Item 5: Public Defense Services Commission
Information Technology Contract Extension

Analyst: John Borden

Request: Increase General Fund by $413,011 for an information technology contract extension.

Analysis: The Public Defense Services Commission (PDSC) is requesting $413,011 General Fund to continue the procurement of information technology services from the Oregon Judicial Department (OJD) for the second fiscal year of the 2021-23 biennium. The Public Defense Services Commission did not vote on the submission of this budget request to the Joint Interim Committee on Ways and Means.

PDSC's Information Technology Section was disbanded administratively by the agency in December of 2019. Thereafter, PDSC became dependent on an external contract with the OJD for information technology support. The Legislature was never consulted on this decision nor PDSC's repurposing of the agency's Information Technology Section's positions. Of note is that PDSC also has had a long-term contract with OJD for servers, network infrastructure, and related technical services.

The Legislature in 2021, as part of an overall reorganization of PDSC, directed the reestablishment of the Information Technology Section with the explicit understanding that PDSC's contract with the OJD would be terminated on June 30, 2021 (HB 5030). PDSC's 2021-23 legislatively adopted budget includes $1.1 million of General Fund for four permanent full-time positions (2.88) to reestablish the Information Technology Section. This includes one Chief Information Officer (0.88 FTE), one Information Systems Specialist 2 (0.75 FTE), one Information Systems Specialist 3 (0.63 FTE), and one Information Systems Specialist 2 (0.63 FTE). For this transition, PDSC received all requested resources; however, the Legislature understood that additional resources would be required in the future. The legislature's expectation, as noted in the budget report, was for these positions to be filled using a competitive recruitment process. PDSC hired a Chief Information Office on a non-competitive basis in the fall of 2021. PDSC's budget request does not take into account the aforementioned funding previously approved by the Legislature for the reestablishment of the Information Technology Section.

PDSC's request letter states "The [OJD] contract was renewed in July 2021, retroactively effective July 1, and will remain in effect until June 30, 2023." PDSC noted, in a response to an inquiry by the Legislative Fiscal Office (LFO), that "...a transition plan of this magnitude [re-establishing the Information Technology Section] has not yet been formulated. *The complete insourcing of IT services within PDSC is one alternative and may be the preference* [emphasis added]." Additionally, PDSC request letters states "PDSC is requesting funding for the current service contract with OJD to continue through the remaining months of the biennium. This extended timeline allows PDSC to propose a policy option package for the 2023-25 biennium to secure personnel and equipment sufficient to operate independently." Such an approach would likely delay PDSC's insourcing until sometime in the year 2024 or after the conclusion of the Legislative Session in 2023.

The reestablishment of information technology services for PDSC is viewed as critical to the public defense system, which is why it was a funding priority of the Legislature. For PDSC to have a fully functioning Information Technology Section is a precondition for PDSC's move to a new financial and

case management system. A financial and case management system is seen as vital to addressing many of the deficiencies identified in the Sixth Amendment Center study of the right to counsel in Oregon (2018); however, such a major information technology undertaking, given its inherent complexity and risk, should only be advanced once the agency's legislatively-directed re-organization has been substantively completed, including the re-establishment of an Information Technology Section.

Information technology services for PDSC could be accomplished in a variety of ways from a complete in-sourcing to a hybrid approach that relies upon agency staff coupled with external contract resources. Thus, it is incumbent upon PDSC to develop a comprehensive business case that identifies what options exist for the agency's information technology services, the agency's criterion for evaluating the options, and a recommendation to the legislature for the agency's preferred option. Any recommended option that includes OJD, however, should examine whether a conflict of interest exists, just as it would if OJD were to provide information technology services in support of district attorney offices.

Recommendation: The Legislative Fiscal Office recommends that the Joint Interim Committee on Ways and Means defer the Public Defense Services Commission request to the May 2022 meeting of the Emergency Board with instruction that the Commission report back with a comprehensive information technology services plan and an assessment of the estimated costs, benefits, and risks of the alternative service-delivery methods, including both insourcing the agency's information technology function and outsourcing through external providers.   With each alternative, the Commission shall describe how the security, privacy and confidentiality of data entered, processed or stored within the Commission's information systems will be assured.

Request: Appropriate $413,011 General Fund to continue the IT services contract with the Oregon Judicial Department.

Recommendation: The Public Defense Services Commission is not under Executive Branch budgetary authority.

Discussion: The Public Defense Services Commission (PDSC) is requesting an additional $413,011 General Fund appropriation to continue contracting with Oregon Judicial Department Enterprise Technology Services Division (OJD-ETSD) for information technology services through the current biennium. PDSC currently has funding to support the contract through June 30, 2022.

Additionally, PDSC has provided a high-level summary report of plans to support IT needs in the coming biennia. The plan starts with filling the positions granted in House Bill 5030 (2021), which appropriated approximately $1.0 million to PDSC for purposes of establishing an internal Information Technology Section. The funding included four new, permanent positions (2.89 FTE). PDSC hired the Chief Information Officer position and is expecting to start hiring for the remaining positions in April 2022, when the funding phases in. The plan continues by outlining additional information technology functions, personnel and equipment needed to operate independently.

Estimated IT Investment Needs:	
Personnel	$2,897,706
Equipment/Software	697,196
Estimated Biennial Investment	**$3,594,902**

The current request to continue contracting with OJD-ETSD for the second year of the 2021-23 biennium is a one-time expense. The additional 12 months of contract funding will provide IT coverage until PDSC has an opportunity to submit a policy package for 2023-25 requesting the investment funding outlined in the report.

Funding Requested for OJD-ETSD Contract Continuance:		
OJD-ETSD Contract Expense	$34,417.60	*(Monthly expense)*
Number of Months Requested	12	*(July 2022 – June 2023)*
Total General Fund Requested	**$413,011**	

Legal Reference: Appropriate $413,011 from the General Fund to supplement the appropriation made by chapter 444, section 1(8), Oregon Law 2021, for the Public Defense Services Commission, Office of Public Defense Services for the 2021-23 biennium.

Public Defense Services Commission
Office of Public Defense Services
198 Commercial St. SE, Suite 205
Salem, Oregon 97301-3489
Telephone: (503) 378-2478
Fax: (503) 378-4463
www.oregon.gov/opds

December 6, 2021

The Honorable Senator Elizabeth Steiner Hayward, Co-Chair
The Honorable Representative Dan Rayfield, Co-Chair
Interim Joint Committee on Ways and Means
900 Court Street NE
H-178 State Capitol
Salem, OR 97301-4048

Dear Co-Chairpersons:

Nature of Request

The 2021-23 Legislatively Adopted Budget, HB 5030, established the operating budget authority for the Public Defense Service Commission. This included a change in the way the Office of Public Defense Services (OPDS) received base level technology services. The purpose of this request is to provide an update for IT Services as they relate to House Bill (HB) 5030 (2021) and to request an additional $413,011 General Fund to continue the current level of services received from the Oregon Judicial Department Enterprise Technology Services Division into the second fiscal year of the biennium.

Agency Action

IT Services Plan Update
1) IT Services for the 2021-23 biennium
   a) *Package 809, Base Information Technology* from HB 5030 (2021) directed the agency to re-establish an Information Technology Section for PDSC by July 1, 2022. The package increased General Fund by $1,047,007 and authorized four permanent full-time positions (2.89 FTE). Included in these positions was a Chief Information Officer (CIO); which has been filled. Additionally, the agency will take steps to fill the remaining positions in or around April 2022 as the funding for these positions are phased in.

   b) PDSC has authority to continue their current service contract with the Oregon Judicial Department (OJD) through its Enterprise Technology Services Division (ETSD) until June 30, 2022. PDSC is requesting funding for the current service contract with OJD to continue through the remaining months of the biennium. This extended timeline allows PDSC to propose a policy option package for the 2023-25 biennium to secure personnel and equipment sufficient to operate independently. The monthly rate to continue the current level these services from OJD will remain the same $34,417 with

the total request for the additional $413,011 of General Fund to complete the 2021-23 biennium.

