

1 facilities, either alone or in combination with information systems, for the electronic distribution
2 of all forms of information, including voice, data and images.

3 (5) "Chief information officer" means the department head for the department of
4 information technology.

5 **39-21.2-2. Department of information technology – Chief information officer –**

6 **Duties and responsibilities.** -- (a) There is established the department of information technology.
7 The department of information technology shall be administered by a chief information officer,
8 who shall be an individual knowledgeable with respect to information and telecommunication
9 systems.

10 (b) The chief information officer shall be appointed by the governor, with the advice and
11 consent of the senate.

12 (c) The chief information officer shall:

13 (1) develop and implement an integrated set of policies and architecture pertaining to
14 information and telecommunication systems for state agencies;

15 (2) develop a series of comprehensive standards and planning guidelines pertaining to the
16 development, acquisition, implementation, and oversight and management of information and
17 telecommunication systems for state agencies;

18 (3) identify and implement:

19 (i) optimal information and telecommunication systems to efficiently service the needs of
20 state agencies; and

21 (ii) opportunities for reducing costs for such systems.

22 (4) approve or disapprove, in accordance with guidelines established by the chief
23 information officer, each proposed state agency acquisition of hardware or software for an
24 information or telecommunication system, except for:

25 (i) hardware or software having a cost of less than twenty thousand dollars (\$20,000); or

26 (ii) hardware or software having a cost of twenty thousand dollars (\$20,000) or more, but
27 less than one hundred thousand dollars (\$100,000), which is for a project that complies with the
28 agency's business system's plan as approved by the chief information officer.

29 (5) approve or disapprove, in accordance with guidelines established by the chief
30 information officer, all state agency requests or proposed contracts for consultants for information
31 and telecommunication systems;

32 (6) be responsible for purchasing, leasing and contracting for all information system and
33 telecommunication system facilities, equipment and services for state agencies, in accordance
34 with the provisions of this chapter, except for the offices of the governor, lieutenant governor,

1 treasurer, attorney general and secretary of the state;

2 (7) review existing and new information and telecommunication system technologies to
3 ensure consistency with the strategic plan established under section 39-21.2-7 and approved state
4 agency architecture and make recommendations for review and appropriate action;

5 (8) cooperate with the general assembly, the state supreme court and the constituent units
6 of the state system of higher education in assessing opportunities for cost savings and greater
7 sharing of information resources which could result if such entities acquire information and
8 telecommunication systems similar to those of state agencies; and

9 (9) ensure state-wide implementation of the 9-1-1 and E 9-1-1 systems.

10 (d) The department of information technology shall approve or disapprove a state agency
11 request or proposed contract under subdivision (4) or (5) of subsection (c) of this section no later
12 than seven (7) business days after receipt of the request or proposed contract and any necessary
13 supporting information. If the department of information technology does not approve or
14 disapprove the request or proposed contract by the end of such seven (7) day period, the request
15 or proposed contract shall be deemed to have been approved. The provisions of said subdivision
16 (5) shall not apply to telecommunication consultants retained by the public utilities commission
17 in connection with telecommunication proceedings of said commission.

18 **39-21.2-3. Regulations.** -- The chief information officer may adopt rules and regulations
19 to carry out and enforce the provisions of this chapter.

20 **39-21.2-4. Information and telecommunication systems – Transfer and**
21 **responsibility for.** -- On July 1, 2004, any and all information systems and telecommunication
22 systems functions, as defined in this chapter, of the department of administrative, of the Rhode
23 Island public telecommunications authority as defined in chapter 16-16, and of the 9-1-1 authority
24 as defined in section 39-21.1-3, shall be transferred to the department of information technology
25 and, on and after said date, the chief information officer shall be responsible for such functions.
26 The department of information technology shall be deemed a replacing agency for purposes of
27 administering the state's emergency 911 system pursuant to the terms of section 39-21.1-6.

28 **39-21.2-5. Telecommunication facilities, equipment and services – Responsibility for.**
29 **-- (a) The chief information officer shall be responsible for purchasing, leasing and contracting**
30 **for all telecommunication facilities, equipment and services for the state-wide telecommunication**
31 **infrastructure for the support of state agencies; implementing, or assisting state agencies in**
32 **implementing, such facilities; processing bills for telecommunication services used by state**
33 **agencies including telecommunication services provided at the request of state agencies to:**

34 (1) private nonprofit or not-for-profit agencies whose telecommunication services are

1 funded primarily by the state; and

2 (2) political subdivisions of the state; and managing the operation of such infrastructure.

3 (b) The chief information officer shall be responsible for planning for such
4 telecommunication infrastructure and assisting state agencies in:

5 (1) planning for the acquisition of telecommunication systems; and

6 (2) implementing such systems.

7 **39-21.2-6. Implementation plan.** -- (a) The chief information officer shall prepare an
8 implementation plan for carrying out the purposes of this chapter. The plan shall establish:

9 (1) policy goals for the department of information technology; and

10 (2) strategies for the management and delivery of information system and
11 telecommunication system services for state agencies.

12 (b) Not later than January 1, 2005, the chief information officer shall submit such plan to
13 the governor and to the general assembly relating to government administration.

14 **39-21.2-7. Information and telecommunication systems strategic plan.** -- (a) The
15 chief information officer shall develop, publish and annually update an information and
16 telecommunication system's strategic plan which shall have the following goals:

17 (1) To provide a level of voice and data communications service among all state agencies
18 that will ensure the effective and efficient completion of their respective functions;

19 (2) to establish a direction for the collection, storage, management and use of information
20 by state agencies in an efficient manner;

21 (3) to develop a comprehensive information policy for state agencies that clearly
22 articulates:

23 (i) the state's commitment to the sharing of its information resources;

24 (ii) the relationship of such resources to library and other information resources in the
25 state;

26 (iii) a philosophy of equal access to information.

27 (4) to provide all necessary telecommunication services between state agencies and the
28 public;

29 (5) to provide, in the event of an emergency, immediate voice and data communications
30 capabilities which are necessary to support state agency functions; and

31 (6) to provide necessary access to higher technology for state agencies.

32 (b) In order to facilitate the development of a fully integrated state-wide information
33 services and telecommunication system which effectively and efficiently supports data processing
34 and telecommunication requirements of all state agencies, the strategic plan shall include:

1 (1) establishment of guidelines and standards for the architecture for information and
2 telecommunication systems which support state agencies;

3 (2) plans for a cost-effective state-wide telecommunication network to support state
4 agencies, which network may consist of different types of transmission media, including wire,
5 fiber and radio, and shall be able to support voice, data, video and facsimile transmission
6 requirements and any other form of information exchange which takes place via electromagnetic
7 media;

8 (3) a level of information systems and telecommunication planning for all state agencies
9 and operations throughout the state that will ensure the effective and efficient utilization and
10 access to the state's information and telecommunication resources, including, but not limited to:

11 (i) an inventory of existing on-line public access arrangements for state agency data bases
12 which contain information subject to disclosure under the Freedom of Information Act;

13 (ii) a list of data bases for which such access could be provided, including data bases
14 containing consumer, business and health and human services program information;

15 (iii) provisions addressing the feasibility and cost of providing such access;

16 (iv) provisions for a public-private partnership in providing such on-line access; and

17 (v) provisions to enable citizens to communicate with state agencies by electronic mail;

18 (4) identification of annual expenditures and major capital commitments for information
19 and telecommunication systems; and

20 (5) a direction and policy planning pertaining to the infusion of new technology for such
21 systems for state agencies. In carrying out the provisions of subparagraphs (i) to (v), inclusive, of
22 subdivision (3) of this subsection, the chief information officer shall consult with representatives
23 of business associations, consumer organizations and nonprofit human services providers.

24 (c) Each state agency shall submit to the chief information officer all plans, documents
25 and other information requested by the chief information officer for the development of such
26 plan.

27 (d) The chief information officer shall not implement a state agency proposal for
28 information system hardware, software, maintenance service or consulting unless such proposal
29 complies with the strategic plan and the agency's approved business systems plan. The chief
30 information officer shall maintain a current inventory of information system components to
31 facilitate asset management and procurement leverage.

32 **39-21.2-8. Information and telecommunication systems – Purchase, lease, contracts**
33 **for, sale and disposal. -- (a) The provisions of chapter 37-2 regarding state purchases shall apply**
34 **to the purchasing, leasing and contracting for information system and telecommunication system**

1 facilities, equipment and services by the chief information officer, except that:

2 (1) the chief information officer shall have the powers and duties that are assigned by
3 said chapter 37-2 to the director of the department of administration and/or chief purchasing
4 officer and/or the purchasing agent;

5 (2) the chief information officer may use and employ any powers, tools and methods
6 provided for state purchases as provided for in chapter 37-2, including the suspension of
7 competitive bidding when permitted. The chief information officer shall adopt regulations, in
8 accordance with the provisions of this chapter, establishing objective standards for determining
9 when such alternative methods may be used instead of competitive bidding, including whether the
10 character of the facilities, equipment or services is more important than their relative cost.

11 (b)(1) As used in this subsection, "information technology personal property" includes,
12 but is not limited to, electronic data processing equipment, other equipment necessary for the
13 utilization of information systems, telecommunication equipment or installations, and other
14 equipment necessary for the utilization of telecommunication systems.

15 (2) Notwithstanding any provision of the general statutes to the contrary, the chief
16 information officer may sell, lease or otherwise dispose of information technology personal
17 property. The chief information officer may execute personal service agreements or other
18 contracts with outside vendors for such purposes. If any such information technology personal
19 property was purchased or improved with the proceeds of tax-exempt obligations issued or to be
20 issued by the state, the chief information officer shall notify the state treasurer and obtain the
21 approval of the state treasurer, before selling, leasing or disposing of the personal property or
22 executing such an agreement or contract for such purpose. The state treasurer may disapprove
23 such sale, lease, disposition, agreement or contract only if it would affect the tax-exempt status of
24 such obligations and could not be modified to maintain such tax-exempt status.

25 **39-21.2-9. Technical services revolving fund.** -- There shall be a technical services
26 revolving fund in the department of information technology for the purchase, installation and
27 utilization of information systems, as defined in section 39-21.2-1, for budgeted agencies of the
28 state. The working capital balance allocated to said technical services revolving fund shall be one
29 million one hundred thousand dollars (\$1,100,000). The chief information officer and the general
30 treasurer shall jointly be responsible for the administration of such fund. Said officer and
31 treasurer shall develop appropriate review procedures and accountability standards for such fund
32 and measures for determining the performance of the fund.

33 **39-21.2-10. Capital equipment data processing revolving fund.** -- (a) The chief
34 information officer is authorized to establish and administer a fund to be known as the capital

1 equipment data processing revolving fund which shall be used for the purchase of data processing
2 equipment and related items necessary to maintain or improve the state's data processing
3 functions. The chief information officer is authorized to expend funds necessary for all reasonable
4 direct expenses relating to the administration of said fund.

5 (b) The state investment commission shall have power from time to time to authorize the
6 issuance of bonds of the state in one or more series in accordance with the general laws and in a
7 principal amount necessary to carry out the purposes of this section, but not in excess of an
8 aggregate amount of ten million five hundred thousand dollars (\$10,500,000). All of said bonds
9 shall be payable at such place or places as may be determined by the treasurer, and shall bear
10 such date or dates, mature at such time or times, not exceeding five (5) years from their respective
11 dates, bear interest at such rate or different or varying rates and payable at such time or times, be
12 in such denominations, be in such form with or without interest coupons attached, carry such
13 registration and transfer privileges, be payable in such medium of payment and be subject to such
14 terms of redemption with or without premium as may be provided by the authorization of the
15 state investment commission or fixed in accordance therewith. The proceeds of the sale of such
16 bonds shall be deposited in the capital equipment data processing revolving fund created by this
17 section. Such bonds shall be general obligations of the state and full faith and credit of the state of
18 Rhode Island and are pledged for the payment of the principal of and interest on such bonds as
19 the same become due. Accordingly, and as part of the contract of the state with the holders of
20 such bonds, appropriation of all amounts necessary for punctual payment of such principal and
21 interest is hereby made and the treasurer shall pay such principal and interest as the same become
22 due. Net earnings on investments or reinvestments of proceeds, accrued interest and premiums on
23 the issuance of such bonds, after payment therefrom of expenses incurred by the treasurer or state
24 investment commission in connection with their issuance, shall be deposited in the general fund
25 of the state.

