# Role Description
# Senior Advisor, Contracts & Commercial Performance

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| **Cluster** | Customer Service |
| **Agency** | Department of Customer Service |
| **Division/Branch/Unit** | Various |
| **Classification/Grade/Band** | Clerk Grade 9/10 |
| **ANZSCO Code** | 224912 |
| **PCAT Code** | 1339192 |
| **Date of Approval** | August 2020 |

## Primary purpose of the role

Provides expert commercial and contract management services across new and established agreements (including intergovernmental memoranda of understanding) and operationally monitoring supplier performance to deliver outcomes aligned with stakeholder expectations.

## Key accountabilities

- Manage a strategic approach to establishing and maintaining high quality customer services and resource management to deliver value for money and meet stakeholder needs and expectations
- Provide proactive engagement with internal and external stakeholders for negotiation and on-going maintenance of intergovernmental memoranda of understanding, operational agreements and service agreements ensuring confidentiality, interests and expectations are met to deliver desired outcomes
- Provide expert advice on contract conditions and administration to internal business units and procurement stakeholders to support informed decision-making and improve contract outcomes
- Develop and implement contract management plans, negotiate changes and modifications, and monitor and analyse supplier performance, addressing non-performance, to achieve required the business and contract outcomes
- Monitor, analyse and report on performance and service delivery to support the remediation of strategic and operational issues to ensure delivery in line with contractual obligations and performance metrics
- Establish and maintain appropriate stakeholder and supplier relationships to identify and minimise risk, resolve issues as they arise, and maximise commercial outcomes

## Key challenges

- Working within tight deadlines while ensuring quality outcomes are provided with effective consultation in a context of uncertainty and rapidly changing priorities.
- Identifying and facilitating contract variations to achieve improved outcomes while maintaining compliance
- Identifying and effectively managing supplier disputes and performance deficiencies, before these escalate into major issues, given competing demands and priorities

## Key relationships

| Who | Why |
|---|---|
| **Internal** | |
| Director | • Provide expert advice on contract development and administration to contribute to contract decision making |
| Manager | • Provide expert advice on contract development, administration and performance and contribute to broader unit issues<br>• Report on progress towards business objectives, discuss key contracts and issues and receive advice<br>• Escalate issues, keep informed, advise, receive guidance and instructions<br>• Identify sensitive issues, risk & opportunities and recommend potential solutions |
| Direct Reports | • Guide, support, coach, mentor and manage performance<br>• Review work and proposals to ensure integrity and accountability of decision making<br>• Provide own perspective and share information<br>• Work collaboratively with, inspire, motivate, create a positive work environment and positive employee experience |
| Work Team | • Support team members and work collaboratively to contribute to achieving the team's business outcomes<br>• Participate in discussions and decisions regarding resolution of issues and implementation of innovation and best practice<br>• Represent work group perspective and share information<br>• Review work and proposals of team members |
| Customers/Stakeholders | • Collaborate and provide to contribute to contract development and management<br>• Provide contract administration services to agency staff/teams undertaking procurement<br>• Actively engage with key stakeholders through regular communication, feedback, issues management and overall service performance levels, in line with agreed service delivery |
| **External** | |
| Customers/Stakeholders | • Consult on and negotiate the development, management and evaluation of supplier and contract management plans<br>• Manage expectations and resolve issues<br>• Develop and maintain effective working relationships and open channels of communication to provide and obtain information, and ensure effective management and implementation of expectations and standards |
| Vendors/Service Providers | • Negotiate and approve contracts and service agreements<br>• Consult on the terms and conditions of contracts and contract management plans<br>• Manage contracts and monitor provision of service to ensure compliance with contracts and service agreements<br>• Gather information on performance and address disputes and issues |
| Other Government Agencies | • Consult on contracts, contract management strategies and issues<br>• Contribute to cross-agency or whole of government contracts<br>• Establish networks to maintain currency in trends and developments in contract management |

| Who | Why |
| --- | --- |
| Professional and Sector Associations | • Exchange information on contract management, performance benchmarking, innovation and other matters of mutual interest<br>• Build professional expertise and networks |

## Role dimensions

### Decision making

This role has autonomy and makes decisions that are under their direct control as directed by their Manager. It refers to a Managers' decisions that require significant change to program outcomes or timeframes or are likely to escalate or require submission to a higher level of management. This role is fully accountable for the delivery of work assignments on time and to expectations in terms of quality, deliverables and outcomes. This role submits reports, business cases and other forms of written advice with minimal input from the manager.