2) Contracted IT Services Plan and IT Modernization

    a) In July 2021, OPDS extended their original contract with OJD (*Amnd. No. 3_OJD Contract No. 170017)* through June 30, 2023. The OJD provides a wide range of technical services and support for OPDS. This support utilizes eight ETSD teams and provides a comprehensive pool of trained, talented professionals, technicians, and managers. A wide variety of Enterprise class software solutions are utilized. This support is provided to OPDS for a flat monthly fee of $34,417.60.

3) The contract states *"The Enterprise Technology Services Division ("ETSD") of OJD will provide information technology management and limited technology infrastructure services for the Office of Public Defense Services ("OPDS")."* To fulfill this agreement, OPDS receives technical, infrastructure and program support from the following teams at ETSD (the attached Appendix (A) provides a complete definition of each functional support role):

    a) Helpdesk
    b) Desktop
    c) Server
    d) Enterprise Information Security Office (EISO)
    e) Networking/Telecommunications
    f) Microsoft 365 & Mobile
    g) Web Services
    h) ETSD Management, including CIO, Deputy CIO, Infrastructure and Applications managers, and OPDS Contract Lead

With PDSC's current contract with OJD, OPDS is receiving support from the Helpdesk technician group who take calls from users, manage the support ticket system, and fix minor issues. Desktop technician group to deploy computers, printers, scanners etc., and fix issues that arise with these devices. OPDS also receives support from a team of Microsoft 365 (email, office, teams etc.) experts that manage and maintain all OPDS office production software as well as mobile devices and accounts.

There is a team of Network/Telecom experts that manage OPDS' network and phone system and monitor for internet and network usage. The Security shop provides training and system monitoring for malicious actors and code, they also provide OPDS' eDiscovery services when needed. The Server team maintains and backs up all servers belonging to OPDS (providing critical support in keeping the access databases alive). Finally, there is support of a Web team which has created multiple websites and SharePoint sites for OPDS' use as well as form creation for web facing forms and data entry.

In addition to these bodies is the access to diagnostic tools and resources to resolve critical issues, something OPDS does not currently have access to. In keeping with current services provided or close to, PDSC will need a significant budget investment to hire critical personnel.

These positions will ensure that OPDS can transition with little operational interference and continue providing effective IT support.

Below are the minimum recommended positions necessary to keep with current IT infrastructure. Figure 1. Provides position FTE and Salary estimations to implement stand-alone services with OPDS, while Figure 2. Breaks down non-staff costs with like kind tools to perform the job and are annual costs to maintain the products.

Function	Position	FTE	Position Cost
Helpdesk	ITS 1	1.0	$ 112,175.00
Desktop	ITS 2	2.0	$ 277,118.00
Server	ITS 4	2.0	$ 361,838.00
Server	ITS 3	1.0	$ 154,895.00
Networking-Telecom/EISO	ITS 4	1.0	$ 180,919.00
MS365 & Mobile	ITS 4	1.0	$ 180,919.00
Web Services	ITS 4	1.0	$ 180,919.00

Figure 1. Functional Support Roles (*This table shows approximate costs to acquire said services)

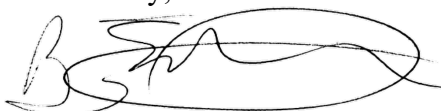| Function	Item	Cost
Helpdesk	Software	$ 8,388.00
Desktop	Software	$ 2,000.00
Server	Software & Hardware	$ 118,200.00
EISO	Software	$ 25,000.00
Networking-Telecom	Software & Hardware	$ 54,660.00
Networking-Telecom	Current one-time required purchases	$ 33,350.00
MS365 & Mobile	Software	$ 91,000.00
Web Services	Software	$ 16,000.00

Figure 2. Annual Non-Staff Costs per Support Role

Action Requested

The PDSC requests $413,011 of General Fund appropriation and expenditure authority from the committee, authorization to continue the use of OJD ETSD service through the existing contract and the acceptance of this report.

