

**CABINET OF MINISTERS OF UKRAINE**

**RESOLUTION**

**of August 12, 2009, No. 869**

**Kyiv**

**On approval of general requirements to the program products which are procured and developed on request of state bodies**

The Cabinet of Ministers of Ukraine **has resolved:**

1. Approve the general requirements to the program products which are procured and developed on request of state bodies which are attached.
2. Ministries, other executive bodies shall bring their regulations in compliance with the general requirements approved by this Resolution within a period of four months.
3. Recommend to local self-governing bodies to be guided by the general requirements approved by this Resolution when entering into agreements on procurement, development and technical support of the program products.

**Prime minister of Ukraine**

**Yu. TYMOSHENKO**

APPROVED

by Resolution of the Cabinet of Ministers of  
Ukraine  
of August 12, 2009, No. 869

**GENERAL REQUIREMENTS**

**to program products which are procured and produced on request of state bodies**

1. General requirements to the program products which are procured and developed on request of state bodies including those ones procured and produced in the course of the implementation of assignments (projects) of the National program of informatization shall be the requirements to the processes of their procurement, development or technical support which, in particular, shall be specified in an agreement on procurement, production or servicing of such program products.
2. The terms used in these general requirements shall have the following meanings:
  - program product – a software tool, software which are intended for delivery to a user (buyer, customer);
  - software tool – a computer program, an interconnected totality of computer programs, procedures, rules, documentation and data;
  - software – a software tool or an interconnected totality of software tools;
  - technical support – this is a complex of organizational and technical measures aimed at ensuring operation of the program product, including its installment, adjustment, update and renewal.
3. Tender documentation and an agreement on procurement of a program product shall envisage:
  - the seller's providing completeness of the program product procurement indicated in the specification attached to the agreement;
  - in case of need installment of the program product in the buyer's hardware by the seller;
  - providing of guarantee obligations by the seller;

identification of the timeframes and terms of technical support of the program product.

Specification for procurement of the program product attached to the agreement shall envisage availability of:

electronic information media with a specimen of the program product to which, if required, facilities for its installment in the buyer's hardware shall be attached;

program and operational documentation for the program product;

a license or another document that confirms lawfulness of using the program product.

Procurement of the program product as a legal object of intellectual property by a state body shall be ensured in compliance with requirements of the legislation.

4. Tender documentation and an agreement on development of a program product shall provide for determination of:

the terms of use of the program product as an object of intellectual property;

property rights of a state body for the developed program product as an object of intellectual property;

stages and phases of the performance of required works;

obligations (in case of need) regarding technical support of the program product.

A task order which shall be drawn up taking into account requirements of state, branch, and international standards, norms and rules of procedure effective in Ukraine, and contain a list of the works required for the development of a program product, shall be attached to the agreement. In accordance with the legislation on the state language the task order shall specify requirements to creation of Ukrainian language interfaces. The task order, specifically, shall provide for performance of the following works:

development of a feasibility study for developing a program product;

justification of a selection of technical parameters and characteristics of the program product with regard for the needs of a state body as well as the functions entrusted with it whose performance will be ensured by using this product;

making an analysis of compatibility of the selected technical parameters and characteristics of the program products being developed with the relevant parameters and characteristics of the program products used by a state body;

if required, development of training program on use (operation, technical support) of the program product;

testing, adoption and putting into operation of the program product;

taking into consideration of provisions of the regulations on technical and cryptographic protection of information for the program product which contains mechanisms of information protection.

The agreement shall also indicate that based on the results of the works performed the implementor along with the program product and a complete set of technical, operational and program documentation to it shall transfer a report of its testing to a state body. The composition, content and form of presentation of the above documentation shall be specified by the state body taking into account the requirements of state, branch, and international standards, norms and rules of procedure effective in Ukraine. The documentation in question shall include, specifically, user (operating) instructions and technical support of the program product, data back-up and renewal of information in case of occurrence of abnormal situations during its operation, and, if required – the methods of updating the program product. The documentation indicated shall be prepared by the implementor taking into account of a possibility to provide technical support of the program product by the body or by another implementor.

5. An agreement on providing technical support of the program product shall envisage:

a list of the services on technical support of the program product with a justification of the estimated cost of providing each of the services;

terms and procedures of providing services;

a list of the cases (circumstances) occurrence of which is a ground for providing services on demand of a state body;

a list of the services (if available) that are provided free of charge;