



1.15 Implementing Effective Contract Negotiation and Relationship Management Strategies 201

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101 and 201 Course Outlines

Contracting & Relationships – 101

- **Introduction** to contracting terms and concepts
- **Overview** of contracting processes and the contract life cycle
- **Resources** available for contract help
- Ability to talk to community members about what is wrong in informed and effective ways

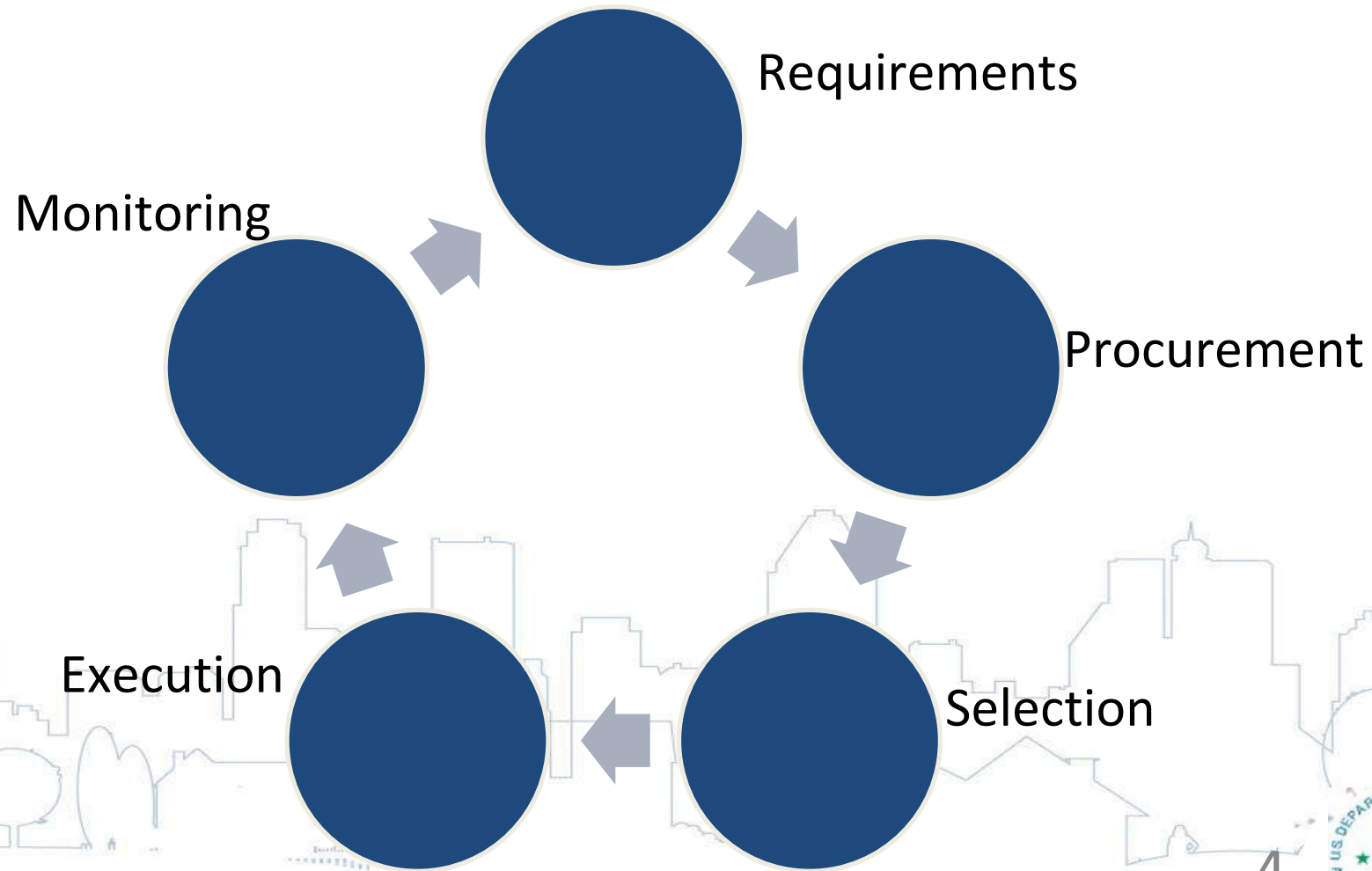
Contracting & Relationships – 201

- **Deeper understanding** of what is “broken” and why and how to fix
- **Action Plan** in hand for making changes locally
- **Community sharing** and real world examples

