



Five Tips to Make Your Consulting Agreement Work for You

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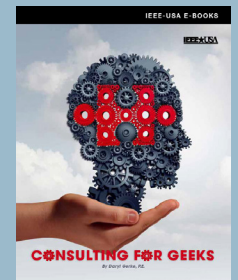
Consultants may earn their clients' business, when their technical expertise and proposals are the best fit for the project. However, satisfying business relationships also hinge on good contracts. Colleen M. Palmer, Esq., an expert at Beazley (IEEE's Member Group Insurance Program's partner), recently explained what to look for in contract provisions, during an IEEE-USA webinar. Palmer pointed out some actual "bloopers" she's seen in her practice. If there is a moral to the story, it is that the contract has to work for the consultant, even when it seems expedient to accept the client's standard agreement. Palmer recommended every consultant consider these five contract tips to protect their interests:

1. Scope of services. Specify the services you will perform with clarity, definition and description of competencies. Outline everything that you will do for the client, and what will be additional services. The consultant could also list what specifically you will not do under the agreement.

2. Standard of care. Use Black's Law Dictionary definition of "reasonable person" in the contract, instead of terms such as "world class" or "first-rate" and vague standards. An elevated standard of care may be unacceptable.

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New IEEE-USA E-Book: *Consulting for Geeks*



Thinking about consulting, but not sure where to start? Already consulting, but need some advice? IEEE-USA has a new publication that may help. IEEE-USA recently published [Consulting for Geeks](#), written by author and consultant Daryl Gerke. It is now available for only \$2.99 for IEEE members.

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- 3. Indemnity.** Indemnity means one party agreeing to assume the liability of another in the event of loss. The best situation is to have no indemnity--but a negligence-based provision, with no duty to defend--is the next most favorable position for the consultant. Professional liability insurance does not cover the duty to defend. If triggered, it is an out of pocket cost for the professional. Ensure that whatever indemnity you assume is appropriate for you, and consistent with your professional liability insurance policy.
- 4. Incorporation by reference.** The client should provide all incorporation documents, and you should be confident the documents are acceptable, if incorporated into the contract by reference.

- 5. Dispute resolution.** As a precedent to litigation, mediation is a positive condition to include in your agreement, because parties are usually able to resolve their disputes. Mediation is non-binding and confidential.

IEEE members may utilize items from Beazley’s resource library. Such tools as a sample consulting agreement are at <https://www.ieeeinsurance.com/usaproliability>, under the Risk Management Tools tab.

Please note that Beazley’s sample consulting agreement is not legal advice, and consultants should seek the advice of their own attorneys.

For more on this topic, listen to the full playback of Palmer’s presentation [here](#). ■

“New E-Book” cont’d. from pg 1

The focus of *Consulting for Geeks* is on how to become a small, independent consultant. Daryl Gerke (P.E.), is a self-described “corporate misfit,” who started and ran a successful consulting engineering practice for almost 40 years (30 years full time), with his late business partner, Bill Kimmel (P.E.). His secret mission is to help fellow engineers (or anyone else interested in consulting) enjoy life as a consultant. In this E-Book, he discusses management versus technical consulting, ways to attract clients, and things to consider when starting a new practice. Go to the [IEEE-USA Shop](#), and purchase this brand new and informative E-Book on consulting.

Overcome Your Fears of Facebook Live

As consultants and small business owners look for ways to market their services, social media has jumped out as an inexpensive way to accomplish that goal. Facebook has moved from just posting pictures and giving personal status updates to live video marketing. This article, “[3 Tips to Overcome the Fear of Facebook Live Videos](#),” may help those looking to use this medium to promote their practices.



IEEE Spectrum On-Demand Webinar: Bringing Your Big Idea to Life: What You Need to Know About Launching a Startup

This webinar explores various start-up companies, and provides you with knowledge and background to get into the game. It examines start-ups such as Apple, PayPal, Jawbone and Space-X--as well as the dot.com fiasco--to see what went right--or what was disastrous. The webinar also focuses on such considerations as the management team's impact, product/market fit, and scarce funding.

Click this [link](#) to view this on-demand webinar.

IEEE-USA has already released a number of on-demand webinars this year that you may find interesting, including

three new consultants webinars: [Building the Consultant Practice of Tomorrow Using Today's Online Tools](#), [So You Want to be a Consultant](#)

(by new E-Book author, Daryl Gerke) and [11 Ways Consultants "Overpay" on their Taxes and How to Stop it Now!](#)

Check out all of IEEE-USA's [on-demand webinars](#)—you can choose from many interesting topics!



IEEE★USA SmartBrief

An eye on Washington for Science and Tech Professionals

IEEE-USA publishes the *IEEE-USA SmartBrief*, a weekly newsletter that provides insight on government policy, technology trends and career development. Below are two recently published links consultants may find of interest:

- [U.S. Air Force Turns to Outsourcing to Bolster Cybersecurity](#)
- [Hiring Managers Look for Freelancers with Tech Experience.](#)

Pricing App for Consultants

IEEE-USA Staff has discovered an app that helps consultants with pricing. If you have an interest please click this [link](#).

****Please Note: This is *not* an endorsement for this product.****

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