
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1704 Session of
2017

INTRODUCED BY GROVE, PHILLIPS-HILL, ORTITAY, CUTLER, BAKER,
SAYLOR, ENGLISH, MILLARD, BLOOM, WHEELAND, A. HARRIS, WATSON,
PICKETT, B. MILLER AND COX, AUGUST 16, 2017

REFERRED TO COMMITTEE ON STATE GOVERNMENT, AUGUST 16, 2017

AN ACT

1 Amending Title 71 (State Government) of the Pennsylvania
2 Consolidated Statutes, providing for information technology;
3 establishing the Office of Information Technology and the
4 Information Technology Fund; providing for administrative and
5 procurement procedures and for the Legislative Cybersecurity
6 Oversight Committee; and imposing penalties.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Part V of Title 71 of the Pennsylvania
10 Consolidated Statutes is amended by adding a chapter to read:

11 CHAPTER 43

12 INFORMATION TECHNOLOGY

13 Subchapter

14 A. General Provisions

15 B. Office of Information Technology

16 C. Procurement and Business Operations

17 D. Security

18 E. Enforcement and Penalties

19 SUBCHAPTER A

1 analytics capabilities.

2 § 4303. Definitions.

3 The following words and phrases when used in this chapter
4 shall have the meanings given to them in this section unless the
5 context clearly indicates otherwise:

6 "Director." The administrative head of the office.

7 "Distributed information technology assets." Hardware,
8 software and communications equipment not classified as
9 traditional mainframe-based items, including, but not limited
10 to, personal computers, local area networks, servers, mobile
11 computers, peripheral equipment and other related hardware and
12 software items.

13 "Electronic bidding." The electronic solicitation and
14 receipt of offers to contract.

15 "Fund." The Information Technology Fund established under
16 section 4316 (relating to Information Technology Fund).

17 "Independent agency." A board, commission, authority or
18 other agency of the Commonwealth that is not subject to the
19 policy supervision and control of the Governor. The term does
20 not include:

21 (1) a court or agency of the unified judicial system; or

22 (2) the General Assembly or an agency of the General
23 Assembly.

24 "Independent department." Any of the following:

25 (1) The Department of the Auditor General.

26 (2) The Treasury Department.

27 (3) The Office of Attorney General.

28 (4) A board or commission of an entity under paragraph
29 (1), (2) or (3).

30 "Information technology." Hardware, software and

1 telecommunications equipment, including, but not limited to, the
2 following:

3 (1) Personal computers.

4 (2) Servers.

5 (3) Mainframes.

6 (4) Wired or wireless wide and local area networks.

7 (5) Broadband.

8 (6) Mobile or portable computers.

9 (7) Peripheral equipment.

10 (8) Telephones.

11 (9) Wireless communications.

12 (10) Handheld devices.

13 (11) Public safety radio services.

14 (12) Facsimile machines.

15 (13) Technology facilities, including, but not limited
16 to, data centers, dedicated training facilities or switching
17 facilities.

18 (14) Other relevant hardware and software items or
19 personnel tasked with the planning, implementation or support
20 of technology, including hosting or vendor-managed service
21 solutions.

22 "Information technology security incident." A computer-based
23 activity, network-based activity or paper-based activity which
24 results directly or indirectly in misuse, damage, denial of
25 service, compromise of integrity or loss of confidentiality of a
26 network, a computer, an application or data.

27 "Office." The Office of Information Technology established
28 under Subchapter B (relating to Office of Information
29 Technology).

30 "Reverse auction." A real-time purchasing process in which

1 vendors compete to provide goods or services at the lowest
2 selling price in an open and interactive electronic environment.

3 "Secretary." The Secretary of Administration.

4 "State agency." Any of the following:

5 (1) The Governor's Office.

6 (2) A department, board, commission, authority or other
7 agency of the Commonwealth that is subject to the policy
8 supervision and control of the Governor.

9 (3) The office of Lieutenant Governor.

10 (4) An independent agency.

11 SUBCHAPTER B

12 OFFICE OF INFORMATION TECHNOLOGY

13 Sec.

14 4311. Establishment of office.

15 4312. Duties of office.

16 4313. Transfer of duties.

17 4314. Director.

18 4315. Planning and financing information technology resources.

19 4316. Information Technology Fund.

20 4317. Information technology reports.

21 4318. Financial reporting and accountability.

22 4319. Statewide electronic portal and annual report.

23 4320. Budget for information technology.

24 4321. Commonwealth portal.

25 4322. Information technology request.

26 § 4311. Establishment of office.

27 The Office of Information Technology is established within
28 the Governor's Office of Administration.

29 § 4312. Duties of office.

30 (a) Duties generally.--The office shall:

1 (1) Consolidate information technology functions,
2 powers, duties, obligations infrastructure and support
3 services vested in State agencies.

4 (2) Direct the management and operations of information
5 technology services for each State agency, including, but not
6 limited to, the following:

7 (i) The development of priorities and strategic
8 plans.

9 (ii) The management of information technology
10 investments, procurement and policy.

11 (iii) Oversight of each State agency to ensure
12 compliance with the provisions of this chapter.

13 (3) Recommend any changes to staffing or operations
14 regarding information technology.

