



Chapter:

Vendor Selection & Management

Introduction

Purpose

Most state agencies tasked with administering an ESA program will procure a vendor to manage one or multiple components of the program, whether that be to manage a financial framework, process applications, or undertake auditing of accounts. To ensure the vendor meets the administering agency's needs and standards, a well-rounded procurement process is key to identifying and selecting a qualified vendor. This chapter highlights recommendations for procuring a vendor, establishing a successful agency-vendor relationship, and management of the vendor. This section contains information designed to serve as a practical guide through the vendor selection and management process. In addition, the yes. every kid. foundation. implementation team has expert consultants available to collaborate with agency partners to navigate through this process. These services are free, solution-agnostic and designed to put families first and allow a thriving marketplace of learning opportunities for all kids.



Review Statutory Requirements

- Examine the statutory landscape to ascertain if outsourcing is allowed or mandated and if funds are appropriated for this purpose.
- Identify the specific responsibilities and scope of work under each area, such as application processing, financial oversight, expense management, compliance and reporting, and information communication and assess if any of these areas necessitate outsourcing.



Procurement Process

Procurement is fundamentally a market discovery process. To that end, it is recommended program administrators introduce a multistep procurement process that begins by prequalifying vendors and engaging them in a back-and-forth information gathering phase through intermediate "requests for information" (RFIs).

After this information-gathering phase, the next step involves developing and releasing "requests for proposal" (RFPs). A well-crafted RFP ensures that the right vendors are selected and equipped with the necessary capabilities and expertise to meet the program's objectives.

This chapter will provide guidance for every step in the procurement process.



*Only when program administrator must transition to a new vendor.

Request for Information Design Guide

Purpose

The role of requests for information (RFIs) is to conduct market research to assess the landscape of available offerings, industry standards and innovations, which can be used to refine the scope of work ahead of issuing a formal solicitation. This section provides a framework for program administrator costs and procurement officers to follow when designing RFIs.



RFI Design Guide

In situations where the service to be provided is new or unusual, carries high operational risk, has high demand and visibility, or is prone to rapid technological innovation, the use of RFIs is highly recommended. Implementing a new ESA program encompasses these challenges concurrently, making RFIs an important consideration.

The primary goals of RFIs are twofold: to furnish potential vendors with detailed information regarding the state agency's expectations and for the state agency to gather comprehensive details about the vendors and their offerings. This facilitates the preparation of a well-defined request for proposal (RFP) and enables vendors to provide pertinent responses. The outline below provides a template program administrators can use to design the RFI.

Section	Contents
Introduction	This section should outline the objectives of the RFI, providing context to potential vendors on what is being sought. <ul style="list-style-type: none"> • Purpose of RFI • RFI timeline • Anticipated RFP dates
Background	This section should offer contextual details for vendors to understand the ESA program. <ul style="list-style-type: none"> • Statutory and regulatory background • Information about administering agency • Expected volume of participants • If necessary, information about other participating agencies • If the ESA program is already live: <ul style="list-style-type: none"> ◦ Historical perspective ◦ Key data (enrollment, demographics, funding, etc.) ◦ Current functionality and features ◦ Current impact and challenges

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Program
Goals &
Needs

This section should outline the operational and technical aspects necessary for successful program implementation. Define the vendor's responsibilities, which may include:

- Determining eligibility and processing applications
- Marketing the program
- Managing a financial framework
- Providing training and technical assistance to users (e.g., administering agency staff, parents, education service providers)
- Reporting on program metrics
- Auditing accounts and payments

Question &
Answer

This section requires vendors to provide responses pertaining to their offerings. Ensure each question is specific, providing enough detail for vendors to provide comprehensive responses.

- Experience, providing examples of past and current work with similar programs or industries, such as financial services or government assistance program
- Overview of software (e.g., user interface and user experience)
- Cloud and data security/privacy
- Eligibility verification automation capabilities
- Implementation methodology
- Timeline for developing, implementing and maintaining the proposed solution
- Communication methods and tools
- Tracking/reporting systems
- Customer support services
- Training
- Compliance
- Scalability, in case of program expansion or merger
- Projected cost information for design, customization, execution and maintenance (categorized by number of students, licenses required, etc.)
- Subcontractor use
- References from clients

Instructions

This section should provide guidance on the RFI process.

