



22 July 2011

Internal Revenue Service
TE/GE SE: T: EO: RA: T: 3
Exempt Organizations Technical Group 3
Mr. Alfred Page, Jr., 3G4
1111 Constitution Avenue, NW
Washington, DC 20224

Re: Sahana Software Foundation Response to IRS Development Letter of June 8, 2011

EIN:27-0596562

Dear Mr. Page:

Please find below our response to the questions received in your letter of June 8, 2011:

1. Will there be any other organizations involved with your ownership, operation, or management. If so, provide a detailed explanation as to the owners, directors, managers, and officers of the listed organizations.

No.

2. Will your organization make public on a nondiscriminatory basis any patents, copyrights, processes, formulas, which results from any scientific research conducted by your organization? If yes, describe in detail how your organization intends to make this information public, including a list of publications and websites where this information will be disseminated.

Our organization does not specifically conduct or plan to conduct scientific research beyond that which software development itself may be considered scientific research.

All software developed by our organization is copyrighted by the Sahana Software Foundation and distributed via our website according to the terms of our licensing. See response to questions #5 & #6.

3. If applicable, describe any restrictions that will be placed on the dissemination of scientific research results that your organization will make public.

See #2. There would be no restrictions placed on the dissemination of scientific research results to the extent that our work would be considered scientific research.

4. Describe whether your organization will retain (directly or indirectly) the ownership or control of the patents, copyrights, processes or formulae resulting from its research.

See #2, #5, #6.

5. In reference to any open source software distributed by your organization, describe whether your organization will retain (directly or indirectly) the ownership or control of the patents, copyrights, processes, or formulae resulting from any updates, upgrades, fixes, or patches created by the public and distributed back to the organization pursuant to any open source license.

Yes. We require all individuals and organizations who voluntarily contribute code to the Sahana Software Foundation to sign a Contributor License Agreement, that assigns a non-exclusive copyright and patent license to the Sahana Software Foundation. These licenses require that the Foundation not use the contributions in a way that is “contrary to the public benefit” or “inconsistent with [our] non-profit status” and the Foundation bylaws. This allows our organization to freely and legally redistribute the code while affirming its exclusive use for charitable purposes.

A copy of our Contributor License Agreements are attached as Exhibits #1 and #2.

6. Provide a sample copy of all types of licenses your organization plans to issue, and a statement, pertaining to each sample license provided, whether there will be any material deviations from the samples provided and the licenses actually issues by your organization.

The Sahana Software Foundation does not issue our own licenses, but uses Open Source Initiative-approved open source licenses for our software projects and Creative Commons Non Commercial licensing for our documentation and textual content without alteration.

Our Sahana Eden product is distributed under the MIT/X11 license.

Our Sahana Agast products - Vesuvius and Mayon - are both distributed under the GNU Lesser General Public License version 2.1.

Full copies of these licenses are attached as Exhibits #3 & #4.

All documentation and other textual content that we release is done under the Creative Commons Attribution Non Commercial Share Alike Unported 3.0 License (CC BY-NC-SA 3.0)

which is attached as Exhibit #5. This includes all material on our wiki at <http://wiki.sahanafoundation.org> or other documentation (such as our training materials) which we issue independently of other publications.

There are no material deviations between the samples provided and the licenses actually used by our organization.

7. Provide a detail of description of the financial and in-kind support you have received from your sponsors. Also, describe any licensing agreements you have with any of your sponsors.

A detailed income statement that is inclusive of all financial and in-kind support received since our founding in September 2009 through June 2011 is attached as Exhibit #6. We have no licensing agreements with any sponsors.

8. Describe what scientific results the organization hopes to achieve, such as software, industry standards, etc.

The Sahana Software Foundation develops innovative open source software for humanitarian purposes. The goal of our organization is not to achieve any particular scientific results, but to fulfill the mission of the organization to help alleviate human suffering and save lives by providing information management solutions that enable organizations and communities to better prepare for and respond to disasters. Our mission, vision, goals, objectives, history and purpose are detailed in Section 2 (pp. 8-14) of our organization's strategic plan, which is attached as Exhibit #7.

