

Personal Information

Please provide some basic information on your role, experience and current activities.

1. What is your current role?

- Executive
- Management
- Sales
- Legal/Commercial
- Purchasing
- Operations/Technical
- Finance

Other (please specify)

2. How long have you been with your present organisation?

- Less than 1yr
- Between 1-5yrs
- More than 5yrs

3. How long have you been in your current role?

- Less than 1yr
- Between 1-5yrs
- More than 5yrs

4. Have you been employed in similar roles with different organisations?

- Yes
- No

5. If Yes, how many years have you been in employed in a similar role in total (inc your current position)?

- Less than 1yr
- Between 1-5yrs
- More than 5yrs

<P><U>Standard Form Contracts</U></P>

6. Have you received training in commercial or contractual matters within your company?

- Within last year
- Within last 5 years
- More than 5 years ago
- Never

7. If yes, what topics were included in the training?

8. Have you ever received training in commercial or contractual matters?

- Within last year
- Within last 5 years
- More than 5 years ago
- Never

9. If yes, what topics were included in the training?

10. Are you required to review and/or agree contract terms?

- Regularly (Daily/Weekly)
- Occasionally (Monthly)
- Rarely (Yearly)
- Never

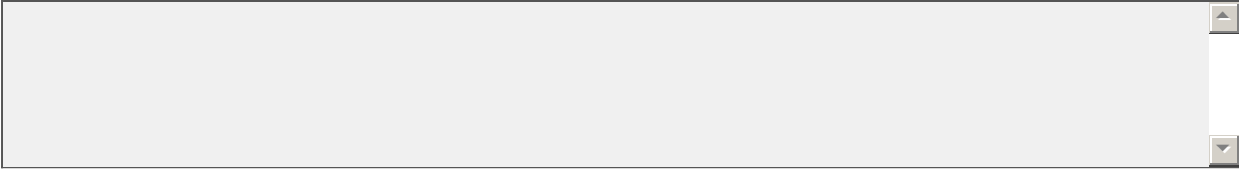
11. If yes, what type of contract were these?

(Please indicate roughly how many of each type you might deal with in a year)

You company standard form	<input type="text"/>
The other party's standard form	<input type="text"/>
An industry standard form	<input type="text"/>
A bespoke contract	<input type="text"/>
Other	<input type="text"/>

<P><U>Standard Form Contracts</U></P>

12. Do you have any additional comments on your role and your background relevant to this study?



<P><U>Standard Form Contracts</U></P>

Business Information

These questions relate to the organisation you currently work for and the type of contracts with which you are routinely involved.

1. What is the turnover of your organisation?

- Less than £1m
- Between £1m-£10m
- Between £10m-£100m
- More than £100m

2. How many employees are there in your organisation?

- Less than 10
- Between 10-100
- Between 100- 1000
- More than 1000

3. Is your organisation part of a larger group of companies?

- Yes
- No

4. If yes, what is the turnover of the ultimate parent?

- Less than £1m
- Between £1m-£10m
- Between £10m-£100m
- More than £100m

5. What is the main nature of your company business?

- Construction
- Property Services
- Specialist Sub Contractor
- Specialist Supplier
- Legal

Other (please specify)

<P><U>Standard Form Contracts</U></P>

6. Does your organisation have anyone who provides specialist contractual/commercial support?

- Yes
- No

7. If yes, how many and are they internal or external to the company?

Internal

External

8. If yes, is that team responsible for all contract review and negotiation?

- Yes
- No
- Don't Know

9. Please indicate the range of contract values your company manages

Minimum (£)

Maximum (£)

Typical (£)

10. Please indicate the range of contract values you personally manage

Minimum (£)

Maximum (£)

Typical (£)

11. Do you have any additional comments on your company and its business relevant to this study?

Contract Negotiation & Formation

These questions relate to the processes followed in order to enter a contract and the controls or systems which govern how a contract is agreed.