- Response submission instructions
- Vendor questions and inquiry process
- Clarifications and discussions process

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Appendix

The appendix should assist vendors in preparing their responses and understanding the program requirements in greater detail.

- Statutory references
- Supplementary information
 - State's educational landscape
 - Administering agency/program budget
- Sample contract
- Template for question & answer responses
- Template for cost information breakdown
- Terms and conditions
- Confidentiality statement

Request for Proposal Design Guide

Purpose

After concluding the RFI process, the program administrator and procurement team should possess ample information to issue a formal solicitation. This section offers a guideline for program administrators and procurement officers to structure an RFP focused on achieving specific outcomes, known as a performance-based RFP.



RFP Design Guide

Program administrators should be cautious to avoid drafting RFPs that merely solicit existing known solutions. Instead, program administrators should design RFPs with their state's ESA program objectives in mind, leveraging the RFP process to attract innovative proposals aligned with their vision and performance expectations.

A performance-based RFP is structured to prioritize outcomes and results over prescriptive methods, empowering vendors to propose innovative approaches that align with program objectives and foster continuous improvement. Additionally, an RFP can also set the tone for a strong agency-vendor partnership characterized by collaboration, consistent communication, and transparency, all conducive to delivering high-quality services to end-users. The outline below provides a template program administrators can use to design a well-crafted RFP.

Section	Contents
Introduction	This section should outline the objectives of the RFP, providing context to potential vendors on what is being sought. <ul style="list-style-type: none"> • Purpose of RFP • RFP timeline and due date
Background	This section should offer contextual details for vendors to understand the ESA program. <ul style="list-style-type: none"> • Statutory and regulatory background • Information about administering agency • If necessary, information about other participating agencies • Information on a preexisting ESA program, if necessary: <ul style="list-style-type: none"> ◦ Historical perspective ◦ Key data (enrollment, demographics, funding, etc.) ◦ Current functionality and features

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Definitions

This section should clarify terms and acronyms to ensure all stakeholders understand the requirements uniformly.

Scope of Work

This section should detail the requirements and deliverables so that vendors can understand the full extent of their responsibilities. This may include:

- An online platform, including web-based, mobile portal and/or a phone-based application for use by applicants, awardees, the program administrator, and education providers
- Application processing, with ability to automate identity and eligibility verification
- Data privacy and security, including:
 - Robust authentication mechanisms, such as multi-factor authentication (MFA) for user accounts
 - Encryption to protect against unauthorized access
 - Regular data backups and disaster recovery procedures to prevent data loss and ensure continuity of service
- Executing communications and marketing of the program
- Customization options for program administrator to tailor account features, settings, and branding to align with program requirements and branding guidelines
- Use of APIs to enable integration with third-party applications for eligibility verification or financial management
- Notification system for users to receive notifications for account activities, such as payments, reimbursements, and important deadlines
- Training program users, including state agency staff, program users and providers operating the fiscal management system, including:
 - Providing users with a financial framework for direct payment where funds can be securely stored and managed
 - Providing users a reimbursement option to directly through the platform.
- Dashboards that report on program metrics and are customizable by user, including:
 - Dashboard for administrators and users, displaying account balances, status of payment, and transaction history
- Easy-to-access and on-demand customer service and technical support for participating families, education providers and the program administrator
- Mechanisms for gathering feedback from stakeholders to inform program refinements
- Language accessibility to meet state population needs
- Accessibility compliance to ensure usability for users with disabilities
- Financial monitoring and reviews of account activity
- Risk management and contingency plans to address potential challenges or disruptions during the implementation and operation of the program
- Performance monitoring and reporting that defines key performance indicators (KPIs) and reporting requirements to track the program's progress and measure success

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Contract Phases & Management

This section should outline the stages of the contract lifecycle and define responsibilities, performance metrics, and compliance measures for both the agency and the vendor. It establishes clear processes for contract management, including monitoring performance, addressing changes, and ensuring adherence to contractual terms and regulatory requirements. Phases may include:

- Customization/configuration phase: To include, without limitation, the contract work plan, functional design document, security plan, back-up and recovery plan, system integration test and quality review plan, user acceptance and demonstration plans, implementation and transition plans, and risk management plans.
- Development phase: Vendor to develop, configure, and test the system according to the system specifications defined and agreed upon during the customization phase.
- Testing phase: Conduct testing to validate the functionality, performance, and security of platform and systems.
- Operating phase: Program launched and monitored for performance and security, and ongoing maintenance.