26 **39-21.2-11. State agency appropriations and expenditures for information and**
27 **telecommunication systems. -- The chief information officer shall establish a procedure for the**
28 **preparation by state agencies of plans and estimates of expenditure requirements for information**
29 **and telecommunication systems, for consideration for inclusion in the governor's budget**
30 **document. On February 1, 2004, and annually thereafter, the chief information officer shall**
31 **submit to the department of administration a report which sets forth the appropriation to each**
32 **state agency, for the fiscal year in progress, for information and telecommunication systems and**
33 **the actual expenditures for such systems by each such agency as of December 31st of such fiscal**
34 **year. On August 1, 2004, and annually thereafter, the chief information officer shall submit to the**

1 department of administration such report with respect to the last completed fiscal year.

2 **39-21.2-12. Advisory committees authorized – Information and telecommunication**
3 **systems executive steering committee established.** -- (a) The chief information officer may
4 establish such committees as he or she deems necessary to advise said office in carrying out the
5 purposes of this chapter.

6 (b) There is established an information and telecommunication system's executive
7 steering committee consisting of the chief information officer, the director of the department of
8 administration, the general treasurer, and a representative selected by the board of regents and the
9 department of elementary and secondary education and the board of governors for higher
10 education. The chief information officer, or his or her designee, shall serve as chairperson of the
11 committee. The department of information technology shall serve as staff to the committee. The
12 committee shall:

13 (1) review and approve or disapprove the annual information and telecommunication
14 system's strategic plan developed under the provisions of this chapter, state agency estimates of
15 expenditure requirements for information and telecommunication systems established under
16 section 39-21.2-11, and major telecommunication initiatives;

17 (2) review, in consultation with the department of information technology, and approve
18 or disapprove variances to:

19 (i) the list of approved architectural components for information and telecommunication
20 systems for state agencies;

21 (ii) the strategic plan; and

22 (iii) appropriations for information and telecommunication systems; and

23 (3) advise the department of information technology on the organization and functions of
24 the department. The committee shall submit a report on each approved variance to the general
25 assembly. Such report shall include the reasons for the variance and the results of a cost-benefit
26 analysis on the variance.

27 **39-21.2-13. Technology advisory committee established.** -- There is established a
28 technology advisory committee consisting of:

29 (1) four (4) persons from the private sector having training or experience in information
30 or telecommunication systems and technologies, one of whom shall be appointed by the speaker
31 of the house of representatives, one by the minority leader of the house of representatives, one by
32 the president of the senate and one by the minority leader of the senate; and

33 (2) four (4) state employees with training or experience in such systems or technologies,
34 who shall be appointed by the governor.

1 The technology advisory committee shall review reports submitted by the information
2 and telecommunication system's executive steering committee or the chief information officer to
3 the general assembly and shall provide technical expertise and advice to the general assembly.
4 The technology advisory committee shall meet at least once every six (6) months.

5 **39-21.2-14. Reports.** -- (a) Not later than October first, annually, the chief information
6 officer shall submit to the governor and the general assembly:

7 (1) the updated strategic plan established under section 39-21.1-7; and

8 (2) a report on the activities of the department of information technology and cost savings
9 and improvements in the efficiency of information and telecommunication systems of state
10 agencies, which are attributable to the efforts of said department.

11 (b) Not later than October first, annually, the chief information officer shall submit a
12 report to the governor and the general assembly:

13 (1) specifying potential opportunities for increasing the efficiency or reducing the costs of
14 the state's information and telecommunication systems; and

15 (2) including a plan to realize such opportunities.

16 **39-21.2-15. Century date change effect.** -- (a) As used in this section, "century date
17 change effect" means the management, manipulation, processing, comparing, sequencing and
18 other use of date data, including single and multi-century formulae and leap years, by hardware,
19 software or firmware, which:

20 (1) may cause or in any way affect abnormal ending dates or generate incorrect or invalid
21 values involving such dates; or

22 (2) is intended to produce, reflect or otherwise reference accurate date-related data
23 interface functionality, including the indication of century.

24 (b) The chief information officer shall prepare a plan for managing the century date
25 change as it will affect the various information systems of the state. Each state agency shall
26 perform an assessment of the condition of its system, including computer hardware, firmware,
27 operating systems and all software applications, to determine the extent of modifications, repairs
28 or replacements required. Each state agency shall submit such assessment to the chief information
29 officer not later than October 1, 2004. The chief information officer shall prioritize a list of
30 projects to complete modifications, repairs or system or application replacements. The chief
31 information officer shall establish a certification process to assure that the century date change
32 has been adequately managed for critical state information systems.