Learning Objectives

- Overview of contracting and resources available to communities
- Develop an HMIS contracting strategy that leverages knowledge (in addition to the HMIS Lead and CoC) to produce a legally binding contract that assures a successful HMIS implementation
- Learn from communities that have undertaken change work and the outcomes obtained
- Walk away with a Scope of Work template and a vendor relationship Action Plan to create change locally

The Contracting Life Cycle

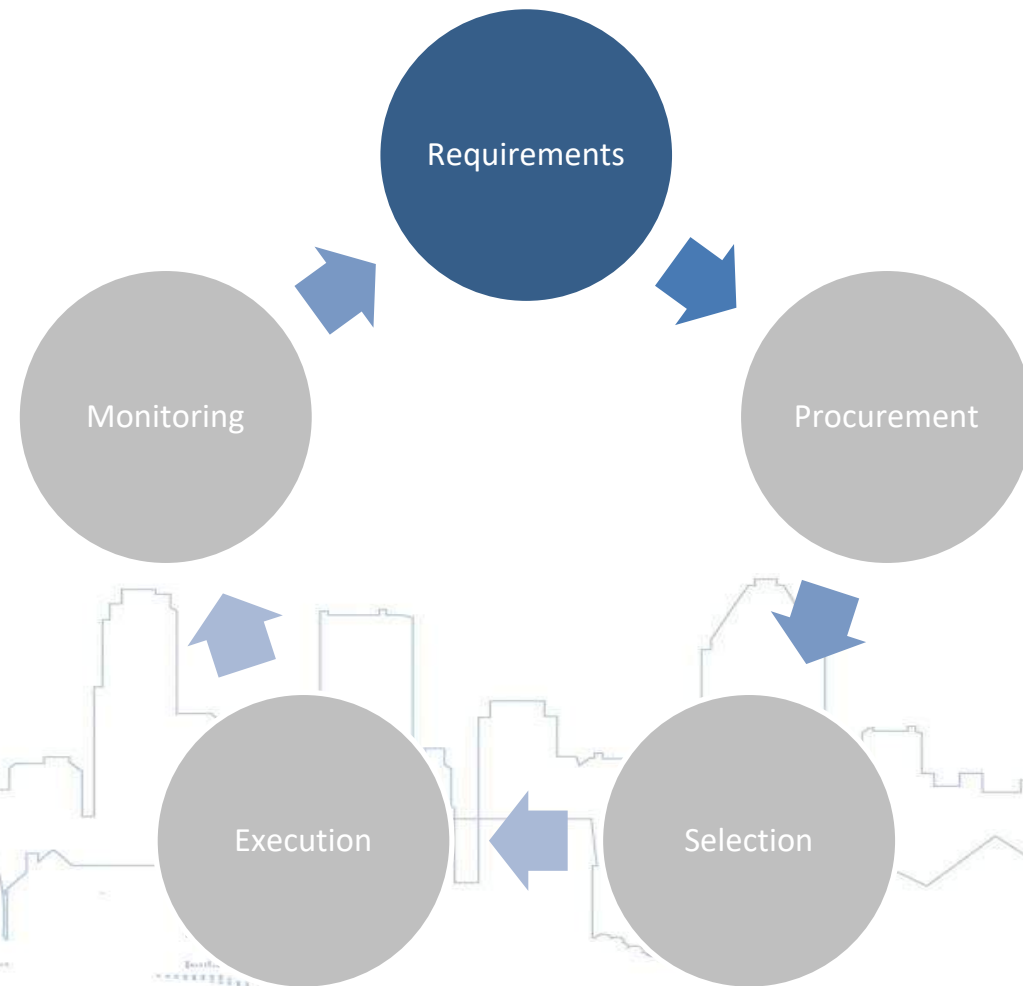


What is a contract

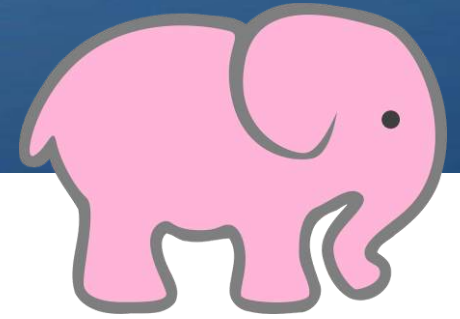
- A contract refers to a **written** or **spoken** agreement, enforceable by law.
- A Memorandum of Understanding (MOU) refers to a type of agreement between parties, similar to a contract