Service Level Agreement(s)

This section should define specific performance expectations and metrics that vendors must meet, such as response times and quality standards. It ensures transparency, accountability, and alignment with the ESA program's objectives, establishing clear guidelines for monitoring and enforcing service levels throughout the contract duration. This section should also ask vendors to explain how they will measure these metrics and demonstrate their capabilities to fulfill these requirements. This may include:

- Processing applications within a specified timeframe
- Accuracy rate of eligibility determinations
- Response time to family inquiries
- Compliance with regulations
- Transparency in financial reporting
- Detection and resolution of fraud
- Meeting stakeholder satisfaction standards

Evaluation Rubric

This section should outline criteria and processes for assessing vendor proposals, including clear guidelines for scoring and ranking based on factors like qualifications, approach, and cost.

- Define evaluation criteria
- Establish weighting and scoring
- Detail evaluation process, including committee information and timeline
- Offer guidance for clarifications or negotiations
- Define bonus points for competitive priorities that go beyond the basic requirements to encourage vendors to propose innovative solutions and methodologies that enhance program effectiveness, efficiency, and user experience.
- Information for interviews, presentations, or demonstrations

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Instructions

This section should provide concise guidelines for potential vendors on how to format, submit, and comply with proposal requirements.

- Response submission instructions
- Vendor questions and inquiry process
- Clarifications and discussions process
- Contact information

Appendix

This section should house supporting documents, forms, templates, and background information essential for potential vendors to understand and respond to the solicitation accurately.

- Statutory references
- Supplementary information
 - State's educational landscape
 - Administering agency/program budget
 - Predicted enrollment in the program
- Template to respond to question & answer
- Template to breakdown cost information
 - Costs should be transparent
 - Beyond costs to the agency, vendors should be asked to provide any costs that will be passed to users, including account holders and education service providers.
- Terms and conditions
- Protest policy
- Confidentiality statement

Request for Proposals Design Best Practices

Purpose

This section highlights RFP design best practices from states that have implemented ESAs or ESA microgrant programs. Program administrators may consider incorporating these best practices into the RFP process of their own ESA program.



Practical Example



Idaho

Program	Empowering Parents Grant Program Administration
Topic	Software Demonstration
Practice	The Idaho State Board of Education reserved the right to request the apparent successful bidder to provide a demonstration to confirm the software worked as the vendor specified.
<p><i>Idaho's Request for Quote (RFQ) RFQ2023175 Empowering Parents Grant Program Administration issued on July 25, 2022, selected language:</i></p> <p>"The Board Office reserves the right to request the apparent successful bidder to provide a demonstration (live or recorded) to confirm that the software works as specified. This demonstration will be evaluated on a pass/fail basis."</p>	



Kansas

Program	Learning Recovery Grant Program
Topic	Marketing
Practice	The Kansas Office of Recovery made their vendor responsible for marketing, including a comprehensive multimedia communications plan and a statewide engagement plan involving media, social media marketing, and other innovative and creative methods to engage eligible families and recruit education providers.

Kansas RFP EVT0008639 Learning Recovery Grant Program issued on June 19, 2022, selected language:

“Respondents should include a comprehensive multimedia communications plan to engage students, families, educators, and vendors. Statewide communication and public engagement involving media services, social media marketing, and other innovative and creative methods should be utilized to engage eligible students and to recruit educators and vendors.”



