

CLIENT	IT Services Contractor
PROJECT	Multiple Financial Institution Contract and Bid Work
CONTRACT	Bespoke Contracts
WORK SCOPE	Drafting bid documentation, the negotiation of main contract terms and conditions, the negotiation of sub-contract and supplier terms and conditions for contracts.
BLAKE NEWPORT SERVICES PROVIDED	Commercial assistance in the preparation of bids and negotiation of terms and conditions of contracts with the customers and downstream suppliers/sub-contractors.



SITUATION

Blake Newport was engaged by a major IT services provider to provide commercial assistance in the preparation of several bids for work with financial institutions. As a secondary role Blake Newport's commission also included the provision of commercial assistance in the review of existing long term contracts with several financial institutions and the drafting of amendments required by the IT Service provider in anticipation of the extension of these contracts.

Finally Blake Newport's commission included the negotiation on behalf of the IT services provider of both the new terms and conditions at both main and subcontract level for both the new projects and the amendment of the existing agreements for extension.

BLAKE NEWPORT SOLUTIONS

Proposal 1 - Redrafted a significant framework agreement between the client and the end-customer to reflect an extension to the UK project elements by three years but only an 18 month extension to the international projects. This was both complex in terms of scope and negotiation as many of the projects being carried out under the existing framework agreement had both UK and international impacts. Careful consideration needed to be given as to how new projects would be incorporated into the framework and also the effect of areas such as licensing and maintenance/support would be affected with the differential in the frameworks duration. Blake Newport assisted in both the commercial preparation of bid documentation and the contractual negotiations with the end-customer to contract signature.

Proposal 2 - An existing contract where the end-customer had decided to fully outsource the work being carried out by the client and in addition add in further international scope. As the existing supplier of services, the client became preferred bidder for the outsourcing package and prepared numerous bid options to meet the customers demanding requirements. The contract negotiations of this project involved heavily amending the existing contract where it was unsuitable for both the increased scope and international nature of the scope and also involved careful consideration and negotiation on an element of TUPE for staff that were transferring from the end-customer to the client. Throughout this project Blake Newport provided the commercial aspect of advising on amendments to the existing contracts and the negotiations of the new contract.

Proposal 3 - Another existing contract where the client provided both the hardware and the software to the end-customer's internal staff worldwide. The end-customer was however proposing to license as a package it's systems to other institutions and required the client to increase the contract scope to allow the end-customer to do so, but also for them provide the end-customer's customers with maintenance and support on the licensed systems. Again Blake Newport provided both commercial advice and contract negotiation in the securing of this project.

OUTCOME

On the remaining projects Blake Newport carried out extensive contract reviews to assess the commercial amendments required to enable the client to continue to provide the services and then represented the client in a commercial role on the renegotiation of the contracts.