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Reconceptualizing Public Procurement to Strengthen State Benefits Delivery and Improve Outcomes

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Acknowledgments

About New America

We are dedicated to renewing the promise of America by continuing the quest to realize our nation's highest ideals, honestly confronting the challenges caused by rapid technological and social change, and seizing the opportunities those changes create.

About Digital Impact and Governance Initiative

The Digital Governance and Impact Initiative (DIGI) develops technology platforms that transform the way institutions deliver value for citizens. We work with partners in government and the private sector to create modular, interoperable technology solutions built on open source code that address key challenges facing the public sector.

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Methodology

Public interest technology (PIT) is a cross-sector approach that demands technology be designed, deployed, and regulated in a responsible and equitable way—in other words, in service of the public interest. In the wake of the COVID-19 pandemic, several organizations working in PIT created new programs, projects, websites, coalitions, and working groups to support the public systems that were overwhelmed in providing information and relief. Finding new innovative and flexible ways of administering public services became imperative. In many cases, mayors, governors, civil servants, public health professionals, and public interest lawyers found creative workarounds to maximize access to support and resources.

This report builds on the findings of several programs, thought leaders, events, and reports operating around and through these shifting dynamics.

In 2020, DIGI at New America hosted an online event, **Digital Benefits Coalition Launches to Identify Solutions to the Unemployment Insurance Crisis**, that included several recommendations on reworking public benefits programs to use digital public infrastructure to facilitate faster, smarter, and more secure service and delivery. DIGI also published *Building and Reusing Open Source Tools for Government: Software for Public Benefit Should be Open Source by Default* with the Public Interest Tech team at New America because: "Many parts of government—from those that administer benefits to those managing public health—are broken. Governments are failing to sufficiently support individuals and communities. But there is a movement afoot to leverage the power of open source software (OSS) solutions to help improve government services while also improving public transparency, responsiveness, and accountability."

Our findings identified procurement as one key way to shift to **open source solutions**. Building on this work, in 2021, a group of nonprofits and foundations, including a number of tech-facing programs at New America, participated in a roundtable on twenty-first century safety net access. The convening covered the vast ecosystem of safety net access, discussing the intersection of technology, user-centered design, and policy to drive the dialogue. Improving procurement was, again, identified as a core challenge and opportunity.

Compiling learnings from research, interviews, convenings, and first-person testimonials from technology and procurement professionals in the field, this report outlines **five core priority areas for reconceptualizing procurement to improve the delivery of safety net benefits**. All of these priority areas follow a PIT framing, understanding technical barriers through a people-centered lens. **Each core priority area is accompanied by actionable recommendations** for improving the state information technology (IT) and

digital solutions procurement process to deliver better outcomes for families and individuals. While many of the actionable recommendations fall squarely in the lane of the government—public administration, state budget priorities, and codifying procurement reforms—there are several significant complementary efforts that tech companies and technologists, philanthropies, academia, nonprofits, and civil society can support. In addition, while some recommendations may fall under multiple priority areas, they are organized by best fit. While the findings of this report are extensive, they do not constitute an exhaustive list of recommendations. Instead, the findings highlight key areas of challenge and opportunity to help guide procurement transformation with actionable recommendations to get there.

Many of these recommendations come in the form of first-person testimonials from experts in the field and are excerpted and matched with one of the key core action areas for transforming the space. **View the essay collection.**

Introduction and Landscape: Linking Public Procurement Reform to Improving Benefits Delivery in States

Each year, the United States allocates billions of dollars, largely administered by states, to safety net benefits and services for the purpose of improving outcomes in recipient health and well-being, nutrition, housing, and economic security. While states spend billions of dollars each year procuring systems and services to digitally administer these benefits, the digital solutions often fail to effectively serve the millions of people who rely on the benefits to make ends meet. Additionally, thousands of eligible individuals and families do not even access available benefits.

The COVID-19 pandemic exacerbated the reliance on digital systems to administer much-needed safety net benefits and existing concerns about system efficacy. Long-standing deficiencies in benefits infrastructure impeded the pandemic response from the start as Americans in need of assistance encountered overwhelmed call centers, **websites**, and service centers. Existing processes imposed **huge time burdens** on families, **preventing 10 million otherwise eligible people from accessing antipoverty programs** and forcing thousands **to wait months for their unemployment claims to be paid**. These broken systems are part of the reason that only **36 percent of Americans** believe the federal government is effectively lifting people out of poverty.

The pandemic also gave rise to an entirely **new ecosystem of digital services and data-driven approaches created to aid response**. Often, states were forced to quickly lean on newly formed and patchworked IT teams to revise websites, share up-to-date information, and tap into new data sets. Many of these systems were developed or deployed under new models of multistakeholder governance and were led by novel collaborations of public servants, health officials, academics, scientists, technologists, companies, and sometimes volunteers. It was an all-hands-on-deck pivotal moment. Solutions that produced less than optimal outcomes, and even those that completely failed, still yielded important learnings for future public digital systems that can be codified with contracting or procurement practices.

Public procurement is a foundational pursuit that normally defies political divides, and digital systems are something that all states need to acquire, build, or manage. The challenges for each state are familiar: an opaque procurement process from start to finish, lack of internal technical capacity, risk aversion, vendor lock-in, and high barriers to competition. In addition, state capacity to manage mounting issues surrounding inefficient digital systems while looking to the future is compromised by a lack of allocated resources or trusted sources of

support. Experimental or smaller piloted successes often go unshared and unreplicated across jurisdictions.

While the broader administration of public benefits can be improved in several ways, transforming the public procurement process is a key component of making public benefits accessible for those who need them. This transformation can be achieved in several ways: by prioritizing people at the foundation of digital solutions; remodeling procurement processes to be open, accessible, and competitive; enabling tech innovation and digital solution development; supporting state technical and administrative capabilities and capacity; and maximizing opportunities to scale, iterate, collaborate, and share knowledge. Changing the status quo will require a transformative vision for procurement that is people-centered, accessible, open, and based on innovation and collaboration. This report is designed as a resource to help demystify the field of public procurement, identify priority areas ripe for change, and offer actionable recommendations to improve outcomes.

Defining (and Reconceptualizing) Public Procurement

While most public procurement officials share similar definitions for the term "procurement," general understanding of procurement and all it entails can vary by organization, individual, agency, or government. This report's definition of procurement is informed by the official definitions used by two states, Pennsylvania and Nebraska.

Pennsylvania's **Procurement Handbook** (last updated in 2015) defines procurement as:

> *Buying, purchasing, renting, leasing, licensing, or otherwise acquiring any supply, service, or construction. The term also includes all functions that pertain to the obtaining of any material, service or construction, including description of requirements, selection and solicitation of sources, preparation and award of contract, and all phases of contract administration.*

Nebraska's **Procurement Manual** (last updated in 2017) defines procurement almost identically but adds a significant final sentence:

> *Ultimately, it is the act of utilizing taxpayer funds to meet the needs of government in a fair, transparent and efficient way in order to uphold the people's trust.*

Adding the word "public" in front of the term "procurement" produces a profound shift in expectations. While some goods and services are not procured directly by the government for the public, anything the government procures is ultimately for the benefit of the public. Reconceptualizing procurement as public procurement is a necessary first step toward reconceptualizing and transforming the field.

In addition to addressing the challenges associated with the current vendor and deliverable status quo, transforming the culture and process of public procurement to deliver better, people-centered outcomes requires rethinking how states procure software systems from start to finish. When procurement is broken down into phases, the challenges and opportunities for change become clearer. We see four distinct phases:

1. Planning, Research, and Proposal Process

2. Proposal Evaluation and Partner Selection

3. Negotiation and Contracting

4. Implementation and Contract Fulfillment

1. *Planning, Research, and Proposal Process*

Public procurement often feels like it happens in a black box. Many people do not have a sense of how it works or how foundational it is for improving digital systems' outcomes. A well-thought-out public procurement strategy can provide measurable guidelines, flexibility, and mitigation techniques to allow states to develop and deploy digital solutions coherently and confidently. Conversely, lacking well-formulated project goals and performance indicators contributes to systems that do not fully meet the needs and expectations of states or benefit recipients. Many procurement goals are more focused on reducing costs than on serving the public. Budget concerns limit options to hire and train civil servants with the needed technical skills to efficiently manage the tech aspects of the procurement process. Competition for staff with these skills from the private sector only makes it harder to secure and maintain internal teams. More often than not, poorly formed procurement strategies are affected by drawn-out state budget cycles that do not take advantage of modern software design practices, further complicating the planning phase in the run-up to issuing a bid or request for proposals (RFP).

2. *Proposal Evaluation and Partner Selection*

All levels of government face herculean challenges in maintaining and modernizing legacy systems. Rather than using the initial planning period to strategically address systemic challenges, governments tend to rely on

contractors to determine what needs to be done or come up with new systems as a workaround to old systems. Procurement of digital systems not informed by end-to-end user research often creates barriers to efficient administration and access of benefits through the system that is eventually delivered. As security and privacy concerns grow, many states are unable to quickly adapt their outsized and outdated systems to safeguard recipient data, which leads to evaluating proposals for what vendors can fix rather than evaluating whether they can deliver more sustainable transformative change.

3. Negotiation and Contracting

No state or government wants to deploy or run a system or website that crashes. Nor do they want to be delayed in deploying or modernizing a program with a drawn-out contracting process. While risk aversion is valid and necessary, states miss out on innovative solutions by using contracts that are aimed at prevention and compliance measures rather than creating more favorable conditions for better future outcomes through agile technology development and other methods. Negotiation, coupled with collaboration, with a vendor is an opportunity to ensure that contracted requirements are optimal for the successful delivery of a system.

4. Implementation and Contract Fulfillment

The political risks or potential for blame associated with implementing digital systems that are ineffective or inefficient make administrations wary of experimenting with innovative procurement practices that could greatly improve outcomes and reduce costs in the long run. Opaque contracts can make it difficult to decipher what deliverables were exactly agreed upon or if the agreement was breached. In addition, the monitoring and evaluation of a public procurement contract are often based on budget compliance rather than people-centered outcomes.

Bridging the Divide between Public Procurement and the Challenges Facing States' Benefits Access and Delivery

Social safety net benefits are critical to providing much-needed assistance to people in need. About **two-thirds of people** living in the United States between the ages of 20 and 65 will use a safety net benefit for at least one year. In an average month, one-in-five people, or **approximately 59 million people**, receive support from one of these six major social safety net programs:

- Supplemental Nutrition Assistance Program (SNAP)[1]

- Supplemental Security Income (SSI)[2]

- Temporary Assistance for Needy Families (TANF)

- Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)[3]

- Child Care and Development Fund (CCDF) subsidies

- Public or subsidized housing

Additionally, Medicare, Medicaid, and the Children's Health Insurance Program (CHIP) help more than **135 million people** access health care. **Research shows** that expanded safety net benefits have been the main driver in reducing child poverty in the United States by 59 percent from 1993 to 2019, with all states reporting improvements and similar rates of poverty reduction among children across all demographics.[4] Overall, these programs have proven to be pivotal in delivering improved outcomes for marginalized communities and low-income recipients, thus reducing social inequality.[5]

Despite the widespread benefits of these programs for low-income individuals and families, social safety nets are delivered by a patchwork of state and federal agencies. Their administrative processes, including program requirements and extensive information needed to establish eligibility, enrollment, and recertification, can be difficult and cumbersome for applicants to navigate.

As a result:

- **Sixty billion dollars** in safety net benefits go unclaimed each year by otherwise eligible individuals and families.

- Of the over 46 million people living in poverty, nearly a third of them—**13 million people**—are not connected to a major federally funded safety net program (SNAP, SSI, TANF, WIC, CCDF, and public or subsidized housing).

- **Five million people** who are eligible recipients for the earned income tax credit do not claim the EITC, missing out on **$7 billion in unclaimed funds** each year.

Given states' control over how benefits are distributed, user experiences vary greatly from state to state during the application and recertification process. Poorly designed and deployed state IT systems managing safety net benefits applications and portals can worsen **administrative burdens and create barriers to use**. For example, in August 2019, Code for America completed a **nationwide survey of SNAP, Medicaid, TANF, WIC, and LIHEAP** (the Low Income Home Energy Assistance Program) to explore accessibility. While Code

for America found that 7-in-10 benefits applications were accessible online, only 3-in-10 were mobile-friendly. This limits access as **mobile phones are the top tool** for accessing the internet. In addition, while 44 states had some sort of combined benefits application, no states had combined all five programs into one application, increasing the administrative burden for applicants.

Administrative burdens and concerns about the complexity of digital systems are well documented. A different foundational process to procuring public systems can address many of these complications:

- **System and portal complexity**: Applicants and users often face application systems that are difficult to navigate, such as portals with excessive pages, unsavable data or applications that have to be completed online in one session, and navigation features that are not intuitive. As a result, eligible applicants may not apply correctly, delaying receipt of the benefit or service, or they may be deterred from applying at all.

- **Time it takes to apply/length of application**: The administrative burden of applying for benefits is known as a "**time tax**," and this web of confusing paperwork can deter needy applicants from applying for safety net programs. The Michigan Department of Health and Human Services partnered with Civilla for **Project Re:form** , which found that cutting a 42-page application in half reduced the time needed to apply by more than half. As a result, the share of applications that were completed increased from 72 percent to 94 percent, allowing a total of 2.5 million people to access benefits without undue hardship.

- **Accessibility, language, and comprehension of application**: Even for English speakers, complex legal topics and terms present a barrier. And for applicants with little or no English-speaking ability, it is especially challenging to read, comprehend, and complete the forms. Moreover, applications lacking specific visual, auditory, or cognitive accommodations may impede access to people who need accessible versions.

- **Documentation requirements**: Excessive or inflexible requirements such as asking applicants to supply documentation that they may not have or may have produced many times before often add to the administrative time tax of applicants.

- **Onerous logins and ID proofing**: Programs that require multiple logins or **remote ID proofing** (RIDP) to confirm the identity of online users can **present barriers**. RIDP asks users questions to which they may not know the answers or they may not remember the answers. But RIDP isn't the

only or necessarily the best way to ensure the security and confidentiality of client information.

- **Mixed and out-of-date communication methods**: Benefits applications that are only partially online can deter eligible applicants from applying and accessing necessary benefits. Many programs mix online applications with in-person interviews, mail renewal forms, or other paper-based requirements, making it difficult to enroll, maintain, or recertify eligibility. In 2018, Missouri removed 70,000 people from Medicaid enrollment, including **42,000 people who had not replied to a mailed renewal form** and **20,000 whom the state could not locate**.

Some states, technologists, and nonprofits are engaged in cross-sector collaboration that focuses on tackling these issues with state benefits programs through outreach and communication, application design, cross-benefit integration, renewal processing, back-end technology, and customer service. These partnerships are critical, but they may not be enough alone to transform entire systems to improve access and safety net service delivery of programs. Instead, large-scale changes are needed to transform the culture and processes of public procurement of these digital solutions.

Transforming Public Procurement

The digital systems that administer safety net benefits are essential, but they can be costly and complicated. Yet, the increased cost, and the risk of potentially hindering benefits delivery, makes trying new approaches and vendors politically unpalatable. Well-established technology providers that can deliver projects at this massive scale often lead technology market innovation. But because they favor their existing technologies and solutions, these large firms are often less flexible, innovative, and willing to iterate than smaller firms when working with states or other jurisdictions on developing proofs of concept outside of their established technology infrastructure. Governments, lacking sufficient internal capacity to build and maintain their own digital products, are reliant on the systems and technology of these private partners due to contractual obligations— a process known as vendor lock-in.

It's no secret that all governments use private sector IT vendors to help deliver digital services. Too often, the vendors that win these contracts develop proprietary, closed-loop software systems to manage complete business processes. Their systems for processes like identity and data are unique and can't be replicated, even though states have a clear need for interoperable data. This results in multiple systems that are difficult for government workers to manage

and users to navigate, rather than one navigable digital system built and harmonized across a range of programs delivering benefits.

In addition, these custom-built systems are often so large in magnitude and price that only a few vendors have the experience, staff, and resources to compete for these contracts. As a result, the state government tech solutions market is dominated by a small number of large firms. Consultancies, like Deloitte and Accenture, and software companies, like Conduent and FIS, hold contracts with most states to design, develop, implement, maintain, and operate benefits eligibility digital systems.[6] While these companies play a significant role in delivering systems associated with much-needed relief to individuals and families, the lack of competition stymies innovation and opportunities for states to find better fits and better solutions. A more robust effort is needed to diversify public-private sector partnerships to deliver more effective digital systems.

The failures of following the status quo are well documented. According to an *MIT Technology Review* **article**, "Deloitte has a long history of making malfunctioning things for state and federal governments: most recently, it was in the news for charging states hundreds of millions of dollars for unemployment websites that did not work." Altogether, unproven systems contribute to 87 percent of government software projects, yet research shows that government tech projects costing over $6 million succeed only about 13 percent of the time. Despite the failed projects, large vendors continue to win multiyear contracts from states that have their own unique requirements and regulations, furthering the lack of transparency and efficiency while ensuring continued vendor lock-in.