Ohio

Program	Afterschool Child Enrichment (ACE) Educational Savings Account Program
Topic	Innovation
Practice	The Ohio Department of Education structured their RFP rubric to give vendors bonus points for creating a plan to develop a free smartphone application for participating families that included features to scan and upload receipts and provide customer service to troubleshoot technical issues with the application.

Ohio Afterschool Child Enrichment (ACE) Educational Savings Account Program Solicitation Worksheet issued in January of 2022, selected language:

“The department shall contract with an Offeror for purposes of administering the provisions of this section and may contract with the treasurer of state for technical assistance. In selecting a Offeror, the department shall give preference to those Offerors who use a smartphone application that is free for parents or guardians to use, is capable of scanning receipts, allows users to provide program feedback, and includes customer service contact information for parents and guardians who experience technical issues with the application.”

Additional Points	Weight
Include a plan to offer parents or guardians use of a smart phone application free of charge.	5
Include a plan to offer parents or guardians use of a smartphone application that possess the ability to scan and upload receipts.	5
Include a plan to provide parents or guardians customer service contact information when experiencing technical issues with application.	5



Virginia

Program	K-12 Learning Recovery Grant
Topic	Product demonstration and contingency planning
Practice	The Virginia Department of Education required demonstrations

The Virginia Department of Education required the selected vendor prepare a final acceptance and demonstration plan and specified demonstrated tests including batch processing, system security and user access, user inquires, client additions and updates, benefit issuance, status change and replacement, transaction history review, system audit and control, system backup and recovery, and reporting. The Virginia Department of Education also required vendors to include an issue resolution process.

The Virginia Department of Education made their selected vendor prepare implementation and transition plans that covered: 1) state and local staff system access, including timing of switchover; 2) toll-free call center, including timing of switchover; 3) change and risk management process; and 4) processes resolving unforeseen issues, including contingency plans.

Virginia RFP-PR9894735-2022: Managed Service to Support K-12 Learning Recovery Grants Payments issued on November 2, 2022.

Relating to product demonstration:

Required system tests and demonstrations, which shall be conducted by the Contractor during the Development Phase, include the following items for the system. VITA may require additional demonstrations depending on the risk level a conversion might present:

- Functional Demonstration - The functional demonstrations shall provide VDOE the opportunity to review and observe planned system operations. The Contractor shall prepare a report of the demonstration results including any system modifications that were identified. The Functional Demonstrations should occur within the timeframe detailed in the approved plan. The demonstrations shall take place at the VDOE home office in Richmond;

Relating to contingency planning:

The Contractor shall prepare a plan that covers each of the following activities in detail:

- State and local staff system access, including timing of switchover;
- Toll-free call center, including timing of switchover;
- Change and risk management process; and

The plan shall address how the processes shall be tested and contingency plans for problems and issues that may occur during the implementation. The Contractor shall submit the final Transition Plan no later than four (4) months after contract signing.



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Arkansas

Program	Children’s Educational Freedom Account Program
Topic	Performance Standards
Practice	The Arkansas Department of Education included incentives/penalties for not meeting deadlines or service levels and key performance indicators.
<p><i>Arkansas RFP S000000284 Online Platform for Education Freedom Accounts and Literacy Tutoring Programs issued on December 15, 2023.</i></p>	

Performance Standards

- State law requires that qualifying contracts for services include Performance Standards for measuring the overall quality of services that a Contractor shall provide.
- The State may be open to negotiations of Performance Standards prior to contract award, prior to the commencement of services, or at times throughout the contract duration.
- Performance Standards shall not be amended unless they are agreed to in writing and signed by the parties.
- Failure to meet the minimum Performance Standards as specified will result in the assessment of damages.
- In the event a Performance Standard is not met, the Contractor will have the opportunity to defend or respond to the insufficiency. The State has the right to waive damages if it determines there were extenuating factors beyond the control of the Contractor that hindered the performance of services. In these instances, the State has final determination of the performance acceptability.
- Should any compensation be owed to the Department due to the assessment of damages, Contractor shall follow the direction of the Department regarding the required compensation process.

Evaluation and Selection

Purpose

Although administering agencies and their procurement officers will follow the procurement process in accordance with state procurement laws and processes, this section aims to provide best practices to implement in evaluating and selecting vendors specifically for an ESA program.