33 (c) The chief information officer may contract on behalf of any state agency, institution,
34 office, department, commission, council or instrumentality or any municipality, to ensure that any

1 software program used by such entity successfully manages the century date change effect on
2 computers, operating systems and all software applications. The chief information officer may
3 only enter into such a contract upon request of the entity and certification by the entity, to the
4 satisfaction of the chief information officer, that the entity has an immediate century date change
5 effect which needs to be managed in order to avoid adversely affecting critical functions.

6 (d) The chief information officer shall, within available appropriations, provide technical
7 assistance to any municipality requesting such assistance to help manage the century date change
8 effect on computers, operating systems and software applications.

9 **39-21.2-16. Management of century date change effect by municipalities –**
10 **Municipal authority to contract for services – Cooperative purchasing plans. -- (a)**
11 Notwithstanding the provisions of any municipal ordinance, special act or charter governing
12 competitive bidding requirements, the chief executive officer of a municipality may, not later
13 than December 31, 2004, enter into a contract to ensure that any software program used by the
14 municipality successfully manages the century date change effect, as defined in section 39-21.2-
15 15, on computers, operating systems and all software applications, without meeting such
16 competitive bidding requirements, provided the chief executive officer enters into a contract with
17 a vendor that has been approved by the chief information officer, as defined in section 39-21.2-1,
18 to provide such services.

19 (b) The chief information officer may join with other state governments, political
20 subdivisions of this state or nonprofit organizations in cooperative purchasing plans to contract
21 for services to manage the century date change effect when the best interest of the state and
22 municipalities would be served. The chief information officer shall make known to the chief
23 executive officer of each municipality the existence of such cooperative plans.

24 **39-21.2-17. Professional development of information technology employees. – The**
25 chief information officer shall, within available appropriations, provide for the professional
26 development of the state's information technology employees.

27 **39-21.2-18. Definitions. -- As used in this section and sections 39-21.2-19 to 39-21.2-36,**
28 inclusive:

29 (1) "Contract" means a contract for state agency information system or
30 telecommunication system facilities, equipment or services, which is awarded pursuant to this
31 chapter.

32 (2) "Contractor" means a business entity or individual who is awarded a contract or an
33 amendment to a contract.

34 (3) "Subcontractor" means a subcontractor of a contractor for work under a contract or an

1 amendment to a contract.

2 **39-21.2-19. Contracts, subcontracts, amendments to include state specifications. --**

3 Each contract, subcontract or amendment to a contract or subcontract shall include any
4 specifications established by the director of the department of administration and/or chief
5 purchasing officer and/or the purchasing agent to ensure that all policies, procedures, processes
6 and control systems, including hardware, software and protocols, which are established or
7 provided by the contractor or subcontractor, shall be compatible with and support the state's core
8 financial systems, including, but not limited to, accounting, payroll, time and attendance, and
9 retirement systems.

10 **39-21.2-20. Subcontract awards. --** (a) No contractor shall award a subcontract for work
11 under a contract or for work under an amendment to a contract without the approval of the chief
12 information officer or his or her designee of:

13 (1) the selection of the subcontractor; and

14 (2) the provisions of the subcontract.

15 (b) Each such contractor shall file a copy of each executed subcontract or amendment to
16 the subcontract with the chief information officer, who shall maintain the subcontract or
17 amendment as a public record, as defined in chapter 38-2.

18 **39-21.2-21. Public record defined. --** For purposes of this section and sections 39-21.2-
19 22 to 39-21.2-27, inclusive, "public record" means a public record, as defined in chapter 38-2,
20 and also includes any recorded data or information relating to the conduct of the public's business
21 prepared, owned, used, received or retained by a contractor or subcontractor for work under a
22 contract, subcontract or amendment to a contract or subcontract, whether such data or information
23 be handwritten, typed, tape-recorded, printed, photostated, photographed or recorded by any other
24 method.

25 **39-21.2-22. Ownership rights and integrity of public records under a contract,**
26 **subcontract or amendment. --** (a) No contractor or subcontractor, or employee or agent of a
27 contractor or subcontractor, shall have any ownership rights or interest in:

28 (1) any public records which the contractor, subcontractor, employee or agent possesses,
29 modifies or creates pursuant to a contract, subcontract or amendment to a contract or subcontract;
30 or

31 (2) any modifications by such contractor, subcontractor, employee or agent to such public
32 records.

