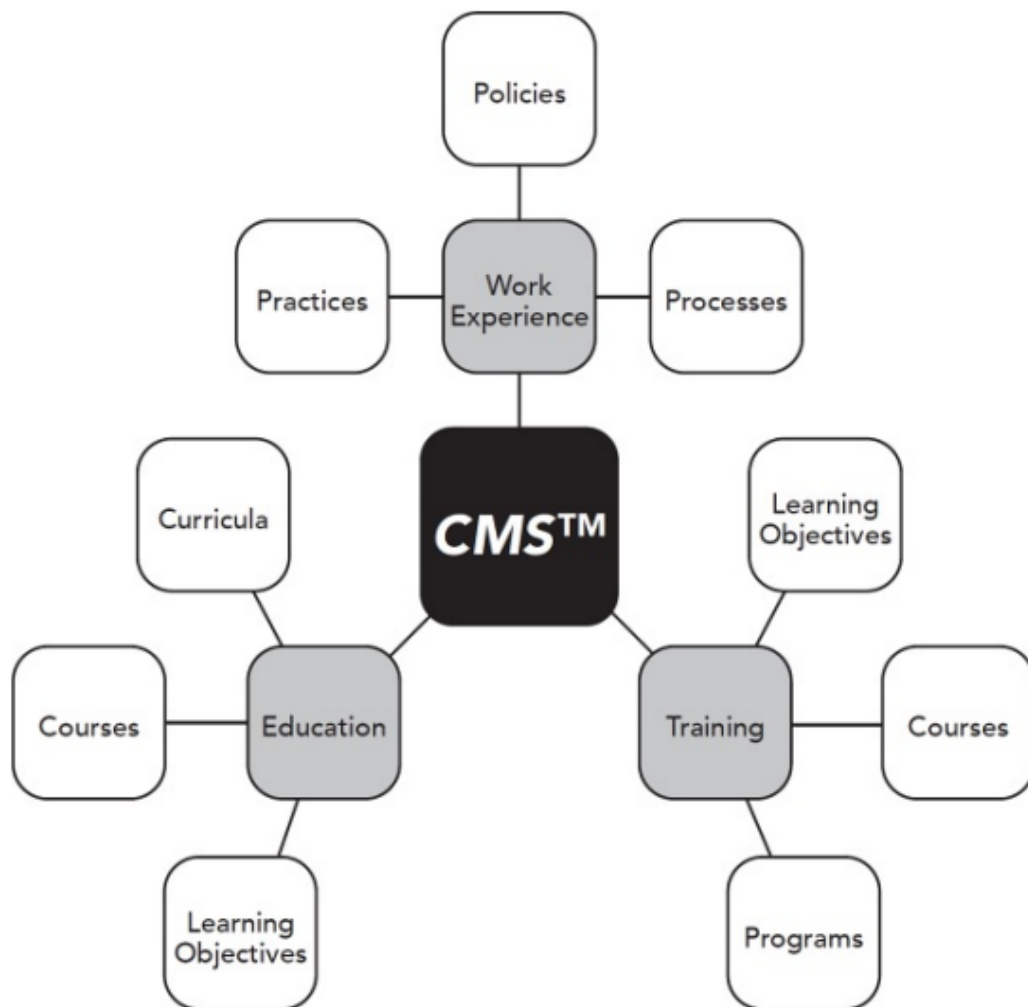
What is the value of the CMS?

What is the value of the CMS?

- ❑ The value of the **CMS** is that it presents contract management as an **integrated, whole-systems design** where
 1. Processes are intuitive and predictable
 2. Potential problems are predictable and can be mitigated at their **most fundamental level**

Why using CMS?

What is the value of the CMS?



What is the problem the CMS is intended to solve?

- ❑ **While organizations** must establish their **own** practices, policies, and processes to meet their goals,
the terminology used and the interpretation of
practices, policies, and processes should be intuitive to **all contract managers**.
- ❑ With consistent interpretation, the **likelihood** of reaching agreement on matters relating to contract intent and meaning is increased.
- ❑ Consistent application of professional standards also enables successful contract performance across **diverse industries** and **types of organizations**.

