

Dear Contract

What Would You Say You Do Here?

Dear Contract,

Let me start by telling you how much I appreciate you and all the good things you do for me. I will always need you and will forever rely upon your strengths. With that said, I have noticed a few disappointing realities over the years that I felt would be best for our relationship if I got them out in the open.

First, I have realized that even though I rely upon you regularly, you don't give me what I really want and need. Sometimes I use you and the project will go great and then other times I use you and the project finishes late and over budget and I am not even sure I got what I paid for. I thought you were basically the same on each of my projects, but the outcomes always vary. You are filled with requirements and penalties to help force performance from my vendors, but I still experience missed expectations, change orders, and having to work hard myself to ensure the outcomes even happen.

So I want you to know that I have come to accept that you do not predict performance and do not correlate to project success. I have thought to myself, at the end of a successful project what is it that people say caused it to go so well? It is never your terms and conditions, or even how well you were structured. When a project goes well, it is always because of the people that were on the job. It is their expertise, capability, and experience that cause project success. The capability of the people on the job correlates to project success (even when you are bad contract).

Second, you don't really prevent non-performance from my vendors. You only penalize it once it has happened. It is like you think you can just scare vendors into performing if you put in enough punitive damages and penalty clauses. I need something that actually increases my chances of success, cost savings and innovation. It feels like all you try to do is minimize my losses if the project runs into trouble or the vendor is a low-performer. I need something that actually attracts experts to want to compete on my work and then leverages their expertise into my projects, to help minimize the risk, minimize my costs, and find better ways to do things than I can't think of by myself.

Third, after I sign you I never open you...unless there is a problem. All these years I thought you were a critical part of project success but I have realized that I never look at you unless there are problems. I need more than that. I need something that is actively engaged in helping me predict potential risks and solve them before they even happen.

I know all my problems are not your fault. I realize that sometimes in my haste to get you signed, I may not give you the fair treatment you deserve. And sure, the people that set the expectations for the project and get you signed are rarely the people that will actually be doing the work (but that is a topic for another time). And yes, I don't always document performance and close out a project like I should. But even with my shortcomings, I know you are not enough.

I will always need you and use you on all my projects. But I need more than just a contract. I need experts. From now on, I am going to start using you within a value-based approach to projects. I am going to run things the right way and leverage expertise into my projects, driving my costs down and minimizing my risk. I will never be the same, even though you will be.

Sincerely,

Client-of-Choice

To see the Contract's response to this message, email Jeff.Sawyer@asu.edu with the subject line "What did the contract say?"