Welcome to Contract Administration in the Public Sector

NIGP’s foundation course, Contract Administration, is designed for every level contract administrator. Through this course you will examine the contract administration process and best practices that help enable the achievement of public procurement goals. The material within the course focuses on common contract administration functions that must be successfully performed and the outcomes associated with them.

Course Objectives:

Upon successful completion of this course you will be able to:

• Identify and define terms, concepts and principles related to the contract administration process
• Identify contract risk and plan appropriate mitigation
• Develop the Contract Administration Plan (CAP) and Performance Assessment Plan (PAP) for a given case study
• Recommend an appropriate remedy when given a contractual problem or issue
• Apply a process to handle a performance problem
• Describe dispute resolution methods
• Closeout a contract including conducting a contract analysis
• Describe how contract administration can be continually improved to enhance contract performance in accordance with the commonly accepted practices of the profession

Textbooks and Materials

Contract Administration in the Public Sector by Elisabeth Wright Ph.D., CPCM and William D. Davison, CPPO. Participants receive this eBook when they register. Additional readings will be provided as the course progresses

Course Activities

Each contract poses unique challenges. The processes and best practices proposed in this course allow for a customized administration plan that can meet the needs of each procurement.

You will be assigned to a case study that you will work with throughout the course. In weeks 3, 4, and 5 you will work in a group to complete assignments associated with your case study. Other weeks you will work on your own but at any time you may collaborate with others to get opinions and advice on an assignment. Assignment and discussion due dates will be posted by your instructor.

The course is organized by week. Each week contains:

1. Assigned reading from the textbook and other provided sources
2. Individual and/or group activities, and
The weekly self-assessment, based on terminology and concepts directly from the reading assignments, is for you to gauge your comprehension of the content covered that week. You can take the self-assessments multiple times in the “Try out” mode, but must achieve a passing score of 70% in the “For credit” mode.

Each week you should complete the reading assignments first, you may read ahead. Learners must work together in groups on assignments during weeks 3-5 for this course.

You will complete either individual or group assignments every week. Once the assignments are posted you will review a specified number of responses and comment on or critique them as specified each week.

You must complete all the weekly assignments before taking the final assessment. You have a full week after the end of the course to take the final exam. If you require assistance with the timing of your final assessment please contact your instructor and NIGP (distancelearning@nigp.org) to make arrangements.

Week 1

Focus:
This week’s activities will prepare you to work effectively in an online learning environment.

Activities:

• Print and read this Syllabus
• Review the Course Rules
• Read all three case studies: Truck with Snow Plow, Window Washing Services, and Construction of Salt Shed
• Introduce yourself to the class using the Discussion Board. Select Reply on the Instructor’s welcome posting and respond with the information requested.
Week 2: Introduction and Defining the Parameters and Value of Contract Management and Contract Administration

Focus:
This week’s assignment describes why the study of contract administration is important, not only to you the purchasing professional, but to your organization. You will learn:

• The contract management cycle
• The difference between contract management and contract administration
• Historical perspective of governmental contracting

Reading:

• Text, chapters 1-2: Introduction and Defining the Parameters and Value of Contract Management and Contract Administration
• Article: The Foundations of Government Contracting
• Case Study Overview document
• Total reading: 29 pages

Activities:

• Answer discussion questions posted by instructor and comment on other students’ responses.
• Read all the case studies and reread your assigned case study. Post a list of the important points to consider with the assigned case study. Read the other lists that students have made for that case study.
• Complete the Week 2 self-assessment.

At the end of week 2, the instructor will assign teams and a lead and a co-lead for each activity for weeks 3-5.