1. Does your Company use Standard Terms of business for buying or selling?

- Yes
- No

2. Are you aware of the problem known as the Battle of the Forms?

- Yes
- No

3. How important do you think it is to enter contracts on your own company Standard Form contracts?

- Essential
- Very important
- Reasonably important
- Reasonably unimportant
- Completely unimportant

4. Does your company have a process to control and approve the contract terms it does business under?

- Yes
- No
- Don't Know

5. Are you involved in negotiating possible changes to contract Standard Terms?

- Yes
- No

6. Does your company have a policy on what is acceptable in relation to negotiating changes to such Standard Terms?

- Yes
- No
- Don't Know

<P><U>Standard Form Contracts</U></P>

7. Do you have experience of doing business without being clear on what terms are in place?

- Yes
- No
- N/A

8. Does your company have a process for recording and monitoring different types of contract by values and/or by risk?

- Yes
- No
- Don't Know

9. If your company uses both its Standard Form Contracts and negotiated contracts can you indicate a rough split on number of contracts.

Standard Form Contracts (%)

Negotiated Contracts (%)

10. If your company uses both its Standard Form Contracts and individually negotiated contracts can you indicate a rough split on overall value of the business.

Standard Form Contracts (%)

Negotiated Contracts (%)

11. Please add any further comments you have in respect of Contract Negotiation and Agreement and any information on the supporting processes within your company.

Contract Content

These questions look at the content of your Standard Form Contract and your understanding of what is included and why.

1. Does your Company have a Policy on what is acceptable in its contracts?

- Yes
- No
- Don't Know

2. If yes, which of the following are addressed in the Policy

- Payment terms
- Performance monitoring
- Duration of contracts
- Excuses for non-performance (force majeure)
- Exclusion and limitation of liability
- Termination provisions
- Liquidated damages
- Choice of law and forum for dispute resolution

Other (please specify)

3. Does your company include provision for the following in its Standard Form Contracts?

- Payment terms
- Performance monitoring
- Duration of contracts
- Excuses for non-performance (force majeure)
- Breach of contract and Remedies:
- Exclusion and limitation of liability
- Termination provisions
- Liquidated damages
- Choice of law and forum for dispute resolution

Other (please specify)

<P><U>Standard Form Contracts</U></P>

4. Please indicate the relative importance of the different terms within your company

<input type="text"/>	Payment terms	<input type="checkbox"/> N/A
<input type="text"/>	Performance monitoring	<input type="checkbox"/> N/A
<input type="text"/>	Duration of contracts	<input type="checkbox"/> N/A
<input type="text"/>	Excuses for non-performance (force majeure)	<input type="checkbox"/> N/A
<input type="text"/>	Exclusion and limitation of liability	<input type="checkbox"/> N/A
<input type="text"/>	Termination provisions	<input type="checkbox"/> N/A
<input type="text"/>	Liquidated damages	<input type="checkbox"/> N/A
<input type="text"/>	Choice of law and forum for dispute resolution	<input type="checkbox"/> N/A

5. Is your company prepared to negotiate and amend its standard terms and conditions?

- Yes
- No
- Don't Know

6. If yes, are these controlled by a formal process?

- Yes
- No
- Don't Know

7. Are there any matters which are not acceptable to your company in contract agreements?

- Yes
- No
- Don't Know

8. If yes what are these?

<P><U>Standard Form Contracts</U></P>

9. Are any of the answers to these questions dependent upon:

- The value of the contract in question
- The duration of the contract
- The customer in question
- Don't Know

Other (please specify)

10. Please add any further comments you have in respect of Contract Clauses and Relevant Content

Contract Disputes

These questions cover what can go wrong with Standard Form Contracts and how such disputes are managed and resolved.

