



Australian Government

Department of Finance and Deregulation

Australian Government Information Management Office

Australian Government Open Source Software Policy

The [AGIMO Circular 2010/004](#) requires agencies to comply with the Australian Government Open Source Software Policy. For more information or for advice for agencies who wish to opt-out, please refer to [AGIMO Circular 2010/004](#).

In January 2011, the Australian Government released a policy requiring agencies to consider open source software for all software procurements. The Open Source Software Policy, which is available from the Department of Finance and Deregulation website, will apply to any ICT procurement activity initiated after 1 March 2011.

The Open Source Software Policy requires agencies to consider open source software in relation to any approach to market to acquire software. This includes approaches to market for new services but only where the approach specifically details the software.

Key Points

- Agencies are required to comply with the Open Source Software Policy Principles.
- Agencies are required to demonstrate their compliance with the Open Source Software Policy Principles. Sample clauses are available below.

Open Source Software Policy Principles

This Policy directs agencies to comply with three core principles.

Principle 1: Australian Government ICT procurement processes must actively and fairly consider all types of available software.

Australian Government agencies must actively and fairly consider all types of available software (including but not limited to open source software and proprietary software) through their ICT procurement processes. It is recognised there may be areas where open source software is not yet available for consideration. Procurement decisions must be made based on value for money. Procurement decisions should take into account whole-of-life costs, capability, security, scalability, transferability, support and manageability requirements.

For a covered procurement (over \$80K), agencies are required to include in their procurement plan that open source software will be considered equally alongside proprietary software. Agencies will be required to insert a statement into any Request for Tender that they will consider open source software equally alongside proprietary software. Tender responses will be evaluated under the normal requirements of the Commonwealth Procurement Guidelines. For a non-covered procurement (below \$80K), agencies are required to document all key decisions, as required by the Commonwealth Procurement Guidelines. This includes how they considered open source software suppliers when selecting suppliers to respond to the Select Tender or Request for Quotation.

Principle 2: Suppliers must consider all types of available software when dealing with Australian Government agencies.

Australian Government agencies will require suppliers to consider all types of available software (including but not limited to open source software and proprietary software) when responding to agencies' procurement requests.

Agencies are required to insert this requirement into their tender documentation. Suppliers will need to provide justification outlining their consideration and/or exclusion of open source software in their response to the tender. Agencies will determine compliance with this requirement when assessing tender responses.

Principle 3: Australian Government agencies will actively participate in open source software communities and contribute back where appropriate.

The Australian Government, through AGIMO, will actively seek to keep up-to-date with international best practice in the open source software arena, through engaging with other countries and organisations. Australian Government agencies should also actively participate in open source software communities and contribute back where appropriate.

Compliance

The Policy suggests sample draft clauses designed to assist agencies in complying with the Policy. Agencies may choose to draft their own clauses.

Sample Clauses for Agencies

The following suggestions are sample clauses. Agencies may choose to use these clauses and alter them, if necessary.

- **For inclusion in procurement plan/procurement documentation**

[Agency Name] will actively and fairly consider all types of available software for ICT software procurements. Open source software will be considered equally alongside proprietary software.

- **For inclusion in request for quote/select tender checklists**

Have you considered all types of available software (including but not limited to open source software and proprietary software)?

- **For inclusion in requests for tenders for covered procurements**

[Agency Name] encourages suppliers to submit and/or develop open source software for this tender. When responding to this tender, suppliers must demonstrate a willingness to actively consider open source software throughout all stages of procurement, solution design and implementation in order to produce a product that demonstrates value for money and is fit for purpose. This may include incorporating open source software components together with proprietary software components.

In evaluating the tender, *[Agency Name]* will consider open source software equally alongside proprietary software.

- **For inclusion in request for tender assessment checklists**

Has the supplier sufficiently demonstrated that they have considered all types of available software (including but not limited to open source and proprietary software)?

Agencies are also encouraged to include a definition of open source software in their procurement documentation. The following is a suggested definition, found in '[A Guide to Open Source Software for Australian Government Agencies](#)'.

Open source software Open source software (OSS) is software that is freely available to use, modify and distribute. Open source software is subject to specific licensing conditions that may obligate organisations to openly distribute any modifications.