Legislation Affected

Oregon Law 2021 Chapter 444, section 1 (8).

Sincerely,

Brian DeForest
Deputy Director

cc:
John Borden, Principal Legislative Analyst, LFO
Laurie Byerly, Legislative Fiscal Officer
George Naughton, Chief Financial Officer
April McDonald, Policy and Budget Analyst, CFO

Appendix A

ANALYSIS: SUPPORT PROVIDED TO OPDS BY OJD

OVERVIEW

The Oregon Judicial Department (OJD) has provided contracted technical support to the Office of Public Defense Services (OPDS) for many years. The current contract is ***Amnd. No. 3_OJD Contract No. 170017-fully signed_071221.*** The contract was renewed in July 2021, retroactively effective July 1, and will remain in effect until June 30, 2023. The contract stipulates a payment of $41,293.60 per month, however it also stipulates this amount will be amended when OPDS hires a CIO. This has happened, and OPDS now pays the OJD $34,417.60 per month.

The contract states *"The Enterprise Technology Services Division ("ETSD") of OJD will provide information technology management and limited technology infrastructure services for the Office of Public Defense Services ("OPDS")."* To fulfill this agreement, OPDS receives technical, infrastructure and project support from the following teams at ETSD:

1. Helpdesk
2. Desktop
3. Server
4. Enterprise Information Security Office (EISO)
5. Networking/Telecommunications
6. Microsoft 365 & Mobile
7. Web Team
8. ETSD Management, including CIO, Deputy CIO, Infrastructure and Applications managers, and OPDS Contract Lead

HELPDESK

The ETSD helpdesk provides Tier 1 support for OPDS and the OJD. When an OPDS staff member needs assistance, they can call the Helpdesk and speak with a technician directly, or can send an email to the Helpdesk, creating a ticket. When OPDS management has service requests, such as new user account creation, a copier installation, or office moves, these requests are submitted to the Helpdesk as a ticket, as well.

For issues, the Helpdesk functions as Tier 1 support and resolves issues directly or triages the problem and transfers it to Tier 2 support at Desktop, or to one of the Tier 3 specialty teams such as Server, Networking or Web development. Service requests follow this pattern, and are either fulfilled directly by the Helpdesk, or routed to the appropriate team.

ETSD manages tickets using the software *iSupport*. This software is based on the ITIL framework and manages *incidents*, larger scale *problems, assets, the configuration database,* and *change management procedures.* All ETSD staff and management use the iSupport software and can view and interact with all functions.

DESKTOP TEAM

The OJD Desktop team provides Tier 2 and 3 support to OPDS and the OJD. The team works collaboratively, and each member monitors the OPDS queue and provides support as required based on expertise and availability.

Responsibilities of this team for OPDS include:
1. Tier 2 and 3 technical issues on Windows 10 operating systems, Microsoft Office software, Adobe software products, and other software titles.
2. Hardware troubleshooting and warranty resolution on Dell computers and monitors, Lexmark and HP printers, Fujitsu scanners, Ricoh copiers and other technical equipment.
3. Service requests including new user computer setups and software installs.
4. Service requests to deploy new and existing hardware for staff.
5. Service requests for technical equipment moves and setups, including individual sit/stand desks.
6. Service requests for new printer and copier installations and configurations.
7. Operating system (OS) management, including Windows image creation and maintenance, computer operating system and software upgrades.
8. Security and feature patching Windows OS and software.
9. Technical environmental management with Group Policy and Active Directory, including mapped drive and printer installations and management.
10. Recommendations for technical equipment purchases.