When states continually award contracts to large, legacy firms despite their failure to deliver successful and effective digital solutions, it does more than deprive people of access to needed safety net programs. It also denies small minority- and women-owned business enterprises (M/WBEs) the opportunity to compete for contracts and contribute innovative ideas for state digital solutions, which speaks to a larger diversity and equity issue in government contracting. **According to the National Equity Atlas**, "people of color are 39 percent of the population and own 29 percent of all American businesses, yet entrepreneurs of color receive less than 12 percent of federal government contracting dollars. While this exceeds the official contracting goal of five percent, it is far from being proportionate and even further from proactively advancing racial equity in business ownership. And while women own 42 percent of American companies and women of color start businesses at the fastest rate of all racial/gender groups, the federal government fell shy of meeting its 5 percent contracting goal for small women-owned businesses in 2020."

Despite all of these challenges in delivering effective solutions, large technology providers are still a necessary component of transforming public procurement practices and delivering improved outcomes to people across the country. Technical providers and vendors can help with a transformative shift and remain

profitable, developing systems that strengthen the provision of government services. For example, large incumbent firms can be encouraged (or required) to partner or team up with smaller design firms, universities, or policy labs. An example of this model is **Civilla**, a nonprofit design studio reimagining public institutions that partnered with leaders in Michigan and Deloitte, the state's technology vendor, to redesign the **MI Bridges** website. Over 400,000 Michigan residents use the site each month to access food assistance, health care, and other critical services.

Actionable Recommendations

The main takeaway from the past year of research, interviews, convenings, and first-person testimonials from professionals in the field is that including public procurement in existing digital transformation initiatives is a comprehensive way to push for a reconceptualization of the field. Procurement is often cited as a challenge to overcome, but it is frequently not addressed collaboratively because of the assumption that it is ultimately up to the governments to figure out how to manage budgetary implications or summon political will.

Changing the status quo will require a positive vision for public procurement that is people-centered, accessible, open, and competitive and that maximizes opportunities for innovation and collaboration. The following section outlines five core areas ripe for change:

1. **Prioritize people at the foundation of digital solutions with public procurement.**

2. **Remodel public procurement to be open, accessible, and competitive.**

3. **Enable technology innovation and digital solution development.**

4. **Support state technical and administrative capabilities and capacity.**

5. **Maximize opportunities to scale, iterate, collaborate, and share knowledge.**

Recommendations, examples, and resources accompany these core areas to advance public procurement. In some cases, there are examples that are working at the federal or local levels of government that could be applicable or replicable in states. In others, there are examples from other countries that are tackling similar administrative challenges in the provision of government services. Excerpts from first-person recommendations curated from a range of public interest tech practitioners and researchers are also included. We encourage readers to dive into the **collection of essays and the diversity of approaches and ideas**.

While many of the actionable recommendations fall squarely in the lane of public administration, there are several significant complementary efforts that philanthropies, academia, nonprofits, and civil society can take to support a better provision of public services and systems. Some recommendations are oriented toward broad cultural changes and have no immediate costs or have

minimal associated costs. Some could be implemented tomorrow in states where complementary actions are already underway, while others could take years and millions of dollars to realize. However, all of these recommendations are actionable and can be explored, modified, or pursued—ideally in tandem with one another. While some recommendations may fall under multiple core action areas, they are organized by best fit. While the findings of this report are extensive, they do not constitute an exhaustive list of recommendations.

Core Action 1: Prioritize People at the Foundation of Digital Solutions with Public Procurement

Prioritizing people at the foundation of digital solutions requires transforming the culture surrounding public procurement and implementing better, people-centered processes to improve outcomes. Systems that are difficult to use and navigate inherently deter applicants from seeking benefits for which they are eligible and increase errors made during the application process. Human-centered design and development that prioritizes accessibility and interoperability can be done by conducting design research, focusing on common user needs, and accepting only proof in use. In addition, ensuring that a diverse range of perspectives and subject matter expertise is incorporated in the project from start to finish can generate more innovative, equitable, accessible, and people-centered outcomes. Together, small culture changes can contribute to big transformations, such as reframing processes as "public procurement" and treating the relationship between a government and a contractor or vendor as a partnership rather than a transactional association.

Recommendations to prioritize people-centered outcomes at the foundation of digital solutions procurement include:

1. Start procurement with the mission to do no harm to existing (and successful) processes and outcomes. When reforming state IT systems, the driving goal should be to do no harm to existing systems, processes, and their positive outcomes. For successful procurement reform, sometimes there is no need to start from scratch on new processes, but merely to adjust the mission and details while working and coordinating with existing staff.

> "The most important lesson that I can suggest to the people that have custody of such systems is to start from 'first, do no harm.' This should be obvious, but it isn't. Multiyear, multibillion, stem-to-stern overhaul or 'modernization' projects have no meaningful chance of success. They grind to a halt in 'requirements gathering.' As the years and the appropriated dollars evaporate, the harm to service delivery accumulates, as routine upgrades and maintenance are blocked by the 'modernization' project." — **Mikey Dickerson, former**

Administrator for the U.S. Digital Service, *"Wisdom from the Ancient Greeks for Procurement Reform: First, Do No Harm"*
Read Full Recommendation Here

2. Make human-centered design a priority and emphasize plain language across all communications. Human-centered design in both technology systems and the policies that govern public programs is key to achieving people-centered outcomes. For an example, see Code for America's principles on **Human-Centered Government**. The New Practice Lab at New America has numerous **guides and assessment tools**, **playbooks**, and recommendations to prioritize human-centered design, and the **Contracting Design Pattern Library** offers a collection of replicable contracting solutions that are more accessible for readers. At the federal level, the **U.S. Web Design System (USWDS)**, which was created by a collaborative team at 18F and the U.S. Digital Service in 2015 under the guidance of an advisory board of experienced government workers, is a shared resource to guide web design for the government and includes several examples of user-centered design. In general, using clear and plain language makes websites, portals, applications, RFPs, and contracts more accessible and understandable for both the user and administrator. The **Plain Language Action and Information Network (PLAIN)** offers an example of this practice, with the group working across agencies at the federal level to promote plain language use as a way to improve public services.

3. Prioritize diversity, equity, inclusion, and accessibility throughout the procurement process, from the vendor application to the community-centered outcomes. Concerted efforts are needed to make procurement at all levels of government more equitable and accessible. This can be done by putting the needs of the community, particularly M/WBEs, at the center of **contract outreach, design, and management**. The city of Austin **estimates** that managing procurement differently could direct over 40 percent of the city's contract spending to historically disadvantaged or excluded businesses, which now receive less than 10 percent of the contract spending. In addition, program administrators can require vendors to work with the communities for which they are developing solutions. Often this means increasing diversity of vendors in the application process rather than relying on traditional procurement practices that typically reward the same small number of incumbent vendors.

> "By building on recent efforts to diversify source selection, and by creating new procurement frameworks that explicitly allow for iteration and reward community involvement in technology design, all levels of government can begin to address diversity, equity, inclusion, and accessibility from the start—from the conception of the technology systems that ultimately drive how people interact with policies and

receive government services." — **Afua Bruce, former Executive Director of the White House's National Science and Technology Council,** *"For Diversity, Equity, Inclusion, and Accessibility in Government, Update Procurement Policies"*
Read Full Recommendation Here

4. Identify equity, privacy, and civil liberties concerns. Throughout the procurement process, it is necessary to identify equity, privacy, and civil liberties risks posed by digital tools, as well as safeguards that policymakers can adopt to mitigate these concerns. The *Digital Tools for COVID-19 Contact Tracing* report by the Open Technology Institute recommends that policymakers take affirmative steps to address vulnerable populations that are unlikely to be reached by digital apps, partner with developers and community organizations, promote public education campaigns when deploying digital tools, take steps to close the digital divide, and pass comprehensive privacy legislation with effective enforcement mechanisms.