33 (b) No contractor or subcontractor, or employee or agent of a contractor or subcontractor,
34 shall impair the integrity of any public records which the contractor, subcontractor, employee or

1 agent possesses or creates.

2 (c) Public records which a contractor, subcontractor, or employee or agent of a contractor
3 or subcontractor, possesses, modifies or creates pursuant to a contract, subcontract or amendment
4 to a contract or subcontract shall at all times and for all purposes remain the property of the state.

5 **39-21.2-23. Application of freedom of information act to public records provided to**
6 **contractor or subcontractor. -- (a) Any public record which a state agency provides to a**
7 **contractor or subcontractor shall remain a public record.**

8 (b) With regard to any public record, the state agency and the contractor or subcontractor
9 shall have a joint and several obligation to comply with the obligations of the state agency under
10 the freedom of information act, and chapter 38-2, provided the determination of whether or not to
11 disclose a particular record or type of record shall be made as provided by said chapter and by the
12 general laws.

13 **39-21.2-24. Nondisclosure of public records by contractor or subcontractor. --**
14 **Notwithstanding any other law to the contrary, including, but not limited to, any provisions of**
15 **chapter 38-2, no contractor or subcontractor, or employee or agent of a contractor or**
16 **subcontractor, shall disclose to the public any public records:**

17 (1) which it possesses, modifies or creates pursuant to a contract, subcontract or
18 amendment to a contract or subcontract; and

19 (2) which the state agency:

20 (i) is prohibited from disclosing pursuant to state or federal law in all cases;

21 (ii) may disclose pursuant to state or federal law only to certain entities or individuals or
22 under certain conditions; or

23 (iii) may withhold from disclosure pursuant to state or federal law.

24 No provision of this section shall be construed to prohibit any such contractor from
25 disclosing such public records to any of its subcontractors to carry out the purposes of its
26 subcontract.

27 **39-21.2-25. Prohibition on selling, marketing or otherwise profiting from public**
28 **records. -- No contractor or subcontractor, or employee or agent of a contractor or subcontractor,**
29 **shall sell, market or otherwise profit from the disclosure or use of any public records which are in**
30 **its possession pursuant to a contract, subcontract or amendment to a contract or subcontract,**
31 **except as authorized in the contract, subcontract or amendment.**

32 **39-21.2-26. Notice to chief information officer of violations. -- Any contractor or**
33 **subcontractor, or employee or agent of a contractor or subcontractor, which learns of any**
34 **violation of the provisions of this chapter shall, no later than seven (7) calendar days after**

1 learning of such violation, notify the chief information officer of such violation.

2 **39-21.2-27. Remedies and penalties for violations.** -- (a) If any person violates any
3 provision of section 39-21.2-24, 39-21.2-25 or 39-21.2-26, the attorney general may bring an
4 action against such person in the superior court for Providence county seeking:

5 (1) damages on behalf of the state for such violation;

6 (2) restitution for damages suffered by any person as a result of the violation; or

7 (3) imposition and recovery of a civil penalty of not more than fifty thousand dollars for
8 the violation.

9 (b) In addition to the remedies under subsection (a) of this section, any person aggrieved
10 by a violation of any provision of section 39-21.2-24, 39-21.2-25 or 39-21.2-26 may bring an
11 action in Superior Court to recover any damages suffered as a result of such violation.

12 (c) In any action brought under subsection (a) or (b) of this section, the court may:

13 (1) order disgorgement of any profits or other benefits derived as a result of a violation of
14 any provision of section 39-21.2-24, 39-21.2-25 or 39-21.2-26;

15 (2) award punitive damages, costs or reasonable attorneys' fees; or

16 (3) order injunctive or other equitable relief. Proof of public interest or public injury shall
17 not be required in any action brought under subsection (a) or (b) of this section. No action may be
18 brought under subsection (a) or (b) of this section more than three (3) years after the occurrence
19 of such violation.

20 (d) Any person who knowingly and willfully violates any provision of section 39-21.2-
21 24, 39-21.2-25 or 39-21.2-26 shall, for each such violation, be fined not more than five thousand
22 dollars (\$5,000) or imprisoned not less than one year nor more than five (5) years, or be both
23 fined and imprisoned.

