

## 1. The Ins and Outs of Software Maintenance Agreements

As a powerful one-two combination, the software industry licenses its products to us at a nice profit and then mandates or coerces us into signing up for maintenance and support. Because of the ongoing commitment involved, negotiating a good software maintenance agreement is just as important as negotiating the underlying software license.

In this breakout session, we'll review the common components of software maintenance agreements, analyze industry trends and offer negotiation strategies for improving your deal. In addition, we'll discuss the following topics:

- Defining applicable terms
- Determining the appropriate level and type of maintenance
- Separating support and maintenance
- Documenting what's included and what's excluded
- Negotiating caps on increases
- Creating an agreement for maintenance that's separate from the license

## 2. The Seven Deadly Sins of Software Licensing Agreements

We talked to customers and vendors alike in order to compile a list of the seven deadly sins of software license agreements. In this breakout session, led by an attorney who has negotiated from both sides of the table, we'll count down the sins in reverse order. Along the way, we'll provide examples that illustrate common pitfalls and how to avoid them.

Don't miss this highly entertaining session filled with suspense and intrigue. Within each sin, we'll look at the following issues:

- Potential risk
- Leverage
- Negotiation tips
- Compromise language
- Overcoming deadlocks
- Where to focus your efforts

## 3. Communicating at the Negotiation Table

Preparation and negotiating power are the two most important factors for determining the outcome of a negotiation. However, all of your preparation can be undone and all of your negotiating power can be lost if you don't execute at the bargaining table.

This breakout session will focus on maintaining your advantage during the "bargaining" phase of the process. Discussion topics include:

- Rehearsing
- Decoding body language (yours and theirs)
- Phrasing statements and questions
- Improving listening skills
- Dealing with deadlocks and impasses
- Sequencing topics to maximize concessions
- Utilizing an agenda to control the meeting
- Scheduling and calling strategic breaks

This breakout session will also discuss negotiating away from the table: The who, what, why, when, where and how of informal negotiations.

## 4. Interactive Negotiation Theatre

This isn't your father's Negotiation Theatre... Unlike our previous Negotiation Theatres, this adaptation is highly interactive during the actual negotiation scene. At key points during each vignette, the actors will "freeze," and the audience will offer "suggestions" for the actors to incorporate when they return to "live" action. No safety nets, no second chances. We must be crazy!

After each session, there will be a debrief, which will include an opportunity to discuss how the scene played out, ask questions and share insights, tips and tricks. A good time will be had by all.

- Sample discussion topics include:
- Dealing with impasses and deadlocks

- Using informal communications
- Overcoming ploys
- Maintaining leverage
- Making offers
- Asking questions
- Handling objections

## 5. Developing a Better Working Relationship with Your IT Department

Got friction? In many instances, we struggle to work well with other groups because our internal missions are different and we speak different languages. So that we can work better with IT, we've enlisted the help of an IT executive who will remove the veil of mystery.

The first half of this two-topic session will delve into IT terms and terminology. Attendees will gain a basic knowledge of how technology works and be better prepared to communicate with their IT counterparts. A variety of topics within each of the categories listed below will be covered:

- Hardware
  - Storage
  - PCs and servers
- Software
  - Operating systems
  - Tools
- Networks
  - LANs
  - WANs
  - MANs
  - Security
  - Communications
  - Internet

The second half of this session will focus on improving alignment between IT and Procurement. Topics include:

- Understanding IT's mission and objectives
- Improving teamwork
- Managing and resolving conflict
- Exploring common misconceptions
- Identifying things YOU can influence

## 6. Improving Your Supplier Management Approach (By Taking a Page Out of the Suppliers' Book)

Sales teams are masters at controlling their accounts. In most instances, however, the control is exerted in a subtle way – so subtle that we don't even realize it's happening. But don't think for a second that this occurs by accident. Sales teams utilize a number of tools and techniques to make everything they do appear effortless.