5. Pursue outcome-oriented procurement using key performance indicators (KPIs) and monitoring and evaluation (M&E) models that affect real people by paying vendors by the outcomes, not the hour. The focus of public procurement processes and reform should be shifted from compliance to improved outcomes by **measuring how well government programs help people**. In improving outcomes, focusing only on system "modernizations" does not necessarily improve results or deliverables. Instead, professionals need to keep community needs at the forefront of procurement, from RFPs all the way through implementation. This can be done by putting in place open M&E models that measure for efficiency and efficacy in contracts. Shifting norms toward purchasing for best value, not lowest cost, and evaluating bids based on the best partner or product are key, particularly when buying for goods or services that directly affect people's lives. This has been done with procurements such as providing **nutritious food in Philadelphia** or **buying technology that manages social services for the Colorado** state government. The **Government Performance Lab at the Harvard Kennedy School** provides technical assistance to city and state governments to develop outcomes-oriented contracts for benefits-related services such as workforce development and other services. Rather than using the number of systems or products procured, software used, or staff hours, procurement performance indicators should be directly tied to such goals as improved outcomes or impact on real people. This can be done by using shorter, fixed-price contracts that gradually build a full system.

> "As with any public services, benefits are a problem that can be served, or solved. Procurement is an important carrier of a government's intention. An example: Many waste management contracts will pay a

vendor according to the amount of waste they collected and the completion of collection routes stipulated in a contract. Vendors deploy equipment and staff on the ground to carry out the task. The problem: These types of contracts do nothing to reduce waste, a goal of communities everywhere. Instead of waste management vendors using their assets to help change behaviors in communities, they are incentivized to do the opposite by being paid per ton of waste collected." — **Sascha Haselmayer, Social Entrepreneur and Partner at Ashoka Deutschland & Founder of Citymart,** *"Two Transformative Movements in Procurement: 1. Creating an Ecosystem for Dialogue and Experimentation and 2. Pursuing Outcome Oriented Result"* **Read Full Recommendation Here**

6. Emphasize public interest rather than risk aversion in procurement. As governments and government lawyers try to manage and avoid risk in procurement, innovation can get lost in the process. Governments and procurement professionals must reimagine the role of government lawyers in the procurement process, emphasizing the values of transparency and public accountability, not just risk management.

"It is important to grapple with ethical and professional responsibility questions around how government lawyers can orient their duties and obligations in support of the public they ultimately are meant to be working for." — **Michael Karanicolas, Executive Director at the UCLA Institute for Technology, Law & Policy,** *"Government Procurement: Reconceptualizing Public Interest for Public Lawyers"* **Read Full Recommendation Here**

7. Practice "No Wrong Door" innovation to create universal access gateways and make systems more interoperable. No Wrong Door innovation is a people-centered solution for human services that provides a universal gateway to community and government programs. The concept is simple: People should be able to complete a single application to determine their eligibility for, and to enroll in, multiple safety net benefits programs. Implementation requires cooperation from agencies that administer programs and technology. An example of a portal for several programs is **ACCESS NYC**, which offers a mobile-friendly way for New Yorkers to screen for benefits and program eligibility, learn how to apply, gather required documents, and find local help—all in one place.

8. Conduct research to improve user experience. Partners and governments should conduct user research to solicit community feedback on the challenges people face when seeking public services and benefits, as well as how systems might be enhanced or improved. Incorporating research and feedback as a

requirement in public procurement RFPs and contracts can make digital systems more inclusive, accessible, and user-friendly. For example, Code for America devised a **Qualitative Research guide** to help ensure that jurisdictions and their digital solutions more equitably meet needs of the communities they serve:

> "Insist that vendors work in an agile, iterative, continuously improving manner, while putting people first. … Qualitative user research is fundamental to developing government services that better and more equitably meet the needs of communities by truly seeking to understand the fundamental needs of people who use government services." — **Ryan Ko, Chief of Staff at Code for America,** *"IT Procurement: A Critical Enabler for Improving Government Service Delivery"*
> **Read Full Recommendation Here**

9. Focus on improving customer service across the government.
Leadership can assist in shifting procurement culture by focusing on customer service and how digital solutions and IT systems impact users. Doing so can help governments determine issues or challenges in public programs, which programs are receiving the most attention and inquiry, and what adjustments may help the application or recertification process to be more accessible. Each of these are affected by the way a digital solution is procured and designed. For example, Governor Hogan launched an **annual customer service report** for the state of Maryland, creating public feedback loops so the state can learn how to better serve its people.

Core Action 2: Remodel Public Procurement to Be Open, Accessible, and Competitive

To change the culture around procurement, the process needs to become more transparent and equitable, which can be done by using data to inform decisions, digitizing processes, adjusting timelines to best fit the needs of digital solution development, and opening contracts and system documentation to the public. Openness can foster dialogue among jurisdictions, partners, third parties, and people with lived experiences. Openness also is the best way to identify and clarify program aims, possible solutions, capabilities, constraints, and requirements, while increasing the range of vendors that understand the needs and objectives of both states and the benefit recipients served by the states.

Recommendations to remodel public procurement to be open, accessible, and competitive through all stages of the process include:

1. Cultivate greater competition to expand vendor diversity and ensure the best fit between vendor and project. Governments need to cultivate relationships with vendors they want to work with over a long period of time, rather than expecting vendors to apply for contracts without proper assistance or guidance. Jurisdictions should recognize that putting together a proposal may not make sense for a smaller vendor, especially if larger, incumbent vendors are expected to win the contract anyway. Governments should signal their intent and spend money to build the capacity of a wider variety of vendors that want to respond to RFPs and develop prototypes of new solutions but do not now have the capacity to compete.

> "As governmental agencies increase the role technology contributes to the benefit distribution process, it is imperative that inclusivity remains at the forefront. ... In addition to ensuring technologies are effectively designed, government agencies should also review internal procurement and contracting processes to identify inclusivity barriers."
> — **Kevin Harris, PhD, Program Chair of the Department of Computational and Informational Sciences and Associate Professor at Stillman College,** *"Starting with Procurement: As Governmental Agencies Increase the Role Technology Plays in Benefit Distribution, Inclusivity Must Remain at the Forefront"*
> **Read Full Recommendation Here**

2. Adapt procurement timelines and budgets to best match technology design and development cycles. Traditional government timelines for projects and the associated budget cycles often do not match up with the pace of technology innovation or technology development cycles. Jurisdictions should take these differences into consideration when crafting timelines and budgets to ensure a good fit between vendor and project. In addition, expected budgets and project timelines should be published during the RFP process so expectations are clear from the start. These timelines and budgets should also account for any contingencies such as state-required delays or change orders. Forecasting public procurement needs and projects can also help vendors plan ahead to prepare potential proposals and scopes of work.

3. Solicit third-party and/or public input on RFPs and procurement needs. Third parties not included in the RFP process can serve as auditors for inconsistencies and unclear language or requirements, as well as make suggestions for simplification. In addition, integrating input on public programs from people with lived experiences can clarify procurement needs. Ultimately, increasing targeted dialogue and opportunities for input can help jurisdictions clarify RFPs, expand the range of vendors applying, and ensure vendors understand the needs and objectives of the program. Mexico City's **bike-share system** is just one example of successfully improving procurement outcomes by

opening the public procurement contracting process to third-party and public input.

4. Digitize the public procurement and documentation process.
Digitization of the procurement process allows for greater transparency and open engagement. Jurisdictions that want to answer questions about the RFP should do so in the open. Many current vendor application portals are difficult to navigate and not designed for the public. Clearer application portals can facilitate a better understanding of requirements early in the RFP life cycle and help level the playing field.

> "Go digital: Let's not take existing paper-based, analog transactions online, but rather rethink the entire business process behind procurement for the digital environment to simplify and automate routine tasks and improve decision making. One of the biggest misconceptions that government makes is that businesses want to work with them. But businesses won't unless they see governments shift focus to an improved user experience for procurement that makes it fairer and faster to participate." — **Reilly Martin, Senior Program Manager for the United States at the Open Contracting Partnership),** *"Five Systemic Ways to Radically Reform Procurement to Improve Government Services"*
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5. Build and invest in targeted and data-driven procurement transformation. Data can inform procurement transformation for the better through two ways: Data can provide insight to areas where digital systems may not be fulfilling goals or improving outcomes for users, and data can demonstrate that changes in procurement practices and processes can and do lead to better results. An excellent resource on this front is the **Open Contracting Data Standard**, which has led to **change around the world**.

6. Require thorough and proper documentation of a system and be clear about it in the procurement RFP and contract. Documentation of a digital solution's processes, maintenance, and implementation is useful in case anyone other than the provider that implemented the solution, such as in-house technical staff or another vendor, is tasked with maintaining or operating the system. This can help reduce vendor lock-in, ease system updates and adaptations, and create more opportunities for modular projects.

7. Use contracting templates and master services contracts. Create procurement contract templates as much as possible in order to focus on factors that can differentiate vendors and services from competition, including capability, capacity, past performance, and price. Using contract templates and master service contracts makes the application process more accessible for

vendors, especially small and medium-sized enterprises, while also allowing jurisdictions to simplify and adjust the RFP process as needed.