24 **39-21.2-28. General assembly access to state agency records under contracts,**
25 **subcontracts and amendments thereto.** -- Each contract, subcontract or amendment to a
26 contract or subcontract shall include provisions ensuring that the joint committee on legislative
27 services and each nonpartisan office of the general assembly shall continue to have access to state
28 agency records that is not less than the access that said committee and such offices have on July
29 1, 2004.

30 **39-21.2-29. Interagency agreement between joint committee on legislative services**
31 **and chief information officer.** -- The joint committee on legislative services and the chief
32 information officer may, by interagency agreement, provide for the general assembly:

33 (1) to receive information system and telecommunication system facilities, equipment
34 and services pursuant to contracts, subcontracts or amendments to contracts or subcontracts; and

1 (2) to interconnect with state agency information systems and telecommunication
2 systems.

3 **39-21.2-30. Interagency agreement between chief court administrator and chief**
4 **information officer. -- The chief court administrator and the chief information officer may, by**
5 **interagency agreement, provide for the judicial department:**

6 (1) to receive information system and telecommunication system facilities, equipment
7 and services pursuant to contracts, subcontracts or amendments to contracts or subcontracts; and

8 (2) to interconnect with state agency information systems and telecommunication
9 systems.

10 **39-21.2-31. Interagency agreements between constitutional officers and chief**
11 **information officer. -- The office of the governor, lieutenant governor, treasurer, attorney**
12 **general and/or the secretary of the state and the chief information officer may, by interagency**
13 **agreement, provide for such office:**

14 (1) to receive information system and telecommunication system facilities, equipment
15 and services pursuant to contracts, subcontracts or amendments to contracts or subcontracts; and

16 (2) to interconnect with other state agency information systems and telecommunication
17 systems.

18 **39-21.2-32. Continuity of systems in event of expiration or termination of contract,**
19 **amendment or subcontract or default of contractor or subcontractor. -- Each contract,**
20 **subcontract or amendment to a contract or subcontract shall include provisions ensuring**
21 **continuity of state agency information system and telecommunication system facilities,**
22 **equipment and services, in the event that work under such contract, subcontract or amendment is**
23 **transferred back to the state or transferred to a different contractor, upon the expiration or**
24 **termination of the contract, subcontract or amendment or upon the default of the contractor or**
25 **subcontractor. Such provisions shall include, but not be limited to:**

26 (1) procedures for the orderly transfer to the state of:

27 (i) such facilities and equipment;

28 (ii) all software created or modified pursuant to the contract, subcontract or amendment;

29 and

30 (iii) all public records which the contractor or subcontractor possesses or creates pursuant
31 to such contract, subcontract or amendment; and

32 (2) procedures for granting former state employees who were hired by such contractor or
33 subcontractor the opportunity for reemployment with the state.

34 **39-21.2-33. Review of contracts and amendments entered into pursuant to**

1 **department of administration requests for proposals.** -- (a) No contracts or amendments to
2 contracts for information system or telecommunication system facilities, equipment or services,
3 which are entered into by any state agency:

4 (1) pursuant to the request for proposal issued by the department of administration prior
5 to the establishment of the department of information technology; or

6 (2) in the event such request for proposal is withdrawn, suspended or superseded,
7 pursuant to any similar request for proposal issued by the department of administration or the
8 department of information technology, shall be effective except as provided in this section and
9 sections 39-21.2-34 and 39-21.2-35.

10 (b) Upon the execution of any such contract or amendment, and upon the execution of
11 any subsequent contract or amendment, the state agency shall promptly file the contract or
12 amendment with the state auditor general.

13 (c) Not later than seventy-five (75) days after any such contract or amendment is filed
14 with the state auditor general, such auditor:

15 (1) shall conduct an independent evaluation of the contract or amendment to determine
16 whether the provisions of the contract or amendment serve the best interests of the state,
17 including, but not limited to:

18 (i) efficiency;

19 (ii) economy;

20 (iii) contractor qualifications, including, but not limited to, capacity for performance and
21 accountability; and

22 (iv) effective delivery of services; and

23 (2) shall submit a report on their findings and conclusions, and the contract or
24 amendment, to the general assembly, through the clerks of the house of representatives and the
25 senate. The state auditor general may, at any time before or after receipt of any such contract or
26 amendment, execute contracts with independent consultants for assistance in conducting such
27 evaluation and preparing such report.

