

ANALYSIS

Item 11: Public Defense Commission Information Technology

Analyst: John Borden

Request: Allocate \$898,916 General Fund from the special purpose appropriation made to the Emergency Board for the transition of the Public Defense Commission to the executive branch of government and authorize the establishment of four permanent positions (2.00 FTE) for information technology support.

Analysis: The Public Defense Commission (PDC) is requesting an allocation of \$898,916 General Fund from the special purpose appropriation established for the transition of the Commission from the judicial to the executive branch of government and authorization for four positions (2.00 FTE) for information technology support. The 2025-27 biennial cost of this request is estimated to be \$1.4 million General Fund and four positions (4.00 FTE).

In December 2019, PDC administratively eliminated the agency's information technology capability and staffing and thereafter became dependent on a service contract with the Judicial Department for information technology support for servers, network infrastructure, and related technical services.

In the 2021 session, the Legislature reestablished the Information Technology Section (ITS) and authorized the establishment of four permanent full-time positions, including: one permanent full-time Chief Information Officer, one permanent full-time Information Systems Specialist 3 for technical and database support, one permanent full-time Information Systems Specialist 2 for employee computer issues and database support, and one permanent full-time Information Systems Specialist 2 also for employee computer issues and database support.

In 2023, the Legislature transitioned PDC from the judicial branch to the executive branch of government with an operative date of January 1, 2025 (SB 337), which included removing statutory exemptions from state information technology and procurement law. As an executive branch agency, PDC will be under the authority of the Governor and the Department of Administrative Services. However, PDC remains exempt from state personnel law.

The 2024 Legislature established four additional ITS positions for the transition to the executive branch, including: one permanent full-time Information Technology Specialist 4 for server support (0.63 FTE); one permanent full-time Information Technology Specialist 4 for Microsoft 365 support (0.63 FTE); one permanent full-time Information Technology Specialist 3 for webservices/Application Programming Interface support (0.63 FTE); and one permanent full-time Information Technology Specialist 3 for mobile device support (0.63 FTE). Two of the four positions have been hired with the remaining two positions in recruitment.

This request is for four additional ITS positions, including: one permanent full-time Manager 3 for a Chief Data Officer (0.50 FTE); one permanent full-time Information Technology Specialist 3 (0.50 FTE) for a web services developer overseeing the configuration and management of SharePoint; one permanent full-time Information Technology Specialist 2 (0.50 FTE) for desktop support; and one permanent full-

time Information Technology Specialist 1 (0.50 FTE) for a triage specialist to support incoming calls and routing of tickets. In addition, PDC is requesting \$220,000 General Fund for one-time professional service contacts for the following: (1) Project Manager for the agency's transition to the executive branch (\$100,000); transition expense to move from Nintex platform to Microsoft Office E-Forms (\$50,000); and (3) strategic planning consulting services (\$70,000).

PDC's ITS transition resourcing is complicated by the agency's efforts to complete the procurement of a major information technology project, the Financial and Case Management System (FCMS), prior to January 1, 2025, with implementation beginning in January 2025 (Emergency Board Item #6). The 2023 Legislature provided \$7.9 million General Fund and five limited duration positions (5.00 FTE) to restart FCMS, including: one limited duration Information Technology Specialist 4 (1.00 FTE), two limited duration Operations and Policy Analyst 2 positions (2.00 FTE), two limited duration Operations and Policy Analyst 3 positions (2.00 FTE), and \$6.7 million in associated services and supplies (SB 337, 2023).

The 2024 Legislature also committed funding to ensure the transition of PDC to the executive branch, including a \$500,000 General Fund appropriation for a contractor to assist PDC with the transition (SB 5701, 2024).

In summary, PDC's ITS is in the process of completing the following priorities simultaneously: (1) rebuilding the ITS function and supporting routine agency operations; (2) servicing three recently established Regional Pilot offices; (3) transitioning off the Judicial Department's information technology support contract, which terminates June 30, 2025; (4) transitioning the agency to the executive branch; and (5) undertaking FCMS, a major information technology modernization effort. These activities will consume ITS' focus for the next two or more years as well as help to inform future funding requirements.

The recommendation is to approve two of the four requested positions, including one permanent full-time Information Technology Specialist 2 (0.50 FTE) for desktop support; one permanent full-time Information Technology Specialist 1 (0.50 FTE) for a triage specialist to support incoming calls and routing of tickets. The combined total is \$286,301 General Fund, of which \$60,776 is for services and supplies. The 2025-27 biennial cost is estimated to be \$512,00 General Fund and two positions (2.00 FTE).

At this time, there is insufficient justification to recommend the two other positions; however, the need for these positions, or alternatively, other positions, should be reassessed after the procurement of FCMS has been completed. Funding for a contract for a Project Manager may be funded from the existing \$500,000 General Fund appropriation for a transition contractor(s), as the agency's current transition contract was let for only \$250,000 with a not-to-exceed amount of \$500,000. Funding for the Microsoft Office E-Forms and strategic planning consulting services are not recommended but may be considered in the future.