The Contracting Life Cycle



Requirements

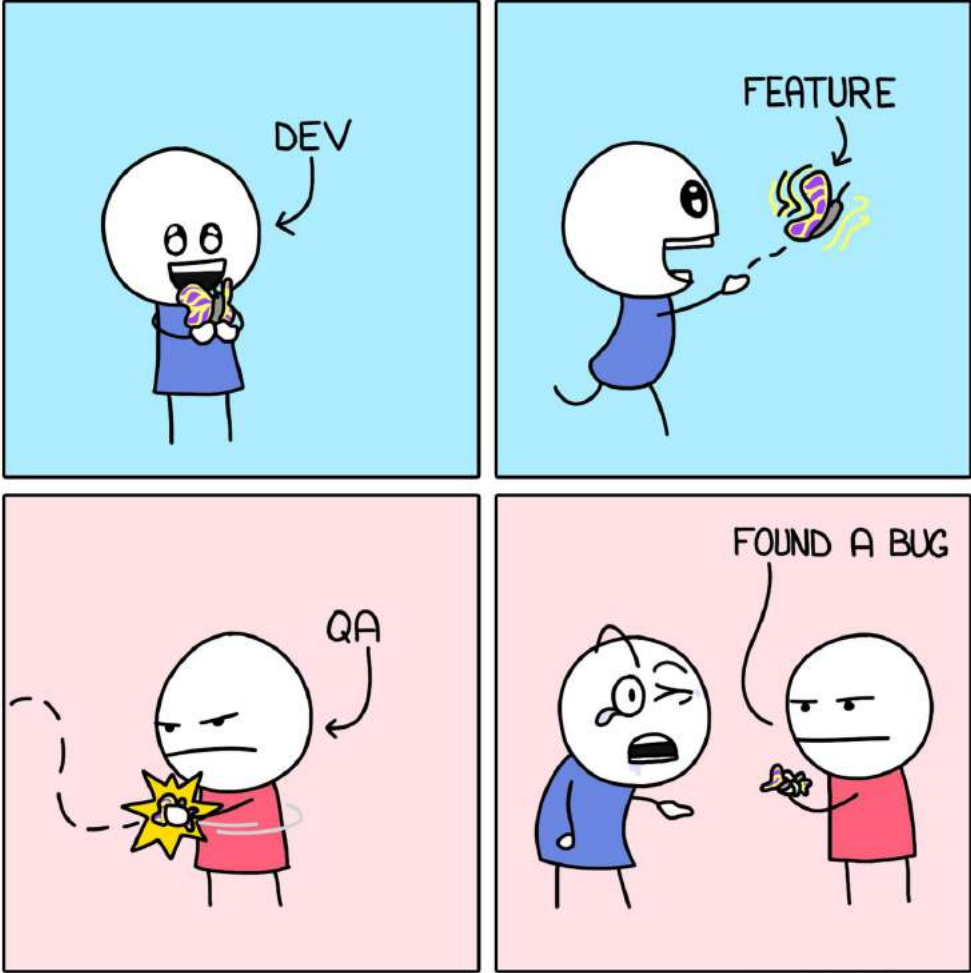


- Whose elephant is it?

It's the CoC Leadership's Elephant	It's the HMIS Lead's Elephant	It's the Vendor's Elephant	It's HUD's Elephant
<p>§578.7(b) Designating and Operating an HMIS</p> <p>Yes, and...</p>	<p>2 CFR 200 §200.318</p> <p>(b) [HMIS Lead] must maintain oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.</p> <p>(h) [HMIS Lead] must award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement.</p> <p>Yes, and...</p>	<p>The Contract with Our Vendor Says...</p> <p>...that the software will be compliant with all HUD-defined HMIS requirements.</p> <p>Yes, and must be more specific than this in the eventual contract because...</p>	<p>HUD HMIS Requirements</p> <ul style="list-style-type: none">• Data collection (some)• Reporting (some)• Security and privacy (some) <p>HUD makes some rules for some elephant behavior – but it is not HUD's elephant (because there is no contract between HUD and the HMIS Vendors).</p>

Bug or Feature?

THE STRUGGLE

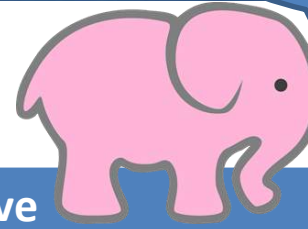


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Requirements

Now I'm the
HMIS Lead's
elephant!



- For example:

Category	Requirement	Have to Have (Functionalities)	Nice to Have (Features)
Reporting	Produce APR for upload to HUD on regular grant cycle deadlines (annually for each CoC grant) and for ongoing data quality monitoring of CoC grantees	<ul style="list-style-type: none">• CSV export to HUD specifications*• Data quality output (in addition to APR .csv files) to highlight missing/low quality elements by client & project• Start date, end date, single or multi-project, single or multi-project type filters in addition to HUD required parameters	<p>Multiple formats for output of results:</p> <ul style="list-style-type: none">• Excel• Web page• Hyperlink to client data• Summary <p>Visualizations of output</p>

Requirement Details are Important!