8. Implement modular contracting and micro-purchasing practices.
Breaking a large project into several smaller contracts creates space for small and innovative vendors to fairly compete for contracts they are capable of fulfilling, while also reducing the risk that states take on by signing on a vendor for an entire project. Jurisdictions can also bypass the RFP and bidding process completely by micro-purchasing when tech vendors can offer small products and services at low enough costs.

9. Use open, challenge-based procurement competitions where vendors are paid for development sprints to present a working prototype. Open challenges can help states pre-qualify vendors, demonstrate valid proofs of concept, increase the competition contracts, and de-risk innovation. Subsequent contracts can be refined based on the prototypes offered, reducing time and money spent. Minnesota's Department of Transportation developed the **Minnesota CAV Challenge**, an innovative request for proposals that seeks to advance emerging technologies to improve transportation for all Minnesotans. Since the RFP's launch in October 2018, eight awards have been developed, resulting in savings on staff time researching, drafting, and managing active RFPs.

> "If a new procurement is necessary, create a design challenge to vet the capabilities and work practices of vendors. Don't let vendors tell you what they can do: make them show you. As part of an RFP response, require that a vendor submit code for a prototype that solves a specific, well-scoped problem in the problem space of the contract. The prototype should show that the vendor can engage in user research and human-centered design, and that they follow best practices for a modern software development lifecycle." — **Shelby Switzer, Fellow at the Beeck Center for Social Impact and Innovation at Georgetown University,** *"Invest in People and Infrastructure: Practical Tips for Teams and Longer-Term Recommendations to Change the Culture of Procurement in Digital Service Delivery"*
> **Read Full Recommendation Here**

10. Adopt a minimum viable product (MVP) process and apply it to procurement. The MVP process can help demonstrate proof of concept for procurement needs while incorporating feedback from users and administrators.

> "An MVP process would: Shorten both RFPs and the sales cycle significantly by stripping out any requirements and terminology that create unnecessary barriers for startups, small businesses, or other

companies not steeped in government contracting. Modularize contracting by breaking large contracts into their component pieces and offering microservices that leverage the most innovative solutions to specific elements of a given benefits delivery process. ... Implement agile contracting to make the process more accessible to smaller companies that may not have the deep pockets and legal benches currently required to contract with many government agencies." — **Dahna Goldstein, Chief Investment Officer of Halcyon and DIGI Fellow at New America,** *"To Improve Benefit Delivery, States Should Adopt a Minimum Viable Procurement Process"* **Read Full Recommendation Here**

11. Support the development of a replicable state portal that prioritizes transparency and jurisdiction-wide standards. State portals that provide easy access to procurement information for vendors and the public can increase transparency and competition in the public procurement process, while also coordinating jurisdiction-wide standards for vendors and the digital solutions they deliver. Examples of such portals include New York's **PASSPort** and Ukraine's **ProZorro** system, which were created through a collaboration of government, business, and civil society.

"In 2021, New York City launched PASSPort (the Procurement and Sourcing Solutions Portal)—a product that introduced an unprecedented degree of transparency and citywide standards to NYC procurement. In its first release, the City saw immediate results—including reducing the time spent on vendor background checks from about seven weeks to three days and vendor disclosure filing from about 30 days to one. Through transparency, the new systems will: 1) further enable the City to procure and deliver services faster; 2) create new avenues for accountability within government; and 3) demystify the experience for vendors, opening opportunities for new vendors." — **Albert Pulido, former NYC Director of Citywide Operations,** *"What We Can Learn from NYC Procurement Reform: Prioritize Transparency, Accountability, and Analytics in Public Procurement"* **Read Full Recommendation Here**

12. Implement vendor ratings to increase competition and encourage procurement professionals to share experiences. Be clear in solicitations that successful proposals will focus on people-centered outcomes, clarity of approach, ethical proficiency, and past performances. Creating a ratings system for vendors or solutions can help internal deliberations. Start-ups such as **Procurated** are already collecting and sharing verified reviews from employees in state and local government.

Core Action 3: Enable Technology Innovation and Digital Solution Development

Public-facing digital systems must be designed in a way that allows for adaptation, integration, and scale. This requires innovation in development and implementation of best practices, such as using open source software, implementing agile software development, requiring interoperability with other public systems, and ensuring that systems are keeping up with best practices in the field. Public procurement should prioritize use of digital public infrastructure —IDs, payments, and data—in benefits delivery rather than maintaining antiquated systems. In addition, clear and accessible data leads to better outcomes and supports research efforts to show what works (and what does not work) in benefits delivery. At the same time, interoperable data allows for greater ease of use of public systems.

Recommendations for enabling tech innovation and digital solution development include:

1. Update legacy systems. Antiquated systems can be found in every corner of our public programs. The U.S. Internal Revenue Service (IRS) is undergoing a modernization initiative that is **expected to cost the federal government $2.3 billion to $2.7 billion over six years**. As part of this process, the IRS is transforming its technology infrastructure while also adopting innovative solutions to better complete its services.[7] Similarly, Wisconsin launched modernization efforts for the state's outdated unemployment system after experiencing major problems during the COVID-19 pandemic. The **$16.5 million systems overhaul** will involve tackling legacy IT systems that date from the 1970s. **Flexion**, a Wisconsin-based technology firm, has been awarded a contract to build an adaptive system with modern, user-centered applications to deliver industry-leading results for the benefit of workers and employers throughout the state. The project will include development of maintainable infrastructure in addition to off-the-shelf software, cloud-based solutions, and custom software development.

2. Implement agile development practices that gradually test and build systems for better outcomes. "Agile software development" is an umbrella term for a set of frameworks and practices based on the **Manifesto for Agile Software Development** and the **12 principles** behind it. See the State of New Jersey's Request for Quotation (RFQ) for **unemployment insurance modernization with agile development services** to see what agile development practices can look like in an RFP.

> "A key lesson learned during our first procurement: We can't make a contingency plan for every scenario. Instead, we worked alongside our procurement teammates to create the first Request for Quotation (RFQ), merging together external materials and standard New Jersey

materials. After our first procurement, an after-action process (similar to a retrospective) allowed us to capture lessons that directly informed our second procurement. We are now working to further streamline our processes. We believe these improvements will create internal efficiencies and also promote competition and interest in future procurements by reducing the burden on vendors." — **Giuseppe Morgana, Founding Digital Director at the New Jersey State Office of Innovation,** *"Our State's First Agile Development Services Procurement"*
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3. Harness digital public infrastructure (DPI) and digital public goods (DPG) for sustainable, accessible, and efficient solutions.[8] In the longer term, one of the most effective, efficient routes to improving public benefits distribution is by creating better digital public infrastructure. Well-integrated digital systems can successfully cut costs, reduce waste, and improve public service performance. Open source digital public infrastructure can facilitate faster, smarter, more secure public benefits programs. And although the field of **DPI/DPG is emerging**, the expansion of the use and availability of digital public goods will ultimately improve equitable access to public benefits programs. One international example is the Estonian Unemployment Insurance Fund's digital solution powered by **X-Road**, a digital public good verified by the Digital Public Goods Alliance. X-Road is open source software and a digital ecosystem solution that provides unified and secure data exchange between organizations and serves as the backbone of **e-Estonia**, allowing the nation's public and private sector information systems to link up and operate in harmony; 99 percent of Estonian public services are accessible online 24/7.

4. Require modularity in procurement contracts to enable greater interoperability and limit vendor lock-in. System modularity—or building solutions in different distinct interoperable parts where they can be swapped or removed—is important for system and vendor management. With modularity, governments can update individual parts of a digital solution that are no longer working rather than having to replace the whole system. In addition, modularity allows vendors that may have different specializations build different parts of systems, helping make sure vendors are best fit to projects and reducing vendor lock-in. Notably, **the Centers for Medicare and Medicaid Services recently attached a modularity requirement to all Medicaid management information systems (**MMIS), leading states to work on interoperability with each other and vendors to specialize in various models.

5. Encourage interoperable systems that allow for compiled profiles and replicable single-window portals for multiple programs and benefits applications. By simplifying access and reducing administrative burdens of applicants, digital systems can improve the application process and increase

access to benefits. For example, **MNBenefits,** the Minnesota Department of Human Services' integrated service delivery interface launched in 2021, allows users to simultaneously apply for benefits from nine public benefits programs in less than 12 minutes. MNBenefits development partner, Code for America, also partnered with the department to launch the Pandemic Electronic Benefit Transfer (P-EBT) program, a temporary food benefit for Minnesota families with children. After a year of phased pilot testing with 16 counties and the Mille Lacs Band of Ojibwe, over 60,000 people were served, leading the remaining counties and two Native American tribes to transition to MNBenefits by early 2022. Other examples include Virginia's **CommonHelp** at the state level and New York City's **Access HRA** at the city level.

6. Emphasize and prioritize better data sharing and interoperability measures. When procuring digital systems and drafting RFPs and contracts, professionals should prioritize data interoperability and sharing in order to integrate benefits programs and applications to make them more accessible to individuals. Leveraging eligibility data across government programs and promoting cross-programmatic enrollment can help maximize the number of eligible individuals and families accessing benefits, while reducing administrative burdens. For example, **Fast Track** is a federally enacted mechanism that allows states to simplify Medicaid enrollment by using data from SNAP, TANF, and other benefits programs. Code for America's **LA'MESSAGE** texting pilot in partnership with Louisiana's Department of Children and Family Services, Department of Health, Office of Technology Services, and the Governor's Office helped eligible Louisiana residents enroll in Medicaid, SNAP, TANF, and WIC throughout the state. This was possible because Louisiana had opted into Fast Track. Similarly, **express lane eligibility** optimizes enrollment in CHIP, allowing for additional data linkages—not only from SNAP and TANF but also from Head Start, WIC, and the National School Lunch Program.

> "For instance, the historic $1.2 trillion Infrastructure Investment and Jobs Act signed into law last year included a $14.2 billion program called the Affordable Connectivity Program (ACP) to help qualifying low-income households pay for internet service. While the program is off to a strong start, improved data sharing between federal agencies, state and local governments, and institutions can leverage existing data from other benefits programs to streamline eligibility processes and ensure those who qualify receive the benefit. Expanding data sharing for benefits eligibility also aligns with one of the goals in the recent executive order to advance racial equity." — **Chris Sadler, Education Data and Privacy fellow at New America's Open Technology Institute at the Open Technology Institute at New America and Claire Park, former Policy Analyst at the Open Technology Institute at New America,** *"Better Data Sharing For Benefits Delivery"* **Read Full Recommendation Here**

7. Access or create shared or pooled funding sources to help de-risk innovation and scale solutions. Funding proofs of concept to explore new routes to service delivery improvements and support the demonstration of their efficacy is one way to de-risk the cost and scale of innovation. Successful solutions can be scaled and deployed statewide. Outside organizations should help lead the charge at creating opportunities for both experimentation and adapting known solutions, while also identifying the funding and co-funding opportunities to do so. For example, ministries of health around the world are using **District Health Information System 2 (DHIS2)** for effective health data management, in collaboration with the private sector and civil society. Founded and governed by the University of Oslo, DHIS2 is co-funded by several global health agencies—such as the World Health Organization, the Norwegian Agency for Development Cooperation, the U.S. President's Emergency Plan for AIDS Relief, the Bill & Melinda Gates Foundation, and the U.S. Centers for Disease Control and Prevention (CDC)—and includes long-term funding partners Gavi, the Vaccine Alliance, and the Global Fund to Fight AIDS, Tuberculosis, and Malaria.

Core Action 4: Support State Technical and Administrative Capabilities and Capacity

Governments at all levels struggle with capacity challenges. Greater focus on recruiting, training, and incentivizing talent into public service can help improve digital solutions delivery and procurement practices. Ideally, state procurement teams draw from practitioners and technologists with a wide range of expertise and perspectives, yet many states do not have the capacity to field a team with the various skill sets needed from the start. By combining lessons learned from a variety of experiences and knowledge bases, a procurement team can better weigh in on purchasing, vendor relations, budgeting, design, community relations, and other topics. A team that can properly address administrative, legal, and technical requirements can ensure that a digital system fully meets jurisdiction and community needs. Leadership empowered procurement teams addressing areas of concern in existing procurement processes and practices can maximize new and innovative opportunities. In order to develop teams like these, job descriptions and responsibilities should be proactively strategic and people-centric, not just based on proven compliance expertise.

Recommendations to support capacity building include:

1. Co-create a vision for procurement that harnesses diversity of experience and empowers teams to enact meaningful change. The procurement team should include practitioners and public servants with a wide range of expertise and cross-agency or cross-departmental perspectives to implement holistic procurement transformation for better outcomes.

"To understand the complex governmental onion that is procurement, it is critical that leaders draw in an eclectic and diverse mix of people with a broad range of expertise and perspectives—and then empower them to make real change. While the outcome will become less certain when loosening the reins of control, something better and more sustainable for your organization and community will likely transpire. You'll certainly understand the problem better than you would otherwise." — **Bruce Haupt, former Director of Budget and Performance, Harris County, Texas,** *"Rewiring the Procurement Black Box (Without Being the Bottleneck on Change)"*
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2. Include procurement professionals and technologists from start to finish. As jurisdictions identify issue areas and explore potential digital solutions to address them, procurement professionals should be included to offer insight on what can be adapted and applied and to assist project leadership through the RFP and vendor relations process. Procurement and contracting specialists must have close lines of communication with technologists from the start.

3. Dedicate key staff to the procurement process full time. Rather than covering procurement in an ad hoc manner, having staff members, ideally a team, dedicated to working full time on digital-related procurement across agencies can help improve procurement outcomes. Two federal models of establishing a team dedicated solely to digital-related procurement across agencies are the **U.S Digital Service and 18F. Colorado has a similar model called the Colorado Digital Service** (CDS), a cross-functional team launched in October 2019 by Governor Jared Polis. CDS hires top technologists from diverse backgrounds into term-limited "tours of civic service," bringing their expertise to help improve access to services that millions of Coloradans use.

4. Recruit and train in-house staff to manage and work with vendors to ensure product quality. Hiring staff with experience or specialized training is a strategic endeavor, but there are groups that work to unite job seekers with job openings in public-centered tech. For example, **Public Interest Technology (PIT) career fairs** are one way to find values-aligned staff. The General Services Administration (GSA)—which established the **U.S. Digital Corps** and recruits technologists interested in creating a more effective, equitable government—uses this method to build talent and capacity. In addition, job descriptions and responsibilities should be proactively strategic and people-centric, not just based on proven compliance expertise.

"Internal talent comes first. A great procurement doesn't require you to have all the expertise on the inside; if you had that, you wouldn't need to procure it. But you need enough internal expertise to write accurate, achievable, yet ambitious requirements and performance goals; to vet

applicants; to fairly negotiate with vendors when changes inevitably need to be made; and to hold vendors accountable for performance. If you don't have at least that much, focus on filling that internal talent gap before you award a $100 million to outsiders whom you literally can't evaluate." — **Marina Nitze, former Chief Technology Officer for the U.S. Department of Veteran Affairs,** *"The Harry Potter Approach to Procurement (It's the Long Game)"* **Read Full Recommendation Here**

5. Access or create asynchronous learning opportunities and specialized coaching of procurement staff. Many procurement practitioners often find themselves facing an ever-growing and ever-changing field without adequate support and guidance. Interactive and engaging training modules are important for staying up to date on the field and best practices, but public workers and vendors do not have much spare time for training and career development opportunities on top of their duties during a regular workday. Creating asynchronous learning opportunities for the entire ecosystem of stakeholders (including state staff, tech leads, lawyers, potential vendors, policy experts) is a way to establish customer service priorities and procurement culture. Creating opportunities for coaching or training can give staff the opportunity to learn new skills and collaborate with others in the field. The **Tech Talent Project** has developed a list of the top 10 core technical competencies of a twenty-first century workforce that provides a starting place for necessary procurement specialist skills. One potential opportunity to help lawyers working in procurement gain these specialist skills is through a continuing legal education credit in public interest technology. There is also room for organizations outside the government to fill these gaps by providing training opportunities and resources on specific topics that identify and elevate best practices.

6. Create a fellows model for state delivery teams and procurement officers. Building networks of talent takes long-term commitment and planning, which a fellowship program with cycles long enough to have real impact can help address. Fellowships can help augment state capacity and talent, share outsider perspectives, and create pipelines for longer-term engagement or career paths. They can be hosted by civil society, nonprofits, philanthropic organizations, or government agencies. While there is a web of potential conflicts to navigate if jurisdictions involve tech providers, a fellowship model could be a strategic way to curate experiences for staff to gain new perspectives and expertise. A variety of fellowship programs, such as **Schmidt Futures**, can serve as models.

7. Support public interest tech incubators, design firms, public data solutions, accelerator programs, innovation labs, and open contracting organizations for civic tech. Support small start-ups using Small Business Innovation Research, start-up-in-residence, and other strategies to encourage innovation in the procurement marketplace. These organizations can create

models for innovative or replicate successful solutions for a better, outcomes-based procurement.

