

Bob Goldberg presides over the general session on Wednesday.



Crowded Cloud? Goldberg Urges Caution in Partnerships; Encourages Focus on Business Goals

By Amber Murdock

Personal pronouns are important to Bob Goldberg. Not so much the “I” and “me,” but certainly “we” and “us.” He uses them generously when he talks to any RSPA crowd, immediately eliminating any barrier there might be between RSPA’s longtime legal counsel and the reseller segment of the membership. Throughout his general session presentation on Wednesday, August 5, Goldberg’s message was clear: we’re in this together—and while the industry hurtles forward, we must continue to focus on what we’d like our destiny to be.

Strains of the Rolling Stones “Get Off of My Cloud” rang out as Goldberg took the stage on the final morning of RetailNOW® 2015. Fresh off of the emceeding of the previous evenings Awards event, his intro song hinted that he would be shifting the focus of his talk, delving more deeply into what implications those new technologies honored the previous evening might mean for the RSPA reseller, in their everyday business life.

With his trademark mix of humor and frank advice, Goldberg riffed on a number on a number of topics that have come in to his office over the past several months. He deftly wove in

themes from the previous days at the event into his session, which provided not only practical advice, but food for thought for resellers, who are working to stay relevant to both their end users and their vendor partners.

RSPA Resources: The Place to Start

Consistently ranked as one of the Association’s top benefits, RSPA’s Legal Hotline is still underutilized by some of the membership, asserted Goldberg. He encouraged members to find out what’s out there for them—and proceeded to catalog some of the benefits available, including: unlimited phone and email consultation, supplier contract review; employment issues; policies and procedures; industry dispute; form templates; government issues; business succession; and member references. “If I can help you, I have a good day,” said Goldberg. “If I can help a dealer through an issue and you didn’t have to call your local lawyer and pay \$400 an hour, I feel good and RSPA feels good.”

Partnerships: Don’t get pushed off your own cloud

Much of Goldberg’s message centered around what the new age of partnerships mean for the average reseller who is looking to thrive in a new age of retail

technology. “It is an amazing industry to be in and we have to keep ahead of it,” he said. “But we have to think about our very own destiny.” Reaffirming the sentiments that were shared by both Kelly Funk and Michael Gerber in their speeches, Goldberg was firm in reminding resellers that it is important for them to hold onto the goals they established for their businesses in the very beginning. “Are we making those choices, and are we taking the very best steps to assure that we are getting what we want to obtain from our business and our objectives?” he asked the crowd.

His rationale for posing these questions to the audience is based on a very real concern in the industry, not just conjecture: the trend of consolidation. In establishing the importance of resellers making sure their long-term business goals are not only identified, but heavily considered, Goldberg made the argument that the long term goals of a vendor may run counter to the ultimate goals of the reseller’s business. He pointed out clauses he’s often seen, “terminate for convenience” and “cannot handle a competitive vendor.” In a time of consolidation, these clauses emerge in contracts, and can trap

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resellers into deals that are not advantageous to their business goals. Terminate for convenience, he explained, means that the vendor can drop the reseller for no particular reason, at any time. That, combined with the prohibition on carrying a competitive product clause, sets a dangerous precedent. For resellers who've been selling a certain product (which might compete with a new vendor partnership, that has a Terminate for Convenience clause) for years, this could be disastrous to business. With that scenario, and many others that have arisen in the new era of POS, Goldberg asked, "Who are you going to grow with?"

Partnerships also extend to the customer relationship in Goldberg's depiction of the industry landscape. He cautioned that, in the age of Cloud storage, contracts for cloud services

signed by an end user could be directly with the Cloud provider, and not the reseller. "Before, you did not have to worry about the third party relationship," he recalled. "[Now] you must think about those customer relationships." Goldberg believes that it is now when the oft-repeated term, "trusted advisor" becomes the exact way to describe what resellers should represent to their customers. "We have to be that trusted consultant," he emphasized. "We have to have the right answer—all the answers—agnostic answers. And they turn to us for the right solution."

A Game of Hot Potato

Being the trusted and informed consultant mandates a focus on continued education and training, along with pursuit of the certifications that bolster that knowledge. Goldberg spent a

good portion of his talk on data security, including EMV and the PCI QIR program, that were among RetailNOW's most talked-about topics. He recommended two key document templates for RSPA members to utilize right away—his Breach Action Plan and his Waiver of Liability for EMV Compliance. In this day and age, the Breach Action Plan is something "you're going to have to have," he advised. And as far as those customers who don't see the need to transition their equipment for EMV compliance, he said, "if your customer doesn't jump on the EMV wagon, we want to scare them." They may or may not re-consider, "if they don't," he said, "Put it in the file, protect yourself."

The PCI QIR program became a popular topic at the conference for two reasons—because it is officially a part of the new

RSPA Professional Development Program (see page 26 for more detail), and because Mercury, a Vantiv Company, brought more than 150 resellers to take the QIR qualifying exam on-site. "I applaud Mercury," Goldberg remarked. "There's never too much education, never too much training; never too much qualification." But the signed contract required to achieve QIR recognition? Goldberg asks resellers to pause. Goldberg views any contract or agreement the same way he would for his own business—again, the personal perspective.

He walked the audience through some of the Agreement's fine print (which is based on the 450 pages of compliance requirements) to demonstrate his point about examining agreements more closely. He cautioned that in this turbulent climate of data security, it's

important that Resellers learn to watch out for themselves: "This whole game is hot potato," he analogized. In outlining his concerns about taking a measured approach to signing contracts, he continued his argument that partnerships need to be aligned with the goals of an organization: "Our [RSPA] representation to the public and the industry should be at the very highest levels of competency and credibility," he said. "We also think that when you enter an agreement with somebody else, it should be fair and equitable."

Be Empowered

As he stressed in his message from 2014, Goldberg believes in the power of the Reseller. His 2015 message amplified that even further—by holding to account all partners—vendor and end user, the reseller is communicating value. The service provided by and the level

of expertise of resellers, has worth. "I ask you to look at these [partnerships] and make sure that their goals are consistent with your goals," he advised. "I want to make sure that my partners are wedded to me. That they work with me, that they have the same goals and objectives. And if they only want to terminate me for convenience, if they want to have me not handle competitive products because they've put it in a contract (rather than let their product itself establish it as a leader), then I'm concerned about my future and my business, my investment, and my return."

Goldberg's use of personal pronouns is obviously intentional. It's a personal experience for him, as he stands alongside RSPA members, as they face a "cloudy" future, and is committed to helping them push forward through that future, and emerge victorious. c

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