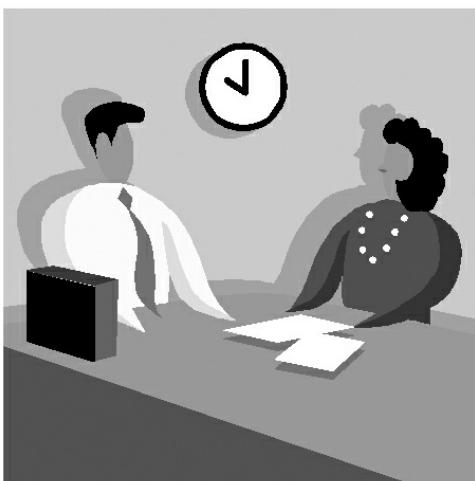


# Northern California Association of Law Libraries

## It's OK to Ask for Help: Working with Consultants

**Todd Erich Bennett,  
West Coast Head Librarian,  
Thelen Reid Brown Raysman & Steiner, LLP**

In today's world, it seems as if the pace of the corporate workforce increases on a daily basis. As a library manager, I know that managing information resources in today's library is much more complicated than ever before. In the old days, before computers were commonplace, librarians largely managed book collections, reference services, budgets and staff. With the advent of the information age, our lives are less about books and more about managing electronic resources. Some of the electronic resources we have to manage are very complex and very expensive. The purchasing paradigm is completely different. With all we have to do in a day's work, it's OK to ask for help when you need a little expert assistance.



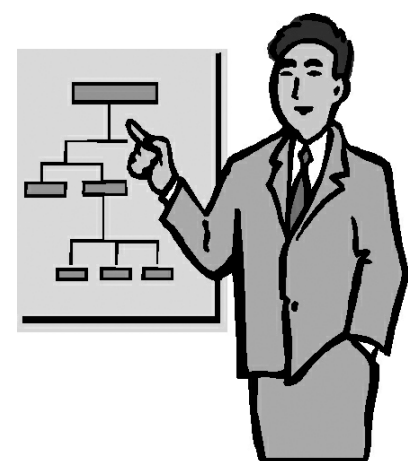
### **Negotiation and Evaluation**

First, evaluate the electronic resource. This is not much different than evaluating any other library resource; there are just a few additional issues to address.

Below are some Tips for Resource Evaluation:

### **Tips for Resource Evaluation**

- Each unique product will dictate the evaluation process
- Assess your needs
  - Has someone requested the product?
  - Is the Library initiating the acquisition?
  - Does the product offer unique content?
  - Does the product offer efficiency tools, such as analytical features?
- Know your firm's culture
  - Who are the important players?
  - Work with practice groups
- Request a trial period to "test drive" the product
- Require feedback from any users in the trial period



When you have determined that you would like to add the electronic resource to your collection, you need to evaluate and negotiate the contract. And when it comes to negotiating and evaluating contracts with major vendors of information resources, third-party consultants are a good resource to consult. The contract provisions, payment provisions, and licensing agreements can be extremely complex, so using a consultant may be cost-effective.

When you use a consultant, you are not only using an expert, you are using an expert who has negotiated agreements for the resource you want in a number of settings and places. You can draw on this specialized knowledge. Vendors will bring their own agendas to the negotiating table. Consultants understand vendors' strategies for the long and short term. They understand the motivation of the vendors and their representatives. Such knowledge will only work to the advantage of your organization. There may be no right or wrong answer, but a consultant can enlighten you as to what your options are. Frequently, vendors will bring only a single contract option to the negotiation table. Consultants will be aware of different styles of contracts that will enable you to maximize your purchasing power from the vendor and find the right contract to fit your firm's model of doing business.

### **Working With Consultants**

For instance, if a vendor favors flat-rate contracts to access their information, you may actually be paying for more than you need. For some firms, it may make more sense to have a contract that gives you a guaranteed discount rather than a flat-rate. Consultants will be knowledgeable about the types of contracts that are available and they have the expertise to help you determine what style of contract is the best fit for your organization.

If the management of your firm or organization lacks the resources to evaluate products or contracts, it is especially prudent to enlist a consultant. Librarians may know the value of a product, but chances are upper management doesn't have the time or the expertise to fully understand this value. A consultant can bridge the gap and help the firm achieve efficiencies on pricing, minimizing redundancies, leveraging purchasing power, choosing the best style of contract and enhancing the competition between vendors.



We all know the old saying about not being able to see the forest for the trees. Consultants are able to provide an objective view. People within an organization can be trapped by the constraints of the culture and habits of the organization. Since consultants are experts in their field, they can give management not only many options but authentic comparisons based on their observations. They can help you to think outside of the box. Consultants are able to provide you with a thorough analysis of your past usage and present it in a manner that is understandable to librarians and upper management alike.

Consultants also have the added advantage of having negotiated many contracts recently. Given that we, as clients of the vendors, are bound by confidentiality clauses and cannot discuss our contracts with our peers, the experience a consultant has to offer is invaluable.

When it comes time for the real negotiations to take place, consultants are also skilled at managing the negotiation process. Often vendors want to control the client/vendor relationship. Consultants are able to help reverse and correct that relationship. They know all of the price points. They can help you sift through the smoke and mirrors to reveal what may seem free could actually represent hidden costs. Consultants can also help preserve the important relationships with the vendors and their representatives, so that the execution of the contract goes smoothly. We rely on the representatives for help with many issues once the contract is executed as well, such as training. Your consultant can act a buffer to help insure that your relationship with vendor or their representatives isn't damaged by the contract negotiation process.

Enlisting the aid of a consultant to audit your major information contracts or to help negotiate new agreements should be a positive situation for both parties. Consider hiring a consultant that bases its compensation on the actually savings the firm receives from their services. When their compensation is based on their goals you know that they are working in your best interests as well as their own.

Using a consultant will help validate your role as an information manager. The knowledge of an expert experienced with having recently negotiated many contracts, together with a thorough analysis of your usage just might save your firm a bundle of money.

Here are some tips for working with a consultant:

#### **Tips for Working with a Consultant:**

- Create an in-house committee to work with you and the consultant. Players to consider would be executive directors, library committee members, and CIOs.
- Ask for references and call them!
- Make sure you sign non-disclosure agreements with all parties involved.
- Be prepared to produce up to three year's worth of invoices.
- Best to hire a consultant who bases compensation on goals achieved.
- It is important to have one of your own partners review the final language of all major contracts before executing them.
- Have your consultant give you the tools you need to monitor your contracts moving forward.