

November 20, 2017

Alex Padilla

California Secretary of State

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RE: Cal-Access Modernization Request for Proposal

Dear Secretary Padilla:

We are writing to you to share our disappointment to discover that the Secretary of State's plans for the Cal-Access Replacement System (CARS) project outlines an approach that ignores the best practices that the software industry has developed over the last 15 years.

Last year the state legislature amended the Political Reform Act with the the laudable goal increasing access to campaign financing and lobbying information. Enhancing access to campaign financing information to the public and journalists is in important goal that everyone can get behind, but unfortunately the bill simultaneously decreases transparency and accountability by exempting the procurement from the normal procurement process and allowing the the Secretary of State to ignore guidance from the California Department of Technology on current best practices.

The stated reason for exempting the multi-million dollar expenditure to replace the Cal-Access system is that the replacement needs to be implemented "as expeditiously as possible," but the exact opposite is happening. The almost 3-year timeline outlined in the bill, by the standards of modern software development, is glacially slow. The Secretary only recently published a RFP to find a contractor to develop the system, more than a year after the bill was signed into law. In addition to that delay, the RFP does not anticipate work to begin for almost another 6 months: That is almost two full years after the Fair Political Practice Commission warned against "expediting" the creation of the new system by removing it from the normal procurement process.

In contrast, the other procurements for vital state systems, such as the Child Welfare Services/Case Management System which is subject to state procurement rules and oversight by the California Department of Technology, have issued RFPs that required responses from vendors within 3 or 4 weeks, and had contractors begin work with a few weeks of awarding the contract. Whatever the goal, exempting the procurement from the normal contracting procedures is certainly not expediting the process.

Unfortunately, the removal of meaningful oversight also is depriving the Secretary of State of California Department of Technology guidance. CDT is leading the nation in bringing to state government industry best practices such as agile project management and the use of free and open source software. Agile project management facilitates an iterative

implementation process that makes the system available for use as soon as feasible and evolves with changes in technology and user needs. The use of free and open source software also allows the State to avoid vendor lock-in and dedicate monetary resources to creating future enhancements rather than paying expensive licensing fees. CDT has already created effective procurement processes to take advantage of Agile project management and FOSS including a pool of vendors prequalified to use these best practices.

The Secretary however is doing the exact opposite by spending the last year designing a procurement process that ignores modern best practices. While private industry has already embraced modern project manage styles such as LEAN, Six Sigma, and Agile, the Secretary is going against a similar trend in state governments by using the classic “water fall” project management strategies that use to be the hallmark of government projects that were designed to be over budget, past due, and outdated by the time they are deployed.

The Secretary is also repeating the mistake made when Cal-Access was implemented. One of the major problems with the current system and the cause of a month long outage in 2011 is that the core of the system was built using proprietary platform that is no longer supported, making it impossible to make changes to that part of the system. Now that it has become clear that the system needs a significant overall because of the dependence on those proprietary systems, the Secretary is requiring vendors to use another proprietary platform.

Even if the State owns the source code, the mandated system design is so intertwined with proprietary components that much of the potential advantages of owning the source will be lost. While the Secretary is choosing to lock itself into a single vendor, even the chosen proprietary vendor, Microsoft, is embracing free and open source software. The Secretary is unfortunately going even so far as to use the proprietary technology to replace the free and open source components of the current system even though they were built recently, still maintainable and could continue to be used at zero cost.

The Secretary is ignoring its own advice and the advice it received at public hearings earlier this year by choosing to use proprietary technology hosted on an external proprietary vendors system. Multiple speakers at the hearings recommended that the system use the modern best practices of agile software development and base the system on open technologies to avoid getting stranded again on a unsupported costly proprietary system. The Secretary itself in a 2012 survey of state campaign finance systems produced by the Political Reform Division, specifically identified hosting the system on a proprietary vendors platform as a significant risk. The Secretary’s RFP however specifically requires the new system be implemented using Microsoft’s proprietary hosting service.

The Secretary could have instead taken the opportunity to work with the California Department of Technology to advance the adoption of industry best practices in the procurement process. Instead, the lack of oversight and transparency appears to be having

the opposite effect where once again the system will be designed to reproduce its current problems in a few short years.

CivicActions had eagerly anticipated the opportunity to compete in the bidding process to implement the new system using agile design principles and free and open source software. We, however, have decided to not submitted a bid, because we feel that the required system design is not an efficient use of state resources and is ultimately designed to replicate the problems it is trying to solve.

Sincerely,

DocuSigned by:

*Henry Poole*

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Henry Poole

Chief Executive Officer

CivicActions, Inc.