We do have a strong program for supporting software industry standards – particularly support for data interoperability through participation in standards setting efforts and organizations such as Oasis, the W3C Emergency Information Interoperability Framework working group, and our own Standards and Interoperability project, which aims to promote the use of open data standards and interoperability between Sahana products, and between Sahana projects and other sources of humanitarian data and information. As part of this project, we contribute and implement Emergency Data Exchange Language (EDXL) standards in our software projects, including CAP and EDXL-HAVE.

9. Do you intend to host other “open source” software packages developed by others? If so, provide a detailed explanation; include in your response fees you may charge.

Our Foundation was organized to host and support our own humanitarian open source software projects related to disaster and emergency management. While we have no specific plans to host other open source software projects developed by others, we are open to doing this at some point in the future for projects that match our humanitarian mission and could benefit from the resources and support that the Sahana Software Foundation and its brand could provide. We do not plan to charge any hosting or other fees for this beyond our ability to recover any costs that such hosting might incur. Ideally, these expenses would be covered

by donations as part of our normal operating budget.

10. Describe to whom will be attributed ownership of any intellectual property rights developed by the organization.

All intellectual property rights are owned and copyrighted by the Sahana Software Foundation.

11. Will the Eden, Vesuvius and Mayon software products be free and open source without limitations.

Yes. See Exhibits #3 and #4 for the open source licenses under which these products are distributed.

12. Will you market support contracts for maintenance, consulting services and software development contracts? If so provide a detailed explanation, include in your explanation fees charged for the service contracts and the personnel servicing these contracts.

We have no plans to market support contracts for maintenance, consulting services and software development contracts as part of our business plan. However, we will seek project-based funding through grants from the public sector and from other humanitarian organizations (non-profit 501(c)(3) organizations) in keeping with our mission to implement specific projects that help these types of organizations to adopt our software for a charitable purpose. This may include customization and support of our software projects for a specific customer such as a Red Cross chapter or a local jurisdiction. Any fees charged for such services would be based on a cost-recovery basis which would cover the costs of our labor costs and expenses plus minimal administrative fees.

13. Will you customize any of your software products? If so, provide a detailed explanation if there will be a charge or fee for customization of your software projects.

See answer to #12.

14. Will you provide technical support for your software products? If so, will there be a charge for technical support?

Yes. It is our goal to be able to have a team of developers who will provide technical support to the users of our software. Such support will be without charge. We do this already through a volunteer response to bug reports and feature requests filed by users and other developers.

15. Will your organization provide any education and training on its software products? If so,

provide a detailed explanation; include in your explanation, fees, location and personnel associated with the education and training of your software products.

Yes. We plan an extensive training and deployment program that will provide government agencies and humanitarian organizations with training and assistance in adopting and using our software for charitable purposes. We will develop this into a formal program to support the deployment of Sahana software before, during and after emergencies, including organizing a deployment and training “team” available to travel to sites of emergencies and work directly with responding agencies on how to make best use of information management tools like Sahana. This is detailed in Section 7 (pp. 30-31) of our strategic plan attached as Exhibit #7.

In terms of any fees we may charge, our goal is to provide training out of our own funds as part of our training and deployment program where we can; otherwise, when organizations request training, we may need to recover our costs to prepare and deliver such training.

We have often provided training without charging any such fees where we can sponsor such events from our own funding. Two recent examples: we facilitated the Codeathon for Humanity at the November 2010 Grace Hopper Celebration of Women in Computing, a major annual academic conference, as well as for a day-long SahanaCamp disaster workshop and simulation that we delivered as part of the International Conference on Information Systems for Crisis Response and Management (ISCRAM) in May 2011. Funding to support these events was provided through grants from Google and NSF and in-kind support of facilities from ISCRAM and IBM.

16. If you intend to provide education and training on your software products, submit a list of and copies of all individual training, instructional material or educational material your organization utilizes in achieving its educational purpose.

Much of this material is now in development. We have delivered over the past year several four-day SahanaCamps that have provided developer and user training in our Sahana Eden project; this would be the model for the training offered as described in question #15. Most recently, we delivered a workshop and disaster simulation which utilized all three of our Sahana products – Eden, Vesuvius and Mayon – as part of the ISCRAM Conference, which was held in Lisbon, Portugal in early May, 2011. The training materials from that event are attached as Exhibit #8 and are the best example of our training and instructional material. A complete set of slides used during a technical SahanaCamp held in November 2010 in Vietnam are also attached as Exhibit #9.