Comply with HMIS
Data Standards

Household ID (as defined in the HMIS
Data Standards) versus “Global ID”

The HMIS Software contains all the Project Descriptor Data Elements (PDDE) and response categories.ⁱ

The HMIS Software contains all the Universal Data Elements (UDE) and response categories.ⁱⁱ

The HMIS Software contains all the common Program Specific Data Elements (PSDE) and response categories.ⁱⁱⁱ

The HMIS Software contains all the individual federal partner Program Specific Data Elements (PSDE) and response categories.^{iv}

The HMIS Software contains all the Metadata Elements (ME).^v

Measurable Requirement Examples

Start	End
“Customer Services”	“live person, email/phone access, 7 am to 7 pm ET, no answering machines during this time, monthly analysis of ‘days to response’ and ‘number of reopens’.”
“Details Report”	“Details report must at a minimum include PersonID, HHID, Project Name, Start, Exit, PLS, Destination with each canned report”

- Responses to these items should have a performance-based tone and either confirm the requirement or propose a different measure of success.
- HINT: This is also the Scope of Work for any forthcoming or current contract.

Audience Examples – Measureable Requirements

- Examples from Audience: What is a specific problem(s) you are having?
 - ✓ Where is your old RFP?
 - ✓ Have you downloaded the [Software Capacity Checklist](#) yet?
 - ✓ Do you have any details in your current or planned contract regarding services provided and/or scope of work?

Basic Requirement	Software Checklist	Contract Details
Customer Service	The HMIS Software Vendor provides dedicated customer service representation for HMIS Administrator(s).	Customer services means all the following: live person, email/phone access, 7 am to 7 pm ET (i.e. no answering machines during this timeframe), monthly analysis of 'days to resolve' and 'number of reopens.'