In this breakout session, a former salesperson will teach you how to use sales tools and techniques to improve your supplier management initiatives. In addition, you'll learn how to gain and retain control over your account. Topics include:

- Information gathering
  - What information should be collected?
  - Who should collect it?
  - How should it be collected?
  - What happens after it is collected?
- Account plans
  - Creating a customer-based account plan for each strategic vendor
    - Setting goals
    - Improving performance
    - Improving the relationship
  - Managing the account plan
- Shutting down the outward flow of information
  - Executive support
  - Internal education
    - What information is OK to share?
    - What information is not OK to share?
  - Scripted responses
- Tracking and reporting results
  - Format
  - Frequency
  - Distribution list

## 7. Legal Terminology for Procurement Professionals

If you've ever had a conversation with an attorney, you've probably heard some words or phrases that didn't exactly sound like English. In

this breakout session, we'll help you bridge the gap between English and Legalese. We'll provide you with a basic understanding of the most common legal phrases and concepts found in IT agreements. Whether you're new to IT Procurement or simply want to communicate better with your attorneys, join us for a lively discourse on topics such as:

- Copyrights
- Patents
- Trade secrets
- Trademarks
- Derivative works
- Works made for hire
- Obligations vs. warranties
- Indemnification
- Liquidated damages
- Limiting liability
- Types of damages
- Arbitration vs. litigation
- Assignment, novation, satisfaction and accord
- Material breach vs. nonmaterial breach

## 8. An In-Depth Look at Revenue Recognition and Sarbanes-Oxley

Revenue recognition and Sarbanes-Oxley are two of the most misunderstood concepts of our time. Vendors often use them as ploys, hiding behind them as though they were impenetrable shields. Chances are you've heard a vendor say, "I can't do the deal that way because of Sarbanes-Oxley," or "That violates the revenue recognition laws," or something similar when discussing payment terms, warranties, acceptance tests or even most-favored customer clauses.

In this breakout session, we'll separate myth from reality and explain revenue recognition and Sarbanes-Oxley in simple terms. We'll explore how the timing issues at the heart of revenue recognition and Sarbanes-Oxley impact vendors' actions, motivations and willingness to deal. We'll discuss strategies for reducing the impact of revenue recognition and Sarbanes-Oxley. In the end, you'll be armed with the knowledge necessary to

conduct intelligent conversations with suppliers and negotiate better deals with confidence. Topics include:

- Revenue recognition
  - Background
  - SOP 97-2's four-part test (and updates)
  - How it is used against customers
  - How to push back and counteract a vendor's assertions
- Sarbanes-Oxley
  - Background
  - How it is used against customers
  - How it is related to revenue recognition
  - How to push back and counteract a vendor's assertions

## 9. Outsourcing – Truth from the Trenches

Outsourcing continues to be a viable option pursued by many companies – often with less than satisfactory results. In many instances, companies fail to plan adequately, assuming that "business as usual" will happen automatically after the contract is signed. Outsourcing properly, however, takes time and a solid game plan.

In this breakout session, we'll use real-life examples to learn what to do and what not to do when creating, evaluating and implementing an outsourcing plan.

- Outsourcing vs. sourcing
- Why companies outsource
- The outsourcing process
  - Assess
  - Plan
  - Evaluate
  - Manage
- Critical factors in vendor selection
- Essential elements of a smooth transition
- Keys to a successful outsourcing

## 10. International Contracting – Spotlight on Europe

Negotiating contracts for IT-related goods and services can be tough. Add a foreign element to the mix – contracting with a foreign company or for delivery/performance in a foreign market – and the complexity increases significantly.

If you purchase goods and services from European suppliers or for your European offices, you won't want to miss this breakout session. We'll explore the differences in negotiation techniques, risks and risk mitigation, popular misconceptions, ploys and other pitfalls that often impede your success.

Topics of discussion include:

- Dealing with the global IT supplier illusion – Who is the party in interest?
- Language – There are many forms of contract English outside the U.S.
- Negotiating choice of law – Which country's law will apply and why does it matter?
- Maximizing your protections – Don't assume that another country offers the same default protections as the U.S. does
- Import and export – Does it matter where I take delivery or who performs the work?

## 11. Supplier Incentives – Friend or Foe?

When structured the right way, incentives based on outstanding supplier performance are not a bad thing. Too many times, though, we provide incentives that amount to "money for nothing." Our job is to quantify the benefit received from the superior "performance." Does greater up time provide us with a benefit? Does receiving a report three days early provide us with a benefit?

In many instances, we fail to look for incentives in the right places. After all, it's usually the suppliers that broach the subject in the first place. In this breakout session, we'll focus on ways

to collaborate with suppliers to create incentive programs that make sense for both sides. Some of the topics for discussion include:

- Improving efficiencies
- Reducing defects
- Driving costs down
- Using earn-backs
- Forgiving remedies
- Creating innovation
- Reducing total cost of ownership
- Eliminating headcount

## 12. Repeating Negotiation Successes and Avoiding Future Negotiation Disasters

Your watch says 10:00 a.m. and you've just finished a 20-minute phone call to put out a fire. You rush to the conference room to begin negotiating a contract with a critical supplier. An hour later, you shake hands and run to your 11:00 a.m. meeting. The negotiation becomes a distant memory within seconds. If this sounds familiar, you have to break the cycle to start doing better deals!

