

House Bill 3566

Sponsored by Representative HARKER; Representatives HUFFMAN, NATHANSON, J SMITH

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Establishes Task Force on Information Technology Procurement and specifies membership. Requires task force to review and evaluate rules, policies, methods, standards and procedures that state contracting agencies use for information technology procurements under Public Contracting Code to identify potential problems and inefficiencies and create model rules, policies, methods, standards and procedures for use in pilot program. Requires task force to report to Legislative Assembly.

Sunsets task force on date of convening of 2013 regular session of Legislative Assembly.

Requires Oregon Department of Administrative Services to establish or oversee establishment of pilot program to implement and test model rules, policies, methods, standards and procedures that task force created. Requires department to determine effectiveness, efficiency, practicality, applicability and relevance of rules, policies, methods, standards and procedures. Requires department to report to Legislative Assembly.

Sunsets department's authority to establish or oversee establishment of pilot program on date of convening of 2015 regular session of Legislative Assembly

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to information technology procurements; and declaring an emergency.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. (1) The Task Force on Information Technology Procurement is established,**
5 **consisting of seven members appointed as follows:**

6 **(a) The Governor shall appoint four members as follows:**

7 **(A) One member who is a representative of an Oregon company that produces hardware**
8 **used in large and complex information technology applications.**

9 **(B) One member who is a representative of an Oregon company that produces software**
10 **used in large and complex information technology applications.**

11 **(C) One member who has extensive experience planning and managing large and complex**
12 **information technology projects.**

13 **(D) One member who represents a contractor that has completed a large and complex**
14 **information technology project for the State of Oregon successfully and within the allotted**
15 **budget.**

16 **(b) The Director of the Oregon Department of Administrative Services shall appoint:**

17 **(A) The State Chief Information Officer; and**

18 **(B) An employee of the Oregon Department of Administrative Services with responsibility**
19 **for procurement.**

20 **(c) The Secretary of State shall appoint one member from the Division of Audits of the**
21 **office of the Secretary of State who has extensive experience undertaking information tech-**
22 **nology audits.**

23 **(2) The task force shall:**

24 **(a) Review and evaluate the rules, policies, methods, standards and procedures that state**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 contracting agencies use for information technology procurements under the Public Con-
 2 tracting Code to identify potential problems and inefficiencies that could keep the agencies
 3 from specifying and considering a full range of common information technologies prevalent
 4 in industry that the agencies could use to meet mission objectives and business needs.

5 (b) Create model rules, policies, methods, standards and procedures for the Oregon De-
 6 partment of Administrative Services or another state contracting agency to use in a pilot
 7 program that:

8 (A) Employs discovery and experimentation, demonstrations and related techniques to
 9 identify methods, standards and procedures that the task force might not have considered;

10 (B) Implements and tests the model rules, policies, methods, standards and procedures
 11 the task force created to evaluate the effectiveness, efficiency, practicality, applicability and
 12 relevance of the rules, policies, methods, standards and procedures in resolving potential
 13 problems and inefficiencies and otherwise improving state contracting agencies' information
 14 technology procurements; and

15 (C) Compiles and reports the results of the pilot program actions undertaken in subpar-
 16 agraphs (A) and (B) of this paragraph to the Governor and the director.

17 (3) The task force may take testimony, conduct surveys, investigate policies, processes
 18 and procedures that state contracting agencies use, interview or receive presentations from
 19 industry experts, seek advice and counsel from knowledgeable persons and otherwise take
 20 actions necessary to achieve the objectives set forth in subsection (2) of this section.

21 (4) A majority of the voting members of the task force constitutes a quorum for the
 22 transaction of business.

23 (5) Official action by the task force requires the approval of a majority of the voting
 24 members of the task force.

25 (6) The Governor shall select one of the members of the task force to serve as chair-
 26 person.

27 (7) If there is a vacancy for any cause, the appointing authority shall make an appoint-
 28 ment to become immediately effective.

29 (8) The task force shall meet at times and places specified by the call of the chairperson
 30 or of a majority of the voting members of the task force.

31 (9) The task force may adopt rules necessary for the operation of the task force.

32 (10) The task force shall submit a report, and shall include recommendations for legis-
 33 lation, to the Joint Legislative Committee on Information Management and Technology not
 34 later than October 1, 2012.

35 (11) The Oregon Department of Administrative Services shall provide staff support to the
 36 task force.

37 (12) Members of the task force are not entitled to compensation, but may be reimbursed
 38 for actual and necessary travel and other expenses incurred by them in the performance of
 39 their official duties in the manner and amounts provided for in ORS 292.495. Claims for ex-
 40 penses shall be paid out of funds appropriated to the department for purposes of the task
 41 force.

42 (13) All agencies of state government, as defined in ORS 174.111, are directed to assist
 43 the task force in the performance of the duties of the task force and, to the extent permitted
 44 by laws relating to confidentiality, to furnish such information and advice as the members
 45 of the task force consider necessary to perform their duties.

1 **SECTION 2.** Section 1 of this 2011 Act is repealed on the date of the convening of the 2013
2 regular session of the Legislative Assembly as specified in ORS 171.010.

3 **SECTION 3.** (1) The Oregon Department of Administrative Services shall establish, or
4 shall oversee another state contracting agency's establishment of, one or more pilot pro-
5 grams for the purposes set forth in section 1 (2)(b) of this 2011 Act. In implementing the
6 provisions of this subsection, the department shall:

7 (a) Develop a detailed implementation plan, budget requirements for one-time and re-
8 curring expenses, additional staffing requirements and other requirements necessary to
9 achieve the objectives set forth in section 1 (2)(b) of this 2011 Act.

10 (b) Report each calendar quarter on the efforts and results of the pilot program to the
11 Joint Legislative Committee on Information Management and Technology.

12 (c) To the extent necessary to achieve the objectives of section 1 (2)(b) of this 2011 Act,
13 conduct or authorize another state agency to conduct procurements for the pilot program
14 under the provisions of ORS 279B.085. For the purposes of ORS 279B.085 (4), the department
15 may find that implementing the objectives of section 1 (2)(b) of this 2011 Act substantially
16 promotes the public interest in a manner that could not practicably be realized by complying
17 with requirements that are applicable under ORS 279B.055, 279B.060, 279B.065 or 279B.070.

18 (2)(a) The department shall evaluate the results of the pilot program or pilot programs
19 established under subsection (1) of this section and shall determine which, if any, of the
20 model rules, policies, methods, standards and procedures the pilot program or pilot programs
21 implemented and tested were effective, efficient, practical, applicable and relevant in resolv-
22 ing potential problems and inefficiencies and otherwise improving state contracting agencies'
23 information technology procurements.

24 (b) The department as soon as is practicable shall adopt rules under ORS 279A.065 and
25 establish policies, methods, standards and procedures for state contracting agencies that
26 reflect the determination the department made under paragraph (a) of this subsection to the
27 extent necessary to resolve problems and inefficiencies and otherwise improve state con-
28 tracting agencies' information technology procurements, and to the extent that existing law
29 authorizes the department to do so.

30 (3) The department shall report the results of the determination the department made
31 under subsection (2)(a) of this section to the committee and recommend legislation that is
32 necessary to implement additional rules, policies, methods, standards and procedures in ac-
33 cordance with the department's determination.

34 **SECTION 4.** Section 3 of this 2011 Act is repealed on the date of the convening of the 2015
35 regular session of the Legislative Assembly as specified in ORS 171.010.

36 **SECTION 5.** This 2011 Act being necessary for the immediate preservation of the public
37 peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect
38 on its passage.

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