### Reporting line

Manager/Director

### Direct reports

This role has many direct reports.

### Budget/Expenditure

As per the Customer Service Delegations.

## Essential requirements

Appropriate qualifications and/or relevant industry experience.

## Capabilities for the role

The NSW public sector capability framework describes the capabilities (knowledge, skills and abilities) needed to perform a role. There are four main groups of capabilities: personal attributes, relationships, results and business enablers, with a fifth people management group of capabilities for roles with managerial responsibilities. These groups, combined with capabilities drawn from occupation-specific capability sets where relevant, work together to provide an understanding of the capabilities needed for the role.

The capabilities are separated into **focus capabilities** and **complementary capabilities**.

## Focus capabilities

*Focus capabilities* are the capabilities considered the most important for effective performance of the role. These capabilities will be assessed at recruitment.

The focus capabilities for this role are shown below with a brief explanation of what each capability covers and the indicators describing the types of behaviours expected at each level.

## FOCUS CAPABILITIES

| Capability group/sets | Capability name | Behavioural indicators | Level |
|---|---|---|---|
|  | **Act with Integrity**<br>Be ethical and professional, and uphold and promote the public sector values | • Model the highest standards of ethical and professional behaviour and reinforce their use<br>• Represent the organisation in an honest, ethical and professional way and set an example for others to follow<br>• Promote a culture of integrity and professionalism within the organisation and in dealings external to government<br>• Monitor ethical practices, standards and systems and reinforce their use<br>• Act promptly on reported breaches of legislation, policies and guidelines | Advanced |
|  | **Commit to Customer Service**<br>Provide customer-focused services in line with public sector and organisational objectives | • Take responsibility for delivering high-quality customer-focused services<br>• Design processes and policies based on the customer's point of view and needs<br>• Understand and measure what is important to customers<br>• Use data and information to monitor and improve customer service delivery<br>• Find opportunities to cooperate with internal and external stakeholders to improve outcomes for customers<br>• Maintain relationships with key customers in area of expertise<br>• Connect and collaborate with relevant customers within the community | Adept |
|  | **Deliver Results**<br>Achieve results through the efficient use of resources and a commitment to quality outcomes | • Use own and others' expertise to achieve outcomes, and take responsibility for delivering intended outcomes<br>• Make sure staff understand expected goals and acknowledge staff success in achieving these<br>• Identify resource needs and ensure goals are achieved within set budgets and deadlines<br>• Use business data to evaluate outcomes and inform continuous improvement<br>• Identify priorities that need to change and ensure the allocation of resources meets new business needs<br>• Ensure that the financial implications of changed priorities are explicit and budgeted for | Adept |
| | **Think and Solve Problems**<br>Think, analyse and consider the broader context to develop practical solutions | • Research and apply critical thinking techniques in analysing information, identify interrelationships and make recommendations based on relevant evidence<br>• Anticipate, identify and address issues and potential problems that may have an impact on organisational objectives and the user experience | Adept |

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| | | • Apply creative-thinking techniques to generate new ideas and options to address issues and improve the user experience<br>• Seek contributions and ideas from people with diverse backgrounds and experience<br>• Participate in and contribute to team or unit initiatives to resolve common issues or barriers to effectiveness<br>• Identify and share business process improvements to enhance effectiveness | |
|  | **Procurement and Contract Management**<br>Understand and apply procurement processes to ensure effective purchasing and contract performance | • Ensure that employees and contractors apply government and organisational procurement and contract management policies<br>• Monitor procurement and contract management risks and ensure that this informs contract development, management and procurement decisions<br>• Promote effective risk management in procurement<br>• Implement effective governance arrangements to monitor provider, supplier and contractor performance against contracted deliverables and outcomes<br>• Represent the organisation in resolving complex or sensitive disputes with providers, suppliers and contractors | Advanced |
|  | **Optimise Business Outcomes**<br>Manage people and resources effectively to achieve public value | • Develop team and unit plans that consider team capabilities and strengths<br>• Plan and monitor resource allocation effectively to achieve team and unit objectives<br>• When planning resources, consider the attraction and retention of people of diverse cultures, backgrounds and experiences<br>• Ensure that team members work with a good understanding of business principles as they apply to the public sector context<br>• Participate in wider organisational workforce planning to ensure that capable resources are available | Intermediate |

