

#### ShawPittman LLP

#### **USENIX:LISA 2003**

## Trends in the Outsourcing Industry and Common Problems with Outsourcing Deals

John Nicholson
John.Nicholson@ShawPittman.com



#### What are we going to talk about?

- Outsourcing Basics
- Trends in the Outsourcing Industry
- Common Problems in Outsourcing Deals and How to Avoid Them
- Your Questions and Comments





#### **Outsourcing Basics**



#### What is Outsourcing?

Outsourcing is the long term contracting of an information system or business process to an external service provider to achieve strategic business results

- What is not outsourcing?
  - -Services never intended to be performed internally such as hardware maintenance
  - Project-based services such as systems integration

#### Who are the Players?

- Tier 1 Providers: IBM, CSC, EDS and ACS.
- Tier 2 Providers: Perot Systems, Accenture, CGI, Unisys, Lockheed Martin, Siemens.
- Other Consulting Firms
- Hardware Providers moving into Services
- Offshore Providers



#### Who are the Players? (cont)

- IBM is the dominant player in the global market.
  - More because of problems at the others (new leadership, accounting issues, etc.).
  - "Nobody ever got fired for buying IBM."





#### Trends in the Outsourcing Industry

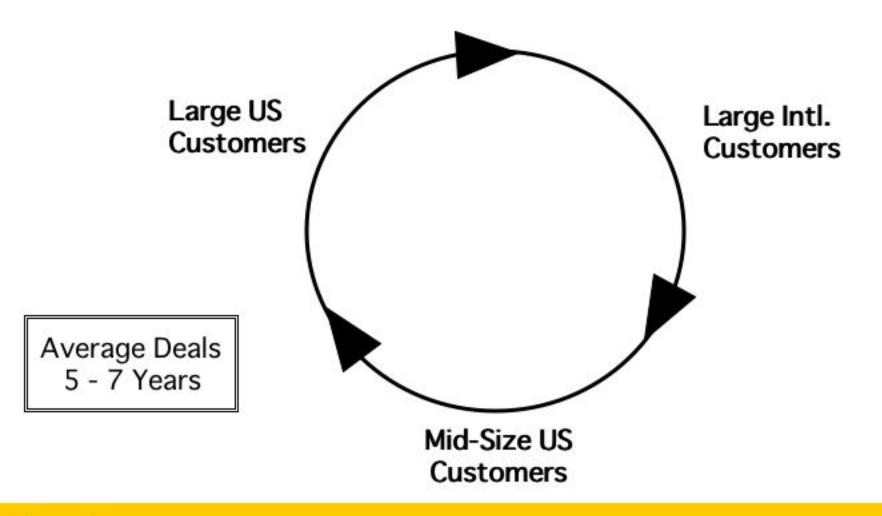


#### **Trend 1 - Changing Focus**

- Large US companies are already signed up (market saturation)
- US economy has been slow.
- Vendors are courting international customers and US middle market.



#### Trend 1 - Changing Focus (cont.)





#### Trend 1 - Changing Focus (cont.)

 Approach to mid-market companies may result in partnerships between large, traditional outsourcing vendors and companies that traditionally serve middle market.



## Trend 2 - Changing Types of Services

- In the beginning, there was ITO "Information Technology Outsourcing"
  - Now fairly mature.
  - Deals are common and services are well understood.
- Next came BPO "Business Process Outsourcing"
- Now people are starting to talk about BTO -"Business Transformation Outsourcing"

Services

- BPO is less mature than ITO.
- Deals are still relatively unique and customized, and require a lot of attention.
  - Understanding customer's internal costs (and the vendor's price) is more difficult because BPO focuses on outputs.
  - Services provided by BPO vendors may be less fungible across customers, increasing variability and decreasing economies of scale.
  - Need to focus on clear SOW, appropriate SLAs and meaningful pricing structures.



## Trend 2 - Changing Types of Services BPO (cont.)

- ITO model does provide guidance for implementing BPOs, but BPO services are 5 - 10 years behind ITO in terms of maturity.
- US vendors are pursuing "anchor" accounts that will define their BPO offerings.
- BPO will not mature until one or more vendors acquires a "shared services" facility/function from a customer and uses that as the basis for its BPO offering.



#### Trend 2 - Changing Types of Services BTO

- BTO "Takin' Care of Business"
- The concept behind BTO is almost, but not quite, a joint venture.
  - Supposed to encourage the vendor to initiate technologybased business transformations.
  - Focus on "win-win" relationships and gain-sharing
- JV-like relationships have been tried many times in the outsourcing arena and have not succeeded often.



## Trend 2 - Changing Types of Services BTO (cont.)

- Too early to tell whether BTO is a viable concept (and somehow different from a BPO or a JV) or simply marketing hype.
  - Challenging to measure success.
  - No clear benchmarks.
  - Difficult to motivate in-house leaders who are left with a skeleton staff.
  - IP/Competition Issues



#### Trend 3 - Offshore

- Offshore outsourcing is very attractive
  - Cost of labor in other countries is much lower
  - Offshore vendors compete based on quality CMM
  - Educated, frequently English-speaking labor force
  - Historically very low turnover compared to US (but this is changing in India)



## Trend 3 - Offshore Issues

- Weak dollar is making offshore temporarily more expensive (but still cheaper than US)
  - But, know what your own internal costs are, otherwise, how can you evaluate your savings?
- Hidden costs of offshore outsourcing
  - Coordination/project management costs
  - Estimate soft costs (e.g., dealing with cultural issues)
  - Ask peers/vendor references about hidden/unexpected costs
  - Cost of transition



## Trend 3 - Offshore Issues (cont.)

- Cultural differences
  - What does "Yes" actually mean?
- Increasing labor costs in India driving business to other "next generation" countries -
  - Philippines, China, Malaysia, Russia, Brazil



## Trend 3 - Offshore Issues (cont.)

- Telecom infrastructure not ready in "next generation" countries
- Concerns about confidential/proprietary information
  - Indian companies recognize this and are willing to agree to audit/enforcement provisions in contract.
  - Medical transcription case.



