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own statutes or operating charters.”² Each agency may have different requirements or special needs, such as assistance technology for reading impaired; screen control for those can’t use a mouse, and Braille output for the blind. Moreover, agencies that have customized software to suit their unique workflow requirements would find it is prohibitively expensive or even impossible to replace their programs with open source software.

The State’s current procurement system allows for each agency’s CIO to make a decision on purchasing based on the criteria needed by the specific agency. There is no requirement that any agency gives preference to a specific company, business model or license model in the procurement of software and services for the state’s technology needs. Simply put, DoIT rules recognize that maintaining a robust IT system and opportunity for competition means the best product wins, not a particular business or license model.

The reality is worldwide adoption of open source software is reaching unparalleled growth. A recent study sponsored by the European Commission and conducted by UNU-MERIT, revealed that more than 60% of European and 87% of U.S. businesses are currently using some open source software – and governments are not an exception³. Given the state’s current open procurement rules, the ongoing adoption by state agencies, and the requirement of the state to consider special needs, H.B. 5299 offers nothing that is not already available to IT decision-makers within DoIT.

So if H.B. 5299 offers nothing new, what problems might it create?

The unmistakable message from this bill is that agency IT managers are doing something wrong in how they have been evaluating and selecting their software solutions. H.B. 5299 tells the state’s managers to change their decision-making without any objective finding that their decisions have been unduly constrained or in any way improper. Failing such findings, this bill sends the wrong message to the state’s IT managers – a vote of no confidence.

This bill sends an even more troubling message to individual state employees, effectively encouraging them to use open source software, regardless of existing purchasing rules. By explicitly stating that open source code should be “an alternative to

² http://www.ct.gov/doit/lib/doit/procurement_procedural_manual.pdf

³ <http://ec.europa.eu/enterprise/ict/policy/doc/2006-11-20-flossimpact.pdf>

the use of proprietary software”, this bill opens a back-door to the state’s information systems. H.B. 5299 would embolden any employee to download open source code without subjecting it to evaluations for security and privacy, and without regard for detailed analyses of life-cycle costs for maintenance, support, worker training, data conversion, and integration with other systems.

The problem of greatest concern to our members is the message that Connecticut is now closed to businesses who fund their software innovation through licensing fees. . There are nearly 2,000 Connecticut technology companies listed as members of the Connecticut Technology Council.⁴,The fact remains that the vast majority of Connecticut innovators license their technology, rather than give it away for free in order to charge for support and related services. If Connecticut were to pass H.B. 5299, it could signal that only one business model will be considered for government contracts, closing the door on software businesses that have reliably served the state for decades. And the closing of that door will be fatal to many small software firms in Connecticut who depend upon their contracts and relationships with state agencies.

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⁴ <http://www.ct.org/Directory/PurchaseDirectory.asp>