

U.S. Multi-Stakeholder Forum Alternatives Analysis

	Federal Advisory Committee	NAPA	Public University	Self Organization
Cost	\$300K	\$225K	\$1.3M	\$16K
Time to Implement	12 MONTHS	5-9 MONTHS	12-18 MONTHS	9 MONTHS
Amount of Control	HIGH	MODERATE	NONE	NONE
Meets U.S. Regulatory Requirements	HIGH	HIGH	NO	NO
Meets OGP IRM MSF Requirements	HIGH	LOW	LOW	LOW

Figure 1: Multi-Stakeholder Forum Alternatives Analysis High Level Overview

Purpose:¹

This alternative analysis provides a high-level overview of four distinct options under consideration to establish a domestic Multi-Stakeholder Forum (MSF) for open government. Each option has its own merits, challenges and implications. This analysis will provide decision makers in the General Services Administration (GSA) with the requisite insights to make an informed choice on the make up and establishment of the MSF. This option paper explores the intricacies of each proposed approach, dissecting broadly the timelines, budgets, advantages, and drawbacks inherent to each. By the end of this exploration, decision makers should have the knowledge necessary to decide on a MSF strategy that aligns with the principles of open government and stands as a testament to effective, inclusive, and sustainable governance.

Background

Open government is the cornerstone of democratic principles, emphasizing transparency, collaboration, and citizen engagement. Due to the dynamic nature of governance in the modern era, there is a need to establish a robust MSF that transcends traditional boundaries, bringing together civil society, federal agencies, academia, and industry. The goal of establishing a MSF is to create a collaborative space where diverse perspectives converge to shape and enhance open government practices, ensuring responsiveness to the evolving needs of society. In an era characterized by rapid technological advancements, geopolitical shifts and complex societal

¹ Disclaimer: The data and figures presented in this report are derived from various sources, including but not limited to, publicly available information, industry reports, academic studies, and qualitative interviews with stakeholders. While every effort has been made to ensure accuracy, the nature of compiling information from diverse sources may entail variations in data interpretation. Additionally, the views and opinions expressed herein are those of the authors and participants involved in the research process and may not necessarily reflect the views of all stakeholders or organizations mentioned.

challenges, the establishment of a MSF is paramount to the overall success of the Open Government Secretariat. Collaboration between various stakeholders is essential to harness collective intelligence, foster innovation, and navigate the intricate landscape of open government.

The [Open Government Partnership](#) (OGP) is an international initiative based on the principle that an open government is more transparent, inclusive, participatory and accountable to citizens, and that *“improving the relationship between people and their government has long-term benefits for everyone.”*² Participating countries must meet a set of basic eligibility criteria and agree to an [Open Government Declaration](#).³ OGP is underpinned by a principle of partnership between government and other stakeholders, including civil society organizations, the general public, local government, academia, and the private sector.

Member governments must develop a National Action Plan (NAP) where commitments relating to transparency, accountability, and public participation are set for a two or four-year period. Subsequent NAPs must also report on progress in achieving a more open government. The MSF is a space for ongoing dialogue and collaboration between government and civil society and is critical to developing, implementing, and monitoring a government's NAP.

OGP guidance suggests the MSF should lead open government processes within a country.⁴ While the analysis below examines various options for establishing a U.S. domestic MSF for the sake of co-creating a new NAP, it does not extend to reviewing the ability of each MSF option to lead open government processes in the long term. MSFs do not need to be new structures and can be developed within existing frameworks and forums so long as they are consistent with OGP's minimum standards.⁵

The OGP's Independent Reporting Mechanism (IRM) has adapted the International Association for Public Participation (IAP2) “Spectrum of Participation” to assess OGP activities.⁶

Figure 2: IRM guidance on levels of public influence

Level of Public Influence	
Empower	The government handed decision making power to members of the public.
Collaborate	There was iterative dialogue AND the public helped set the agenda.
Involve	The government gave feedback on how public input was considered.
Consult	The public could give input.
Inform	The government provided the public with information on the action plan.
No consultation	No public involvement

Source: OGP International, 2020.

Most countries are expected to grow and achieve the “collaborate” or “empower” tiers of public influence over time.

² Please note, GSA's Office of Government-wide Policy is referred to by its full name throughout this document to avoid confusion with the Open Government Partnership.

³ By agreeing to the Declaration, participating countries commit to: increasing the availability of information about governmental activities, supporting civic participation, implementing the highest standards of professional integrity throughout their administrations, and increasing access to new technologies for openness and accountability.