The primary software tools used by the desktop team include many Microsoft products such as System Center Configuration Manager (SCCM) for deploying, upgrading and patching Windows 10 systems; Windows Server Update Service, for patching Windows 10 systems; WinPE and the DART tools for troubleshooting and service, Remote Assist and Remote Desktop for remote work, etc. Dell tools are also heavily used, including the various Dell Command components such as Dell Command | Update, Dell Command | Configure, and others. Finally, a critical tool for the Desktop team is PDQ. PDQ includes Deployment and Inventory components, and allows remote installation of software, Windows and other updates, and remote monitoring of computer systems.

SERVER TEAM

The Server team builds, maintains, and supports the OPDS server infrastructure. Approximately two years ago, the ETSD Server team created a new forest and domain for OPDS and set up a dedicated OPDS tenant and configured Azure. OPDS has a two-way trust with OJD and relies on quite a few services that reside on OJD equipment.

OPDS Server Infrastructure
ETSD supports three physical servers for OPDS-two domain controllers and a general server. ETSD also hosts and licenses seven OPDS virtual servers on our VMware virtual infrastructure.

Using virtual servers provides ease of management, fault tolerance, efficient backups and restores, flexibility and scalability, while also segmenting the systems so that only OPDS staff can access them. OPDS data backups run using ETSD's Commvault infrastructure from its primary data center in Salem at the Anderson Readiness Center. ETSD also maintains a second copy of OPDS's data, in case of a disaster, at the OneNeck data center in Bend.

Servers and Services Provided

1. Domain Controllers to manage user authentication and Active Directory services
2. DHCP & DNS Servers to dynamically assign and manage network addresses
3. Microsoft Key Management Services and an ADBA Server provide Microsoft license activation for workstations and servers for Windows and Office
4. Certificate Authority servers – root and subordinate(s), provide secure trusts between resources
5. iSupport ticket management server
6. Secure password management with Thycotic
7. WSUS (Windows Server Update Services) provide Window and Server updates to clients and servers
8. End Point Management Server (SCCM) allows Desktop to image computers, provides updates for Office 365 (Microsoft Apps for Business) and is part of the Microsoft Advanced Threat Protection infrastructure.
9. Azure Application Proxy servers
10. Intune (NDES) Server for mobile device management
11. Microsoft BitLocker Administration, Monitoring (MBAM) and Network unlock servers
12. PDQ Servers (for managing desktops and servers)– licensing, server, administration for Deployment and Inventory services
13. Nintex server provides Sharepoint workflows and automated forms
14. Exchange Server, on premise, provides an SMTP mail gateway for outbound device mail traffic
15. Server and network monitoring with SolarWinds

Server Expertise Provided
- VMware architecture and administration
- Advanced Server Administration
- SAN administration
- Backup administration
- Exchange administration
- SharePoint on-prem and in the cloud – operations and development
- Active Directory administration (including Domain Controllers, DNS, DFS, WINS, DHCP, Security, group policies, etc.)
- Tenant / Azure AD / O365 administration
- SQL database administration
- Westlaw support
- Incident management system administration (e.g. iSupport)

Information Security Office
The OJD EISO team covers both governance and policy work, plus day to day security monitoring tasks. For OPDS they provide the following:

- Incident response: EISO directs incident response with a cross-team group of up to a dozen individuals for any given issue. Incidents may be detected by Microsoft's Advanced Threat Protection, by reports of phishing emails, or by firewall activity.
- Email analysis and blocking, and reports on suspicious email.
- Manage the annual DigiCert renewal, other certificates, and annual VPN certification.
- OPDS benefits from OJD EISO activity, for example blocking dangerous email addresses for OPDS when problem activity was only detected at the OJD.
- Provide security training, education, and assessment for OPDS staff.
- QRadar Security Intelligence software allows efficient and secure analysis of server and network logs.
- Annual third-party Security penetration testing.