Every negotiation meeting should have three parts, two of which are often overlooked: (1) the pre-meeting, (2) the meeting and (3) the post-meeting. Without the pre- and post-meetings, you're leaving too much of your potential success to chance.

In this breakout session, we'll discuss the who, what, why, when, where and how of conducting pre- and post-meetings. A sampling of the topics includes:

- Maximizing your effectiveness
- Maintaining control of the negotiation
- Ensuring team unity
- Making midcourse corrections
- Gaining input for future negotiations
- Understanding how the relationship may be impacted
- Repeating success
- Avoiding failure

In addition, each attendee will receive a checklist for conducting pre- and post-meetings.

## 13. Strategies for Non-Face-to-Face Negotiations

With today's global economy, face-to-face negotiations are not always practical. Whether it's lack of time, geographical dispersion or a host of other reasons, more and more negotiations are being conducted over the phone and through email. This begs the question, "Should I be doing something different for each type of negotiation?" The short answer is YES!

In this breakout session we'll compare and contrast the three main negotiation options: face-to-face, telephone and e-mail. With respect to each option, we'll discuss:

- Benefits
- Risks
- Risk mitigation
- How to prepare
- Maintaining control
- Common pitfalls
- Strategies
- Keys to success

#### 14. Better Vendor Performance through Better Remedies

Admit it. In most instances, you'd be happy if your suppliers merely did what they said they were going to do. Too often, we are forced to live with broken promises, late deliveries and less than stellar performance. However, there is something we can do – change our approach to contractual remedies. Learn how a simple shift in thinking can help us get what we paid for!

In this session, which acts as a complement to the breakout session on incentives, we'll look at the proper use of remedies to encourage supplier performance and follow-through. We'll discuss a variety of remedy-related topics, including:

- What is the goal of a remedy?
- Remedies vs. penalties
- Liquidated damages
- Financial vs. non-financial remedies
- Three layers of remedies
- Creating flexibility
- Keys to success
- Bonus topic – non-contractual remedies

In addition, attendees will have an opportunity to apply the lessons from this session during a remedy-drafting exercise.

#### 15. 10 Keys to a Successful Supplier Management Initiative

Supplier management has evolved dramatically over the last decade and has gained widespread acceptance. It has proven that it is no longer a fad – it is here to stay. Despite its evolution, though, one thing remains steadfast: Every successful supplier management organization has established a set of guiding principles.

In this breakout session, we'll walk through 10 essential elements of a successful supplier management initiative, including:

- Investing in supplier development
- Harnessing continuous improvement
- Gaining, training and retaining competent staff
- Establishing and measuring performance and relationship goals
- Creating supplier alliances

Within each element, we'll look at trends, leading practices, lessons learned, strategies and more.

#### 16. Maximizing the Value Proposition

Like something out of a mythological tale, we constantly battle a two-headed beast every day at work – value proposition. In this tale, the heads are not unique or duplicates; rather, they are mirror images of each other. On one side, we expect our suppliers to provide us with great value, and it is our job to maximize it. On the other side, our employers require us to demonstrate great value on an ongoing basis as well.

In this breakout session, we'll evaluate the value proposition from all angles. We'll address three seemingly simple questions and explore ways to tame the beast:

- What can be done to increase our vendors' value to the organization?
- What can be done to increase our department's value to the organization?
- What can be done to increase our value to the organization?

We'll provide strategies and tools for maximizing the value proposition on all fronts.

## Overview

The Technology Procurement Conference is an intensive three-day conference that provides significant insights into current technology deals.

Each year this conference is tailored specifically for professionals involved in procuring IT-related products and services.

You will learn how to do better deals and manage those deals better. Workshops led by leaders in the field will broaden your perspective in terms of dealing with vendors, improving negotiation leverage and understanding complex deals.

Presentations, tutorials and facilitated dialogue offer critical insights on diverse issues that include negotiation skills, contract issues, leasing, outsourcing, vendor management and software licensing.

The atmosphere and activities support networking. Conference events include a reception with food and spirits, continental breakfast daily, refreshment breaks throughout and finally a closing luncheon. In response to requests from many attendees at the previous conferences, we've scheduled three-hour breakout sessions. That means you'll get more in-depth information about the topics of interest.

It's a great time of the year to join us in San Francisco.

## Registration

registration at  
[www.dobetterdeals.com/register.php](http://www.dobetterdeals.com/register.php)



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