17. Describe your organization’s use of volunteers, including:

Currently, all of the organization’s labor is comprised of volunteers. Our organization’s strategic plan hopes to create paid positions for a small executive and administrative staff and program staff for our software development, training and education, and advocacy and outreach programs. These are detailed in Section 10.1 on page 45 of Exhibit #7 as part of

our three-year projected budget. The majority of the organization's activities are expected to continue to be filled by volunteers. The following answers pertain to our present operating state.

(1) What percentage of the organization's labor force is comprised of volunteers;

100%

(2) What range of duties do the volunteers undertake;

All duties are undertaken by volunteers.

(3) What percentage of the organization's volunteers have fixed hours or days on which they are required to be present for the organizations activities;

There are no fixed hours or days on which volunteers are required to be present.

(4) What percentage of the organization's volunteers report to the organization's physical location to volunteer; and

0%

(5) What percentage of the organization's volunteers conduct their volunteer activities via the internet and/or email.

100% - all volunteers contribute to our organization remotely mostly from their own residences.

18. Will you rely on sub-contractors for programming of your software products? If so, provide a detailed explanation of the cost for procuring sub-contractors.

We have no plans to rely on or generally sub-contract for programming of our software products. It is our goal to have a core software development team as well as a deployment support team – who would be full-time employees of the Foundation – supported by donations and grants – that would provide these capabilities. These plans are detailed in our Operations Plan that is included in Section 7 (pp. 30-31) of Exhibit #7. We will continue to rely as well on volunteer contributions of software code, as well as code contributed by public sector and humanitarian organizations projects such as those supporting the City of New York's Office of Emergency Management, the US National Library of Medicine and the International Federation of the Red Cross.

However, we do recognize that we may have to utilize individuals as contractors from time to time to deliver specific projects where a temporary increase in our capabilities are required. For our 2010 project with the United Nations World Food Programme, we contracted with six individual members of our volunteer community to deliver specific parts of that project – including project management, software developers, quality assurance/user acceptance testing, a user interface specialist, and systems administration support. Decisions on whom to contract were made by the CEO and approved by an Executive Committee of the Board for Financial Oversight. The fees charged for such services were based on a cost-recovery basis which covered the costs of our labor costs plus a minimal 15% overhead for time required to administer the contracts and handle all billing and payments.

19. Your organization states in its narrative description of activities that it is organized for charitable purposes. Describe in detail how your organization meets the requirements of a tax-exempt charitable organization as defined in section 501(c)(3) of the Code and section 1.501(c)(3)-1(d)(2) of the Treasury Regulations by providing free and open source software to anyone who downloads the products from your website.

Our organization's claim to be considered a tax-exempt charitable organization is not based on our providing free and open source software to anyone who downloads the products from our website. It is rather based on the purpose to which this software is exclusively applied, and our organization's activities to promote disaster preparedness by helping government agencies and humanitarian non-profit organizations to better manage their response to disasters through the application of effective information management tools like Sahana software.

We meet the requirements of a tax-exempt charitable organization as defined in section 501(c)(3) of the Code and section 1.501(c)(3)-1(d)(2) of the Treasury Regulations as follows:

We meet the organizational test, as:

our Articles of Incorporation, under Section IV A state:

*"This corporation is organized and operated exclusively for **charitable** purposes within the meaning of Internal Revenue Code Section 501(c)(3)."*

The specific purpose of our organization is explained in Section IIB of our Articles of Incorporation which reads:

"The specific purpose of this corporation is to assist communities and promote open source software for use in the preparing for and responding to natural or unnatural disasters."

As required under the Code, Section V of our Articles of Incorporation specify:

*"The property of this corporation is irrevocably dedicated to **charitable** purposes and no part of the net income or assets of this corporation shall ever inure to the benefit of*

*any director, officer, or member thereof, or to the benefit of any private person. Upon the dissolution or winding up of the corporation, its assets remaining after payment, or provision for payment, of all debts and liabilities of this corporation shall be distributed to a nonprofit fund, foundation, or corporation which is organized and operated exclusively for **charitable** purposes and which has established its tax-exempt status under Internal Revenue Code Section 501(c)(3)."*

In addition, the ByLaws adopted by the Sahana Software Foundation also restrict our organization's activities to those defined in section 501(c)(3) of the Code and section 1.501(c)(3)-1(d)(2) of the Treasury Regulations.

Article 2, Section 1, Objectives and Purposes, reads:

"The primary objectives and purposes of this corporation shall be:

*(a) to make charitable grants to other Section 501(c)(3) charitable organizations, and
(b) to conduct any other charitable activities which would be qualified activities as defined by section 501(c)(3) of the Internal Revenue Code."*

We meet the operational test in two ways:

First, all of the activities of our organization are exclusively charitable in nature.

The Red Cross Code of Conduct (<http://www.ifrc.org/Global/Publications/disasters/code-of-conduct/code-english.pdf>) is an internationally recognized standard that defines the provision of assistance following a disaster as a fundamental humanitarian principle and therefore a charitable purpose. Section 1 reads:

"1 The humanitarian imperative comes first

The right to receive humanitarian assistance, and to offer it, is a fundamental humanitarian principle which should be enjoyed by all citizens of all countries. As members of the international community, we recognise our obligation to provide humanitarian assistance wherever it is needed. Hence the need for unimpeded access to affected populations is of fundamental importance in exercising that responsibility. The prime motivation of our response to disaster is to alleviate human suffering amongst those least able to withstand the stress caused by disaster. When we give humanitarian aid it is not a partisan or political act and should not be viewed as such."

The complete text of the Red Cross Code of Conduct is attached as Exhibit #10.

The Sahana Software Foundation has similarly adopted a Code of Conduct, which is attached as Exhibit #11 and is published on our wiki at http://wiki.sahanafoundation.org/doku.php/foundation:code_of_conduct that requires all contributors to abide by internationally accepted charitable and humanitarian principles based upon the Red Cross Code of Conduct and to observe the humanitarian imperative in our work. We are also one of several organization's that have subscribed to a Humanitarian-FOSS Code of Conduct, which is attached as Exhibit #12 and is available at

http://humanitarian-ict.org/wiki/h-foss_code_of_conduct. And as noted in the response to question #5, our contributor licensing agreements (CLAs) require that the Foundation not use any contribution in a way that is “contrary to the public benefit” or “inconsistent with [our] non-profit status” and the Foundation bylaws.

The Mission of our Foundation is documented on our web site at <http://sahanafoundation.org>:

“The Mission of the Sahana Software Foundation is to help alleviate human suffering by giving emergency managers, disaster response professionals and communities access to the information that they need to better prepare for and respond to disasters through the development and promotion of free and open source software and open standards.”

Our vision and objectives are further defined on our wiki at <http://wiki.sahanafoundation.org>:

“Our Vision is to build and sustain a global open and collaborative community of contributors to information and communications technologies for disaster management, in order to:

- *Support the needs of Sahana customers through promoting and developing innovative open source solutions for disaster information management*
- *Support the adoption of open standards for data exchange between information systems to manage disaster data.*

In order to fulfill its mission and vision, the following Objectives guide Foundation activities:

- *Help alleviate human suffering and help save lives through the efficient and effective use of technology after a disaster*
- *Bring efficiencies to disaster response coordination through facilitating effective information sharing between disaster responders and beneficiaries*
- *Empower disaster victims and responders by providing them with the information they need to help themselves and others*
- *Build resilience and preparedness through training, education and the deployment of systems for managing disaster information in advance of a disaster.*
- *Provide a nurturing environment for community development of humanitarian free and open source software applications that support all four phases of emergency management”*

These all define the limits of our Foundation's activities as exclusively for a charitable purpose. This is also all documented in more detail in Section 2 (pp. 8-14) of the Foundation's strategic plan, which is attached as Exhibit #7.

Further, the software that we develop is itself highly specialized to serve the needs of government (see answer to #20) and charitable organizations seeking to fulfill this humanitarian imperative and is itself therefore inherently charitable in its nature. Sahana

software is designed to the specifications and requirements of disaster relief organizations – including public sector local emergency management agencies, United Nations relief organizations and other 501(c)(3) non-profit organizations that provide disaster relief such as the American and International Red Cross Societies, the Salvation Army, Oxfam and UN agencies like the World Food Programme, UNICEF or the Office for the Coordination of Humanitarian Assistance (OCHA). What Sahana software is designed to do is manage disaster-related information to improve the response and effectiveness of humanitarian assistance – including the tracking of missing persons, the resource requirements for supporting disaster sheltering operations, and managing hospital bed availability and services. While this may also include more general systems like inventory management or logistics management, these parts or modules of Sahana software are all built to humanitarian operations specifications and are designed to interact as part of a humanitarian disaster relief management system that would not be easily transferable to a non-charitable or commercial context.

Our website further describes the products that we develop as follows (<http://sahanafoundation.org/products/>):

“The Sahana Software Foundation develops free and open source software and provide services that help solve concrete problems and bring efficiencies to disaster response coordination between governments, aid organizations, civil society and the victims themselves, such as:

- *Reuniting separated families through registering missing and found persons*
- *Tracking and managing requests for help from individuals and organization*
- *Tracking organizations and programs responding to the disaster, including the coverage and balance in the distribution of aid, providing transparency in the response effort*
- *Enabling relevant sharing of information across organizations, connecting donors, volunteers, NGOs, and government organizations, enabling them to operate as one*

We have three main products:

Eden: *Eden is a flexible humanitarian platform with a rich feature set which can be rapidly customized to adapt to existing processes and integrate with existing systems to provide effective solutions for critical humanitarian needs management either prior to or during a crisis.*

Vesuvius: *Vesuvius is focused on the disaster preparedness and response needs of the medical community, contributing to family reunification and assisting with hospital triage.*

Mayon: *Mayon is currently in development with a public release planned for late in 2011. It provides an emergency personnel and resource management solution that is highly scalable to manage large numbers of events, persons and resources.”*

Our organization was set up to help people prepare for and respond to disasters, which is a charitable purpose as “relief of the poor and distressed or of the underprivileged” and “promoting the social welfare.” The software that we develop is intrinsically for a charitable purpose.

Second, we meet the operational test by lessening the burden of government. Please see further the answer to #20.

Finally, we do not engage in any activities that would disqualify us under the Tax Code or Treasury Regulations, such as any activities that would qualify us as an “action organization” or making payments to individuals based on private interests.

20. If applicable, please provide an explanation on how your organization’s charitable mission may lessen the burden of government under Revenue Rulings 85-1, 1985-1 C.B. 177 and 85-2, 1985-1 C.B. 178.

Our organization's charitable mission directly lessens the burden of government under Revenue Rulings 85-1, 1985-1 C.B. 177 and 85-2, 1985-1 C.B. 178. The focus of our Foundation is to help responsible organizations better prepare for and respond to disasters through the application of better information management tools. And the primary responsibility for the prevention, mitigation, response and recovery from disasters always rests with government – especially at the state and local level. This is why we have seen increasing adoption of our software and partnerships created with our organization by public sector organizations in the US and overseas.

In the United States, the controlling federal law on emergencies and disasters is the Robert T. Stafford Disaster Relief and Emergency Assistance Act, Public Law 93-288, as amended, 42 U.S.C. 5121-5207, which defines the roles and responsibilities and burden of government at the federal, state and local level to provide emergency disaster relief assistance, as well as programs for pre-disaster hazard mitigation. It explicitly recognizes the burden and obligation of government to engage in these activities. Section 101 (a) and (b) of the Stafford Act read:

“(a) The Congress hereby finds and declares that -

(1) because disasters often cause loss of life, human suffering, loss of income, and property loss and damage; and

(2) because disasters often disrupt the normal functioning of governments and communities, and adversely affect individuals and families with great severity; special measures, designed to assist the efforts of the affected States in expediting the rendering of aid, assistance, and emergency services, and the reconstruction and rehabilitation of devastated areas, are necessary.

*(b) It is the intent of the Congress, by this Act, to provide an orderly and continuing means of assistance by **the Federal Government to State and local governments in carrying out their responsibilities to alleviate the suffering and damage which result from such disasters by....**” (emphasis mine)*

Natural and man-made disasters displace persons, and internationally, United Nations' Guiding Principles on Internal Displacement (<http://www.idpguidingprinciples.org/>) state that national governments have the primary duty and responsibility to provide protection and humanitarian assistance to people who are displaced by a natural or man-made disaster. These principles are supported by the United States who called them an “an important tool for dealing with situations of internal displacement” and welcomed the fact that an increasing number of countries “are applying them as a standard.” (United Nations, Commission on Human Rights, Res. 2003/51, 4/23/2003; United Nations, General Assembly, Res. 54/167, 12/17/99; US State Department, USAID Assistance to Internally Displaced Persons Policy, PD-ACA-558, Oct. 2004.).