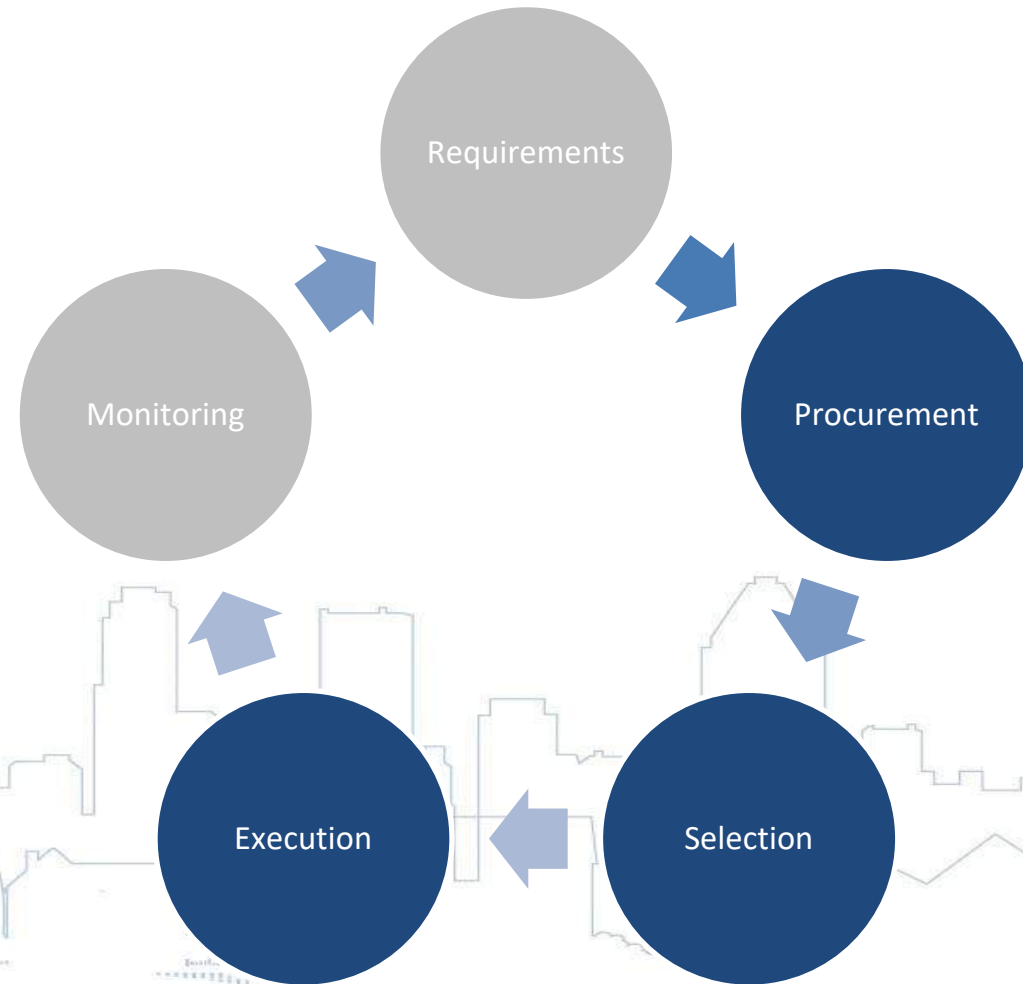


Group Activity #1 – Writing Requirements

Basic Requirement	Software Checklist	Contract Details
Off the top of your head, come up with some basic requirements of HMIS	Check through the software checklist to see if there's any matching wording to help guide your details	Write your own version of this requirement using time limited, specific, measurable language for your scope of work

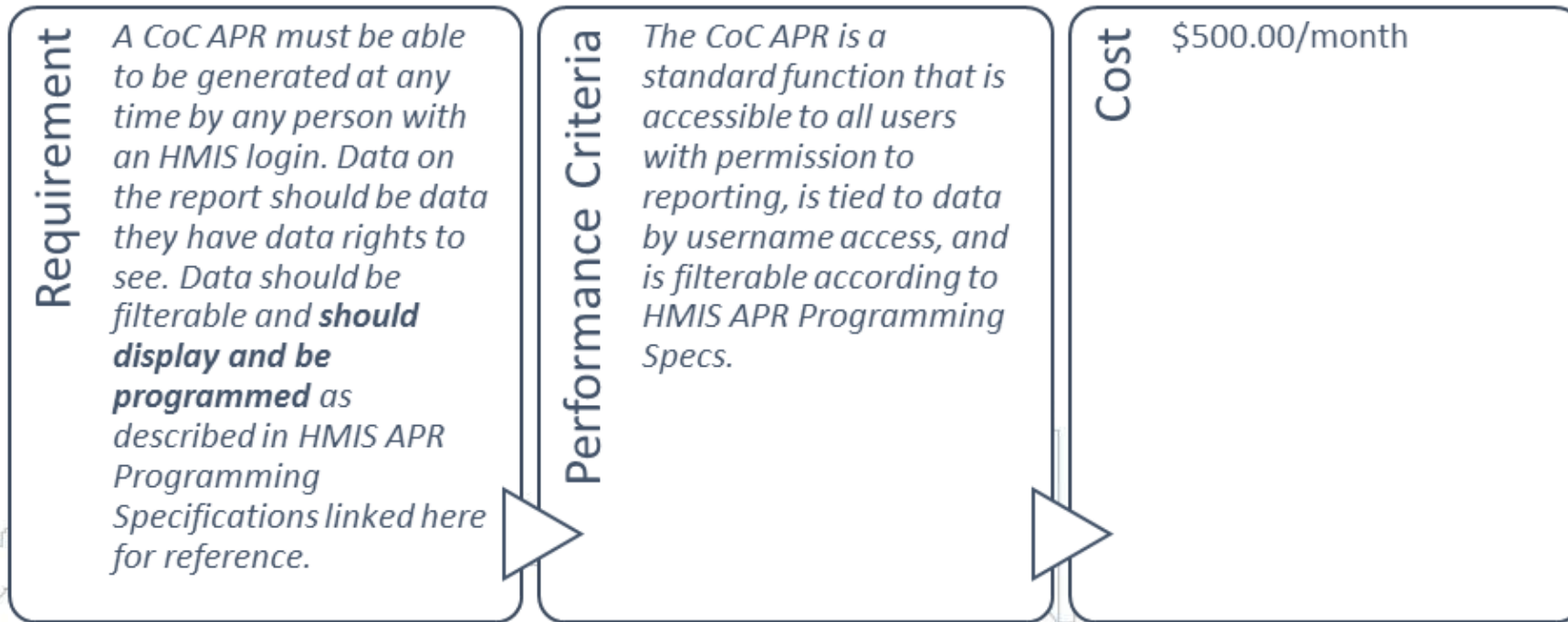
Work in teams of 2 -5 people to brainstorm and write stuff down, and pick a “reporter” for the larger group discussion!

