



Australian Government

Department of Education, Employment and Workplace Relations

TLIR4003A Negotiate a contract

Release: 1

TLIR4003A Negotiate a contract

Modification History

Not Applicable

Unit Descriptor

Unit Descriptor

This unit involves the skills and knowledge required to contract transport and distribution services in accordance with relevant regulatory requirements and workplace procedures. This includes negotiating the contract with a contractor, finalising the contract negotiations, and completing all enterprise contract requirements. Licensing, legislative, regulatory or certification requirements are applicable to this unit.

Application of the Unit

Application of the Unit

Work must be must be carried out in compliance with the relevant regulations, standards, legal requirements and codes of practice.

Work is under general guidance on progress and outcomes of work. It requires discretion and judgement for self and others in planning and using resources, services and processes to achieve required outcomes within workplace policy and procedures.

A range of opportunities may be used to develop the work area and to support the development of work systems, innovative strategies to deal with contingencies and to encourage the achievement of the workplace's goals and key performance objectives by the work area and the individuals and teams within it.

The unit generally applies to those with responsibility for resource coordination and allocation and who provide leadership of others individually or in teams.

Licensing/Regulatory Information

Refer to Unit Descriptor

Pre-Requisites

Not Applicable

Employability Skills Information

Employability Skills This unit contains employability skills.

Elements and Performance Criteria Pre-Content

Elements describe the essential outcomes of a unit of competency.

Performance criteria describe the required performance needed to demonstrate achievement of the element. Assessment of performance is to be consistent with the evidence guide.

Elements and Performance Criteria

ELEMENT	PERFORMANCE CRITERIA
1 Negotiate contract with contractor	1.1 Requirements of the contract are clearly documented and understood by the relevant parties 1.2 Areas of ambiguity or concern are clarified and resolved 1.3 Negotiations are undertaken with selected contractor for the contracting of required goods/services on a 'without prejudice' basis 1.4 Conditions for service and/or supply of goods/services are agreed between the enterprise and the contractor including the determination of key performance indicators 1.5 Alternative contractors are negotiated with if agreement is unable to be reached with preferred contractor 1.6 Contract negotiations conform to established workplace requirements and relevant legislation
2 Complete contract negotiations	2.1 Contract documentation is drafted in accordance with relevant legislation, workplace procedures and negotiated conditions of service and supply 2.2 Technical support in the drafting of contracts is accessed where required 2.3 Contract documentation is signed and exchanged between the relevant parties
3 Complete enterprise contract requirements	3.1 Documentation systems are established to ensure traceability of orders and financial transactions 3.2 Workplace systems that require interaction with contractors are identified and actioned 3.3 Quality assurance procedures for supplied goods/services are initiated 3.4 Contract and ancillary documentation is completed and stored in accordance with workplace procedures and, where applicable, regulatory requirements

Required Skills and Knowledge

REQUIRED KNOWLEDGE AND SKILLS

This describes the essential knowledge and skills and their level required for this unit.

Required knowledge:

- Regulations, codes of practice and legal requirements relevant to contractual arrangements

REQUIRED KNOWLEDGE AND SKILLS

- Relevant OH&S and environmental protection procedures and regulations
- Workplace procedures for the negotiation of a contract
- Problems that may occur during the negotiation of a contract and action that can be taken to report or resolve the problems
- Risks that may exist when negotiating a contract and ways of controlling the risks involved
- Focus of operation supply arrangements, resources, management and workplace operating systems
- Applicable aspects of contract law
- Processes for contract formulation and negotiation
- Workplace business policies and plans including procedures for maintenance of confidentiality
- Equipment applications, capacities, and configurations
- Resource availability including the competencies of individuals in the team/group
- Relevant contract documentation requirements

Required skills:

- Communicate effectively with others when negotiating a contract
- Read and interpret instructions, procedures, information and regulatory requirements relevant to the negotiation of a contract
- Prioritise work and coordinate self and others in relation to workplace activities
- Complete documentation related to the negotiation of a contract
- Operate electronic communication equipment to required protocol
- Provide leadership and work collaboratively with others when negotiating a contract
- Adapt appropriately to cultural differences in the workplace, including modes of behaviour and interactions with others
- Promptly report and/or rectify any identified problems that may arise when negotiating a contract in accordance with regulatory requirements and workplace procedures
- Apply precautions and required action to minimise, control or eliminate risks that may exist when negotiating a contract
- Plan and organise work activities
- Monitor work activities in terms of planned schedule
- Modify activities to cater for variations in workplace contexts and environment
- Work systematically with required attention to detail without injury to self or others, or damage to goods or equipment
- Select and apply appropriate technology and information systems
- Adapt to differences in equipment in accordance with standard operating procedures

Evidence Guide

EVIDENCE GUIDE

The evidence guide provides advice on assessment and must be read in conjunction with the performance criteria, required knowledge and skills, the range statement and the assessment guidelines for this Training Package.

