

RFP Drafting: Interrogating Contract Indemnities

Indemnity clauses are used in contracts to allocate risk between your organization and the contractor. Although normally drafted by legal counsel, procurement professionals need to understand the implications of these provisions in order to discuss the topic with legal and risk management experts, and to know when adjustment of standard language is necessary. Generally speaking, organizations tend to use one-sided indemnities to impose all conceivable risks on the contractor, including risks that may be beyond the contractor's control. Over allocating risk to a contractor can be a risky move in itself, causing downstream contract management and relationship issues. Perhaps more critically, off-loading too much risk can cause the best contractors to shy away from your projects or encourage them to build extraordinary 'risk premiums' into their pricing. On the other hand, you need to ensure that your contracts include appropriate indemnification protection for your organization. This interactive webinar explores how to strike an appropriate risk balance using specific examples and corresponding indemnity clauses.

Learning Objectives

- Analyze sample indemnity clauses and their implications on the contract.
- Realize how to effectively use indemnities to protect your organization while striking a workable balance of risk allocation with the contractor.
- Explore and discuss recent relevant case examples involving indemnities.
- Recognize areas for discussion with your legal counsel surrounding indemnities.



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