2023 BOSTON

Best Practices in Technology Contracts and Vendor Management

NCSHA

National Council of State Housing Agencies

Speakers

DISCUSSION LEADER

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SPEAKERS

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Contracting Principles

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Contracting Principles 1: Pre-Engagement Information Gathering

Pre-Engagement Information Gathering

- Identify licensee requirements

- Evaluate/trial the software

- Review software from a business, technical and commercial perspective

- Determine whether software provides functionality/features that meet needs of end users

- Determine mission criticality of software

- How licensing fees are calculated

- Exit strategy if software does not meet needs

Contracting Principles 2: Types of Technology Contracts

Types of Technology Contracts

- Software-as-a-Service (SaaS) Agreements
- Professional Services Agreements
- Software Development Agreements
- Software License Agreement

- Different naming conventions:
  - Cloud Services Agreement
  - Hosted Services Agreement
  - Software License and Services Agreement
  - Master Services Agreement

Contracting Principles 3: Key Contract Provisions

Key Contract Provisions

- License scope
- Implementation, configuration, installation
- Service levels
- Data use, rights, privacy and security
- Warranties/remdies
- Indemnification
- Liability
- Third-party software
- Cyber liability insurance

Contracting Insights

- What seems to be biggest problem that you see over and over?

- What are three things HFAs should be looking for in contracts that would surprise us?

- How is AI changing the game?

Proactive Communication with Vendors: Annual Meetings, Forecasts

Dedicated Procurement Director: Worth the investment

Procurement Best Practices in a State Environment

Each state is different

Change Management & Working Across Departments

What is Change Management?

Change management is an enabling framework for managing not only systems but the people side of change
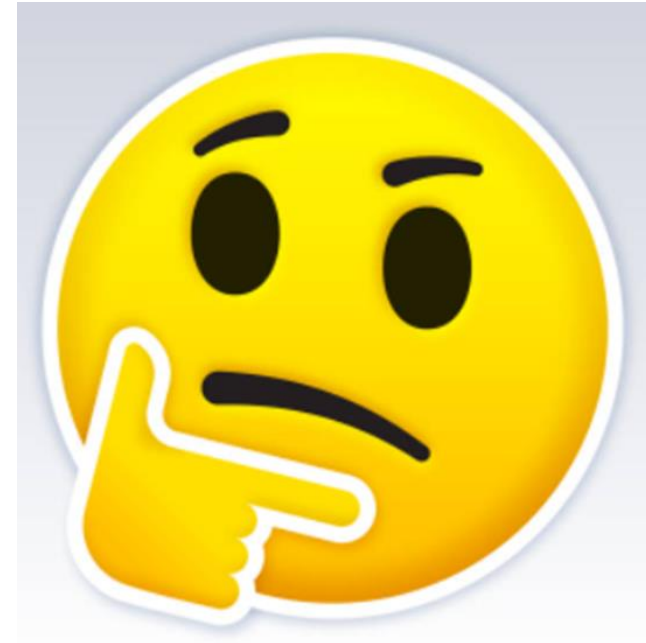
Prosci Theory

Working Across Departments

- Don't work in silos

- Get the right people involved

- Website Tool (Example)
  - Communications
  - IT
  - Finance
  - Procurement

- Collaborate
  - Joint Project

Define Your Needs & Parameters

- What are you trying to do and why?

- Who is going to use the purchase?

- Who is impacted by the purchase?

- What's your budget?

- When do you need it?

Best Practices – Vendor Management

- Set a Clear Vendor Management Policy
- Choose the right vendors for your business
- Ensure Vendor Contracts Define Responsibilities
- Use KPIs to Measure and Monitor Vendor Performance
- Manage Outsourced Service Providers and Outsourcing Risks
- Proactively manage and nurture vendor relationships
- Monitor and track vendor spend
- Plan for a Clean Exit

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Questions

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