Critical aspects for assessment and evidence required to demonstrate competency in this unit

- The evidence required to demonstrate competency in this unit must be relevant to and satisfy all of the requirements of the elements and performance criteria of this unit and include demonstration of applying:
 - the underpinning knowledge and skills
 - relevant legislation and workplace procedures
 - other relevant aspects of the range statement

Context of and specific resources for assessment

- Performance is demonstrated consistently over a period of time and in a suitable range of contexts
- Resources for assessment include:
 - a range of relevant exercises, case studies and/or other simulated practical and knowledge assessment, and/or
 - access to an appropriate range of relevant operational situations in the workplace
- In both real and simulated environments, access is required to:
 - relevant and appropriate materials and equipment, and
 - applicable documentation including workplace procedures, regulations, codes of practice and operation manuals

Method of assessment

- Assessment of this unit must be undertaken by a registered training organisation
- As a minimum, assessment of knowledge must be conducted through appropriate written/oral tests
- Practical assessment must occur:
 - through activities in an appropriately simulated environment at the registered training organisation, and/or
 - in an appropriate range of situations in the workplace

Range Statement

RANGE STATEMENT

The range statement relates to the unit of competency as a whole. It allows for different work environments and situations that may affect performance.

- Work may be undertaken:
- in various work environments in warehousing, storage, transport and distribution industries
- Customers may be:
- internal or external
- Operations may be conducted:
- by day or night
- The workplace environment may involve:
- twenty-four hour operation
 - single and multi-site location
 - large, medium and small workplaces
- Services, products, risks, work systems and requirements:
- potentially vary in different sections of the enterprise
- Contracts may be for:
- singular or continuous supply of goods and/or services
- Document/data interchange may be:
- electronic
 - paper-based
- Clients/customers/suppliers may include:
- domestic and international contractors
 - corporations
 - individuals
 - government agencies
- Contract must conform to:
- relevant legislation in regard to issues of probity and fair dealings
- Consultative processes may involve:
- employees, supervisors and managers
 - contractors
 - suppliers and current or potential clients
 - legal representatives, financial managers, accountants
 - relevant authorities, government departments and institutions
 - representatives of other enterprises and organisations related to the international transfer of freight
 - industrial relations and OH&S specialists
 - other professional, maintenance and technical staff
- Communications systems may involve:
- fixed and mobile telephone
 - radio
 - fax
 - email
 - electronic data transfer of information
 - mail, forms and internal memos

RANGE STATEMENT

Depending on the type of organisation concerned and the local terminology used, workplace procedures may include:

- company procedures
- enterprise procedures
- organisational procedures
- established procedures

Documentation/records may include:

- codes of practice and regulations relevant to the transport and distribution contractual arrangements
- legal and contract documentation
- workplace operating procedures and policies
- operations manuals, job specifications and procedures and induction documentation
- supplier and/or client instructions
- Australian and International standards, criteria and certification requirements
- communications technology equipment and oral, aural or signed communications
- quality assurance standards and procedures
- emergency procedures
- relevant competency standards and training materials
- QA plans, data and document control
- conditions of service, legislation and industrial agreements including workplace agreements and awards

Applicable procedures and codes may include:

- regulations and codes of practice relevant to contractual arrangements
- Australian and international regulations and codes of practice for the handling and transfer of dangerous goods and hazardous substances
- relevant financial regulations
- Australian and international standards and certification requirements
- relevant state/territory OH&S legislation
- relevant state/territory environmental protection legislation
- relevant licence or permit requirements and associated regulations
- relevant workplace relations legislation
- relevant workers compensation legislation
- equal opportunity, equal employment opportunity and affirmative action legislation

Unit Sector(s)

Not Applicable

Competency Field

Competency Field R - Contract Procurement