

Mastering your IT project contracts: the keys to negotiation



DA-13 2 Days (14 Hours)

Description

The IT project is no longer reduced to a contract for carrying out specific developments. It presents new risks, multiple facets and requires an adapted legal approach. This seminar proposes to outline the broad outlines on the basis of real-life experiences.

Who is this training for ?

For whom

Project management, project management (DSI, DI, project manager), purchasing management of intellectual services, legal management.

Prerequisites

None.

Training objectives

- Understand the guiding principles of an IT contract Understand the pre-contractual phase Master the framing, drafting and conclusion of the contract Lead the execution and termination of the IT contract

Training program

Le contrat informatique pour quelle réalité ?

- The operational reality: diversity of projects.
- The search for a contractual balance around the issues and constraints to avoid certain errors.
- An omnipresent and regulatory context structuring.

La phase précontractuelle

- Expression of needs/regulations/standards.
- Constraints.
- ERP approach.
- Global integration project.
- Service levels expected from outsourcing.
- Offer to contract: the commercial proposal.
- Acceptance of the offer: express/tacit: pitfalls.
- General conditions: enforceability.
- Revocation of the proposal.
- Distinction between public contracts and private contracts.
- Choice of the service provider and the legal prerequisites.
- Pre-contractual negotiation.
- Pre-contracts.
- Protecting the company's know-how.

Le cadrage du contrat au regard des contraintes du projet

- Framework and "sequencing" of discussions, following the service provider selection stage.
- Definition of an appropriate contractual structure.
- Service tools double legal and financial reading of the main clauses of the contract.
- Distribution of responsibilities and main indicators of contract management and monitoring.

La rédaction et la conclusion du contrat

- Technical, legal and financial parties.
- Powers: apparent mandate, representation of company law. Third parties: subcontracting, beneficiaries, others.
- Contractual architecture and governance of the IS. Applicable law.
- Exchange of consents. Principle of consensualism. Vice of consent.
- Conditional commitments: purpose of the contract and scope of the project.
- Nature of the services: consistency with the object. Duration as a negotiating lever.
- Intellectual property. Contractual management, transfer of rights, licenses, guarantees.
- Contractual fault and obligation of means/result Clauses limiting or exonerating liability.

La fin du contrat informatique

- Peaceful end: resolution, termination or expiration.
- Contractual dispute management mechanisms.
- IT litigation: termination or resolution before the judge. Premeditated exit from contract.
- Transaction. Handover. Guarantee, plan, price of reversibility.