1. How many contracts do you have responsibility for at any one time?

- None
- Less than 10
- Between 10-100
- Between 100-500
- More than 500

2. How many contract disputes do you see each year within this sample?

- None
- Less than 5
- Between 5-10
- More than 10
- N/A

3. In your experience, please rank in order the nature of any disputes by frequency:

<input type="text"/>	Payment or Billing	<input type="checkbox"/> N/A
<input type="text"/>	Poor Performance	<input type="checkbox"/> N/A
<input type="text"/>	Poor Quality	<input type="checkbox"/> N/A
<input type="text"/>	Customer wishing to terminate early	<input type="checkbox"/> N/A
<input type="text"/>	Poor Relationship	<input type="checkbox"/> N/A
<input type="text"/>	Other (please explain below)	<input type="checkbox"/> N/A

4. Please describe other reasons for disputes.

<P><U>Standard Form Contracts</U></P>

5. Of those identified, please rank them in order of financial impact (note this is the amount in dispute not the cost to resolve).

<input type="text"/>	Payment or Billing	<input type="checkbox"/> N/A
<input type="text"/>	Poor Performance	<input type="checkbox"/> N/A
<input type="text"/>	Poor Quality	<input type="checkbox"/> N/A
<input type="text"/>	Customer wishing to terminate early	<input type="checkbox"/> N/A
<input type="text"/>	Poor Relationship	<input type="checkbox"/> N/A
<input type="text"/>	Other (please explain below)	<input type="checkbox"/> N/A

6. Please describe other reasons for disputes.

7. Where disputes are identified, in roughly what percentage do the contract terms not cover the matter?

%

8. Where disputes are identified, in roughly what percentage is the matter resolved by reference to specific obligations in the contract terms?

%

9. Where disputes are identified, in roughly what percentage are they related to interpretation of the contract terms?

%

10. Of the disputes indicated above, please identify what per centage are resolved at each stage.

Informal Discussion	<input type="text"/>
Formal Written exchanges	<input type="text"/>
Formal Meetings	<input type="text"/>
Legal Letters	<input type="text"/>
Alternative Dispute Resolution (eg Adjudication/Arbitration/Mediation)	<input type="text"/>
Court Proceedings	<input type="text"/>
Other	<input type="text"/>

<P><U>Standard Form Contracts</U></P>

11. Please rank the following factors in terms of their influence over the stage at which the dispute is resolved

<input type="text"/>	Value of contract
<input type="text"/>	Value of dispute
<input type="text"/>	Relationship with customer
<input type="text"/>	Type of contract
<input type="text"/>	Type of dispute
<input type="text"/>	Other

12. Please add any further comments you have in respect of Contract Disputes and Dispute Resolution.

<P><U>Standard Form Contracts</U></P>

General Views

These questions consider your personal views on the use of contracts and their effectiveness in controlling business transactions

1. Please indicate how effective you believe Standard Form Contracts are at establishing the obligations of a business transaction

- Very effective
- Fairly Effective
- Neither Effective nor Ineffective
- Fairly Ineffective
- Very Ineffective

2. Please indicate how effective you believe Standard Form Contracts are at developing a business relationship

- Very effective
- Fairly Effective
- Neither Effective nor Ineffective
- Fairly Ineffective
- Very Ineffective

3. Please indicate how effective you believe Standard Form Contracts are at managing company risks

- Very effective
- Fairly Effective
- Neither Effective nor Ineffective
- Fairly Ineffective
- Very Ineffective

<P><U>Standard Form Contracts</U></P>

4. Please indicate how effective you believe Standard Form Contracts are at developing company business

- Very effective
- Fairly Effective
- Neither Effective nor Ineffective
- Fairly Ineffective
- Very Ineffective

5. Please add any further comments you have in respect of the use and effectiveness of standard form contracts.

6. Finally, thank you for taking the time to complete this survey which will remain anonymous, but if you would be prepared to contribute further to this study through a one to one interview discussing these issues in more depth, please enter your contact details:

Name:

E-mail:

Phone: