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## **Collaboration agreement between Barcelona City Council, Consorci Localret and the Free Software Association Decidim for the management, development and expansion of the Decidim platform**

Barcelona, 23 May 2019

### **BY AND BETWEEN**

Mr Jaume Asens i Llodrà, Deputy Mayor of Barcelona City Council (hereinafter City Council), authorised to sign the agreement in accordance with the Government Commission of 23/5/2019, assisted by Mr Jordi Cases i Pallarès, General Secretary and notary of the City Council, in accordance with provisions of article 92 bis of the law regulating the rules of local government.

Mr Xavier Fonollosa i Comas, President of Consorci Localret (hereinafter Localret) in the name and on behalf of the Consorci.

Mr Guillem Marpons i Ucero, President of the Free Software Association Decidim in the name and on behalf of said association.

The parties mutually recognise the necessary capacity to enter into this agreement and accordingly

### **DECLARE**

I.

That the **City Council**, as part of its policy to encourage participatory democracy and the development of digital infrastructures based on free software, in a collaborative manner with

other public organisations and social partners, with the aim of enriching technological sovereignty and joining forces for the improvement of democratic quality, considers it a priority to establish collaboration agreements with other associations and social organisations

to develop, adopt, manage, train and expand the digital infrastructures and models of citizen participation that these enable.

That, in this regard and for this purpose, the City Council has promoted a participatory platform called Decidim, based entirely on free software and developed in an open and collaborative manner, to articulate processes and spaces for participation in the city, designed for use by public administrations as well as social organisations and movements.

That the City Council recognises that different people and organisations have collaborated on the development of this platform with the common objective of building a digital infrastructure that leads to a more democratic society.

That the City Council, taking into account the fact that other cities and institutions, both in Catalonia and the rest of the world, have shown an interest in using the Decidim platform for their participatory processes and those of their citizens, wishes to facilitate its implementation and use in those city and town councils and public organisations, as well as all kinds of social organisations and those of social economy and solidarity that request it.

That the City Council has been promoting the Citizen Assets Programme for community use and management since 2017, based on the consideration that *public things* can become *communal things* by promoting new forms of interaction between municipal public authorities and community citizen initiatives. A new kind of relationship based on the recognition of the right to community management and use of what is public by citizens and with a view to democratising the management of assets by creating mechanisms of transparency, participation and citizen control.

## II.

That **Localret** is a local consortium comprising Catalan municipalities and integrated local territorial Catalan organisations, as well as the Catalan Association of Boroughs and Districts

and the Catalan Federation of Boroughs, which acts in a coordinated and united way to develop electronic communications networks and services and to deploy and use ICTs to improve the actions of local governments for encouraging an information society.

That Localret has supported the Decidim project since 2017 through a collaboration agreement with Barcelona City Council, providing the specific service of advice and technical support to different city and town councils in order to contribute value in the design and development of participatory processes, ensuring that these meet the highest levels of democratic quality and, appreciating the positive results of this collaboration, is interested in continuing to collaborate and support the implementation, promotion and use process of the Decidim platform, with the administrations already using it and those associated administrations that henceforth accede to the present agreement.

### III.

That the **Free Software Association Decidim** is the organised community of the Decidim project, made up of organisations and people interested in the development, growth and improvement of the democratic digital participatory infrastructure Decidim, and who have been collaborating with the project since its beginnings (February 2016), carrying out support activities for all the user organisations of the same, both administrations and non-profit organisations.

That the mission of the Free Software Association Decidim, created in February 2019, is to contribute to the democratisation of society through techno-politics, collaboratively building and improving technologies, methodologies, practices, standards, actions, narratives and values in a free and open way, in order to progress towards a radically democratic society where every person takes a share-alike role in a common life, moving towards a more equal, fair and inclusive society.

That the values of the Free Software Association Decidim are those of the Social Contract of the Decidim project and that all the people and organisations that are part of the Association are committed to respecting it and making it their own.

That at present, the Decidim platform has been implemented by more than 80 public administrations around the world and by more than 30 social organisations, and that its growth is expected to continue in the coming years.

