



## Dutch manual on Open Standards and OSS in the procurement process

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*The Dutch government's Open Standards and Open Source Software (OSOSS) Programme was asked by the Minister of Economic Affairs to develop a manual for government organisations on how to manage Open Standards and OSS in public procurement.*

The driving motivations for the Dutch project are the perceived or actual problems public administrations experience in procuring OSS or referring to Open Standards in calls for tender.

The new OSOSS manual states that it is indeed possible for a government organisation to require or prefer OSS or Open Standards in the procurement documents – under certain conditions.

The manual starts by providing definitions. "Open standard" was previously derived by the OSOSS programme from the definition in the European Interoperability Framework, which was developed by IDABC. Regarding OSS the Open Source Initiative's ten-step definition is used.

In general, a government organisation can only require Open Standards in its procurement documents if it is able to justify the importance of all elements that compose an Open Standard. If only some of these elements are justifiable in a specific project, a government organisation may prefer but not require Open Standards. The same applies to OSS. Applicable regulations and norms may deliver justifications. For example the Dutch "Code for Security of Information" advises that source code should be available for auditing purposes.

According to the manual it is even permitted to refer to a particular standard or software by name (i.e. ebXML), but only if it is impossible to describe all the required details in terms of functionality. The manual strongly recommends using the phrase "or the equivalent thereof" if a standard is named. Only if an OSS or an Open Standard is recognised as a European norm, i.e. published by a European standardisation body, can a government organisation simply require it. Requiring a European norm does not have to be justified. Indeed, when a government organisation chooses not to require the existing European norm, a justification for this exception must be provided.

Another issue that is addressed in the manual is the fact that small, innovative companies may have difficulties meeting stringent criteria with regard to financial sustainability. The manual stresses that the selection criteria for financial sustainability should be in proportion to the scope of the tendered service. It is argued that the availability of the source code assures interoperability, since there is no dependence on the original supplier. As a consequence the weight of these selection criteria could be lowered.

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For more information about the Dutch activities see <http://www.ososs.nl/> and <http://www.ictu.nl/>

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