Could anyone use CMS?

Who should use the CMS?

❑ The CMS is applicable to:

- ❖ **All purchases, procurements, acquisitions** – from credit card purchases to major system acquisition,
- ❖ **Any organization that works with any type of contract** – examples include government (federal, state, and local), industry (companies selling to government or to other businesses and large, mid-sized, and small enterprises), subcontractors (in all tiers of the supply chain),
- ❖ **Any organization developing training or education programs** – government, industry, colleges, training providers (including NCMA Chapters), and
- ❖ **Any individual interested in developing and increasing competence** – by targeting competence gaps, achieving certification, and getting meaningful results.

Which one could either use?

Owner

Contractor

Why is the CMS important?

- ❑ The CMS presents what buyers should know, and equally, what sellers should know.
- ❑ Depending on the contract life cycle stage (i.e., preaward, award, or post-award), buyers and sellers have their own distinct job tasks, competencies, and deliverables.

What is the intention of CMS?



استراتژی مدیریت قرارداد

برای مدیران قرارداد

پیکره دانش مدیریت قرارداد (Contract Management Body of Knowledge)

بخش اول: چارجوب اصلی مدیریت قرارداد

ارائه دهنده:

سید محمدرضا علوی پور

(PhD, PMP, CMIT)

دانشگاه Illinois Tech آمریکا

What we will learn?

- ☐ Introduction to contract management body of knowledge (CMBOK)
- ☐ Contract management framework
- ☐ Contract life cycle
- ☐ Contract stakeholders
- ☐ Environmental trends
- ☐ Performance metrics
- ☐ Contract management as a profession
- ☐ Specialized knowledge areas

How the CMS developed?

**INTRODUCTION TO CONTRACT
MANAGEMENT BODY OF
KNOWLEDGE
(CMBOK)**

What is CMBOK and how developed?

- ☐ The **CMBOK** presents
 1. What should be learned by contract managers and
 2. How they should learn it
- ☐ The content was developed through a **voluntary consensus process**.
- ☐ This consensus was established through
 1. Job task analysis survey of contract managers and
 2. Working groups comprised of subject matter experts in contract management

What is CMBOK and how developed?

- ❑ The CMBOK is **not solely** for the benefit of contract managers;
contract managers are not the only ones involved in contract management activities.

What is the purpose of CMBOK?

What is CMBOK and how developed?

- ❑ Readers should note that the CMBOK does **not purport** to define the body of knowledge,

but rather to serve as a **guide** to the **body of knowledge** that has been developing and evolving over time.

What is the advantage of using CMBOK?

What is CMBOK and how developed?

- ❑ NCMA believes that **routine use of the CMBOK** as a guide to **develop** practices, policies, and processes will **improve** productivity, increase efficiency, and reduce costs.

Let's start by contract management framework

CONTRACT MANAGEMENT FRAMEWORK

Introduction

❑ Contract management means the **actions** of a contract manager to

1. Develop solicitations
2. Develop offers
3. Form contracts
4. Perform contracts
5. Close contracts

*The results of the solicitation process are **accurate and complete bids or proposals** from **prospective offerors** who have a clear, common understanding of the **technical** and **contractual** requirements of the procurement.*

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Objective of contract management

- ❑ Contract management integrates the **processes** used to **manage** contracts throughout the contract life cycle while **ensuring** customer satisfaction.
- ❑ It includes job tasks involved in managing
 1. Deliverables
 2. Deadlines
 3. Contract terms and conditions

Objective of contract management

- ❑ An **example** of a mission statement of a contract management organization may read as follows:

The contract management organization's mission is to provide vision, leadership, and professional expertise within the total business team to ensure, at the lowest cost consistent with the significance of the issue or matter, that:

- Contracts on behalf of its customers are negotiated, managed, and communicated in a manner that satisfies the customers' needs and requirements;
- The organization complies with contractual terms and conditions and applicable laws and regulations while working with program and business management functions;
- Contractual issues and risks are anticipated, avoided, or mitigated (if possible) and considered in making business decisions; and
- Opportunities to advance or protect the organization's legitimate interests are identified and appropriately pursued.