There are several examples of how Sahana software is directly lessening the burden of government in the United States and internationally that are consistent and analogous with Revenue Rulings 85-1, 1985-1 C.B. 177 and 85-2, 1985-1 C.B. 178.

In 2007, the City of New York adopted Sahana software as its system for managing the City's all-hazards emergency sheltering plan. This project came about out of the City's need to support the requirements of their Coastal Storm Plan, which involves the direct management of over 500 shelters that can provide temporary sanctuary to over 800,000 persons and which is supported by over 60,000 City agency employees and volunteers. The Sahana Mayon software that was developed by the City University of New York and the Sahana Software Foundation out of this effort is now at the center of a regional initiative to bring this planning and response tool to 30 counties in four states championed by the City of New York's Office of Emergency Management in partnership with the Sahana Software Foundation. The City's use of Sahana software and the government burdens which it lessens is described in a letter from the Office of Emergency Management and attached as Exhibit #13.

In 2009, the U.S. National Library of Medicine (NLM), part of the U.S. National Institutes of Health, adopted Sahana software as a system for tracking missing persons as part of their support for a public sector initiative – the Bethesda Hospitals Emergency Preparedness Partnership (<http://www.bethesdahospitalsemergencypartnership.org/>). This system ties reports of missing and found persons into a triage system used by several hospitals in Bethesda, Maryland to be used in response to a disaster or catastrophic event in the Washington, DC metropolitan area. NLM's use of Sahana Vesuvius software and the government purposes to which it is used is described in a letter from the NLM attached as Exhibit #14 as well as an article from the NIH Record newsletter attached as Exhibit #15. NLM's Lost Person Finder project (<http://archive.nlm.nih.gov/proj/lpf.php>) and the People Locator system is hosted publicly at <http://pl.nlm.nih.gov>. This system was most recently used to support the response of the Joplin tornado disaster of May 2011 and has also been used this year to support the Christchurch (New Zealand) earthquake disaster, last year the Haiti earthquake disaster, and been used to support several different exercises and simulations by government agencies responsible for disaster response.

In 2011, the City of Los Angeles decided to adopt Sahana Eden software to meet the needs they had identified for the City to manage donations and volunteers during disaster relief operations and is the process of implementing a project using a UASI grant this summer through the Mayor's Office's Department of Homeland Security and Public Safety. A City

document read:

“The City of Los Angeles is seeking to acquire and implement a customized software package (Sahana) for use within local disaster relief operations. The software shall focus on key system management components and/or modules which include volunteer and donation management. Sahana is a web based collaboration tool that addresses common coordination problems during disasters.”

[http://www.labavn.org/index.cfm?](http://www.labavn.org/index.cfm?fuseaction=contract.opportunity_view&recordid=11417&CFID=1002305&CFTOKEN=37619687)

[fuseaction=contract.opportunity_view&recordid=11417&CFID=1002305&CFTOKEN=37619687\)](http://www.labavn.org/index.cfm?fuseaction=contract.opportunity_view&recordid=11417&CFID=1002305&CFTOKEN=37619687)

Thus, all three Sahana Software Foundation Products are lessening the burdens of government's disaster relief responsibilities across the United States with both federal and local jurisdictions.

Finally, during the Haiti earthquake response, the Sahana Software Foundation played a critical role in identifying the location of the functioning hospitals and medical facilities in Haiti and making that data available to responding authorities. We participated in a working group to put in place a process to manage this information for Haiti organized by the US Department of Health and Human Services which included such organizations as the Centers for Disease Control and Prevention (CDC), the State Department, the US Agency for International Development, the Department of Homeland Security, the World Bank, the Pan American Health Organization, the United Nations Office for the Coordination of Humanitarian Assistance (OCHA), the Haitian Ministry of Health and other governmental and intergovernmental organizations. These efforts on our part began in response to requests for assistance from the US Embassy in Port au Prince Haiti, and from the USS Vinson, where the Chief Medical Planner for US Southern Command was stationed during the military's humanitarian operations to help the people of Haiti. This is documented, including our role in this response and the value it had to the humanitarian effort was recognized by a 2011 UN Foundation Report, Disaster Relief 2.0, an excerpt from that report is attached as Exhibit #16. The request from the USS Vinson is documented in an e-mail to the Crisis Mappers list on January 18, 2010, attached as Exhibit #17; a response directed them to the Sahana Software Foundation's Haiti portal.