## Occupation specific capability set

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|  | **Supplier Relationship Management**<br>Establish constructive and innovative strategic relationships based on driving value through appropriate long-term relationships | • Use supply positioning to determine the appropriate supplier relationship needed for all categories of expenditure and coach other staff on the application of supplier relationship management (SRM) principles<br>• Develop sound working relationships with strategic suppliers at an operational level<br>• Identify areas of waste throughout the supply chain and work with suppliers to eliminate these<br>• Track and monitor benefits through supplier relationships for high risk/ spend suppliers and contracts | Level 3 |
| | **Contract Management**<br>Effectively manage the performance of suppliers through robust contract frameworks, successfully delivering contractual obligations | • Utilise tools and systems to analyse and interpret a wide variety of supplier and performance related information to drive better outcomes through the relationship<br>• Ensure the contracted services are delivered in accordance with the intent of the contract, risks are identified and performance effectively managed<br>• Administer complex contracts such as outsourced arrangements and joint ventures<br>• Review and negotiate contract variations and monitor the contract database to ensure contract details are up to date<br>• Work with internal business partners to define and provide a single face to the supply market, ensure agreements are fully understood and utilised and performance issues are addressed effectively<br>• Effectively analyse data to assess strategic supplier performance and identify changes/improvements needed to deliver better outcomes | Level 3 |
| | **Contract Law**<br>Effectively manage the performance of suppliers through robust contract frameworks, successfully delivering contractual obligations | • Interpret all contract terms and conditions, using a working knowledge of contract law and seeking advice for specialised terms/conditions or dispute resolution as needed<br>• Interpret and apply laws and legislation as they relate to procurement activity<br>• Prepare and negotiate clear, concise and complete contractual documentation from existing templates<br>• Work with key stakeholders to develop effective incentives for straightforward procurement contracts<br>• Use existing guidelines to develop appropriate KPIs for contracts and supply agreements based on risk and business outcome<br>• Conduct risk assessments on complex contracts and take action to minimise the organisation's legal and commercial exposure | Level 3 |

## Complementary capabilities

*Complementary capabilities* are also identified from the Capability Framework and relevant occupation-specific capability sets. They are important to identifying performance required for the role and development opportunities.

Note: capabilities listed as 'not essential' for this role are not relevant for recruitment purposes however may be relevant for future career development.

| COMPLEMENTARY CAPABILITIES | | | |
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| **Capability group/sets** | **Capability name** | **Description** | **Level** |
|  | Display Resilience and Courage | Be open and honest, prepared to express your views, and willing to accept and commit to change | Adept |
| | Manage Self | Show drive and motivation, an ability to self-reflect and a commitment to learning | Adept |
| | Value Diversity and Inclusion | Demonstrate inclusive behaviour and show respect for diverse backgrounds, experiences and perspectives | Intermediate |
|  | Communicate Effectively | Communicate clearly, actively listen to others, and respond with understanding and respect | Adept |
| | Work Collaboratively | Collaborate with others and value their contribution | Adept |
| | Influence and Negotiate | Gain consensus and commitment from others, and resolve issues and conflicts | Adept |
|  | Plan and Prioritise | Plan to achieve priority outcomes and respond flexibly to changing circumstances | Intermediate |
| | Demonstrate Accountability | Be proactive and responsible for own actions, and adhere to legislation, policy and guidelines | Intermediate |
|  | Finance | Understand and apply financial processes to achieve value for money and minimise financial risk | Intermediate |
| | Technology | Understand and use available technologies to maximise efficiencies and effectiveness | Intermediate |
| | Project Management | Understand and apply effective project planning, coordination and control methods | Adept |
|  | Manage and Develop People | Engage and motivate staff, and develop capability and potential in others | Intermediate |
| | Inspire Direction and Purpose | Communicate goals, priorities and vision, and recognise achievements | Intermediate |
| | Manage Reform and Change | Support, promote and champion change, and assist others to engage with change | Intermediate |
| **Occupation specific capability set** | | | |
|  | Commercial negotiation | Plan, conduct and analyse the outcomes of commercial negotiations to achieve business objectives | Level 3 |
| | Procurement Risk Management | Identify, assess and mitigate procurement risks | Level 3 |
| | Legislative and Policy Environment | Ensure that the planning, management and delivery of procurement outcomes is fully consistent with all relevant legislative, probity and policy requirements | Level 3 |