The Contracting Life Cycle



Procurement / Selection / Execution

- Procurement: The Scope of Work for the contract with the vendor IS THE RFP for the competition and choices are limited for how they can respond

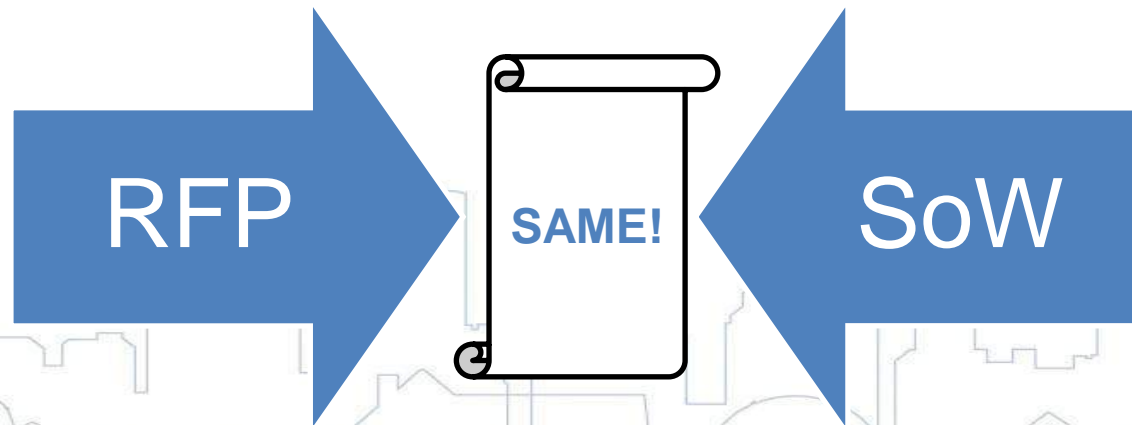


Procurement / Selection / Execution

- Stakeholder Representation:
 - Diversity across race, ethnicity, gender, ability, sexual orientation and other characteristics comparable to the community.
- Selection: Each stage of the selection process ensures thorough scoring against the possibility that the vendor can carry out the scope of work
- Scores from selection committee are arrived at by reviewing the words the vendor write in their response, the hands-on demonstration of their product, and what other customers say about those functionalities/features when doing reference checks

Procurement / Selection / Execution

- Execution: Ideally, following the described process, the contract is essentially already written because the Scope of Work (SoW) was defined in the beginning (in addition to other terms/conditions at RFP release)
- Requires minimal negotiation – negotiation occurred during the RFP response and selection



Executing YOUR Contract

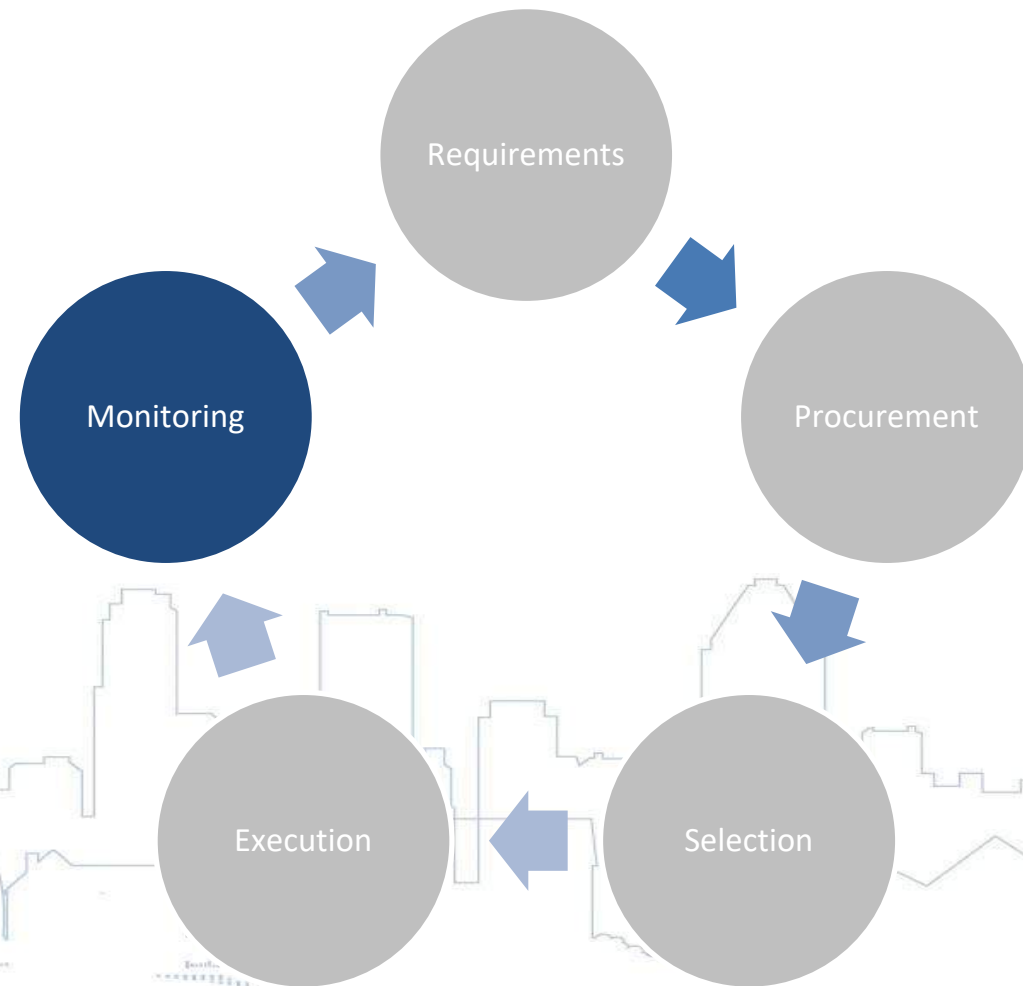
- Next steps for change work
 - ✓ Read your current contract cover to cover
 - ✓ Pull out the things that work - Highlight them – use that to your advantage
 - ✓ Think of the things that don't work – Itemize them for discussion
- Come up with your terms and conditions:
 - ✓ Be a pessimist – imagine the worst case scenarios and write about them
 - ✓ Mitigate your risk – what do you need to say in order to be free from liability
 - ✓ Start, end, number of amendments, billing procedures and payment, access to data, confidentiality clauses, copyrights, dispute mediation, warranties, maintenance, termination clauses & procedures, etc.