⁴ <https://www.opengovpartnership.org/wp-content/uploads/2022/03/OGP-National-Handbook-2022.pdf> section 1.1

⁵ <https://www.opengovpartnership.org/ogp-participation-co-creation-standards>

⁶ <https://www.opengovpartnership.org/wp-content/uploads/2020/02/IRM-Guidance-Involve.pdf>

MSF Requirements

U.S. Government Legal and Regulatory Requirements

The process by which the U.S. Federal Government can collect information and recommendations from the public is highly regulated, with a number of laws and executive orders in place to ensure transparency, accountability, and fairness. One such piece of legislation is the Administrative Procedure Act (APA), which establishes a framework for agencies to collect and use public comments in the rulemaking process.⁷ In support of APA compliance, 5 U.S.C. establishes the Federal Advisory Committee (FAC) process that governs the operation of federal advisory committees. These committees facilitate engagement with public stakeholders to provide recommendations to the government through open meetings and reporting.

OGP IRM MSF Requirements - The [OGP Handbook](#) provides guidance on how to navigate the open government landscape and sets out minimum standards for all aspects of participation in the Open Government Partnership. Although the OGP Handbook outlines specific expectations, it is not overly prescriptive and participating countries have the flexibility to meet expectations within their unique constitutional and societal contexts.

At a minimum, the MSF is expected to:

- Provide a space for ongoing dialogue with participation from both government and civil society members and other non-governmental representatives as appropriate.
- Meet regularly (at least every 6 months).
- Publish a co-creation timeline and overview of the opportunities for stakeholders to participate in the action plan development process.
- Conduct outreach activities with stakeholders to raise awareness of OGP and opportunities to get involved in the development of action plans.
- Gather input from a range of stakeholders.
- Document and report back or publish written feedback to stakeholders on how their contributions were considered during the development of the action plan.
- Hold at least two meetings each year with civil society to present on the implementation of the action plan and collect comments.

In terms of the make up and mandate of MSFs, the OGP IRM recommends:

- The established MSF is inclusive and structured in a way that no constituency, government, or civil society is over or under represented.
- There are clear, published rules on processes for membership selection and decision making, and external accountability mechanisms for the platform.
- The MSF proactively communicates and reports back on its activities, decisions, and results to wider government and civil society stakeholders.
- The MSF has the necessary mandate to advance the OGP process.
- Civil society members of the MSF are selected through a fair and transparent process that is led by civil society members themselves.⁸

⁷ 5 U.S.C. §§ 551–559 -

<https://www.govinfo.gov/content/pkg/USCODE-2011-title5/html/USCODE-2011-title5-partI-chap5.htm>

⁸ <https://www.opengovpartnership.org/ogp-participation-co-creation-standards>

Option 1: **Recommended** - Establishing a New Advisory Committee Under the Federal Advisory Committee Act (FACA)

Cost: \$300K of existing GSA Federal Citizen Service Fund (FCSF) funding. No additional monetary resources are requested at this time.

Time to Implement: 12 months

Amount of Control: High

Meets U.S. Regulatory Requirements: High

Meets OGP IRM MSF requirements: High

Establishing a new Open Government FAC to serve as the MSF involves the creation of a formalized structure with legal authority. This option follows a comprehensive process involving legal frameworks, nominations, and appointments to form a committee specifically designed to facilitate collaboration among civil society, federal agencies, academia and industry. Stakeholders within civil society are frustrated with the lack of an institutionalized community for ongoing engagement on Open Government issues. Past working groups did not address this concern because the groups were short term, confusing to navigate, and difficult to participate in. With time, a new FAC will provide a formal, low risk, and maintainable venue to engage these stakeholders on various Open Government issues. While providing a robust framework for public stakeholder engagement, establishing a FAC is time consuming and costly. However, it is the only option that provides a sustained platform to accept recommendations from the public in full compliance with U.S. regulatory and OGP IRM MSF requirements.

Cost: The Open Government Secretariat would use \$300k of existing FCSF funding to establish the Open Government Federal Advisory Committee. This cost is comprised of \$200k in government FTE (1 person x \$200k fully loaded salaries and benefits) plus \$100k in contract support. The team arrived at this number after talking to the Committee Management Secretariat within GSA's Office of Government-wide Policy and several existing FAC teams across government.

Time to Implement: The Committee Management Secretariat within GSA's Office of Government-wide Policy says it takes approximately one year to establish a new FAC.

Amount of Control: The GSA Open Government Secretariat and the U.S. Federal Government at large would retain most of the control over Open Government and OGP-related activities, meetings, agendas, and recommendations through this option.

Meets U.S. Government Regulatory Requirements: In compliance with the APA, the establishment of a new FAC creates a low-risk, institutionalized, and traceable forum for collecting comment from civil society. FACA provides a forum for the federal government to "come to consensus" and "accept" recommendations and, more importantly, establishes a clear process and a maintainable community for ongoing engagement.

Meets OGP IRM MSF Requirements: An institutionalized forum gives U.S. civil society a consistent and repeatable method of engagement with the federal government, which aligns with the OGP IRM MSF requirement to have an official structure for government and civil society to co-create, implement, and monitor a government's NAP.

Option 2: Leveraging the Existing National Academy of Public Administration (NAPA)

Cost: Estimated \$225k

Time to Implement: 5 to 9 months

Amount of Control: Moderate

Meets U.S. Regulatory Requirements: High

Meets OGP IRM MSF requirements: Low

The [National Academy of Public Administration \(NAPA\)](#) is one of only two academies chartered by Congress. It operates as a 501(c)(3) that provides a full range of advisory services to government organizations, and, notably, has a legal exemption from the FACA. Contracting directly with NAPA for Open Government research would provide an expedited, cost-effective pathway to convene diverse stakeholders capable of creating broadly representative recommendations to inform the NAP 6 development process. While this option provides a potentially streamlined setup at a relatively low cost, it does not provide a sustained ongoing forum for co-creation or dialogue with civil society. Furthermore, while GSA would be involved in setting up the partnership for research through the statement of work (SOW), it would not have any control over how NAPA conducts the research. The partnership's Open Government research would most likely produce a white paper that details civil society's recommendations for the 6th U.S. Open Government NAP. Lastly, this option may also signal to civil society that the federal government is not concerned with maintaining ongoing civil society's participation in the co-creation, implementation, and monitoring of the next U.S. NAP.

Cost: We expect costs to range from \$100k to \$225k depending on the GSA-authored scope of work and the partnership length. As NAPA is an existing GSA contract holder, executing a new task should be a relatively easy transaction.

Time to Implement: We expect the implementation timeline to range from five to nine months. This includes two months for GSA's Office of Government-wide Policy to write the SOW in coordination with GSA's Office of General Counsel and White House stakeholders, two months for GSA to issue the award, and one to five months for NAPA to set up and begin work.

Amount of Control: GSA would contract with NAPA to convene civil society stakeholders, conduct research, and provide recommendations to inform the NAP 6 creation process. GSA would provide the themes, the SOW, and the constraints but would not have any direct control over the process by which NAPA conducts the research or any input into its resulting findings.

Meets U.S. Government Regulatory Requirements: NAPA has a legal exception to the FACA and contracting a study through NAPA meets the needs of the initial information-gathering stage of the NAP 6 process. Specifically, the U.S. government would be able to accept NAP 6-related recommendations that come out of this contractual partnership for Open Government research.

Meets OGP IRM MSF Requirements: While NAPA may meet U.S. regulatory requirements, the process of contracting NAPA for one-off studies does not allow for the kind of consistent dialogue and sustained forum necessary to align with the OGP IRM's requirements. The temporary nature of this option is likely to create confusion for the public and civil society as it lacks a standard repeatable process for engagement. Therefore, this option does not meet OGP IRM MSF requirements for an independent and sustainable MSF, true co-creation, or implementation of the next NAP.

Option 3: Organized by a Public University

Cost: \$1.3M directly from Congress

Time to Implement: 12 to 18 months

Amount of Control: None

Meets U.S. Regulatory Requirements: No

Meets OGP IRM MSF requirements: Low

Funding a public university to establish and manage a domestic MSF emphasizes collaboration with academic institutions and could serve as a neutral venue to convene civil society organizations, citizens, local government, academics, and the private sector. This option provides additional benefits in terms of academic expertise with using research-driven approaches to tackle large issues. However, this option does not align to U.S. regulatory or the OGP IRM's requirements. If this option is selected, we would need to implement a fair selection process using objective criteria to identify a university that best fits this need. This option requires consideration of the university's learning curve in managing practical government logistics like knowledge and adherence to federal laws and regulations. Lastly, there is a risk Congress will not approve the Congressional Community Project Funding request. This decision would negatively impact the U.S. government's ability to fund this initiative and thereby not meet its OGP commitments related to the co-creation of NAP 6.

Cost: Congressional Community Project Funding (CCPF) is a Congressional mechanism set up to replace earmarks in the federal appropriations process. It enables Congress to provide greater input on how funding of up to a maximum of \$1.9 million is directed to specific state or local governments or eligible nonprofit recipients. With the support of one senator and one house member and a majority of the appropriate subcommittee members, funding can be approved and distributed in six to nine months. The chances of a CCPF request being approved is increased if it is supported by a letter of endorsement from GSA. The CCPF request of \$1.3M would cover about 2.5 years of support from the public university and would enable the university to find a more permanent funding source from other grants or philanthropy.

Time to Implement: 6 to 12 months to stand up once Congressional funding is provided, which takes 12 to 18 months from when a CCPF request is submitted by members.

Amount of Control: As the MSF would be set up with funds directly from the legislative branch and managed through a public university, the Open Government Secretariat and the U.S. Federal Government in general would have little to no control over the MSF's activities.

Meets U.S. Government Regulatory Requirements: The federal government would not be able to accept the MSF's "recommendations" as recommendations due to legal and regulatory restrictions on accepting input from private entities. Their input would have the same weight as any general input received from the public.

Meets OGP IRM MSF Requirements: While the completely independent MSF managed by a public university is in line with the OGP IRM's requirements for having a repeatable engagement process, this option does not allow for back and forth dialogue needed for co-creation or the ability of the government to accept formal recommendations. The U.S. regulatory environment prohibits this option from achieving true co-creation or direct public involvement in government decisions required by the OGP IRM.

Option 4: Civil Society Self Organization

Cost: \$16k

Time to Implement: 9 months

Amount of Control: None

Meets U.S. Regulatory Requirements: No

Meets OGP IRM MSF requirements: Low

GSA would post a series of Federal Register Notices asking civil society groups, non-governmental organizations, nonprofits, industry, and academia to self organize a MSF by picking representatives from predefined business capability and thematic areas. This option prioritizes speed and flexibility, allowing for the quick creation of a MSF, but it does not fully meet the requirements for true co-creation. This option may disadvantage small civil society groups and nonprofits that do not generally have the funding available to manage and maintain a national MSF, potentially leading to difficulties in ensuring comprehensive representation across various traditionally under-represented sectors of the population. This poses a risk for the federal government as it could appear the government is not concerned with representation of marginalized groups. Lastly, the lack of federal government leadership could signal to civil society that the government is not serious in its recommitment to Open Government initiatives.

Cost: Direct cost of about \$60 in Federal Register Notice and indirect costs of about \$16k in staff time to review and provide feedback to the Federal Register Notices.

Time to Implement: Roughly 9 months. Two sets of Federal Register Notices (3 months a piece) and staff time to review and provide feedback.

Amount of Control: As the MSF would be set up and maintained by a single or a set of NGOs, the Open Government Secretariat and the U.S. Federal Government in general would have little to no control over the MSF's activities.

Meets U.S. Government Regulatory Requirements: The Federal Government would not be able to accept the MSF's "recommendations" as formal recommendations due to legal and regulatory restrictions on accepting input from private entities. A self-organized MSF has no legal standing beyond that of any member of the public or standalone civic group. While they may collectively respond as one voice to a Federal Register Notice, or even meet as one entity with GSA to discuss their views, the FACA law prohibits the federal government from accepting "recommendations" or seeking a "consensus" with them.

Meets OGP IRM MSF Requirements: This completely independent and self-organized MSF would provide an open forum in alignment with the spirit of the OGP IRM MSF requirements. However, this option does not allow for back and forth dialogue needed for co-creation or the ability of the government to accept formal recommendations. The U.S. regulatory environment prohibits this option from achieving true co-creation or direct public involvement in government decisions required by the OGP IRM.

Conclusion

After careful consideration of each option's cost, time to implement, amount of control, and the extent it meets U.S regulatory and OGP IRM MSF requirements, we have determined that Option 1—establish a new Open Government FAC—will provide the most long-term value to the government. While it is the most upfront resource-intensive option of the four, establishing a new FAC is the only way that allows for true co-creation, meets both U.S. Federal Government regulatory and OGP IRM requirements, and creates a sustainable and traceable forum to engage civil society on the development of NAP 6.