#### IV.

That the three parties mutually recognise their interest in building and improving free code technological infrastructures, which allow the creation of a society and organisations that are more democratic and participatory and understand these infrastructures to be a common good and a citizen and digital asset of a public-community nature, which must be managed and preserved in a shared way between organisations and social partners and, therefore, reach a consensus as to the clauses established in the present Collaboration Agreement. In this sense, any public authority or organisation connected to the public sector may request membership.

In summary, Barcelona City Council, as the main promoter of the project and, Localret as the main player in its inter-institutional expansion and coordination, recognise the Free Software Association Decidim as a legitimate party responsible for the management of citizen and digital assets, resulting from the Decidim project, with said assets being of a public-community and international nature, resulting from the collaboration between multiple associations, social participants and organisations and citizens in general, which includes the software repositories and associated digital services.

That for all of the aforementioned, in relation to the process of coordination and support in the implementation of the Decidim platform, in accordance with the provisions of articles 108 et seq. of Law 26/2010, of 3 August, on the legal and procedural system of Catalonia's public authorities and articles 47 et seq. of Law 40/2015, of 1 October, on the legal system of the public sector, the interested parties formalise this agreement on the basis of the following

### CLAUSES

#### **ONE.** *Purpose of the Agreement*

The purpose of this agreement is to establish, jointly between the City Council, Localret and the Free Software Association Decidim, the bases for articulating the management, promotion, development and expansion of the Decidim platform.

#### **TWO.** *Undertakings of Barcelona City Council*

In order to meet the aforementioned objectives, the City Council makes the following undertakings:

Provide the Free Software Association Decidim with physical spaces for the purpose of maintaining and developing promotional and communication activities for the community and the Decidim project, for the purpose of supporting Localret's associated administrations and city organisations in general.

Assign management of the existing digital infrastructures of the Decidim project to the Free Software Association Decidim, including the Decidim project website, the community portal, software repositories, the translation platform and any other digital infrastructure related to the decidim.org domain, to improve the project and guarantee and ensure its continuity.

Collaborate with the Free Software Association Decidim on the general development of the project, on the coordination of the design of functional specifications for the provision of improvements and on making the Decidim community and its regular activities more dynamic. In this way, the Decidim code will be transferred to the Association. To meet these undertakings, at least one person from Barcelona City Council must participate in Decidim's product team.

Ensure the correct deployment of the project and guarantee the preservation of its founding principles and its Social Contract, as well as its democratic nature (see Annex 1).

Appoint a person as the main spokesperson before Consorci Localret and the Free Software Association Decidim.

### **THREE.** *Undertakings of the Free Software Association Decidim*

Encourage an ecosystem of open collaboration to promote the design of new features, new modules and integrable extensions for Decidim on the base installation, reducing the probability of a fork and the proliferation of versions.

Maintain, manage and administer the collaborative software repositories, their security, consistency, configuration and integrated systems of control, translation, revision and design. This includes the active participation in the Decidim product team together with Barcelona City Council and Localret and the decisions on new software contributions.

Maintain and update the decidim.org website, on which the partners of the project, Localret and Barcelona City Council, will always have a presence.

Coordinate the development of platform software, maintaining and improving as far as possible the standards of democratic quality, code quality, privacy, security and accessibility of the platform.

Facilitate, at all times, the participation and coordination together with Localret and Barcelona City Council in all matters that affect the deployment of the platform in the aforementioned organisations or those belonging to it, that it represents or to which services are provided.

Develop the specific or continuous actions and services of development, support, consultancy, monitoring and advice to Barcelona City Council and the different administrations adhered to this agreement, which may be accompanied by specific resources formalised as addenda in the present agreement.

Extend, disseminate and communicate the project, accompany Barcelona City Council and Localret in awareness-raising activities and register, manage and promote the Decidim brand.

Organise Decidim community activities and manage the Metadecidim instance as a channel for participation and for making the Decidim community more dynamic as a whole.

Manage other projects that originate from own initiatives or commissions, related to the promotion, maintenance, expansion and development of the Decidim platform.

Appoint a person as the main spokesperson before Barcelona City Council and Consorci Localret.

#### **FOUR.** *Undertakings of Localret*

Localret makes the following undertakings:

Support town and city councils in the implementation of the platform and offer technical advice for the development of participatory spaces using the Decidim platform.

Coordinate the planning of improvements and new developments on the platform, identified or derived from the activity of other town and city councils.