Activity #2: Action Plan

We've provided the first two lines for you (if you don't know your contract & governance structures already):

Action Item	Improvement Strategies	Responsible Party	Timeline
<u>UNDERSTAND THE CONTRACT IN PLACE CURRENTLY</u>	1)		
	2)		
	3)		

The Contracting Life Cycle



Monitoring

Purpose of monitoring:

- Get the right software
- At the right price
- While reducing risk, and
- Meeting community's needs

When should you monitor?

- Monthly – against the Scope of Work when you pay the bill
- Annually – against contract terms & conditions

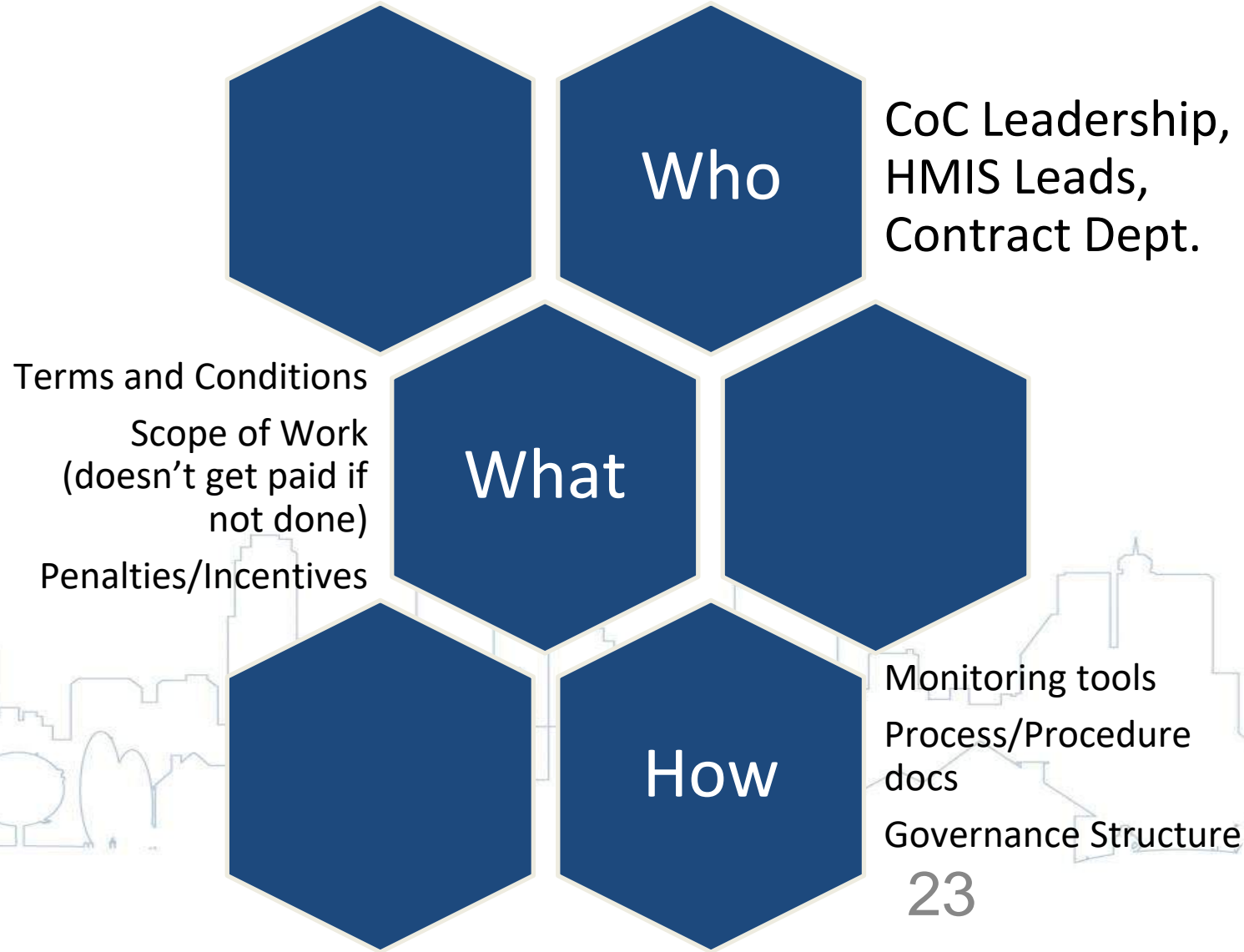
Who should monitor?

