

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 1564

Short Title: Information Technology Procurement.

(Public)

Sponsors: Representatives Tolson; Barefoot, Bonner, Ford, Haire, Hall, Saunders, Sutton, Wainwright, Walend, and Yongue.

Referred to: Technology.

May 17, 2000

A BILL TO BE ENTITLED

AN ACT TO MAKE TECHNICAL AND CLARIFYING CHANGES TO THE LAWS
REGARDING THE PROCUREMENT OF INFORMATION TECHNOLOGY BY
STATE AGENCIES AND INSTITUTIONS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143B-472.51 reads as rewritten:

"§ 143B-472.51. Powers and duties of Office of Information Technology Services.

(a) The Office of Information Technology Services has the following powers and duties:

- (1) Procure all information technology for State ~~agencies, except agencies.~~ For purposes of this subdivision, agency means any department, institution, commission, committee, board, division, bureau, office, officer, official or other unit of the State, unless specifically exempted in this Article. Procurement of information technology supplies, equipment, and materials for community colleges and local school administrative units shall be governed by the Office in accordance with applicable rules and procedures for review and approval by the Office. The University of North Carolina and its constituent ~~institutions.~~ institutions may elect to participate in information technology

1 procurement under this Article or may obtain information technology in
2 compliance with Department of Administration requirements.

3 (2) Submit for approval of the Information Resources Management
4 Commission all rates and fees for common, shared State government-
5 wide technology services provided by the Office.

6 (3) Submit for approval of the Information Resources Management
7 Commission recommended State government-wide, enterprise-level
8 policies for information technology.

9 (4) Develop standards, procedures, and processes to implement policies
10 approved by the Information Resources Management Commission.

11 (5) Assure that State agencies implement and manage information
12 technology portfolio-based management of State information
13 technology resources, in accordance with the direction set by the State
14 Chief Information Officer.

15 (6) Assure that State agencies implement and manage information
16 technology enterprise management effort of State government, in
17 accordance with the direction set by the State Chief Information Officer.

18 (7) Provide recommendations to the Information Resources Management
19 Commission for its biennial technology strategy and to develop State
20 government-wide technology initiatives to be approved by the
21 Information Resources Management Commission.

22 (8) Develop a project management, quality assurance, and architectural
23 review process that adheres to the Information Resources Management
24 Commission's certification program and portfolio-based management
25 initiative.

26 (9) Establish and utilize the Information Technology Management Advisory
27 Council to consist of representatives from other State agencies to advise
28 the Office on information technology business management and
29 technology matters.

30 (b) ~~Other~~ Any other State agencies and local governmental entities may use the
31 information technology programs, services, or contracts offered by the Office in
32 accordance with the statutes, policies and rules adopted by the Information Resources
33 ~~Management Commission~~ of the Office. Local governmental entities are not required to
34 comply with otherwise applicable competitive bidding requirements when using contracts
35 established by the Office."

36 Section 2. G.S. 143B-472.54 reads as rewritten:

37 "**§ 143B-472.54. Procurement of information technology.**

38 Notwithstanding any other provision of law, the Office shall procure all information
39 technology for State ~~agencies except~~ agencies. Procurement of information technology
40 supplies, equipment, and materials for community colleges and local school
41 administrative units shall be administered by the Office in accordance with applicable
42 rules and procedures for review and approval by the Office. The University of North
43 Carolina and its constituent institutions ~~institutions~~ may choose to use the information

1 technology programs, services, or contracts offered by the Office, under the statutes,
2 policies and rules applicable to the Office. The Office shall integrate technological
3 review, cost analysis, and procurement for all information technology needs of those
4 State agencies in order to make procurement and implementation of technology more
5 responsive, efficient, and cost-effective. Responses to solicitations and all information
6 and documentation relative to the development of a contractual document shall be
7 deemed confidential in nature and may be made a matter of public record after the
8 contract is awarded. Award information determined by the State Chief Information
9 Officer to be confidential due to the nature of the purchase, such as security or privacy-
10 related information, shall remain confidential."

11 Section 3. G.S. 143B-472.58(b) reads as rewritten:

12 "(b) Reporting. – Every State agency ~~required by this Part to use that makes a direct~~
13 purchase of information technology using the services of the Office in the procurement of
14 information technology which purchases information technology directly shall report to the
15 Office the information required by G.S. 143-48(b) and the Office shall report directly to the
16 Department of Administration in accordance with all information required by G.S. 143-
17 48(b)."

18 Section 4. G.S. 143B-472.63(a) reads as rewritten:

19 "**§ 143B-472.63. Board of Award review.**

20 (a) When the dollar value of a contract for the procurement of information
21 technology equipment, materials, and supplies exceeds the benchmark established by the
22 Secretary of Commerce, the contract shall be reviewed by the Board of Awards pursuant
23 to G.S. 143-52.1 prior to the contract being awarded."

24 Section 5. This act becomes effective July 1, 2000.