



“Open by Default” Portal Pilot Procurement Call for Proposals (CFP) - Amendment

Date: August 12, 2017

Solicitation No.: 24062-180072/B

Amendment No.: 004

GETS Reference Number: PW-17-00788470

Closing date: Please refer to the tender notice on BuyandSell.gc.ca

Proposal Submission details are included in this Call for Proposals document.

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This amendment is raised to amend the Call for Proposals and respond to questions received as follows:

1. On page 21 of 44 of the Call for Proposals, at article 6.2.4 License:

- INSERT: “c) Open Source Licensing Incompatibility: If anyone claims that, as a result of the Work, the License to the Licensed Software is incompatible with its license, the Contractor must immediately do one of the following:
- i) take whatever steps are necessary to allow Canada to continue to use the allegedly incompatible part of the Work; or
 - ii) modify or replace the Work to avoid the licensing incompatibility, while ensuring that the Work continues to meet all the requirements of the Contract.

If the Contractor determines that none of these alternatives can reasonably be achieved, or if the Contractor fails to take any of these steps within a reasonable amount of time, Canada may take whatever steps are necessary to make allegedly incompatible part(s) of the Work itself compatible, in which case the Contractor must reimburse Canada for all the costs it incurs to do so.”

2. On page 39 of 44 of the Call for Proposals, at article 4.1 of Annex A – Statement of Work:

- DELETE: “The Open Government website operates using the following open source tools, in compliance with the listed policies relating to websites for the Government of Canada.
- 1) CKAN (Data Catalogue)
 - 2) Solr (Search Engine)
 - 3) Drupal (Content Management System)
 - 4) PostgreSQL (Relational Database Management System”

REPLACE WITH: “The Open Government website operates using the following open source tools, in compliance with the listed policies relating to websites for the Government of Canada.

Tool	License
CKAN (Data Catalogue)	Affero GNU GPL v3.0
Solr (Search Engine)	Apache License 2.0
Drupal (Content Management System)	GPL v2
PostgreSQL (Relational Database Management System)	Postgresql license

3. On page 26 of 44 of the Call for Proposals, at Attachment 1 Questions and Answers:

INSERT:

Q41. Have you considered adding language about contributing back to open source communities

A41. Any solution developed under the contract(s) resulting from the "Open by Default" Portal Procurement Pilot will be licenced in accordance with the MIT licence. The Government of Canada will be posting the resulting source code on our GitHub/GitLab repositories so that they may be reused under the terms of the MIT licence. The full text of the MIT license can be found in Part 6, article 6.2.4 of the CFP.

Q42. How does the Crown define 'Open Source'? Is it defined as the code is publicly available with an 'open' licenses or is 'Open Source' for the purpose of this RFP exclusive to the MIT Open Source license?

A42. Please see the response to Q8 and Section 4.6 of the CFP solicitation document.

Q43. Under 4.6 Licensing it reads 'Under the resulting Contract, the Contractor will be required to deposit the Solution's source code on the GitHub platform (<https://github.com>) – under the MIT License.' Does this refer to the open source code the successful bidder will produce or is it expected that all code including that open source code already licensed (in some cases by other foundations such as Apache).

A43. Previously published open source software does not necessarily need to be re-published to GitHub if has already been made freely and publically on another equivalent public source.

Q44. Will the Crown accept any "pre-existing" open-source solutions if they are released under a "widely accepted" open-source license already? Or are there concerns with other licenses (such as the Apache license, or GNU GPLv3 etc)?

For a custom solution which leverages some components which are already released as open-source, using a conflicting license to MIT, will you consider this proposal (assuming any custom work is licensed under MIT)?

A44. Bidders may include open source components in their proposed Solutions. All open source components included in the Solution must allow for the Solution to be distributed under the MIT License in accordance with the Contract.

Q45. On Page 24, 6.1.1 (Priority of Documents), a list of order of precedence of documents are listed. Can you confirm which parts of the RFP will form part of the Articles of Agreement?

A45. The "articles of the agreement" refers to the Resulting Contract Clauses under Part 6 of the Call for Proposals.

Q46. You mentioned that you plan to enter into "a contract" worth up to \$75K. However, the RFP suggests that more than one contract will be entered into. How much funding do you have for contracts? Only \$75K? Or a multiple of \$75K?

A46. The maximum funding available for any contract resulting from the Call for Proposals is \$75,000.00 (Applicable taxes extra) as detailed in article 3.4 (b) of the Call for Proposals. Currently \$75,000.00 is available for the total requirement, however, Canada reserves the right to award additional contracts should additional funding becoming available.

Q47. Would you consider a proposal that researches and defines the solution only (no build)?