Networking/Telecommunications

The Network and Telecommunications configures, monitors, updates and provides Tier 2 and Tier 3 troubleshooting for all network components including OPSD switches, routers, the firewall, wireless infrastructure and VoIP functions including the VoIP servers, call tree configuration and management, and phone system licensing. In addition, the team procures, maintains, and monitors the LS network connections between OPDS locations, and all internet connectivity. The OJD also provides the network transport for OPDS at two physical locations.

Microsoft 365 & Mobile

The Microsoft 365 team's primary role for OPDS is to manage their Microsoft online presence and Exchange servers, and to support mobile devices including iPhones and iPads. Various Microsoft 365 components are managed, including the Exchange servers, OPDS tenant, user accounts, and Azure security configurations. Exchange configuration includes building and maintaining online Azure groups, Multi-Factor Authentication (MFA), mailbox management and email quarantine response.

Web Team

The Web team manages OPDS's Sharepoint online, intranet and handles break/fix issues. Additionally, the team allocates 24 hours of project work per week for OPDS specific functional requests and development.

The current projects are described in prioritized order below.

1. Priority 1: *AP Intake.* Projected go-live date is January 1. Accounts Payable Intake is an online process allowing vendors (attorneys and law firms) to get paid for their work, like submitting an expense report. The vendor fills out a form, the form is audited, it goes into payment system and the payment processed. This project uses the Nintex forms and workflow tool.
   AP Intake is OPDS's number one priority and the project that Web team is currently spending most of the 24 hours a week on. For OPDS, Kimber Sexton is the Web team's primary contact. Keith Koerner is working on the OJD side. They meet at least once but sometimes 2-3 times a week to discuss it.
2. Priority 2: The *Case Load* project went live at the beginning of 2021. Vendors (attorneys and law firms) can submit a form and a .csv file that is reviewed and then the data is added to a SQL database. The data can be viewed through PowerBI. OPDS has continued to work with the Web team adding features, but at a slower pace since it went live. The

AP Intake project is currently using most of the Web teams 24 weekly hours, so they are primarily monitoring the Case Load system.

3. *Expense Report Pre-approval* process: before submitting an expense report, staff need pre-approval. This project has not started yet. This project on hold until AP intake is finished.

4. *Sharepoint Online Intranet* development: This project doesn't currently require active work by the OJD. After building OPDS's Sharepoint online environment, OPDS is populating it with content. OPDS staff sometimes need help with the work or with building other pages. OPDS's goal is to have a nice front end from the home page

5. *Six in One Form* project: this is a Nintex form and workflow for six appeals forms. Web team is combining the six forms into one, and this is a workflow that changes the form as data is entered, starting from a common form and ending with the necessary data. This project is mostly on hold until the AP Intake project is complete.

Management

ETSD maintains a dedicated OJD-OPDS Contract Lead position. This role's responsibility is to manage the OPDS contract from the OJD side, ensuring all contractual responsibilities are met, and OPDS receives the attention it needs in a timely manner. This individual works closely as a liaison between OPDS's CIO and the OJD teams. A critical part of the support ETSD provides is the capacity to adjust priorities quickly, if necessary, to accommodate immediate needs, and the dedicated OPDS Contract lead plays a significant role in making this possible.

ETSD's management structure, including our CIO, Deputy CIO, and Infrastructure and Applications managers, all provide oversight, insight, and guidance for OPDS both directly, and by managing the teams which support OPDS's technical needs.

Summary

The OJD provides a wide range of technical services and support for OPDS. This support utilizes seven ETSD teams and provides a comprehensive pool of trained, talented professionals, technicians, and managers. A wide variety of Enterprise class software solutions are utilized. This support is provided to OPDS for a flat monthly fee of $34,417.60.