Execute

Evaluation Committee

The composition of the evaluation committee should be tailored to each procurement, particularly given the specialized requirements of ESA programs. It is essential for the administering agency and procurement team to select reviewers with specific expertise, such as user interaction and experience (UIX), financial and state data systems, cybersecurity, and platform maintenance and design.

If your state permits external experts to serve on the evaluation committee, consider involving engaged and impartial parents, providers, and top education specialists to ensure comprehensive representation of stakeholders.

Committee recruitment should include internal technology leads from within the agency or qualified external experts who comprehend the objectives of ESA programs and the state's goals.

Evaluation Preparation

Additionally, the committee should undergo training before evaluating proposals. The training should give the committee a full understanding of their roles and responsibilities. Additionally, the committee should understand the significance of performance-based evaluation criteria in selecting vendors for the ESA Program.

By focusing on evaluating respondents based on their ability to achieve outcomes specific to the ESA program, the committee optimizes their time and efforts toward selecting a vendor(s) who can best achieve the outcomes.

Evaluation Rubric

The evaluation rubric should be designed to assess proposals comprehensively, ensuring that all critical aspects of the vendor's solution are considered. The rubric should include categories such as technical capabilities, project management approach, cost-effectiveness, and alignment with the ESA program's objectives. Each category should have clear criteria and weightings that reflect the program's priorities and goals.

An effective rubric balances quantitative metrics with qualitative assessments to ensure a holistic evaluation of each proposal. Clear, consistent scoring guidelines help the committee make objective comparisons and justify their final decisions.

Selection

Vendor selection should depend on the vendor's ability to demonstrate it can fulfill what it committed to in its response. State agencies that incorporate a product demonstration into the process gain a more dynamic, comprehensive understanding of the technical merits, potential issues with, and usability of each vendor's solution.

Seeking a narrative description of how the prospective vendor will implement the platform helps paint a picture; however, requiring a demonstration and visuals will allow the evaluation committee to better understand project implementation, the dedication of the vendor, and the solution functionality.

Vendor Management Guide

Purpose

Once a vendor has been selected and the contract has been executed, it's time to put plans into action.



Support

A program administrator's responsibility includes ensuring vendors deliver products and meet performance standards. Creating and following a vendor management plan is crucial to this process. Any lapse in communication can adversely affect the agency-vendor relationship, and, ultimately, families participating in the ESA program. The below offers program administrators a checklist of best practices tailored for ESA vendors. Implementing these recommendations enables program administrators to effectively manage vendors, thereby enhancing performance outcomes for ESA programs and their participants.

- **Designate a Vendor Manager**
 - Assign an internal vendor manager to oversee the vendor relationship and ensure accountability.
 - Clearly define roles and responsibilities for the vendor and the organization.
- **Establish Clear Communication Channels**
 - Establish expectations and processes for regular and transparent communication with the vendor through meetings, reports, and updates. Given that a vendor's point of contact may be located out of state, it's essential to consider this when coordinating communication efforts.
 - Program users and stakeholders frequently seek information directly from the vendor. It's crucial to ensure that the agency-vendor relationship maintains open lines of communication and follows a defined protocol when engaging with external stakeholders. This proactive approach fosters trust and clarity in all communications.
- **Evaluate Performance and Provide Feedback Regularly**
 - Program administrators should implement a structured monitoring framework to track vendor performance against agreed-upon benchmarks and contractual obligations. Then use evaluation findings to offer constructive feedback to the vendor, inform strategic decisions, including contract renewal, extension, or termination.
- **Address Issues and Resolve Disputes Promptly**
 - Program administrators should establish procedures for addressing and resolving issues or disputes that may arise during the contract. Collaborate with the vendor to facilitate quick resolution and mitigate potential impacts on program operations.
- **Adapt to Changing Needs and Requirements**
 - Program administrators will hear feedback from a range of stakeholders, including families, education providers, policymakers and advocacy groups regarding issues and needed fixes. When this involves the vendor, the program administrator should update the contract as necessary to reflect changes in scope, deliverables, or performance expectations.
 - ESA program vendors often manage or assist with ESA programs across multiple states, giving them insights into unique solutions for addressing common challenges faced by ESA program administrators. It should be standard practice to regularly consult vendors about potential improvements that could be implemented, whether within their control or within the jurisdiction of the state agency, to enhance the program.