8. Create opportunities for researchers, designers, and state tech hubs to work with states in need of extra capacity by using public and nonprofit partnerships that allow for innovation and diversity. Using outside capacity can help teams identify gaps; discover, implement, and share best practices; and pursue innovative solutions. In addition, creating a mechanism to accept outside financial support can augment the capacity of state teams and offices and facilitate knowledge-sharing. **New** Jersey's Office of Innovation provides an example that uses outside capacity and finances to improve procurement. **Civilla** provides an example of a nonprofit design studio working with jurisdictions to reimagine public institutions. Other examples of successful models for advancing people-centered tech are the United Nations Development Programme's **accelerator lab network**, **The Lab @ DC**, and **NYC Opportunity**.

9. Offer and use pro bono expertise to inform best practices in state service delivery. Philanthropies, nonprofits, academia, and civil society could create an independent entity to assist states through the procurement process, focusing on cost and delivery challenges, RFPs, and, later, detailed resources for use by all states.

> "Create an independent entity to assist states through the procurement process: A major funder or pooled funding could provide resources to create an entity empowered to offer pro bono procurement support for the states. The entity would be staffed by cross-sector subject matter experts and veteran practitioners to develop and deploy deep expertise in vendor selection and management on behalf of and in concert states. This work could begin with a loose group of perhaps six states which together rely on no more than two major vendors, and which seek better outcomes from their systems. Pro bono procurement work on behalf of states, enables them to participate easily without going through a procurement for a consulting firm themselves." — **Robert Gordon, former Director of the Michigan Department of Health and Human Services,** *"State IT Procurement Reform: Accessing Pro Bono Expertise and Best Practices in Service Delivery"*
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10. Work with the American Bar Association to establish resources and continuing legal education (CLE) credits around people-centered digital solutions as a tool to increase access to public services and benefits. Public procurement shifts necessitate public-oriented lawyers who balance improving system outcomes with risk aversion and contract management. These lawyers often play a large role in the public procurement process. Establishing resources

and tools to move beyond compliance and risk aversion can help improve public procurement outcomes.

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Core Action 5: Maximize Opportunities to Scale, Iterate, Collaborate, and Share Knowledge

Siloed learnings prevent jurisdictions from sharing success stories and best practices, which processes and technologies failed to fully deliver, and what could be adjusted for greater success without starting from square one. More facilitated knowledge-sharing across jurisdictions (local, state, federal, and international) and across sectors (private, civil society, academia, and government) can address this gap. Together, these stakeholders can create more opportunities for independent convenings and trainings to share best practices.

Recommendations to maximize opportunities to scale, iterate, collaborate, and share knowledge include:

1. Create the right incentives for larger adoption of successful community-based systems. Even when successful procurement practices and optimized digital solutions are implemented, agencies and offices often do not have the capacity or mandate to share successes internally or with other jurisdictions. Incentives can be created to increase knowledge-sharing and adoption, scaling, and replication of open source software and effective solutions across agencies or jurisdictions. Specifying this aim at the start of the RFP process and including interoperability and replicability in the evaluation and selection process could accelerate this best practice. In addition, selecting and incentivizing locally or community-based vendors can help maximize community benefit.

2. Facilitate opportunities to learn from previous procurement related successes and failures. Despite the general acknowledgement that the procurement process is broken, procurement officers tend to be risk averse, so success is almost always seen as repeating the status quo, which often leads to repeatedly hiring large incumbent firms. Collating examples of successful contracts that delivered results for the public and encouraged competition can generate new ideas, foster adopted improvements, and create positive peer pressure within procurement offices. Tech hubs, academia, philanthropies, nonprofits, and civil society can help facilitate this knowledge-sharing. For example, a report from the **Urban Institute** compiled interviews with officials in states participating in the Work Support Strategies initiative to cover how new technology and updated existing technology could help them deliver services to families more efficiently. This report helps share learnings across jurisdictions and ensure that lessons learned from approaches that have not worked are also shared to avoid known pitfalls. **Cornell's Urban Tech Hub** offers an academic

example as a model focused on cities, as does Georgetown's **Beeck Center for Social Impact and Innovation**. (See the Beeck Center's piece on "**Learning from Failure: When Sharing Software Doesn't Work**.")

> "For over twenty years, New York City's 40+ city agencies have individually raced to develop digital services for its residents. In 2018, the City embarked on an effort to 1) streamline the City's procurement of digital and service design services, 2) leverage the City's buying power to get better deals, and 3) bring citywide standards to services through a new master contract called Government x Design. Through the contract, companies could apply to join a pool of pre-approved vendors, so City agencies could have speedy access to the pre-approved pool and individual agencies would no longer need to release lengthy RFPs for new digital products. This effort is ongoing and provides an opportunity for the City to include standard contract language on cybersecurity, accessibility, privacy, equity, etc." — **Albert Pulido former New York City Director of Citywide Operations,** *"What We Can Learn from NYC Procurement Reform: Prioritize Transparency, Accountability, and Analytics in Public Procurement"*
> **Read Full Recommendation Here**

3. Create and/or host opportunities for independent convenings and trainings that elevate successes and share best practices. Creating cross-sector opportunities for procurement practitioners, experts, and thought leaders can further shared learning and elevate and scale existing successes across jurisdictions. For example, the **Digital Benefits Network at the Beeck** Center supports public interest practitioners who work on society safety net benefits policy, service delivery, and technology, helping to share and elevate insights and collaboration. Code for America's (CFA) annual s**ummit** is another great example of convenings that foster data sharing and cross-sector collaboration. Even outside of the summit week, CFA shares case studies and best practices with the hope that states and stakeholders can reuse the shared work and build upon it. In addition, large incumbent companies often sponsor procurement trainings, convenings, and digital content on improving government service delivery. Procurement officers are frequently updating their skills, training, and convening under the sponsorship of tech companies that sell products. Finding and creating opportunities for independent convenings and trainings can go a long way in giving procurement professionals space to question and explore emerging best practices.

4. Convene for multistate collaboration and learning opportunities and networks, with an eye toward scaling and replicating successful solutions. Siloed learnings often keep jurisdictions from adopting best practices pioneered elsewhere. Creating a network between state benefit programs

administrators and procurement specialists can help share success stories, experiences with vendors, and lessons learned. For example, a grant-funded model could focus on procurement innovation, taking inspiration from a collaborative program established by the U.S. Department of Agriculture's (USDA) **Food and Nutrition Service**, to test innovative strategies for providing SNAP Electronic Benefits Transfer (EBT) services with 10 states. The grantees established partnerships, developed activities (including intensive case management and subsidized employment), and created recruitment and engagement processes to enroll thousands of participants. Most recently, in the summer of 2022, the **USDA partnered with 27 states** and territories to issue child food benefits through P-EBT.

5. Support the development of a trackable prototype system or dashboard that tracks procurement practices and transformation progress. Teams do not need to change everything all at once, but they do need accountable long-term planning and should work to identify a handful of leading indicators to track publicly. Dashboards could be hosted by internal agencies or civil society, as transparent rankings often stoke "positive peer pressure" between jurisdictions. Some indicators are easier than others to implement—for example, a statewide customer service commitment. See the **World Bank's Global Public Procurement Database** (GPPD) for an example of a database tracking progress across jurisdictions that the bank invests in. As the World Bank **describes**, "*The GPPD enables public procurement stakeholders to perform efficiently, effectively, consistently and based on best practices.*" A similar open data model could be replicated for states.

6. Create accessible public repositories of procurement resources and contracts that include information on capability, capacity, past performance, and pricing for both compliance and share knowledge. Curate a state-focused repository with discoverable vetted resources such as **18F's handbooks** designed for sharing open source solutions and best practices with state and local governments. In addition, repositories that include open-bidding contracts and open documentation of modernization projects can help keep jurisdictions accountable and provide greater insight to vendors about jurisdictional needs and capabilities. For example, Alaska's Department of Health created a **GitHub** to document its modernization project and integrated eligibility system.

7. Open contracting and spending data to the public to increase transparency and accountability. The public should be able to see the work that their government is doing for their benefit. Making data on public procurement practices and outcomes open and accessible to the public can increase transparency and accountability.