Recommendation: The Legislative Fiscal Office recommends that the Emergency Board allocate \$286,301 General Fund from the special purpose appropriation made to the Emergency Board for the transition of the Public Defense Commission to the executive branch of government and authorize the establishment of two permanent full-time positions (1.00 FTE) for information technology support.

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Oregon Public Defense Commission
Gehringer

Request: Allocate \$898,916 from the Special Purpose Appropriation made to the Emergency Board for the transfer of the Oregon Public Defense Commission (OPDC) to the Executive Branch and establish four permanent, full-time information technology (IT) positions (2.00 FTE).

Recommendation: OPDC is not under Executive Branch budgetary authority.

Discussion: OPDC is requesting an allocation from the Special Purpose Appropriation established by Senate Bill 5506 (2023) to facilitate the transfer of the agency to the Executive Branch. OPDC proposes to fund IT positions and contracted support, identified through a gap analysis, at an estimated cost of \$0.9 million for four positions (2.00 FTE) for the remainder of the 2023-25 biennium. This request would be in addition to six permanent positions (3.78 FTE) recommended by the Interim Joint Committee on Ways and Means in January 2024 and funded from the same Special Purpose Appropriation. If the requested positions are permanently funded, there will be an estimated fiscal impact of \$1.4 million General Fund in the 2025-27 biennium.

Requested Positions

The administrative IT gaps identified by OPDC include data security and independence, triage ticketing, desktop support, and web services. The following requested positions are meant to close these gaps:

- One Manager 3 position (0.50 FTE) to be Chief Data Officer who will be responsible for oversight, collection, management, and storage of data across OPDC. The Chief Data Officer will be responsible for developing data storage policies, ensuring the security, preservation, and legal compliance of data.
- One Information Technology Specialist 1 position (0.50 FTE) to be a triage specialist responsible for handling incoming calls, creating and routing help desk tickets, as necessary.
- One Information Technology Specialist 2 position (0.50 FTE) for desktop support to cover increases in staff and additional office locations. This position will assist the other desktop support positions with workstation installations, hardware setup, and troubleshooting.
- One Information Technology Specialist 3 position (0.50 FTE) to be a web services developer overseeing and configuring secure and efficient collaborative environments for internal and external parties.

It is worth noting that although the OPDC will transfer to the Executive Branch on January 1, 2025, they remain exempt from Oregon Laws Chapter 240, "Oregon Personnel Relations, per ORS 151.221. The agency has established their own classification plan similar to the Oregon Judicial Department (OJD).

Contracted Support

In addition to permanent IT positions, OPDC is requesting allocation from the Special Purpose Appropriation dedicated to the transfer of OPDC to the Executive Branch and to establish several one-time contracts related to IT services, including:

- one project manager focused on the transition of OPDC's information technology services to the Executive Branch, projected to cost \$100,000 (1,039 hours at approximately \$95.00 per hour),
- a contract to move the agency from the Nintex workflow platform to Microsoft 365, projected to cost \$50,000 (200 hours at approximately \$250 per hour), and
- a contract with the firm Info-Tech for tools and assistance with strategy and planning through consultation, projected to cost \$70,000.

These contracted investments are intended to leverage existing IT resources as the agency transitions to the Executive Branch before 2025, while the permanent positions are meant to appropriately staff OPDC as an Executive Branch agency.

Legal Reference: Allocation of \$898,916 from the Special Purpose Appropriation made to the Emergency Board by chapter 605, section 113(1), Oregon Laws 2023 to supplement the appropriation made by chapter 481, section 1(9), Oregon Laws 2023, for Oregon Public Defense Commission, Administrative Services Division, for expenses related to transfer of the Oregon Public Defense Commission to the Executive Branch for the 2023-25 biennium.



Oregon

Public Defense Commission

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April 29, 2024

The Honorable Rob Wagner, Co-Chair
The Honorable Representative Julie Fahey, Co-Chair
State Emergency Board
900 Court Street NE
H-178 State Capitol
Salem, OR 97301-4048

Dear Co-Chairs:

Nature of the Request

The Oregon Public Defense Commission (OPDC) is requesting access to the \$5 million special purpose appropriation for transferring the commission to the executive branch in Senate Bill 5506 (2023) to fund strategic agency positions identified through a gap analysis and contracted services at an estimated cost of \$898,916.00 General Fund including 4 positions (2.00 FTE) and three instances of one-time contract funding for the remainder of the 2023-2025 biennium. The 2025-2027 biennial costs are estimated at \$1.36 million General Fund including 4 positions (4.00 FTE).

Agency Action

Information Technology Strategic Positions and additional contracted support.

Through a gap analysis based on the legislatively requested agency remediation plan, the agency has determined the need for various positions that will help with the smooth transition of the Public Defense Services Commission into the executive branch. Crucial to the success of the agency's transition are the staffing and contracting support needs for Information Technology Services transition.