28 (d) Upon receipt of a report and a contract or amendment from the state auditor general
29 under subsection (c) of this section, the speaker of the house of representatives and the president
30 of the senate shall refer the report and contract or amendment to the joint standing committees of
31 the general assembly having cognizance of matters relating to appropriations and the budgets of
32 state agencies and government administration, for their review. Such contract or amendment shall
33 take effect forty-five (45) days after the state auditor general submits the report and contract or
34 amendment to the general assembly unless the general assembly rejects such contract or

1 amendment as a whole by a three- fifths (3/5) vote of either house.

2 **39-21.2-34. Disqualification of potential contractors and subcontractors which**
3 **participate in department of administration requests for proposals process. -- (a) No**
4 **business entity or individual shall be awarded a contract or amendment to a contract which is**
5 **subject to the provisions of section 39-21.2-45, if the business entity or individual directly or**
6 **indirectly participates in any of the following activities on behalf of the state concerning such**
7 **contract or amendment or any other contract or amendment to a contract for state agency**
8 **information system or telecommunication system facilities, equipment or services: Preparation of**
9 **the request for information or request for proposals, development of bid specifications or proposal**
10 **requirements, evaluation of bids or proposals, or negotiations with potential contractors.**

11 (b) No business entity or individual who is awarded any such contract or amendment may
12 award a subcontract for any work under such contract or amendment to any business entity or
13 individual who has participated in any of such activities listed in subsection (a) of this section.

14 **39-21.2-35. Hiring of state employees by contractors and subcontractors. -- With**
15 **respect to any state employee whose position is eliminated or who is laid off as a result of any**
16 **contract or amendment to a contract which is subject to the provisions of this chapter:**

17 (1) the contractor shall hire the employee, upon application by the employee, unless the
18 employee is hired by a subcontractor of the contractor; or

19 (2) the employee may transfer to any vacant position in state service for which he or she
20 is qualified, to the extent allowed under the provisions of existing collectively bargained
21 agreements and the general statutes. If the contractor or any such subcontractor hires any such
22 state employee and does not provide the employee with fringe benefits which are equivalent to, or
23 greater than, the fringe benefits that the employee would have received in state service, the state
24 shall, for two (2) years after the employee terminates from state service, provide to the employee
25 either:

26 (i) the same benefits that he or she received from the state; or

27 (ii) compensation in an amount which represents the difference in the value of the fringe
28 benefits that he or she received when in state service and the fringe benefits that he or she
29 receives from the contractor or subcontractor.

30 **39-21.2-36. Disqualification of potential contractors and subcontractors for past**
31 **nonperformance. -- No contract or subcontract for state agency information system or**
32 **telecommunication system facilities, equipment or services may be awarded to any business**
33 **entity or individual pursuant to this chapter if such business entity or individual previously had a**
34 **contract with the state or a state agency to provide information system or telecommunication**

1 system facilities, equipment or services and such prior contract was finally terminated by the state
2 or a state agency within the previous five (5) years for the reason that such business entity or
3 individual failed to perform or otherwise breached a material obligation of the contract related to
4 information system or telecommunication system facilities, equipment or services. If the
5 termination of any such previous contract is contested in an arbitration or judicial proceeding, the
6 termination shall not be final until the conclusion of such arbitration or judicial proceeding. If the
7 fact-finder determines, or a settlement stipulates, that the contractor failed to perform or
8 otherwise breached a material obligation of the contract related to information system or
9 telecommunication system facilities, equipment or services, any award of a contract pursuant to
10 said chapter or sections during the pendency of such arbitration or proceeding shall be rescinded
11 and the bar provided in this section shall apply to such business entity or individual.

12 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
ESTABLISHING THE STATE DEPARTMENT OF INFORMATION TECHNOLOGY

1 This act would create a new state department of information technology. The department
2 would be operated by a chief information officer appointed by the governor, with the advice and
3 consent of the senate. The new department would have authority and responsibility to maintain
4 and develop state and municipal telecommunication facilities and to purchase appropriate
5 equipment and services. The chief information officer would be directed to establish rules and
6 regulations to advance the provisions of this chapter.

7 This act would take effect upon passage.

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