Job Description

|  |  |
| --- | --- |
| **Job Title** | Commercial Director |
| **Reporting to** | B-GEN CEO |
| **Location** | Firecrest Court, Centre Park, Warrington, Cheshire, UK / Remote |

**Purpose**

To provide professional support to the management of all aspects of the business unit commercial interfaces to ensure predictable delivery of profit margins and to minimise contractual risk.

**Key Responsibilities**

* Enable BGEN to maintain or improve the Margins stated in the Budget set at the start of the Financial Year in accordance with the monthly forecasts within the Budget.
* Advise and provide Guidance and recommendations to the Group CEO/COO and the M Group executive team, including the identification and management of Risk & Opportunities.
* Advise and provide guidance to the SBU and BGEN Subsidiary Managing Directors.
* Recommend, Forecast, Engage and Manage any external third party or specialist input and support required e.g. Legal (Commercial, Project specific), Commercial, Insurance (Project Specific), Bonding etc.
* To review and make any changes deemed necessary to the commercial organisation structure, Systems, Process, Procedures, and review Training requirements and minimum capability definitions for commercial personnel.
* Support Group Strategy and through collating the budget reports, report on them in terms of risk, instigate necessary re-forecast (i.e. Roll-1, 2, 3 or F1) the likely year end.
* Ensuring Statutory in the context of the requirements of the contracts signed up to, Terms and Conditions of suppliers and sub-contractors to make sure they are in compliance.
* Maintaining industry trends and best practice, to be up to date with all the latest legal cases that might impact on the way BGEN contract with people ,technology improvements to help improve productivity in the way we do valuations, claim retentions etc.
* Ensure clear Governance and Compliance requirements are established and maintained and to help to ensure BGEN has ethical business practices with suppliers, subcontractors and Clients through the contracts we engage in.
* Estimate, Budget, comment each month if there are significant adverse trends.
* Help develop and implement annual business plans which drive business performance
* Review of pre-tender contract terms and conditions to evaluate risk and then to propose and negotiate revisions to prospective clients that will result in more favourable and equitable contract terms and conditions with a maximum dilution of potential project risk.
* Play an active role in the compilation of annual budgets and quarterly rolling forecasts.
* Manage as far as reasonably possible the direct and indirect overheads on a monthly basis and advise business unit and subsidiary directors of potential savings.
* Work with all business areas to ensure that the most favourable commercial terms are negotiated with third party subcontractors and suppliers – ensuring that there is an equitable sharing of commercial and payment risk as and where required.
* Work with all business areas to ensure that full contract terms and conditions are flowed down and understood by the relevant Third-Party Subcontractors and Suppliers only as far as reasonably practical.
* As part of the estimating process provide commercial input and advice into all estimating exercises and contribute to the commercial evaluation of Tender submissions
* Guide and lead all business units with professional commercial advice and contractual support for project issues which may arise.
* Play an active participating role in the acquisition and ongoing development of new commercial/QS talent.
* Ensure that adequate records are maintained in respect of project issues and commercial management processes.
* Work with all business areas to ensure monthly CVR’s (Contract Value Reconciliations) for all are provided and reviewed in time for monthly divisional board reporting Pack.
* Work with all business areas to ensure adherence to the company's corporate governance, policies and procedures.

**Special Features**

* The Job Holder must have a deep knowledge of all aspects of contract and employment law, and insurance legislation and ability to translate this into practical application. This must be maintained in the light of all the many current changes (UK, EU and global)
* The Job Holder provides advice on financial risk management and therefore must have the skill to combine an analytical approach with the ability to dispense practical advice.
* The Job Holder requires a high level of interpersonal and influencing skills to be effective.
* The key purpose of the role is minimise commercial risk and avoid problems, however, the resolution of those problems which do occur requires a high degree of negotiating skill as well as professional knowledge.
* The Job Holder has an overview of the financial performance of the Group and must, therefore, have a detailed knowledge of financial controls and measures.
* The Group Commercial Director accountability shall cover, but not be limited to, the following areas/activities:
  + Any and all Commercial Terms and Conditions used by BGEN e.g. Purchase Orders, Sub Contracts, Main Contracts, Joint Ventures (JV), Agreements, Memorandum of Understanding (MOU) etc, in terms of ensuring compliance, utilise external help when required etc.
  + Bonds.
  + Cost Control, challenge at the review meetings etc.
  + Pre and Post Contract award activities including Risk Reviews and Management, Commercial aspect on all major projects.
  + Group Cash Flow, Budget (including monthly Forecasting), review each month to convert Work In Progress (WIP) into invoices and help ensure debtors collected.
  + Engineers Sheets
  + Internal Costing Reports
  + Operational Review Report monthly report for the board meeting
  + Contract Status Meetings, overview or chair
  + Roll up sheet
  + Financing calculations
  + Cash flow report
  + Quarterly – Rolling Forecasts (x3) – combine for Group – update ICR’s annually:-
    - Combine Group Budget
    - Commercial Calendar
    - Budget Review and Risk Analysis
    - Update Internal Costing Reports & forecast figures
  + Other Activities
  + Periodic: -
    - Maintain bond & Parent Company Guarantee (PCG) register
    - Maintain Conditions of Contract “library”
    - Tender review of conditions
    - Liaison with Legal representatives
    - Liaison with external auditors
    - Liaise with Bondsman
    - Contract Terms advice and support
    - Liaise with Divisions re problem contracts
    - Applications for bonds (bank/insurance)
    - Monthly compilation of profit figures
    - Update for new job numbers
    - Distribute raw data/1st passes
    - Reconcile prime cost discrepancies
    - Add MRNI
    - Review work in progress
    - Update for CVR records
    - Review balance of work values
    - Update for budget and forecast expectations
    - Update for month end and year-end figures
    - Update cash and retentions
    - Reconcile error checks
    - Review accruals versus over trading
    - Reconcile with monthly Management accounts
    - Arrange job number closures

**Dimensions**

* Annual Sales – £300M +
* Number of Staff – up to 20 or as situation dictates.
* Size of Projects – Variable
* Location – UK Wide

**Essential Skills**

* Relevant Professional Industry qualification (Quantity Surveying/Engineering or Project Management)
* Membership of a relevant professional institution (RICS, ICE or equivalent) plus membership of other appropriate professional body desirable
* Ideally training and qualification in Law/Financial/Commercial Management
* Solid experience/exposure at a senior level.

**Special Features**

The job holder will be able to demonstrate a proven track record of providing professional and thorough commercial advice within the industrial engineering construction industry including sectors such as chemical, food and beverage, nuclear, pharmaceutical and utilities to the highest standards.

The job holder will possess excellent negotiation and influencing skills and be able to communicate effectively at all levels both internally and externally including clients and specialist advisers encouraging collaborative working throughout the Group at all times.

The job holder shall demonstrate previous experience of managing and leading a commercial function to the highest standards of integrity and honesty ensuring that any areas of concern or risk are identified and communicated to the Board of Directors.

The job holder shall have good knowledge of current insurance legislation and practice, accountancy practice, financial controls and budgeting.

An ability to demonstrate a high level of commercial analytical skill and judgement is critical to this role. The job holder must have a proven track record of the management of monthly and annual commercial information and reports.

**Qualifications**

* Minimum 5 years’ experience and / or suitable professional examination.