

Table of contents

Introduction

1. Due diligence in outsourcing arrangements

1. Introduction
2. The customer perspective
3. The service provider perspective
4. Potential solutions

2. Service provisions

1. Introduction
2. The customer perspective
3. The service provider perspective
4. Potential solutions

3. Compliance with laws and regulations

1. Introduction
2. The customer perspective
3. The service provider perspective
4. Potential compromises

4. Service level agreements

1. Introduction
2. Service level models
3. The customer perspective
4. The service provider perspective
5. Potential solutions

5. Use of agile methodologies

1. Introduction
2. The customer perspective
3. The service provider perspective
4. Potential solutions

6. Warranties

1. Introduction
2. The customer perspective
3. The service provider perspective
4. Potential compromises

7. Relief/excused events

1. Introduction
2. The customer perspective
3. The service provider perspective
4. Potential solutions

8. Intellectual property provisions

1. Introduction
2. The customer perspective
3. The service provider perspective
4. Potential solutions

9. Data protection liabilities

1. Introduction
2. The customer perspective
3. The service provider perspective
4. Potential solutions

10. Benchmarking in outsourcing transactions

1. Introduction
2. The customer perspective
3. The service provider perspective
4. Potential solutions

11. Setting limits of liability

1. Introduction
2. The customer perspective
3. The service provider perspective
4. Potential solutions

12. Excluded liabilities

1. Introduction
2. The customer perspective
3. The service provider perspective
4. Potential solutions

13. Unlimited liabilities

1. Introduction
2. The customer perspective
3. The service provider perspective
4. Potential compromises

14. TUPE in outsourcing agreements

1. Introduction
2. The customer perspective
3. The service provider perspective
4. Potential solutions

15. Termination rights

1. Introduction
2. The customer perspective
3. The service provider perspective
4. Potential solutions

16. Step-in provisions

1. Introduction
2. The customer perspective
3. The service provider perspective
4. Potential solutions

17. Audit rights

1. Introduction
2. The customer perspective
3. The service provider perspective
4. Potential solutions

18. Dispute resolution provisions

1. Introduction
2. The customer perspective
3. The service provider perspective
4. Potential solutions

19. Negotiation in practice

1. Background
2. Initial considerations
3. The procurement process
4. Key contract aspirations of the parties
5. Likely areas for key debate and potential solutions

20. Contracting for AI

1. Introduction
2. The European approach
3. The UK approach
4. The US approach
5. Common ground

6. Contractual provisions
7. How does AI work?
8. Description of functionality
9. Intellectual property
10. Bias
11. Explainability
12. Service performance
13. Liability
14. Termination
15. Exit

21. Types of technology contract

1. Introduction
2. Software licence
3. Software maintenance
4. Hardware provision
5. Hardware maintenance
6. Cloud services
7. Outsourced/managed service
8. Website/online terms
9. Tech/network services
10. IP transfers and joint ventures
11. Technology-related consultancy services

22. Cloud services

1. Introduction
2. The customer perspective
3. The service provider perspective
4. Potential solutions

23. Regulated procurement

1. Regulated procurement in the public sector
2. Regulated procurement in the financial services sector

24. Managing contract disputes renegotiation

1. Introduction
2. Causes of contract disputes
3. Managing disputes

Conclusion

About the authors