

SENATE AMENDMENTS TO A-ENGROSSED HOUSE BILL 4122

By COMMITTEE ON RULES

February 28

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

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

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

6 On page 2, after line 24, insert:

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

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

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

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

14 “(A) Identifies quality standards that apply or should apply to the information technology initi-
15 ative;

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

18 “(C) Reviews and evaluates the state contracting agency’s, the public corporation’s or the other
19 contractor’s performance regularly as the information technology initiative progresses from start to
20 finish;

21 “(D) Identifies omissions or gaps in the state contracting agency’s, the public corporation’s or
22 the other contractor’s planning, execution, control, methodology, communication or reporting as the
23 information technology initiative progresses from start to finish;

24 “(E) Identifies risks in the state contracting agency’s, the public corporation’s or the other
25 contractor’s plans or approach to designing, developing or implementing the information technology
26 initiative and suggests methods to reduce, mitigate or eliminate the risks;

27 “(F) Assists the state contracting agency or the public corporation in testing or otherwise
28 evaluating the hardware, software or services that are developed, provided or obtained as part of
29 an information technology initiative to determine whether the hardware, software or services con-
30 form with the quality standards identified in subparagraph (A) of this paragraph;

31 “(G) Advises the state contracting agency or the public corporation as to whether the hardware,
32 software or services that are developed, provided or obtained as part of an information technology
33 initiative meet the contracting agency’s or the public corporation’s needs, specifications or expect-
34 ations and otherwise enable the state contracting agency or the public corporation to achieve the
35 objectives for the information technology initiative; or

1 “(H) Identifies unsatisfactory performance and suggests methods the state contracting agency,
2 the public corporation or the other contractor might use to eliminate the causes of unsatisfactory
3 performance.

4 “(f) ‘State contracting agency’ has the meaning given that term in ORS 279A.010.

5 “(2)(a) A state contracting agency or a public corporation that implements an information
6 technology initiative shall obtain quality management services from a qualified contractor if the
7 value of the information technology initiative exceeds \$5 million or if the information technology
8 initiative meets criteria or standards that the State Chief Information Officer or the Director of the
9 Oregon Department of Administrative Services specifies by rule or policy.”.

10 On page 4, delete line 1.

11 Delete lines 10 through 37 and insert:

12 “(4)(a) Notwithstanding any procurement authority that a state contracting agency or a public
13 corporation has that is not subject to the authority of the Director of the Oregon Department of
14 Administrative Services under ORS 279A.050 (2) or (7), the state contracting agency or public cor-
15 poration is subject to the provisions of subsection (2) of this section and shall consult with and fol-
16 low the rules, policies and procedures of the State Chief Information Officer and the Oregon
17 Department of Administrative Services in determining the extent of preliminary quality assurance
18 services or quality management services that the state contracting agency or public corporation will
19 require for an information technology initiative.

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

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

31 “(A) The State Chief Information Officer;

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

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

34 “(i) The director of the state contracting agency or, if a board or commission sets policy for the
35 state contracting agency, to the board or commission; or

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

37 “(b) The state contracting agency or public corporation shall provide the contractor with names,
38 addresses and other contact information the contractor needs to comply with paragraph (a) of this
39 subsection.

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

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

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

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

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

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

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

8 “**SECTION 5.** (1) Section 1 of this 2014 Act and the amendments to ORS 279B.040 and
9 279B.110 by sections 2 and 3 of this 2014 Act become operative on July 1, 2014.

10 “(2) The Attorney General, the State Chief Information Officer, the Director of the
11 Oregon Department of Administrative Services, the Director of Transportation or a state
12 contracting agency or public corporation that adopts rules under ORS 279A.065 may take any
13 action before the operative date specified in subsection (1) of this section that is necessary
14 to enable the Attorney General, the State Chief Information Officer, the director, the state
15 contracting agency or the public corporation to exercise the duties, functions and powers
16 conferred on the Attorney General, the State Chief Information Officer, the director, the
17 state contracting agency or the public corporation under section 1 of this 2014 Act and the
18 amendments to ORS 279B.040 and 279B.110 by sections 2 and 3 of this 2014 Act.

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

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