

THE IN-HOUSE TRAINING COMPANY

MoD contracts

Overview

This two-day workshop analyses the content and implications of key MoD terms and conditions of contract. The programme explains the principles and terminology of the contractual aspects of defence procurement as well as considering a number of relevant policies and initiatives. The course covers key components, constructs and methodologies associated with any commercial venture entered into with the UK MoD.

Starting at the MoD organisational level, the programme sets the scene by looking at the acquisition process and organisation, detailing the various roles and responsibilities of MoD personnel. It examines in depth the MoD DEFCONs and many narrative terms, setting them in the context of the organisation and its structures. The programme helps participants to gain an understanding of the content and purpose of the range of MoD DEFCONs and narrative conditions commonly used throughout the acquisition lifecycle. It includes a review of Part 2 of the Defence Reform Act 2014 regarding Single Source Pricing, which applies to single source procurement.

The programme ends with a review of the implications for defence acquisition of the procurement reforms introduced under the Procurement Act 2023.

Learning objectives

On completion of this programme, the participants will understand the terminology associated with the MoD terms and conditions of contract and will have an accurate view of their relevance, usage, and legal basis, and how they can affect contractual and commercial decision-making. They will have gained an insight into defence acquisition contracting and they will be more commercially aware.

By the end of the course, participants will be able to:

- Understand the MoD acquisition cycle and business case process
- Understand the language used in defence acquisition
- Take a proactive, collaborative, and agile approach to bidding for, and managing contract and commercial relationships with, the MoD
- Appreciate the process the customer has to go through
- Make effective use of the commercial toolkit used by MoD, including guidance and policy for DEFCONs and DEFFORMs
- Effectively manage the process of bidding and contract management with the MoD

Who should attend?

This course is suitable for all staff who are required to deal with the MoD in a contractual capacity. The programme is designed principally to provide commercial, business development and engineering / project staff with an understanding of the terms and conditions of MoD contracts in the new environment. It is suitable for both prime- and sub-contractors.

Course format

This two-day programme can be delivered on-site or virtually.

The expert trainer takes a proactive, participative, and participant-centred approach with an emphasis on the practical application of the tools, techniques and templates discussed. The creation of action plans by the participants is a key element in the experiential dimension to all our courses. The learning needs to be embedded into the fabric of the organisation and the trainer uses context-based case studies and other tasks to achieve this.

Special features

The content of this course has been cross-mapped with established competency frameworks and other international standards.

Certificates of attendance are provided on request (for CPD purposes: the programme qualifies for twelve hours, which for most professional bodies translates as twelve points).

The majority of the training we deliver is either tailored or completely bespoke. This workshop can therefore be delivered entirely as advertised, or it can be tailored to your particular requirements, or we can simply take it as a starting point for a conversation with you before we draft a completely bespoke programme for you – the choice is yours.

Expert trainer

Sharon Croome spent more than 25 years with the Ministry of Defence and various UK-based major contractors before setting up her own consultancy in commercial, procurement and supply chain management. She supports MOD and DE&S clients with procurement strategies, supplier/customer contract drafting and advice, and the design and delivery of commercial professionalisation training. She also supports private sector clients (including many SMEs) with procurement strategies, supplier/customer relationship management, strategic sourcing advice, and other associated commercial activity. She also designs and delivers training on commercial issues (especially commercial awareness) and, in particular, how to work with the public sector.

Sharon is a Fellow of both the Chartered Institute of Purchasing and Supply (CIPS) and World Commerce and Contracting (WCC, formerly the International Association of Contract and Commercial Managers). She is a Chartered CIPS trainer and courseware Peer Reviewer for commercial and

contract management, and negotiation, a WCC Expert in supplier relationship management, and co-author, with Dr Ray Carter, of *Practical Supplier Selection and Relationship Management*.

Sharon has a particularly strong background in aerospace and defence. Before starting her consultancy, in 2015, Sharon was Head of Commercial, QinetiQ C4ISR, where she played a key role in the expansion of international defence business, at the same time as drafting and negotiating a wide range of contracts covering design, development and production, SLAs, software development, modelling and licensing, feasibility and research studies, evaluation and loan arrangements to customers in the UK, Europe and the USA.

Prior to that she spent time with BAE Systems, Lockheed Martin, Westland Helicopters (now Leonardo), Rolls-Royce, Normalair-Garrett (now Honeywell) and the UK MoD. Sharon's clients include the trade association ADS, DE&S, BMT Defence, BAE Systems, Government Commercial Function, National Highways, North West Fire Control, National Museum for the Royal Navy, Cabinet Office and the Niteworks project (a collaboration between MoD and industry led by BAe Systems).

Workshop outline

DAY ONE

1 Acquisition organisation

- Key roles and responsibilities of the MoD organisations at the heart of the acquisition process

2 Tendering to MoD

- An appraisal of some of the obligations placed on contractors when they are submitting a proposal to the MoD pre-contract

3 Standardised contracting

- DEFCONS, DEFFORMs and Standard Contracting templates

4 Pricing, profit, post-costing and payment

- The parameters specific to a costing structure and the differences between competitive and non-competitive bidding
- The role of the QMAC, the profit formula, the requirements for equality of information and post-costing
- Different types of pricing and issues surrounding payment

5 Defence Reform Act 2014 – Single Source Contracts Regulations 2014

- Single Source Pricing under Part 2 of the Defence Reform Act 2014

6 Delivery and acceptance

- Specific requirements and the significance and impact of failing to meet them
- Acceptance plans
- Non-performance and the remedies that may be applied by the Customer – breach of contract, liquidated damages and *force majeure*

DAY TWO

7 Protection of information and IPR

- Contractor's and MoD's rights to own and use information
- How to identify background and foreground intellectual property
- Technical information and copyright in documentation and software
- Rights to IPR at the various stages of the bidding and contracting process

8 Legal requirements

- Widening and increasing roles and functions of the Defence Commercial Directorate.
- Background to the Defence Reform Act 2014.

9 Subcontracting and flowdown

- Understanding the constructs required by the MoD for subcontracting
- Which terms must be flowed down to the subcontractor and which are discretionary

10 Termination

- Termination of a contract for default
- Termination for convenience
- How to optimise the company's position on termination

11 Warranties and liabilities

- Obligations and liabilities a company might incur and how they might be mitigated
- MoD policy on indemnities and limits of liability

12 Electronic contracting environment

- Electronic forms of contracting
- Progress toward a fully electronic contracting environment

13 Procurement Reform, Defence Transformation and Defence Commercial Directorate

- Widening and increasing roles and functions of the Defence Commercial Directorate
- Background to the Procurement Act 2023 and its impact on defence acquisition

Any questions?

Please just give us a call on 01582 463463 – we're here to help!

Or visit www.theinhousetrainingcompany.com