Difference between contract management and contract administration?

Objective of contract management

❑ Construction Management Association of America (CMAA) (2021):

*Contract Administration: The function of **implementing** the terms and conditions of a contract, based upon **established** systems, policies, and procedures.*

❑ National Contract Management Association (NCMA) (2022):

*Contract Administration: The contract administration process is **fully integrated** with other organizational processes such as cost, engineering, and program management.*

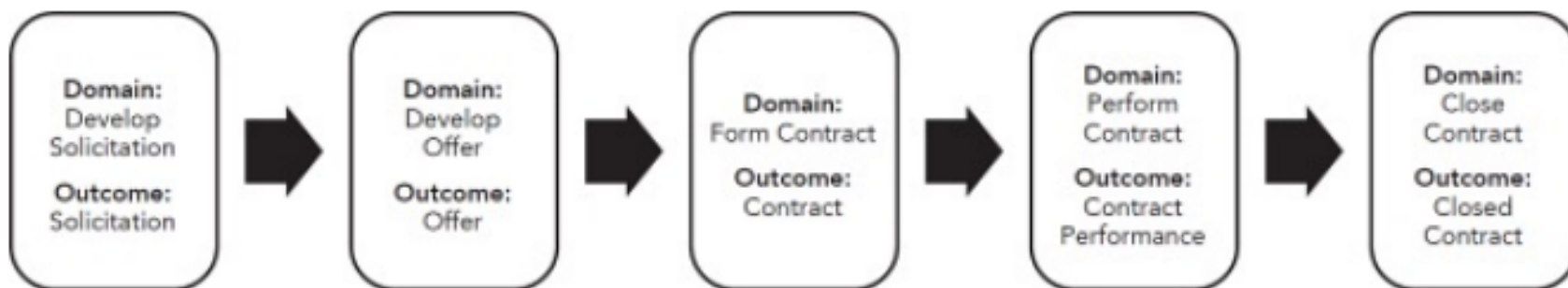
Contract life cycle?

CONTRACT LIFE CYCLE

Phases of contract life cycle



Contract management domains and their outcomes



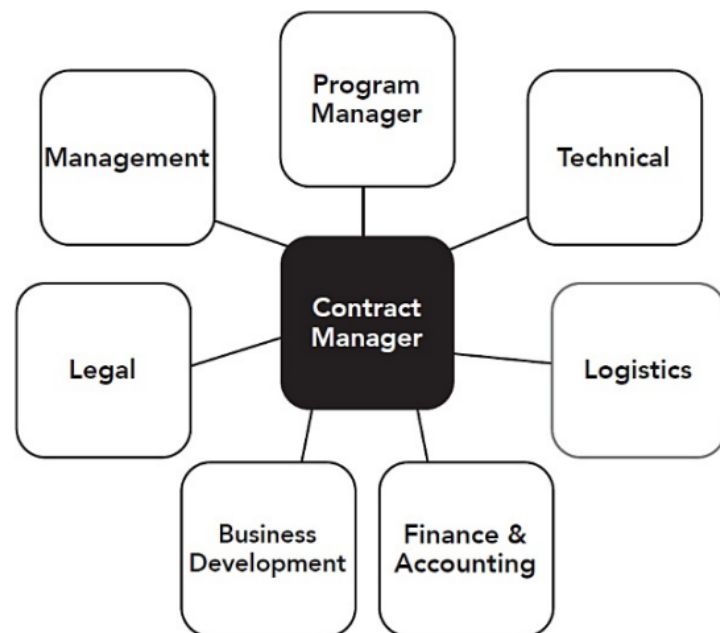
Contract stakeholders?

CONTRACT STAKEHOLDERS

Contract stakeholders

- ❑ Though a **contract** is an agreement between two parties, there are **additional stakeholders** on both sides of the contract.

