
Free software acquisition by public administration

What does Open Source change?

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OPEN SOURCE

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OPEN DATA

Since 2018 : Open Source is part of the Open Data by default in France

great opportunity -> the principle is thus openness

- Politique de contribution aux logiciels libres de l'État (produced as a template to reuse by other PA)
- Mission Bothorel Mission Politique publique de la donnée



OPEN SOURCE

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DIGITAL COMMONS

There is a good dynamic regarding digital commons

PA joining community efforts

- real interest at a local level (they want to gather a community)
- Check: <https://doc.incubateur.net/outils-communs/> (documentation on how to produce or contribute to digital commons)
- Project Codes sources du secteur public



This talk will focus on what should be done differently when a Public Administration (PA) thinks about “acquiring” free & Open Source software

- Before (preconfiguration step)
- During (production of the resource/service)
- After the acquisition (the exit?)

Strategically, there is a need to lower the risks and explain the benefits

All these steps **must**
be anticipated at the
time of writing the
Request for Proposal
(RFP) so that they
can be addressed
accordingly



BEFORE

#mutualize

Important to have a good view of :

- 1) available existing free software regarding your needs
- 2) interested parties/public authorities

Some repositories /
resources :

- <https://code.etalab.gouv.fr/fr/repos>
- <https://joinup.ec.europa.eu/collection/open-source-observatory-osor>

BEFORE

#license

- Think about the licensing of the project with regard to all the previous points
- The objectives are different if a new commons is created or a contribution is made to existing commons (the choice of a license is a crucial choice)

There are a limited number of Open Source licenses that can be used by public administrations

- <https://www.data.gouv.fr/fr/licences>

BEFORE

#evaluate

Asking for open source software impacts the answers and their evaluation. For example, here is a feedback from RTE (French transmission system operator) when they required an OSS :

- they got more answers than expected (and good ones)
- they spent more time “educating” the suppliers

Make sure suppliers understand & accept your expectations

(for instance if PA want everything they develop to remain free)

See “Requiring a specific Open source Software in public contracts –best practices to adopt” (RTE/Inno3/LF)

DURING

DEFINING THE LICENSE OF THE PROJECT MIGHT BE THE FIRST
STEP OF BUILDING A COMMUNITY (IF INCLUSIVE ENOUGH)

If they want to be free (*“free as in free speech, not as in free beer”*), PA need to :

anticipate the building of the resource, the community and its governance

- **Suppliers** : Consider having more than one supplier, depending on the importance of the software, to ensure that its development does not depend on a single player and remains inclusive.
- **Communities** : Think about who might be interested in what will be developed, and work on ways to involve them in the project. And start thinking about the governance as soon as possible (including the roadmap – if any) (Example : Decidim Barcelona)
- **Ressource** : The source code deliveries should be publicly available in a continuous way;
- **Governance** : The resource should be under an open source license with a clear contributor agreement (DCO / CLA). And the community should be as inclusive and open as possible (charter, rules, etc.)

AFTER

Public administrations need to think about

- how to maintain the specific contribution they paid for
- how to maintain the benefit from other contribution
- etc.

If a new common is build, the PA might need to think about

- its dissemination
- its reuse by other people and other PAs

CONCLUSION

- there is a good dynamic (in France, Europe, etc.)
- there are still a lots of work to do in order to help PA to mutualize more efficiently

THANK YOU

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