

The rescuers

How Contention Management found Landline the cure for a failed upgrade to their legacy system

The challenge

Get the new computer system implementation back on track in a spirit of co-operation with the supplier.

The Solution

Contention Management's proven approach to IT dispute resolution – its integrated contractual and technical expertise aimed at getting both parties focused and reach a 'no going back' solution.

The benefits

- Supplier is better able to understand the needs of the client
- The relationship of both is firmer and more sustainable
- Landline has a settlement that as well as agreeing to free support and maintenance reflects a compensation level covering Contention Management's fees many times over.

THE PROBLEMS

Picture the scene. The Managing Director of a construction company is listening to his IT Manager explain that the good relationship they had with their IT supplier has all but broken down. It all began when the manufacturer of their accounting system Multisoft was taken over. This resulted in implementing new software from the new owners. But it is going nowhere, the system is quite simply flawed and has nothing like the performance of the old system. Management reports have not been delivered, the contract ledger is simply non-functional, there are problems with the profit



Example waterproof lining at Science park, Glasgow

and loss and balance sheets and there is no trial balance. Interminable phone calls to the supplier have brought no results. Now, the supplier has withdrawn support and even disabled key programs, while blaming Landline.

What is the M.D. Stephen Quill, to make of all this? How can the supplier pretend to know so much about the new software when all this is happening?

The longer they left the situation the greater the financial loss. They already had no way of knowing what sales were being made nor what debts were owed. The resulting work-arounds meant employing a Finance clerk to **manually** process the documentation.

If it sounds a familiar story then you are not alone. A recent study revealed that only 21% of IT implementations are successful; the cost to industry running into millions.

Landline Limited works within the construction industry and supplies and installs waterproof linings. They had co-existed peacefully with their IT supplier for many years, which made the endless time scales and lack of cooperation even more incomprehensible.

For a supplier that had dealt with Landline for so long, the level of detail which was required by the business in a number of aspects was shamefully inadequate. There were also problems with shoddy project management and levels of service and support had become poor and inconsistent.

PROMISES, PROMISES...

It was obvious to the M.D. and his IT team that their re-seller was under considerable pressure to dump the Multisoft system, and to sell the new system warts and all.

The supplier had promised enhanced functionality for split-retention and contracts ledger, including improved management reporting. The system would be

implemented quickly and the supplier had considerable experience and knowledge of the new system enabling them to support and maintain it easily.

CALL IN THE RESCUERS

Stephen Quill received a letter introducing Contention Management (CM) as a specialist IT dispute resolution consultancy with an IT contractual and technical background. It had arrived at the right time.

This was just what Stephen Quill was looking for. He said 'they provided a voice of sanity in the midst of chaos. They helped both ourselves and the supplier to get back around a table to discuss the issues and define a way forward within an acceptable timeline.' Quill pointed out 'what is more they weren't about to ditch the supplier.'

'They wanted us to work together to ensure the success of the project.' According to Stephen Quill, part of the CM process was to define then summarise all outstanding issues with the supplier, where the system had not achieved what had been pre-contractually represented.

'But' said Quill, 'and more significantly, it made us aware of the implied or hidden terms of the contract. These made our suppliers sit up and take notice. There were many elements covered by the 'implied' terms where the system was delivering badly or not at all.'

Under CM's guidance Landline prepared a brief, conservative and unarguable overview of the financial damage that had been caused as a direct result of the defective system.

CM looked at whether the system was fundamentally unstable or whether the difficulties could be attributed to bad project management. And finally whether some of the problems could be attributed to the operators themselves through inadequate training.

'This first meeting', said Quill, 'told us what was needed to be done to bring the supplier to the negotiation table with the objective of finding the fastest route to a fully working



Example of waterproof lining at Leavesdon, Watford

system and stopping the flow of money out of the company.'

THE RESULT

Quill says 'After having spent several months trying to get the supplier to see reason I'd given up hope of ever getting them around a table let alone agreeing to terms. We were desperate and could barely believe it when within a month Contention Management had secured such a meeting.'

From the technical and contractual evidence before them the supplier had no choice but to see reason. By focusing their minds on their responsibilities, CM got the supplier to provide all the missing functionality, the long-awaited manuals and give necessary training, all free of charge.

Stephen Quill was delighted with the settlement that included offsetting debts, free support and maintenance.

On the issue of value for money, Quill says, 'we have received a level of compensation that would pay Contention Management's fees many times over. They managed to save us from a significant loss of critical business and what is more put our relationship with the existing supplier on a firmer footing.'

**contention
MANAGEMENT**

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WHY READ THIS?

If you've got problems with an IT system but don't want to lose the support of your supplier there is a way forward.

- With its specialised IT contractual and technical skills Contention Management will help the supplier focus on their responsibilities.
- Identify the 'implied' or hidden terms within the IT contract supported by case law.
- Help the supplier identify the root cause of the technical problems.
- Help the supplier rectify those problems.
- A team of legal, technical and damages experts can assist in recovering corporate losses.
- Contention Management has all the skills including IT legal, forensic and consulting under one roof.
- Contention Management can provide Independent Expert Witness in IT cases.
- Only as a final resort will Contention Management consider legal action.

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