

Revisiting the Binding vs Non-Binding Procurement

As NRFPs move into the mainstream for many organizations it is time to revisit the risks and benefits, as well as debunk some myths and explore some recent legal twists that may signal the courts' willingness to step into the 'legal vacuum' left in the wake of NRFPs. If you aren't using NRFPs, should you be? If you are, when are they most appropriate, and are there complementary strategies that can contribute to the success of the process? While eliminating the risk of a challenge for breach of Contract A obligations, NRFPs can create other risks if not drafted with careful attention to the language used and the overall intent conveyed in the procurement document.

Learning Objectives

- Explore the implications of using an NRFP and debunk common myths about binding processes.
- Examine key decision factors for determining when an NRFP is the most appropriate tool.
- Review complementary processes that can contribute to NRFP success, including early engagement and collaboration with the market.
- Identify practical strategies for minimizing the risks and maximizing the benefits of the NRFP process.



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