- A47. No, this challenge is focused on developing and integrating a solution that improves the user experience and that will be integrated into the Open by Default Portal (pilot.open.canada.ca/open-by-default-pilot). Therefore, TBS will not accept proposals related exclusively to research or definition of a solution rather than an actual solution that can be fully developed and integrated.
- Q48. How much primary user research has TBS done to understand the needs, goals and requirements of your users? Do you have validated user profiles (personas) and use cases?
- A48. Although TBS has been working on some user research, a lot of work is still required. TBS would be interested in proposals that have considered users' needs.
- Q49. As a government funded, not-for-profit organisation, are we eligible to compete for this proposal?
- A49. Suppliers are eligible as long as they meet the definition of a bidder and are eligible to obtain a Procurement Business Number (PBN). Bidders who are uncertain whether they are position to contract with the Government of Canada should contact the Contracting Authority to assess their particular situation.
- Q50. If we pay our own way to Waterloo, can two of us present as a team to you?
- A50. Only one representative will be permitted to present to the Centre of Expertise panel.
- Q51. Factoring that a risk assessment and work plan are required as part of the response and will involve more than just a bid team, will TBS consider an extension to responses?
- A51. No, Canada is not extending the closing date.
- Q52. Improving the customer experience is primarily a research question to identify user needs and align user needs with services provided. Given the strong language about the user experience, what types of research do you envision in this project?
- A52. TBS is seeking proposals that explore and reflect user needs. No specific research on user experience with open.canada.ca or the open by default pilot will be provided.
- Q53. On Page 14, at 4.5 Intellectual Property Canada indicates that it is their "default position to allow contractors to retain the intellectual property (IP) rights". However in Part 6, Resulting Contract Clauses, there is no mention or allowances for the contractor to retain IP rights to the solution. Can you please clarify which is the case?
- A53. Per article 29(1) of General Conditions 2040, incorporated in the resulting contract clauses by reference, "All Intellectual Property Rights in the Foreground Information belong to the Contractor as soon as they come into existence."
- Q54. Licensing MIT work in GPL projects does have some issues, please see <https://softwareengineering.stackexchange.com/questions/204410/how-are-gpl-compatible-licenses-like-mit-usable-in-gpl-programs-without-being-su> or <https://opensource.stackexchange.com/questions/1640/if-im-using-a-gpl-3-library-in-my-project-can-i-license-my-project-under-mit-l>. It would make sense to default to MIT, but possibly dual license it under the GPL so that they can be used more effectively by Drupal community. How are you dealing with the potential licensing conflict between the GPL 2 & MIT?

- A54. By default all Work will be under the MIT license.
- Q55. Why is there such a high point rating to previous open source software experience? Typically this is not a measure of software quality, innovation, or ability to deliver. Would you consider removing that rated requirement (R1.5) or making a change that reflects a vendor's ability to deliver based on previous software projects?
- A55. Due to the tight deadlines for the challenge and completion of the work, it is TBS' expectation that bidders have strong knowledge and experience working with and developing open source tools, including those that TBS has provided on Github (<https://github.com/open-data>). Also, since there is a requirement to develop a solution that can be integrated into existing infrastructure, experience with open source tools is imperative.
- Q56. Can you please clarify your definition of the term COTS in your response about considering COTS solutions.
- A56. COTS means, commercial-off-the-shelf, which in the context of the requirement means programs, programming procedures, and self-contained code and instructions executed by a computer and commercially packaged as a complete application or operating system software solution. COTS software will normally include a license certificate, documentation, media, i.e. CD-ROM, and may include COTS software related services.
- Q57. What kind of innovation are you looking for? For example are you looking for a solution that is not necessarily User Interface (UI) specific but does improve the user experience?
- A57. TBS provided a number of examples of usability issues in the Call for Proposals in Section 1.3 entitled "Challenge". However, those examples are not exhaustive; they aim simply to serve as inspiration. It must be possible to integrate the solution into the existing system to improve the user experience. TBS is looking for innovative solutions that can improve the Open by Default Pilot in beneficial and user-friendly ways.
- Q58. Are there any wireframes available?
- A58. No. Open.canada.ca applies templates found in the Government of Canada's Web Experience Toolkit. All templates are available here: <http://wet-boew.github.io/themes-dist/GCWeb/index-en.html>. Bidders are also encouraged to review the existing site for a clear sense of the site's structure.
- Q59. Where can we access the brand guidelines?
- A59. Open.canada.ca applies templates found in the Government of Canada's Web Experience Toolkit. All templates are available here: <http://wet-boew.github.io/themes-dist/GCWeb/index-en.html>. The Standard on Web Accessibility, which is applied to all Government of Canada Web pages, can be found here: <https://www.tbs-sct.gc.ca/pol/doc-eng.aspx?id=23601>.
- Q60. Will proposals be considered if they are part of a collaboration grant such as Industrial Research Assistance Program or Western Canadian Innovation Organization?
- A60. Canada intends to award a contract following the Call for Proposals process. It's the responsibility of the Bidder to verify the requirements of any grants or contributions programs that they are participating in.

Q61 Can our proposed Solution include modifications and/or enhancements to existing components such as making updates to the existing Solr index, adding a new taxonomy vocabulary, and building out new site pages?

A61. Yes, the proposed solution can include enhancements to the existing system, including updates to the current Solr index, new taxonomy vocabulary, and adding new site pages. If a new taxonomy is proposed, it may require modifying the existing metadata schema. If this is the case, the proposal should include a plan to retrofit existing datasets and consider very carefully if this would be a mandatory or optional vocabulary.

Bidders may include open source components in their proposed Solutions. All open source components included in the Solution must allow for the Solution to be distributed under the MIT License in accordance with the Contract.

All other terms and conditions remain the same.