1. Government contract stakeholders
2. End user
3. Program office
4. Finance office
5. Contracting officer
6. Company or organization receiving the contract
7. Organization providing the goods or services



Government contract stakeholders

- ❑ Government contract stakeholders are called upon to participate in
 - ❖ Developing acquisition plan

But what is **acquisition**?
What does **acquisition plan** mean?

Government contract stakeholders

❑ **Government contract stakeholders** are called upon to participate in

❖ Developing acquisition plan

acquisition

A process that begins with establishment of needs and includes the description of requirements, solicitations and source selection, contract award, contract financing, contract performance, contract administration, and all technical and management functions directly related to the process of fulfilling an organization's needs by contract.

Government contract stakeholders

❑ **Government contract stakeholders** are called upon to participate in

❖ Developing acquisition plan

✓ *A plan for an acquisition that serves as the **basis** for*

initiating the individual contracting actions necessary to acquire a system or support a program.

✓ *The acquisition plan should*

*1. **Identify the milestones** at which **decisions** should be made and*

*2. **Address all** the technical, business, management, and other significant considerations that will **control the acquisition.***

Government contract stakeholders

❑ **Government contract stakeholders** are called upon to participate in

- ❖ Drafting solicitations
- ❖ Writing sole source justifications
 - ✓ *Only one source is known for a specialized item of equipment or material.*
 - Only one contractor is capable of providing the required service.*
- ❖ Writing scopes of work
- ❖ Serving on advance contract planning and source selection committees
- ❖ Recommending award of contracts
- ❖ Evaluating contract performance
- ❖ Assisting in contract management

(Curry 2016).

End user

- ☐ Stakeholder relevance begins with the organization that has the requirement for which a contract will ultimately be executed.
- ☐ This stakeholder is generally the **end user** of the item or service provided under the contract.

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Program office

- ❑ A **program office** is responsible for defining the requirement in a readily identifiable, clear and concise manner that allows for **consistent understanding** by all parties involved in the contract management process.

The program office may be part of the **end user's organization** but does **not have to be**.

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Finance office

❑ A finance office,

which may be **part of the program office**,

is responsible for **identifying** the funding used to buy the supply or service

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Contracting officer

❑ A **contracting officer** is responsible for

1. Executing the contract
2. Ensuring and enforcing contract terms and conditions
including **performance** or **delivery**.

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Company or organization receiving the contract

- ❑ The next relevant set of stakeholders includes the company or organization receiving the contract,

including the **group** that is tasked with providing the goods or services.

- ❑ The **organization may not have** the internal capability to provide the total requirements of the contract.

❖ In this case, some of the effort would be **subcontracted**, and those subcontractors would also become **contract stakeholders**.

Organization providing the goods or services

- ☐ The organization providing the goods or services must have the **financial capability** to perform contractual requirements **before** delivering and receiving payment.
- ☐ That source of funding, whether **internal or through creditors**, is also a stakeholder in the contract process.

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ENVIRONMENTAL TRENDS

❑ The following **environmental trends** are expected to have the most impact on the future of contract management:

❖ Contract managers are defining “career” differently.

1. Traditionally, contract managers viewed their career progression as a **linear path**, with limited options for growth and advancement outside their field.
2. Many contract managers now view their careers as **nonlinear**, finding many **more opportunities** for professional growth and advancement by branching into parallel or adjacent careers such as finance, project management, and logistics.

Competitive marketplace

❑ The following environmental trends are expected to have the most impact on the future of contract management:

❖ The contract manager will be strongly influenced by **technological advancements**.

Whether it is increased reliance upon email, the internet, web-based training, electronic bidding, artificial intelligence, or networking through social media,

the contract manager will be strongly affected by the **rapid acceleration of technology** and its utilization in the field.

PERFORMANCE METRICS

موسسه مهندسی و مدیریت ساخت علوی پور (ACEMI)

دفتر آموزش



تهران، بلوار فردوس شرق، مجتمع آبگینه، طبقه سوم اداری، واحد C42



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