"Provide public access to data and decisions about where taxpayer money is being spent on projects from planning through implementation. The **Open Contracting Data Standard** can help and has led to change around the world. San Mateo County, Calif., and cities in the county spend $750 million, and could be saving at least $108 million a year by just sharing and coordinating better within the county on purchases." — **Reilly Martin, Senior Program Manager for the United States at the Open Contracting Partnership,** *"Five Systemic Ways to Radically Reform Procurement to Improve Government Services"* **Read Full Recommendation Here**

8. Support civic-solution journalism and storytelling around the significance of public procurement to encourage public engagement and accountability. Stories about success in public programs delivery are rare, but when they come to light, it is a cause for celebration. In June of 2022, the *New York Times* published "**How Houston Moved 25,000 People From the Streets Into Homes of Their Own.**" The nation's fourth-largest city has not solved homelessness, but its remarkable progress can suggest a way forward. The piece is thorough, nuanced, respectful—an example of what reliable reporting can do given the time and space for this type of journalism. The Houston piece was published through the **Headway Initiative** at the New York Times, which is made possible through philanthropic funding. Another co-funded example of a people-centered reporting project is **Broke in Philly**, a reporting endeavor covering economic mobility that is supported by a philanthropic collaboration.

Conclusion

Changing the ingrained dynamics of public procurement requires a transformative vision that is people-centered, accessible, and open. Despite the complex procurement landscape of regulatory and compliance structures, antiquated requirements, legacy systems, and frequent vendor and solution lock-in, there are several opportunities for real progress. While much of state procurement reform falls squarely in the lane of improved public administration, opportunities to improve the way governments buy, build, and manage technology can be maximized through innovation and cross-sector collaboration that lifts up what works and adjusts what does not.

Smarter public procurement practices are just one aspect of improving safety net program delivery and access, but a clear foundational approach can lead to meaningful advancements to better ensure that people who are eligible for benefits can safely access and trust the systems that deliver them. The implementation of many of the recommendations identified in this report does not need a large amount of new funding, political will, or the latest technology. Instead, many are manageable and actionable changes that can be folded into a larger and incremental approach to greatly improve outcomes for families and individuals. With the right incentives and support, the culture and practice of public procurement can be reconceptualized toward improving the provision of government digital solutions and the impact it has on people's access to information, services, and programs.

Additional Readings

Public Procurement Strategies for Strengthening Safety Net Benefits

7 tips to increase SME participation in public procurement. Kaye Sklar | Open Contracting Partnership. February 2022.

Announcing the State Software Budgeting Handbook. Waldo Jaquith and Robin Carnahan | 18F. August 2019.

Blueprint for a Human-Centered Safety Net. Eleanor Davis, Carlie Guilfoile, Fritz Jooste, Ruthie Reinser, and Jahvita Rastafari | Code for America.

Bringing Social Safety Net Benefits Online. Code for America. August 2019.

Building and Reusing Open Source Tools for Government. Ben Gregori, Mark Lerner, Allison Price, and Hana Schank | Digital Impact and Governance Initiative at New America. July 2020.

The Case for Procurement Reform: Achieving a Shared Vision. CompTIA. 2020.

Chart Book: SNAP Helps Struggling Families Put Food on the Table. Center on Budget and Policy Priorities. November 2019.

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Starting with Procurement: As Governmental Agencies Increase the Role Technology Plays in Benefit Distribution, Inclusivity Must Remain at the Forefront by **Kevin Harris, PhD,** Program Chair of the Department of Computational and Informational Sciences and Associate Professor at Stillman College

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Rewiring the Procurement Black Box (Without Being the Bottleneck on Change) by **Bruce Haupt,** former Director of Budget and Performance, Harris County, Texas

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Our State's First Agile Development Services Procurement by **Giuseppe Morgana,** Founding Digital Director at the New Jersey State Office of Innovation

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What We Can Learn from NYC Procurement Reform: Prioritize Transparency, Accountability, and Analytics in Public Procurement by **Albert Pulido,** former New York City Director of Citywide Operations

Better Data Sharing for Benefits Delivery by **Chris Sadler**, Education Data and Privacy Fellow at New America's Open Technology Institute at the Open Technology Institute at New America; and **Claire Park**, former Policy Analyst at the Open Technology Institute at New America

Invest in People and Infrastructure: Practical Tips for Teams and Longer-Term Recommendations to Change the Culture of Procurement in Digital Service Delivery by **Shelby Switzer,** Fellow at the Beeck Center for Social Impact and Innovation at Georgetown University

Notes

1   Research links SNAP benefits to improved health outcomes and lower health care costs for recipients, even reducing the overall prevalence of food insecurity by as much as 30 percent.

Steven Carlson and Brynne Keith-Jennings, *SNAP Is Linked with Improved Nutritional Outcomes and Lower Health Care Costs,* (Center on Budget and Policy Priorities, 2018), https://www.cbpp.org/research/food-assistance/snap-is-linked-with-improved-nutritional-outcomes-and-lower-health-care.

2   SSI is administered by the Social Security Administration. The program disburses monthly funds to people with limited income and resources who are disabled, blind, or age 65 or older. Blind or disabled children may also get SSI.

Social Security Administration, *Understanding Supplemental Security Income – 2022 Edition,* (Social Security Administration, 2022), https://www.cbpp.org/research/food-assistance/snap-is-linked-with-improved-nutritional-outcomes-and-lower-health-care.

3   Receiving WIC benefits has been linked to reduced fetal death and infant mortality, as well as improved growth of nutritionally at-risk infants and children.

"About WIC: How WIC Helps," U.S. Department of Agriculture Food and Nutrition Service, October 10, 2013, https://www.fns.usda.gov/wic/about-wic-how-wic-helps.

4   When taking into account the unprecedented expansion to safety net benefits made during the pandemic in 2020, child poverty rates fell a total of 69 percent since 1993.

Jason DeParle, "Expanded Safety Net Drives Sharp Drop in Child Poverty," *The New York Times*, September 11, 2022, https://www.nytimes.com/2022/09/11/us/politics/child-poverty-analysis-safety-net.html.

5   In addition, research shows that Medicaid expansion under the Affordable Care Act "improved access to care, utilization of services, the affordability of care, and financial security," helping save the lives of more than 19,200 low-income adults aged 55 to 64 from 2014 to 2017. These improved outcomes of Medicaid go beyond health and health care access. One study found that evictions fell approximately 20 percent in states that had expanded Medicaid.

Madeline Guth, Rachel Garfield, and Robin Rudowitz, *The Effects of Medicaid Expansion under the ACA: Studies from January 2014 to January 2020,* (Kaiser Family Foundation, 2020), https://www.kff.org/medicaid/report/the-effects-of-medicaid-expansion-under-the-aca-updated-findings-from-a-literature-review/; "The Far-Reaching Benefits of the Affordable Care Act's Medicaid Expansion," Center on Budget and Policy Priorities, October 21, 2020, https://www.cbpp.org/research/health/chart-book-the-far-reaching-benefits-of-the-affordable-care-acts-medicaid-expansion#3.

6   According to Urban Institute in June 2020: "The number of EBT [electronic benefits transfer card] processors has always been small, though the specific companies in the market have changed as some enter or exit and others reorganize. Each state contracts with one EBT processor to handle all SNAP transactions in the state. Currently, only two EBT processors, Conduent and FIS, hold nearly all of these contracts. A third processor, Solutran, has a contract only with Montana, and a fourth processor, Inmar, will be starting its first contract this year, in Louisiana. The finite demand for EBT processors and high startup costs limit incentives for additional companies to enter the market."

Heather Hahn et al., *Access for All: Innovation for Equitable SNAP Delivery,* (Urban Institute, 2020), https://www.urban.org/sites/default/files/

publication/102399/access-for-all-innovation-for-equitable-snap-delivery_0.pdf.

7   It isn't just the tech. "The IRS is woefully understaffed and will miss about $600 billion in uncollected taxes this year as it grapples with technology built before humans landed on the moon, according to Deputy Treasury Department Secretary Wally Adeyemo."

Daniel Estrin, Alejandra Marquez Janse, and Amy Isackson, "The IRS misses billions in uncollected tax each year. Here's why," *National Public Radio*, April 18, 2022, https://www.nprillinois.org/2022-04-18/the-irs-misses-billions-in-uncollected-tax-each-year-heres-why.

8   The Digital Public Goods Alliance GovStack Community of Practice defines DPI as "solutions and systems that enable the effective provision of essential society-wide functions and services in the public and private sectors. This includes but is not limited to: digital forms of ID and verification, civil registries, payment (digital transactions and money transfers), data exchange, and information systems."

Digital Public Goods Alliance GovStack Community of Practice, *GovStack Definitions: Understanding the Relationship between Digital Public Infrastructure, Building Blocks & Digital Public Goods,* (Digital Public Goods Alliance, 2022), https://digitalpublicgoods.net/DPI-DPG-BB-Definitions.pdf.