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# Participating and Driving an Effective Negotiation and Contract Management in the Public Sector

## Course Overview

The **"African Public Sector Negotiation & Contract Mastery"** is a 5-day intensive program. It addresses the unique power dynamics often found in African public procurement, where government officials negotiate with large multinational corporations or international agencies. The course combines the psychology of negotiation with the technicalities of contract law and performance monitoring, providing a practical guide to protecting public interests from the boardroom to project completion.

## Program Objectives

By the end of this program, participants will be able to:

- **Strategize and Lead** high-stakes negotiations using the Interest-Based (Win-Win) model.
- **Analyze and Draft** essential contract clauses to mitigate risks of "hidden costs" and legal loopholes.
- **Implement** robust contract administration frameworks to monitor supplier performance and compliance.
- **Navigate** the "Political-Administrative Interface" to ensure transparency and prevent undue influence in contract awards.
- **Manage Disputes** effectively using Alternative Dispute Resolution (ADR) to avoid lengthy and costly court battles.

## Course Coverage (Modules)

### Day 1: The Art of Strategic Negotiation

- **Negotiation Foundations:** Moving from "Position-Based" to "Interest-Based" negotiation.
- **BATNA & ZOPA:** Determining your "Best Alternative to a Negotiated Agreement" and the "Zone of Possible Agreement."
- **Power Dynamics:** Strategies for negotiating with larger, better-resourced entities (e.g., International Contractors).

**Day 2: The Legal & Technical Anatomy of a Public Contract**

- **Essential Clauses:** Scope of work, payment milestones, force majeure, and termination for convenience vs. default.
- **Risk Allocation:** Identifying who is best placed to manage specific project risks (Financial, Political, Operational).
- **Service Level Agreements (SLAs):** Drafting measurable and enforceable performance standards.

**Day 3: Effective Contract Administration**

- **The Transition:** Moving from "Contract Award" to "Contract Management."
- **Performance Tracking:** Using "Contract Compliance Dashboards" to monitor progress against milestones.
- **Managing Variations:** Handling "Scope Creep" and change orders without blowing the budget.

**Day 4: Ethics, Transparency, and Anti-Corruption**

- **The Integrity Framework:** Identifying "Red Flags" in contract amendments and "tail-end" negotiations.
- **Record Keeping:** Maintaining a robust audit trail to satisfy oversight bodies (CAG, Internal Audit).
- **The African Context:** Navigating local content requirements and social value clauses in contracts.

**Day 5: Conflict Resolution and Closing the Deal**

- **Dispute Management:** Steps for mediation, arbitration, and administrative review.
- **Relationship Management:** Balancing "firmness" with "collaboration" to ensure project success.
- **Action Planning:** Developing a "Negotiation Checklist" for the participant's next major contract.

**Target Participants**

- **Heads of Procurement Units (PMUs)** and Senior Procurement Officers.
- **Legal Officers and State Attorneys** involved in vetting government contracts.
- **Project Managers and Engineers** overseeing public works and infrastructure.
- **Accounting Officers and Tender Board Members.**
- **Directors of Finance and Administration.**

**Expected Outputs**

Participants will graduate with a **"Contract & Negotiation Playbook"** containing:

1. **A Negotiation Preparation Template:** A structured guide to be completed before any meeting (Goals, BATNA, Concession limits).
2. **The "Contract Health" Checklist:** A 20-point diagnostic tool to evaluate current active contracts for risk.
3. **A Dispute Resolution Protocol:** A step-by-step internal manual for handling supplier non-performance.
4. **A Stakeholder Power Map:** A tool to identify and manage influencers within the contract ecosystem

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