#### Trend 4 - Shareholder Influence

- Wall Street is watching the outsourcing vendors.
  - Friday, June 28, 2002: EDS stock closes at \$37.15
  - Monday, July 1, 2002: EDS announces it has terminated discussions with P&G regarding an outsourcing deal.
  - EDS stock drops to \$30.45.



## Trend 4 Shareholder Influence (cont.)

- Many outsourcing vendors have become public companies.
  - What used to be the consulting arms of the "Big Five" have all morphed in some way and, with the exception of Braxton, are all publicly held companies:

Andersen Consulting ⇒ Accenture

■ PwC ⇒ IBM

■ KPMG ⇒ Bearing Point

■ Deloitte Consulting ⇒ Braxton

■ Ernst & Young ⇒ Cap Gemini Ernst & Young



## Trend 4 Shareholder Influence (cont.)

#### Why is this important?

- Hardware and software companies are already driven by monthly, quarterly and annual results. Outsourcing vendors are trying to get deals signed in time to be reported.
- Analysts are concerned about the slowing growth rate in the industry.
- Outsourcing vendors use stock as compensation when the stock goes down, it's harder to get/retain talent.



#### Renegotiation of Existing Agreements

- Customers who signed long term agreements are renegotiating these deals.
- More than 50% of customers seek to renegotiate deals within first 3 years. (Gartner)
- Customers with strong, clear rights to terminate for convenience have the leverage to renegotiate.
- Vendors do not want to lose business in a down economy.



#### Trend 6 - Piecemeal Deals

- Customers trying to expedite deals by breaking up required scope and negotiating several deals.
- Wrong approach
  - Decreases customer leverage.
  - Less efficient.
  - Draws out outsourcing and can cause morale issues.
  - Gives vendor opportunity to renegotiate agreements from previous deals.
  - Can lead to "blame game" if vendors must interact.



#### Trend 6 - Piecemeal Deals (cont.)

#### However...

- Ongoing threat of competition can keep vendors prices in line.
- Outsourcing agreements should include the ability to give work to third parties.



#### Trend 7 - Changing Nature of IT Departments

IT personnel are being called on to be relationship managers in addition to providing technical skill.

- Maintain relationships with users
- Understand business needs
- Build relationships with vendor personnel
- Manage/evaluate vendor performance



#### Part III

# Common Problems in Outsourcing Deals and How to Avoid Them



## Problem 1 Salespeople and Executives

- You're an executive who is under pressure to do "SOMETHING" and to do it with a lower budget.
- A salesperson from a well-known services provider tells you that his company can provide the services that your IT group provides:
  - As well or better than you do it yourself
  - Using "global best practices"
  - At a lower cost.
- Wouldn't you say yes?



## Problem 1 Salespeople and Executives (cont.)

#### Why is this a problem?

#### Timing.

- Salesperson wants the deal done quickly (by month end, quarter end or year end).
- Executive wants the deal done quickly so that she can book the savings promised by the salesperson.

#### Leads to:

- Poorly defined scope.
- Loss of negotiating leverage.



## Problem 2 Differing Expectations

#### Customer perspective:

The vendor should perform the services in the same way that the in-house personnel would have. That means staying late, doing extra work, etc. without additional cost.

#### Vendor perspective:

The vendor has priced a fixed scope of work. Additional work should result in a change order.



### Problem 3 Perceived Poor Customer Service

- IT culture is to do whatever it takes to solve the problem. As long as resources are a fixed cost, that isn't a problem.
- Customers may decide to scale back "extra" services provided to end users to save cost on outsourcing.
- Customers may not accurately communicate the decreased services to end users - resulting in end user dissatisfaction with the vendor.



#### **Problem Summary**

#### Rushed negotiations/SOW development

٠

Differing expectations

+

Poor communication with end users



An unhappy relationship



#### **Avoiding/Minimizing Problems**

Treat an outsourcing deal like buying a used car.

- Recognize that doing a deal properly takes time -
  - For outsourcing deals frequently as much as 6-9 months.
- Compete the deal.
  - Talk to multiple vendors. Don't do things that undercut your negotiating leverage.



- Know what you want.
  - Clearly document scope, service levels.



Copyright 3 2002 United Feature Syndicate, Inc.



- Know what it will cost.
  - Clearly specify pricing before signing the deal.



Copyright 3 2002 United Feature Syndicate, Inc.



- Know what it will cost (cont.)
  - Vendor due diligence must be complete before the deal is signed.
  - Avoid "Assumptions" and "Dependencies."
- Use an independent deal consultant.
  - A mechanic knows how to look for and evaluate problems that you might not see.
- Communicate, communicate, communicate.



#### Summary - Avoid Buying a "Lemon"

- Take the time.
- Maximize your leverage by competing the deal.
- Clearly understand what you want and what it costs you now.
- Clearly understand and document what you are getting.
- Clearly understand the price and how it might change.
- Recognize your limitations.
- Communicate.



#### **Questions and Comments?**



Thank you for listening!