

----- Forwarded message -----

From: Waldo Jaquith

To: Lucy Bernholz

Date: Mon, 14 Jan 2019 22:51:39 -0500

Lucy,

You bet. For a general idea of what I'm talking about, see any of the blog entries tagged "acquisition services" on 18F's blog <<https://18f.gsa.gov/tags/>>. I just grabbed a few quick examples:

- [Using agile methods to improve the RFP process](#)
- [Win big by going small](#)
- [Improving government outcomes through an agile contract format](#)
- [Pulling back the curtain on IT procurement](#)
- [How Alaska is using transparency to attract modern software vendors](#)

These examples are largely about contracting / procurement process, and less about the development process, just because I can't find good examples of the latter right now, and it's late. :) Oh, right — we have a soon-to-be-deprecated [modular contracting website](#) that has a bunch of stuff on development process, too.

Anyway, yes, ping me when you have time, and we'll talk! And if between now and Wednesday you need more information for the meeting, please let me know. (I've CCed my GSA address here, for FOIA purposes.)

Best,
Waldo

From: Waldo Jaquith

Date: Monday, January 14, 2019 at 6:48 PM

To: Lucy Bernholz

Lucy,

[...]

Hmm. I have an idea. I may be able to help you in a stronger way, if you're interested. At 18F, about half of my job is funded by a special budget line — teaching states and localities how to procure custom software with a far-greater chance of success, at a much lower dollar value, by producing open source via Agile development, with an emphasis on human-centered design, product thinking, and API-centric development. This is what we teach our clients to do at 18F every day, but this special budget line means that we can teach these techniques to states and localities at no cost to them, with no signed agreement etc. required. My partner in this work is Robin Carnahan, the former Secretary of State of Missouri, who shares my strong interest in open source voting infrastructure, as well as your work in San Francisco. (We were supposed to be addressing the Joint Technology Committee of the Colorado legislature on

Thursday, and addressing the entire Hawaiian House next week, on exactly this topic, but the budget line is closed off during the shutdown.) I think we can make a decent argument that we should spend some of our time, once government reopens, teaching the Elections Commission about this approach. Interested in talking about this further?

Best,
Waldo

From: Waldo Jaquith
Date: Sunday, January 13, 2019 at 5:38 PM
To: Lucy Bernholz

Lucy,

Sure! I'm with 18F <<https://18f.gov/>>, and this is what we do. We have *thousands* of open source software projects, created by and for public agencies, which you can read about on our website. (Although I'm emailing you in my personal capacity, and not representing 18F or the federal government.) Also, the Obama White House issued M-14-21 <<https://sourcecode.cio.gov/>> three years ago, the Federal Source Code Policy, which is the nation's open source software policy. Another really great resource is the Department of Defense's "Frequently Asked Questions regarding Open Source Software and the Department of Defense" <<https://dodcio.defense.gov/>>, which is a strongly-worded document that knocks down all of the usual goofy statements of opposition to open source.

My guess is that, between those three resources, the city attorneys will find that their concerns are addressed. But if they're not, let me know — I'd be happy to talk with them. U.S. agencies have been publishing open source software for decades, and there's nothing novel or scary about it. It's quite routine at this point.

Best,
Waldo

----- Forwarded message -----
From: Todd Smithline
To: Lucy Bernholz
Date: Tue, 15 Jan 2019 22:18:18 +0000
Subject: RE: Open Source

Hi Lucy,

I had meant to also attach our briefers on contributing to 3P open source projects (which sounds like it may be the case here?).

Best, Todd

From: Todd Smithline

Date: Tuesday, January 15, 2019 at 1:09 PM

To: Lucy Bernholz

Subject: RE: Open Source

Hi Lucy,

Please see attached an index of our open source resources. If this is for a public purposes (city of SF), we are more than happy to provide these briefers and tools without charge. Just let me know which you are interested in. Also, if there is a defined question on which you need guidance, I'd be happy to have a call.

We also have a (separate from the law firm) online training platform for lawyers which has three extensive courses on open source: www.smithlinetraining.com There is a code in the top nav for a free course (████). We don't charge students/non-profits if there is an interest in full subscription access.

Best, Todd

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Internet and Software Lawyers

From: "Freeman, Robert J (DOS)"

Date: Wednesday, January 9, 2019 at 9:36 AM

To: Lucy Bernholz

Subject: RE: Referred by Bruce Cahan

Ms. Bernholz - -

Bruce Cahan has a more expansive view of my knowledge than reality would suggest. My primary role involves offering advice and guidance concerning the NY Freedom of Information Law (we call it "FOIL"). I am clearly not an expert regarding copyright and licensing.

Similar issues have arisen on occasion, however, and we have prepared several advisory opinions that might be of value and which are available on our website. It is suggested that you google "coog" to get to the website, scroll to "Freedom of Information Law", and click on to the drop down box entitled "Advisory opinions". Then click on to "C" and scroll down to "Copyrighted materials" to find the full text of opinions. The higher the number, the more recent is the opinion. Also, on the page with the alphabet is a search box. Enter "licensing agreement", and that will lead you to a couple of opinions. Most expansive is #14966, and again, you might find it to be useful.

I wish that I could offer better information and hope that you'll find our opinions to be relevant and, again, useful.

Best to you and Bruce!

Bob Freeman

Lucy Bernholz

Senior Research Scholar

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