Week 3: Considerations for Affecting Contract Administration during the Formation Period

Focus:
Aspects of contract formation can have significant influence on Contract Administration. Creating a contract for the first time can seem a formidable task. This chapter helps break down the contract formation process into manageable parts to ensure a successful contracting outcome. You will be:

• Identifying contract risks and establishing goals to manage risk
• Selecting the appropriate specification type, the acquisition method, pricing, delivery, and contract type
• Selecting the appropriate clauses based on the contract type
Reading:
- Text, chapter 3: Considerations for Affecting Contract Administration during the Formation Period
- Article: Basics of Managing Risks
- Article: Contract Administration to Mitigate Risk
- Reading: Project Triangle
- Total Reading: 28 pages

Activities:
- **Work with your group** to complete pages 1-4 of the Contract Administration Plan (CAP) for your assigned case study. The Project Leader will upload this completed assignment to the course for the group.
- Answer the discussion questions posted by the instructor and make at least one substantial comment to another student’s answer.
- Complete the Week 3 self-assessment.

**Week 4: Planning for Performance and Contract Administration Team: Roles and Ethical Responsibilities**

**Focus:**
Planning is not something immediately considered when embarking on an endeavor, large or small; however, planning is critical to the successful outcome of any endeavor. Too often we choose to “wing it” with less than stellar results. Chapter 4 identifies tools we can use to help us administer contracts in a pro-active rather than re-active fashion. You will learn how to create a Contract Administration Plan and a Performance Assessment Plan, including surveillance techniques.

Chapter 5 describes the roles and responsibilities of the Contract Administration Team. Chief among those responsibilities is ethical behavior.

**Reading:**
- Text, chapters 4-5: Planning for Performance and Contract Administration Team: Roles and Ethical Responsibilities
- Article: Functions of the Contract Administration Team
- Article: Tenuous Collusion Article
- Total Reading: 24 pages

**Activities:**
- **Work with your group** to complete pages 5-8 of the Contract Administration Plan (CAP) for your assigned case study. Use the Compendium of Clauses as a resource. The Project Leader will upload this completed assignment to the course for the group.
- Answer the discussion questions posted by the instructor and make at least one substantial comment to another student’s answer.
- Complete the Week 4 self-assessment.
Week 5: Initial Contract Administration Activities and Software Management

Focus:
What can you do to ensure a successful contractual outcome? Chapter 6 focuses on activities that should be conducted shortly after the contract is signed, including:

- Debriefings
- Start-up conferences to ensure all parties involved in the administration of the contract understand the contract and their role in the contract administration process.
- Identifying critical areas for contract monitoring
- Creating a Performance Plan to provide effective contract control
- Establishing contract files so you have all the documentation to support your contract actions

Chapter 9 gives an overview of the special considerations for software contracts. Key considerations during contract administration include quality, standards, performance metrics and rights regarding technical data delivered under contracts.

Additionally, there is a primer for the special terminology used in software management included in this chapter.

Reading:
- Text, chapters 6 and 9: Initial Contract Administration Activities and Software Management: The Contractual Perspective and Data Deliverable during a contract
- Article: Preventing Protests
- Total Reading: 32 pages

Activities:
- Work with your group to complete pages 9-11 of the Performance Assessment Plan (PAP) for your assigned case study.
- Review the parts of the CAP submitted earlier and make any changes or additions necessary. The Project Leader will upload this completed assignment to the course for the group.
- Answer the discussion questions posted by the instructor and make at least one substantial comment to another student’s answer.
- Complete the Week 5 self-assessment.
Week 6: Inspection and Acceptance, and, Delays in Contract Performance

Focus:
You have awarded a contract, created a Contract Administration Team, outlined the Contract Administration Team’s Roles and Responsibilities, completed your Contract Administration Plan and identified the Performance Assessment Plan for determining the contractor’s performance. Now the contractor has begun performance. Chapter 7 reviews inspection and acceptance techniques, which include rejection as well. Identify ways you would protect the rights of your agency as well as the rights of the contractor during performance of this contract.

Chapter 10 continues performance management with an examination of performance delays, differentiating among excusable, non-excusable, and compensable delays. Each type has specific rights and responsibilities for both the agency and the contractor and remedies.

