

**PROPOSED AMENDMENTS TO
A-ENGROSSED HOUSE BILL 4122**

1 On page 1 of the printed A-engrossed bill, delete lines 5 through 12 and
2 insert:

3 **SECTION 1.** (1) As used in this section:

4 “(a)(A) ‘Information technology initiative’ means a project to develop or
5 provide, with the state contracting agency’s or public corporation’s own
6 personnel and resources, or to obtain by means of a procurement or set of
7 related procurements:”.

8 On page 2, after line 24, insert:

9 “(c) ‘Procurement’ has the meaning given that term in ORS 279A.010.”.

10 In line 25, delete “(c)(A)” and insert “(d)(A)”.

11 Delete lines 39 through 45 and delete page 3 and insert:

12 “(e) ‘Quality management services’ means a set of services in which a
13 contractor provides an independent and objective review and evaluation of
14 a state contracting agency’s, a public corporation’s or another contractor’s
15 performance with respect to an information technology initiative, such as
16 services in which the contractor:

17 “(A) Identifies quality standards that apply or should apply to the infor-
18 mation technology initiative;

19 “(B) Suggests methods and means by which the state contracting agency,
20 the public corporation or the other contractor may meet quality standards
21 identified in subparagraph (A) of this paragraph;

22 “(C) Reviews and evaluates the state contracting agency’s, the public

1 corporation's or the other contractor's performance regularly as the infor-
2 mation technology initiative progresses from start to finish;

3 "(D) Identifies omissions or gaps in the state contracting agency's, the
4 public corporation's or the other contractor's planning, execution, control,
5 methodology, communication or reporting as the information technology in-
6 itiative progresses from start to finish;

7 "(E) Identifies risks in the state contracting agency's, the public
8 corporation's or the other contractor's plans or approach to designing, de-
9 veloping or implementing the information technology initiative and suggests
10 methods to reduce, mitigate or eliminate the risks;

11 "(F) Assists the state contracting agency or the public corporation in
12 testing or otherwise evaluating the hardware, software or services that are
13 developed, provided or obtained as part of an information technology initi-
14 ative to determine whether the hardware, software or services conform with
15 the quality standards identified in subparagraph (A) of this paragraph;

16 "(G) Advises the state contracting agency or the public corporation as to
17 whether the hardware, software or services that are developed, provided or
18 obtained as part of an information technology initiative meet the contracting
19 agency's or the public corporation's needs, specifications or expectations and
20 otherwise enable the state contracting agency or the public corporation to
21 achieve the objectives for the information technology initiative; or

22 "(H) Identifies unsatisfactory performance and suggests methods the state
23 contracting agency, the public corporation or the other contractor might use
24 to eliminate the causes of unsatisfactory performance.

25 "(f) 'State contracting agency' has the meaning given that term in ORS
26 279A.010.

27 "(2)(a) A state contracting agency or a public corporation that implements
28 an information technology initiative shall obtain quality management ser-
29 vices from a qualified contractor if the value of the information technology
30 initiative exceeds \$5 million or if the information technology initiative meets

1 criteria or standards that the State Chief Information Officer or the Director
2 of the Oregon Department of Administrative Services specifies by rule or
3 policy.”.

4 On page 4, delete line 1.

5 Delete lines 10 through 37 and insert:

6 “(4)(a) Notwithstanding any procurement authority that a state contract-
7 ing agency or a public corporation has that is not subject to the authority
8 of the Director of the Oregon Department of Administrative Services under
9 ORS 279A.050 (2) or (7), the state contracting agency or public corporation
10 is subject to the provisions of subsection (2) of this section and shall consult
11 with and follow the rules, policies and procedures of the State Chief Infor-
12 mation Officer and the Oregon Department of Administrative Services in
13 determining the extent of preliminary quality assurance services or quality
14 management services that the state contracting agency or public corporation
15 will require for an information technology initiative.

16 “(b) Notwithstanding the Oregon Health Authority’s exemption in ORS
17 279A.050 (7) from the authority that the Oregon Department of Administra-
18 tive Services has over all state agency information technology procurements,
19 the Oregon Health Authority shall consult with and follow the rules, policies
20 and procedures of the State Chief Information Officer and the Oregon De-
21 partment of Administrative Services in determining the extent of preliminary
22 quality assurance services or quality management services that the state
23 contracting agency or public corporation will require for an information
24 technology initiative.

25 “(5)(a) If a state contracting agency or a public corporation awards a
26 contract for preliminary quality assurance services or quality management
27 services, the contract must provide that at the same time a contractor pro-
28 vides a preliminary or final report to the contract administrator, the con-
29 tractor shall also provide a copy of the report to:

30 “(A) The State Chief Information Officer;

1 “(B) The Director of the Oregon Department of Administrative Services;
2 and

3 “(C) As appropriate for the specific information technology initiative, to:

4 “(i) The director of the state contracting agency or, if a board or com-
5 mission sets policy for the state contracting agency, to the board or com-
6 mission; or

7 “(ii) The governing body of the public corporation.

8 “(b) The state contracting agency or public corporation shall provide the
9 contractor with names, addresses and other contact information the con-
10 tractor needs to comply with paragraph (a) of this subsection.

11 “(6) This section does not apply to the Secretary of State or the State
12 Treasurer.”.

13 In line 38, delete “3” and insert “2”.

14 On page 5, line 42, delete “2” and insert “1”.

15 In line 44, delete “2” and insert “1”.

16 On page 6, line 2, delete “4” and insert “3”.

17 On page 7, delete lines 3 through 21 and insert:

18 **“SECTION 4. Section 1 of this 2014 Act and the amendments to ORS**
19 **279B.040 and 279B.110 by sections 2 and 3 of this 2014 Act apply to**
20 **contracts that a contracting agency or a public corporation advertises**
21 **or solicits on or after the operative date specified in section 5 (1) of**
22 **this 2014 Act or, if the state contracting agency or public corporation**
23 **does not advertise or solicit the contract, to contracts that the state**
24 **contracting agency or public corporation enters into on or after the**
25 **operative date specified in section 5 (1) of this 2014 Act.**

26 **“SECTION 5. (1) Section 1 of this 2014 Act and the amendments to**
27 **ORS 279B.040 and 279B.110 by sections 2 and 3 of this 2014 Act become**
28 **operative on July 1, 2014.**

29 **“(2) The Attorney General, the State Chief Information Officer, the**
30 **Director of the Oregon Department of Administrative Services, the**

1 **Director of Transportation or a state contracting agency or public**
2 **corporation that adopts rules under ORS 279A.065 may take any action**
3 **before the operative date specified in subsection (1) of this section that**
4 **is necessary to enable the Attorney General, the State Chief Informa-**
5 **tion Officer, the director, the state contracting agency or the public**
6 **corporation to exercise the duties, functions and powers conferred on**
7 **the Attorney General, the State Chief Information Officer, the direc-**
8 **tor, the state contracting agency or the public corporation under sec-**
9 **tion 1 of this 2014 Act and the amendments to ORS 279B.040 and**
10 **279B.110 by sections 2 and 3 of this 2014 Act.**

11 **“SECTION 6. This 2014 Act being necessary for the immediate**
12 **preservation of the public peace, health and safety, an emergency is**
13 **declared to exist, and this 2014 Act takes effect on its passage.”.**

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