21. Describe the charitable class the organization's activities serve as part of its charitable purpose as listed on your website.

The charitable class that the organization's activities serve is an indefinite charitable class of individuals and organizations vulnerable to or affected by disasters. This would include, as the mission of our organization, serving public sector organizations responsible for disaster planning, response and mitigation (such as local emergency management authorities), charitable disaster relief organizations (such as the Red Cross), and community and faith based organizations as well as individuals themselves affected by disaster, or seeking to assist those affected by disasters.

22. Provide an explanation as how providing free and open source software products to the general public, including potential for-profit entities is a charitable function.

We do not claim that providing free and open source software products to the general public, including potential for-profit entities, is in itself a charitable function.

See our answer to #19 above which describes in detail how our organization's activities are exclusively charitable in nature.

While some private benefit (e.g., the use of free and open source software by for-profits for commercial purposes) could result incidentally from our activities, such private benefit should be seen as incidental quantitatively and qualitatively and not the purpose of our organization or its mission. In addition, the inherently charitable nature of the software itself, which is designed to the specifications and requirements of charitable organizations, makes it ill-suited to commercialization. The scope of activities of the Foundation itself is limited to the extent possible to furthering a charitable purpose without benefiting a broader group not intended to be a charitable beneficiary.

Our expertise and specialty in humanitarian free and open source software is the means by which our organization seeks to perform a charitable function – not an end in itself.

23. Provide an updated copy of the Financial Data referenced on Part IX of your 1023 Application.

Our Financial Data has changed significantly from that filed on Part IX of our 1023 Application – our ability to raise and attract funding has been significantly impacted by not having a 501(c)(3) determination. Attached as Exhibit #6 is a detailed income and expense statement that covers the period from our founding in 2009 through June 30, 2009. Part 9 and the first appendix of our strategic plan (pp. 41-47), attached as Exhibit #7, contains a projected three year budget based on our ability to raise funds according to the targets set within this plan.

These figures have been merged into the format of Part IX of our 1023 application as requested in Exhibit #18 – the 2009 and 2010 figures reported are actual. The 2011 figures are a mixture of our year-to-date finances with a projection of our potential income and expenses for the rest of the calendar year, while the 2012 figures are based on the first year of the projected year one budget from the annual plan. For the requested itemized lists included in Part IX, please see the referenced Exhibits #6 and #7.

Also attached as Exhibit #19 is our 2010 Form 990 EZ tax filing.

24. Describe in detail your fund raising efforts pertaining to line 1, of Part IX. Include a list of all pending grants.

A detailed list of all income, grants received and successful fund raising efforts to date is included as Exhibit #6.

We were recently rejected by the Yahoo Employee Foundation for a \$40,000 grant to deliver a volunteer management system to the Chicago CERT team (Community Emergency Response Team – a DHS/FEMA administered program for community preparedness), in large part because our 501(c)(3) status has been pending for so long.

We have no other current pending grants.

If approved as a 501(c)(3) organization, we plan to apply to both corporate Foundation and private Foundation grants, from such sources as the Cisco Foundation, Ford Foundation, Sloan Foundation, Draper Richards Foundation, Skoll Foundation and others. A detail of our financial plan is included in Part 9 of our strategic plan which is attached as Exhibit #7 (pp. 41-44). This includes notional first three year budgets in Section 10.1, explaining the categories of sources of income and planned expenses

25. Describe in detail the activity and expenses listed on line 23, of Part IX, particularly software development/customization and disaster management.

This language and terminology that we use to describe our program activities has changed since our original 1023 application. These terms (“software development/customization” and “disaster management”) describe our Software Development Program and our Deployment and Training Program as described in Section 7 of our strategic plan (pp. 30-31 of Exhibit #7).

26. Describe whether your organization provides any goods or services for a fee. If yes, describe in detail the goods and services sold and the fees charged.

See answers to #12 and #15.

See also Exhibit #7 – our strategic plan section 9 (pp. 41-44) which details the financial plan for our organization.

27. Describe whether your organization’s members, directors, officers, employees or volunteers provide any goods or services (whether through the organization or on their own) for a fee pertaining to the goods or services the organization provides.