Supervise, provide feedback on and accompany the design, development and error testing of any new features of the platform (in so far as they may affect the town and city councils and public administrations that use Decidim). In order to meet this undertaking, at least one person from Localret must participate in the Decidim community's product team.

Provide support for training and education tasks regarding the administration of the platform for municipal technical personnel from town and city councils forming part of the Consortium.

Contribute to the improvement of project documentation and provide support for the development of training and dissemination materials.

Promote the inclusion of local administrations on the public Cities and Administrations Committee of Free Software Association Decidim.

Provide the details of a person whom the Free Software Association Decidim and Barcelona City Council can contact for information related to this agreement.

#### **FIVE.** *Undertakings by all parties*

Accept and ensure compliance with the Social Contract that is attached as an annexe to this agreement, as well as the modifications resulting from its implementation.

Ensure compliance with and the correct use of the licenses of the code and documentation, as well as derivative works of the Decidim project.

Guarantee the continuity of the Decidim project and supervise the Decidim platform's development roadmap through participation in those spaces that are agreed upon by the parties and in the form of committees within the framework of the Free Software Association Decidim.

Promote the creation of the Cities and Organisations Committee, inviting all the administrations that manage active instances of Decidim to take part, through their adhesion

to this agreement. This committee will meet at least once a year to monitor the implementation of the platform in the different administrations and public organisations.

Promote the dissemination, communication and expansion of the project and the Decidim platform.

Similarly, the parties agree that the Free Software Association Decidim will be responsible for the management of the decidim.org domain, including the related subdomains and accounts. The parties agree that the Free Software Association Decidim shall assume responsibility for the management of associated digital infrastructures: existing repositories on GitHub (github.com/decidim) or on any other platform, RubyGems, annexed applications (gitter, crowdin) and any other application necessary for the maintenance and development of the software project. The source code of new developments that are made within the framework of this agreement will have the same Decidim project license and will be transferred to the Association.

#### **SIX.** *Monitoring Committee*

A monitoring committee shall be established.

This committee will be responsible for monitoring and assessing this agreement and will meet at least once a year. It will be formed by one person from Consorci Localret, one person designated by Barcelona City Council's Citizen Rights, Culture, Participation and Transparency Area and one person from the Free Software Association Decidim.

#### **SEVEN.** *Duration*

This agreement will last four years and begins on the day of its signature.

It may be extended once for a maximum period of four years, subject to prior written notice between the parties within a period of two months before the expiration of the initial term of the agreement.

#### **EIGHT.** *Termination*

This agreement may be terminated by:



- a) Express and written agreement of the signatory parties.
- b) Failure to comply with the obligations undertaken by each signatory party.
- c) Legal or material impossibility of continuing the purpose of the agreement.

The termination will take effect one month after the termination agreement.

#### **NINE.** *Dispute settlements*

The signatory parties agree that all types of litigation, discrepancy or claim resulting from the execution or interpretation of this agreement or related to it, directly or indirectly, will be resolved first by mutual agreement. The administrative litigation courts shall be the ones to resolve litigious questions that arise, with express submission to the courts and tribunals of the city of Barcelona.

In the event of a dispute between any of the parties, a Protection Committee will be created, consisting of at least one person put forward and agreed upon by each of the parties, which will study the different proposals for the resolution of the dispute and will take them to the monitoring committee to be resolved.

And, in proof of compliance, the parties sign in duplicate the present agreement, at the place and on the date detailed above.

#### **TEN.** *Annexes or addenda derived from this Collaboration Agreement*

The projects and/or programmes that may be derived from this framework agreement will be formalised in the specific corresponding annexes or agreements.

Any public organisations or associations linked to the public sector must sign the Social Contract. The Association Decidim will be responsible for managing adhesions to this agreement except for those organisations that are part of Localret.

In the case of economic provision of the annexes to this agreement, each one of the organisations is subject to the applicable regime of requirements, obligations and form of justification in accordance with the purpose of the corresponding annexe to the framework agreement where this regime will be specified.



Any modification that alters the obligations established in this framework agreement must be made with the consent of the parties and in writing, through the corresponding modification annexe or addenda.

## **ANNEXE I - SOCIAL CONTRACT**

The use of the Decidim platform by any city council or any other municipal or supra-municipal organisation, as well as other organisations, entails the full and complete acceptance of this code.