- Stakeholder Representation: Diversity across race, ethnicity, gender, ability, sexual orientation and other characteristics comparable to the community

HMIS Vendor Monitoring Tool

- Monitoring or Measurement Question:
 - Does the HMIS software have the ability to de-duplicate client records?
- Response or Finding:
 - The HMIS software de-duplicates client records using the following Universal Data Elements: First Name, Last Name, Date of Birth, and SSN, but not at the rate of confidence specified in the contract
- Improvement Strategy:
 - Review HUD requirements on de-duplication from the 2004 HUD HMIS Technical Standards
 - The HMIS Lead should clarify contractual terms and conditions for the de-duplication of client records, including accuracy requirements of client merger or de-duplication processes, and the client data that is used in the de-duplication process, such as First Name, Last Name, Date of Birth, and SSN
 - Withhold payments for this specific functionality as defined in the contract

Monitoring



Vendor Change



Before



After

Vendor Change

- HUD would prefer that a CoC exhaust all options before considering a transition from one HMIS Software Vendor to another.
- Challenges are often human-related, not technology
- Challenges might be related to:
 - Issues of CoC capacity to oversee the HMIS implementation
 - HMIS staff capacity to operate the HMIS
 - Ineffective end user training
 - Insufficient resources (i.e. number of staff, funding, skills)
 - Overly customized functionality
 - Providers undervaluing HMIS.

Monitoring YOUR contract

- The two hat conundrum: Enforcer & Helper
- Monitoring protocols can help by
 - ✓ Not seeming reactionary
 - ✓ Establishing a clear pattern and relationship
 - ✓ Helping create better contracts in the future (you'll discover stuff you wish you'd have written down to begin with)
- Bake monitoring into your contracting by paying for services/items per a Scope of Work (ideally created from the RFP responses)

Scope of Work Example

Attachment A: Scope of Work and Budget		Total Monthly Cost	0.00	Month 1	Month 2
Vendor Name:		Cost per services (divided evenly)	0.00	-	-
Total Amount	0.00	Total Length of SOW	12	-	-
Software as a Service (SaaS) Service Requirements				-	-
Service #	Service Description	Service Performance Criteria (filled in by Vendor)	Monthly Cost	-	-
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
<i>ADDITIONAL SERVICES NOT INVOICED UNTIL NEGOTIATED</i>					

Contact us!

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HUD Certificate of Completion

HUD is offering a certificate of completion for anyone who completes any four of the following six sessions at this NHSDC conference.

- HMIS Project Set-up 201
- HMIS Project Management and Annual Calendar of Expectations
- HMIS Governance 101
- Protecting Data in an HMIS Environment: Privacy, Security, and Confidentiality
- Implementing Effective Contract Negotiation and Relationship Management Strategies 201
- Data Quality 101: What is DQ?

Participants **must** complete the session evaluations for at least four sessions to receive their certificate.

Rate this Session!