Yes – beyond the project activities (present and planned for the future) detailed in answers #12, #15, and #18, several members, directors, officers and volunteers are involved with providing services **on their own** for a fee pertaining to the services the Sahana Software Foundation provides. The Sahana Software Foundation does not contract or otherwise hire these companies to develop software or provide services and does not engage in commercial activities such as responding to commercial tenders or RFPs.

Two of our director's founded a company in Sri Lanka called Respere (<http://www.respere.com>) that provides open source consulting and offers Sahana software customization, hosting and support services as part of their menu of services offered. They

also have a non-profit arm (<http://www.respere.org>) that offers their services free of cost during active disaster responses. Three other Members of the Foundation formed a company in the United Kingdom called AidIQ (<http://www.aidiq.com>) that provides customization and support services specifically around the Sahana Eden product. One of these persons, Francis Boon, also serves as an officer of the Foundation as the Chair of the Sahana Eden Project Management Committee. These individuals and organizations have all signed contributor license agreements (Exhibits #3 & #4), which again restricts the Foundation's use of any code contribution coming from these sources exclusively for charitable purposes. A list of individuals and organization's returning CLAs is maintained on our wiki at http://wiki.sahanafoundation.org/doku.php/foundation:signed_cla.

These companies' Sahana customers, it should be noted, are exclusively governmental and other humanitarian organizations seeking to use Sahana Eden for a charitable purpose, such as the Sri Lankan National Disaster Relief Services Center, the Asian Disaster Preparedness Center, the International Federation of the Red Cross' Asia Pacific Region Disaster Management Unit, and the City of Los Angeles. These companies provide needed capacity building expertise to help these organizations to adopt and utilize Sahana software for humanitarian purposes. Their use of Sahana software is similarly limited by the licensing agreements under which the software was donated to the Sahana Software Foundation (See Exhibits #1 & #2).

The Foundation's Conflict of Interest Policy submitted with our original 1023 application serves to ensure that Foundation decision-making is kept independent of any personal financial interest of a director, member or officer of the Foundation. In addition, our Code of Conduct, Articles of Incorporation, Bylaws and Mission Statement guarantee that any private interests are kept separate from Foundation activities.

Under penalties of perjury, I declare that I have examined this information, including accompanying documents, and, to the best of my knowledge and belief, the information contains all the relevant facts relating to the request for the information, and such facts are true, correct, and complete.

Signed



Mark T. Prutsalis
President & CEO
Sahana Software Foundation

Included EXHIBITS

1. Individual Contributor License Agreement:
http://wiki.sahanafoundation.org/lib/exe/fetch.php/foundation:ssf_cla.pdf
2. Corporate Contributor License Agreement:
<http://wiki.sahanafoundation.org/lib/exe/fetch.php/foundation:ssf-ccla-v1.pdf>
3. MIT/X11 License: <http://www.opensource.org/licenses/mit-license.php>
4. GNU LGPL v.2.1: <http://www.opensource.org/licenses/LGPL-2.1>
5. Creative Commons Attribution Non Commercial Share Alike Unported 3.0 license:
<http://creativecommons.org/licenses/by-nc-sa/3.0/>
6. Detailed 2009-2011 Income and Expense statement
7. Sahana Software Foundation Strategic Plan
8. SahanaCamp@ISCRAM Simulation Handbook
9. Slides from SahanaCamp1.2 in Vietnam
10. Red Cross Code of Conduct: <http://www.ifrc.org/Global/Publications/disasters/code-of-conduct/code-english.pdf>
11. Sahana Software Foundation Code of Conduct:
http://wiki.sahanafoundation.org/doku.php/foundation:code_of_conduct
12. Humanitarian FOSS Code of Conduct: http://humanitarian-ict.org/wiki/h-foss_code_of_conduct
13. Letter from Michael Schultz, NYC Office of Emergency Management
14. Letter from Dr. George Thoma, US National Library of Medicine
15. NIH Record article
16. UN Foundation Disaster Relief 2.0 Report:
<http://www.unfoundation.org/assets/pdf/disaster-relief-20-report.pdf>
17. E-mail to Crisis Mappers Google Group, January 18, 2010:
<http://groups.google.com/group/crisismappers/msg/bc81e69f13381525>
18. Updated Section IX of 1023 application
19. 2010 Form 990 EX