Reading:
- Text, chapters 7 and 10: Inspection and Acceptance, and, Delays in Contract Performance
- Article: Managing the Risks of Delays in Projects
- Total Reading: 26 pages

Activities:
- Read all three case study problems. Post your how you would resolve the problem related to your case study. Read the responses posted by other students.
- Answer the discussion questions posted by the instructor and make at least one substantial comment to another student’s answer.
- Complete the Week 6 self-assessment.

Week 7: Contract Modifications, and, Disputes and Appeals

Focus:
Chapter 8 introduces you to the “real world” of contract administration, where things don’t always work out the way you expected when you began administering the contract: contract modifications. Contract modifications range from minor (correction to a telephone number or other routine administrative matter) to substantive (major change to the scope, delivery, quantity, etc.). Modifications may be unilateral or bilateral. Modifications may result in requests for monetary or time changes.

Chapter 11 describes what can happen when you and the contractor can’t reach agreement. While individual agency’s process may differ, the fundamental administrative framework remains the same. You will learn the difference between disputes and claims as well as the techniques, advantages, and disadvantages of alternative dispute resolution.

Reading:
- Text, chapters 8 and 11: Contract Modifications, and, Disputes and Appeals
• Video: Mediation: The Sensible Means for Resolving Contract Disputes
• Total Reading: 28 pages; Video: 8 minutes

Activities:
• Read the case Snow on the Courthouse Roof. This is an assignment regarding contract modification. Answer the discussion questions posted by the instructor and make at least one substantial comment to another student’s answer.
• Complete the Week 7 self-assessment.

Week 8: Contract Payment and Contract Termination

Focus:
When the contractor has successfully delivered or performed, he gets paid. There are many types of contract payments and their use depends on the contract situation. By understanding how each of these methods work, you can more effectively administer your contract to a successful conclusion. This chapter gives you an overview of the different payment methods and their uses.

Chapter 13 deals with contract terminations, the most drastic ending to a contractual relationship. In this chapter, you will determine when termination for default is appropriate; go over the procedural process, consequences, and alternatives to a default termination.

Reading:
• Text, chapters 12 and 13: Contract Payment, and, Contract Termination
• Article: Service Contract Performance —Dealing with Poor Performance
• Total Reading: 29 pages

Activities:
• Read the Remediate or Terminate case. Answer the questions posted by the instructor on the discussion board and make at least one substantial comment to another student’s answer.
• Draft a Cure Notice for the situation described in the case. Post to the discussion board and read 3 other notices.
• Complete the Week 8 self-assessment.

Week 9: Contract Closeout Activities

Focus:
The final chapter deals with contract closeout, an often forgotten or neglected phase of contract administration. By the time you realize you should have formally closed the contract, you generally can’t find the staff or documentation to support the contract administrative actions taken.

So avoid the pain of trying to recreate what happened sometimes years after the fact.
by taking the time to formally close the contract. This chapter gives you guidelines on
doing just that as well as tools to help you improve your contract administration skills.

Reading:
- Text, chapter 14: Contract Closeout Activities and Appendix D
- Article: Closeout Backlog
- Total Reading: 10 pages

Activities:
- Develop a contract closeout checklist specific to your case study. Upload this
  completed assignment to the course. Read at least 3 other checklists for your
  case.
- Answer the discussion questions posted by the instructor and make at least one
  substantial comment to another student’s answer.

Week 10: Course Wrap-up
- Check your course status in the Activity Overview area to ensure you are up to
date in all course activities: group work, individual assignments, and discussion
responses. Acknowledge that you have completed all course work up to this point.
This will require verification from your instructor to be able to continue to the Final
Assessment.
- Review the course and then complete the Final Assessment. One of the
requirements for passing the course is a score of 70% on the final exam. You will
have two tries online. If you do not achieve a passing score after your first try,
contact your instructor and schedule a phone call to ensure that you have learned
the key concepts of the course.
- Once you have achieved a passing grade, complete the online course
evaluation. Completion of the course evaluation enables you to print
your certificate of completion.