Vendor Transition Recommendations

Purpose

Program administrators may need to transition to a new vendor upon a contract expiration or termination. This section provides considerations for program administrators attempting a successful vendor transition.



Support

An RFP should include a provision that if a vendor becomes unable to fulfill its responsibilities for any reason or if its contract expires, it is required to ensure a seamless transfer of services. Still, there are potential risks that program administrators should consider, among them are data transfer issues.

Utah emphasized the importance of a continuity of service plan in the event of a transition. "Per Utah Code Annotated § 53F-6-404, you must ensure a smooth, uninterrupted transition (continuity of service plan) of services to USBE [Utah State Board of Education] should you be unable to continue serving as the program manager for any reason or your contract ends. You must detail what systems you will use and procedures you will follow to support this process in the Technical Evaluation Criteria."

Data Transfer

If not already expressed in the existing contract, a memorandum of understanding (MOU) should be developed to specify the data elements that need to be transferred, the timeline for delivering the data, the format of the data, the method of delivery, collaboration between vendors and any additional expectations of the administering agency. This well-defined process, including responsibilities and deadlines will aid transparency and accuracy.

Risk: Discrepancies in the data during the transfer process



Mitigation: To ensure data is accurate, the outgoing and incoming vendors must work closely to develop, document, and update the administering agency on the transfer process while adhering to deadlines and checkpoints along the way.

Risk: Poor data security when transitioning from legacy to new system



Mitigation: Document a plan to ensure the secure transfer of all data, including PII and financial data, through safe channels. Additionally, all parties whose data will be transferred should be notified in advance. The administering agency should collaborate with its legal team to determine effects or possible opt out for impacted parties.

Risk: New data potentially overwriting or duplicating previous data transfer



Mitigation: Establish a "quiet period" during which the old system is deactivated before the new system is launched. This will prevent the old vendor from creating any new data that may conflict with already transferred data.

Change Management

Creation of a comprehensive change management plan is necessary to inform affected parties, including families and education providers. Families participating in the program are likely to be concerned about how the transition to a new system will affect access to the program. Similarly, education providers will ask how this transition will impact payment processing and timelines. Therefore, consistent information and customer service support is essential.

Risk: Inconsistent messaging from varying sources provided to affected parties



Mitigation: There should be a single source of truth for families and education providers to reference. Whether that be the administering agency, the incoming vendor, or another partner-- one entity needs to own the messaging. Communication throughout the transition must be clear, accurate, and consistent.

Risk: Lack of customer support and training before and during the transition



Mitigation: Customer support should go live before the new system is launched. This will give families and education providers access to knowledgeable representatives who can answer questions prior to and assist throughout the transition. These representatives can assist impacted parties early and often via online videos, webinars, in-person seminars, and thorough documentation, all designed to match the end-user experience.

Project Planning

To ensure a seamless transition, it is crucial to rely on a project plan that lists all the project deliverables and responsible parties, sets deadlines, and identifies any potential obstacles. This level of transparency will enable the administering agency to hold the new vendor accountable for all the work required before the launch date.

Risk: Lack of contingency planning



Mitigation: As roadblocks or challenges arise, the administering agency and the incoming vendor should maintain a risk registry, including contingency proposals. Before using any contingency plans, the administering agency must sign off, and a re-prioritization of work and resources should be considered. This will allow for proactive discussions about any adjustments to work and resources needed to meet the launch timeline.

Risk: Product is not customized to the state's program

Mitigation: The administering agency should conduct a walk-through of the features and functionality of the new system to ensure all customizations and adjustments are delivered. This includes verbiage updates, theme or color updates, business rules and workflow adjustments, and/or system notifications. When possible, the incoming vendor should conduct beta testing, collect feedback and make necessary changes prior to launch.