

SOFTWARE DEVELOPMENT CONTRACT: PRE-SIGNING CHECKLIST

Modern considerations

- ☐ Is the scope clearly defined (features, platforms, integrations)?
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- ☐ Are non-functional requirements included (performance, security, scalability)?
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- ☐ Are deliverables tied to testable evidence (demo, staging link, test cases)?
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- ☐ Are out-of-scope items explicitly listed to prevent scope creep?
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Payment terms

- ☐ Are payment milestones tied to deliverables (not just dates)?
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- ☐ Is the pricing model clear (Fixed Price / T&M / Hybrid / Capped T&M)?
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- ☐ Is payment released only after written acceptance (not auto-accept after X days)?
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- ☐ Are late payment rules defined (grace period, pause-of-work, restart terms)?
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Acceptance criteria

- ☐ Are acceptance criteria clearly defined for each milestone?
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- ☐ Is there a clear review and feedback timeline?
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- ☐ Are bug severity thresholds defined (blocker/critical/major/minor)?
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- ☐ Is defect rework included at no extra cost during the acceptance window?
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Intellectual property

- ☐ Does the contract clearly state who owns the source code?
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- ☐ When does ownership transfer (payment + acceptance + explicit assignment)?
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- ☐ Will you have access to the Git repository during development (not only at handover)?
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- ☐ Is open-source usage disclosed (with license compliance responsibility)?
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Post-delivery support

- ☐ Is post-launch support included or optional?
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- ☐ Are response times and support hours clearly defined?
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- ☐ Is there an SLA for incident response, bug fixes, or uptime (if applicable)?
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- ☐ Is incident response clearly separated from feature requests (scope + pricing)?
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Termination and handover

- ☐ Are termination scenarios defined (for cause / for convenience)?
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- ☐ Does termination guarantee handover of code, documentation, and credentials?
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- ☐ Do you retain admin access to cloud accounts and production systems (not vendor-owned)?
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- ☐ Is transition support included (e.g., 2–4 weeks handover assistance)?
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Modern considerations

- ☐ Are AI-assisted development terms addressed (usage + ownership)?
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- ☐ Are AI tools restricted from training on your confidential code/data?
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- ☐ Are data protection and privacy obligations clearly defined (GDPR/CCPA if relevant)?
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- ☐ For cross-border teams, are governing law and dispute resolution clearly stated?
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Post-delivery support

- ☐ Is liability capped and clearly defined (what's included vs excluded)?
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- ☐ Who is responsible for security incidents or data breaches and what are notification timelines?
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- ☐ Is there a dispute escalation path (PM → exec → mediation) before legal action?
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