The Commission recently hired a Chief Information Officer (CIO) with numerous years of experience working with the Department of Administrative Services Enterprise Services to lead the commission's IT systems transition to the Executive Branch of government. The CIO has been working with DAS EIS and the agency human resources staff to do a needs assessment on existing staff, in addition to working with OJD ETSD to begin identifying needs while working through the transition plans. The 2024 Legislature provided four essential positions as a start to moving the transition forward, however additional positions and some additional contracted services will still be needed as the transition moves forward. The agency signaled that it would return in a future E-board to request the additional positions, and through the assessment work of the commission's CIO has identified some additional contract needs.

1. OPDC is requesting the addition of four additional Information Technology Services

positions that are required to ensure the agency has the necessary staffing to address the move to the executive branch. An additional \$638,000.00 in General Fund will fund four Information Technology Specialists (ITS) for a combined 2.00 FTE. These positions were identified through a gap analysis of what services the Oregon Judicial Department is currently providing vs. what services will be provided by the Oregon Department of Administrative Services (DAS). This request directly ties to the remediation issue of evaluating the current IT structure and identifying needs. These positions will have an estimated 2025-2027 roll up cost of \$1.28 million General Fund (4 positions and 4.00 FTE).

The positions include:

- a. **Manager 3 (1 position, 0.50 FTE)** The responsibilities of a Chief Data Officer include overseeing the collection, management, and storage of data across the organization. Responsible for developing data storage policies, ensuring the security, preservation, and legal compliance of data. Maintaining a myriad of disparate data systems, including provider registries, contract management systems, payment systems, and case management systems. This position was identified as a need in response to the issue “Evaluate current data security and independence.” (Chief Data Officer)
 - b. **ITS3 (1 position, 0.50 FTE)** A web services developer oversees configuring and managing access to SharePoint, ensuring a secure and efficient collaborative environment. Additional duties include designing and maintaining online forms using tools like Nintex, facilitating easy access and service requests for both internal and external parties. (Web Services)
 - c. **ITS2 (1 position, 0.50 FTE)** A desktop support position to cover increases in staff and additional locations. This position will assist the other desktop support positions with workstation installations, hardware setup and troubleshooting. (Desktop)
 - d. **ITS 1 (1 position, 0.50 FTE)** A triage specialist is responsible for handling incoming calls, creating and routing tickets as necessary. This position serves as the primary internal tier 1 support, ensuring that all issues are addressed promptly and efficiently. (Triage/Ticketing)
2. The agency is requesting the funding to establish a contract for a project manager focused on the transition of the commission’s information technology services. The magnitude of the transition as it is fully appreciated, in addition to the time frame in which has been identified in which to accomplish this transition will necessitate the full-time contracted services of a project manager with extensive experience in building and transitioning of information technology systems. The agency anticipates needing approximately \$100,000.00 (1,039 hours at approximately \$95.00 per hour) to secure these services on a one-time basis.
 3. The agency is also requesting the funding to establish a contract to move the agency form

from the Nintex platform to a Microsoft E-forms. This will be both a cost savings to OPDC to use existing software we already own (M365) but will future proof us and improve business processes due to the inherent Microsoft integrations. Outsourcing the transition of key Nintex forms into the Microsoft ecosystem will ensure we get a definitive product from someone with that subject matter expertise. This solution should create a seamless transition that will provide assurance that providers can interact with that agency as it transitions and builds its future financial case management system. The agency anticipates needing approximately \$50,000.00 (200 hours at approximately \$250 per hour) to secure these services on a one-time basis.

4. Finally, OPDC is interested in establishing a contract with the firm Info-Tech. InfoTech is a long-term strategic partner for OPDC, through its CIO and IT Division. Info-Tech provides tools and assistance with strategy, planning, through consultation and by providing tools for success. The commission will be purchasing an agency-wide IT assessment tool that should provide the engagement needed for the agency to transition and move to accomplish the will of the legislative as outlined for the Commission in SB 337 (2023). The agency anticipates a financial need of approximately \$70,000 for the life of this contract which includes consultative services in addition to ancillary charges for travel and an assessment tool, on a one-time basis.

Action Requested

The OPDC is requesting access to the executive transition SPA set aside in SB 5506 (2023) for \$898,916.00 General Fund appropriation and expenditure authority for four (4) positions (2.00 FTE) and three instances of one-time contract funding for the 2023-2025 biennium to ensure a smooth transition to the executive branch. The 2025-2027 biennial costs are estimated at \$1.36 million General Fund (4 positions and 4.00 FTE).

Legislation Affected

Oregon Laws 2023, chapter 481, section 1 (9). + \$898,916.00
Oregon Laws 2023, chapter 605, section 113 (1). – \$898,916.00

Sincerely,



Jessica Kampfe
Executive Director

cc:

Amanda Beitel, Legislative Fiscal Officer
John Borden, Principal Legislative Analyst, LFO
Kate Nass, Chief Financial Officer
Zack Gehringer, Policy and Budget Analyst, CFO