

## **APPENDIX 10**

### **SAMPLE ALTERNATE SITE/ PROCESSING CONTRACT ISSUES**

Effective contracts between vendors and users are probably the best means to prevent disputes. Given the complexities and dynamics of computer and information technology law, the potential for disagreements and litigation between users and vendors will increase. Both vendors and users are challenged to implement controls and procedures that minimize the potential for information solutions to fail.

Include contingency and recovery provisions in equipment contracts.

#### Alternate Site Services

It is necessary to have a consistent set of issues to truly compare different vendors.

#### Applications Impact Analysis

Know what you need before you buy. If 100% capacity is not an absolute requirement, fees may be lowered substantially.

#### Location or Site Information

Multiple hot or cold site locations

Multiple locations networked together

Contract terms: length of contract time; minimum/maximum fee; test hours allowed under contract; cost of additional test time not included in contract; lead time for notification of scheduled tests; maximum number of subscribers per location

Policy regarding site availability for testing while in use for recovery of a declared disaster by another subscriber

The number of other clients; from what geographical area

Any former inability to accommodate a subscriber in a declared emergency; how resolved

Base list price for equipment size and different contract terms

Availability of mobile recovery services and normal length of set-up time

#### Configuration Information

By manufacturer, model/series number, and size/quantity:

Mainframe processors (MIPS - million instructions per second)

Desktop requirements (hardware and software)

Systems software

Storage devices - DASD units (gigabyte), drives, disks, cassettes, CD-ROM

Front-end processors, controllers, etc.

Printers

FAX machines

Any critical unusual equipment

Telecommunications systems (T1, T3, satellite, microwave, or dial-up; routers firewalls, etc.); network software (NetWare, BANYAN VINES, MICROSOFT NT, etc.) network availability (24 hours a day, 7 days a week)

Voice communications options: (ACD/UCD, number of headsets available, number of incoming and outgoing lines)

#### Disaster Declaration Information

Declaration fee

Criteria for use, e.g., first-come, first-served

Any requirement for resource sharing by subscribers

Time limits for occupation per declaration

Number of experienced vendor technicians on hand to assist that work only on business resumption

#### Other Information

Availability of electronic vaulting services

System software loading prior to subscriber arrival

Available square footage for: data center, tape library, office space, tape/disk storage, forms/paper, supplies, cold site, etc.

#### Levels of physical security access

Internal fire, water, and security protection

Documented and tested BRP for each location; availability of plan and test results to potential subscribers for review

User guide available to the facility with: local vendors and locations/phone numbers; emergency numbers for police, fire, hospitals; restaurants; housing (hotels, motels, apartments)

Established agreements with outside vendors/services such as: airlines; offsite tape/disk vault; taxis; tape/cassette vendors; trucks and vans; paper supplies; physical security vendors; travel agency; couriers; car rentals; microfiche; microfilm; banks; hardware vendors, etc.

Petty cash for subscribers and any limits

Available inventory of scratch tapes/cartridges, disks, and quantity  
Familiarity with recovery plans for local utilities (electric, water, gas, and voice communications)  
Designated customer services representative available during business hours  
Provision of administrative supplies (pens, paper, staplers, scotch tape, etc.)  
Current client reference list  
Additional services

NOTE: Use of temporary/contract personnel at a distant site may expose the organization to inefficiencies and errors.