15 (b) Specific duties.--As part of the general duties under
16 subsection (a), the office shall:

17 (1) Assist in developing annual information technology
18 strategic plans for each State agency that include
19 priorities, coordination and monitoring of resource use and
20 expenditures, performance review measures, procurement and
21 other governance and planning measures.

22 (2) Review and approve the information technology plans
23 for each State agency.

24 (3) Consult with the Governor's Office of the Budget on
25 budgetary matters regarding information technology planning
26 and procurement.

27 (4) Create an advisory structure to advise on matters
28 involving overall technology and data governance.

29 (5) Establish and maintain an information technology
30 portfolio management process for overall monitoring of

1 information technology program objectives, alignment with
2 priorities, budgets and expenditures.

3 (6) Identify common information technology business
4 functions within each State agency.

5 (7) Make recommendations for consolidation, integration
6 and investment.

7 (8) Facilitate the use of common technology, as
8 appropriate.

9 (9) Expand the use of project management methodologies
10 and principles on information technology projects, including
11 measures to review project delivery and quality.

12 (10) Ensure compliance by each State agency with
13 required business process reviews.

14 (11) Maintain a central procurement organization.

15 (12) Procure or supervise the procurement of all
16 information technology.

17 (13) Oversee information technology contract issues,
18 monitoring and compliance.

19 (14) Serve as a liaison between State agencies and
20 contracted information technology vendors.

21 (15) Align the appropriate technology and procurement
22 methods with the service strategy.

23 (16) Establish an information technology architecture
24 framework that governs information technology investments.
25 This architecture framework shall include the following, as
26 appropriate:

27 (i) The development of standards, policies,
28 processes and strategic technology roadmaps.

29 (ii) The performance of technical reviews and
30 capability assessments of services, technologies and

1 State agency systems.

2 (iii) The evaluation of requests for information
3 technology policy exceptions.

4 (17) Develop and implement efforts to standardize data
5 elements and determine data ownership assignments.

6 (18) Develop and maintain a comprehensive information
7 technology inventory.

8 (19) Monitor compliance with information technology
9 policy and standards through an architectural review process.

10 (20) Maintain and strengthen the Commonwealth's
11 cybersecurity posture through security governance.

12 (21) Develop security solutions, services and programs
13 to protect data and infrastructure.

14 (22) Identify and remediate security risks and maintain
15 citizen trust in securing computerized personal information.

16 (23) Implement programs, processes and solutions to
17 maintain cybersecurity situational awareness and effectively
18 respond to cybersecurity attacks and information technology
19 security incidents.

20 (24) Foster a culture of situational and risk awareness.

21 (25) Conduct evaluations and compliance audits of State
22 agency security infrastructure.

23 (26) Recommend and conduct the consolidation of State
24 agency information technology services, including, but not
25 limited to, infrastructure, personnel, investments,
26 operations and support services.

27 (27) Establish and facilitate a process for the
28 identification, evaluation and optimization of information
29 technology shared services.

30 (28) Establish, maintain and communicate service level

1 agreements for shared services.

2 (29) Establish a process for:

3 (i) the development and implementation of
4 telecommunications policies, services and infrastructure;
5 and

6 (ii) reviewing and authorizing State agency requests
7 for enhanced services.

8 (30) Identify opportunities for convergence and
9 leveraging existing assets to reduce or eliminate duplicative
10 telecommunication networks.

11 (31) Establish and maintain an information technology
12 service management process library to govern the services
13 provided to each State agency.

14 (32) Establish a formal governance body to evaluate the
15 introduction of new information technology services and the
16 retiring of existing information technology services.

17 (33) Establish metrics to monitor the health of the
18 services provided and make appropriate corrections as
19 necessary.

20 (34) Establish information technology data management
21 and development policy frameworks for each State agency that
22 include policies, processes and standards that adhere to
23 commonly-accepted principles for, among other things, data
24 governance, data development and the quality, sourcing, use,
25 accessibility, content, ownership and licensing of open data.

26 (35) Create and maintain a comprehensive open data
27 portal for public accessibility.

28 (36) Provide guidance regarding the procurement of
29 supplies and services related to the subject matter of this
30 chapter.

1 (37) Facilitate communication with the public by
2 publishing open data plans and policies and by soliciting or
3 allowing for public input on the subject matter of this
4 chapter.

5 (38) Ensure the internal examination of Commonwealth
6 data sets for business, confidentiality, privacy and security
7 issues and the reasonable mitigation of those issues, prior
8 to the data's release for open data purposes.

9 (39) Develop and facilitate the engagement with private
10 and other public stakeholders, including, but not limited to,
11 arranging for and expediting data-sharing agreements and
12 encouraging and facilitating cooperation and substantive and
13 administrative efficiencies.

14 (40) Develop and facilitate data sharing and data
15 analytics.

16 (41) Oversee and manage the information technology
17 contracts of each State agency. The following shall apply:

18 (i) The office shall obtain, review and maintain, on
19 an ongoing basis, records of the appropriations,
20 allotments, expenditures and revenues of each State
21 agency for information technology.

22 (ii) The office shall not manage but shall
23 coordinate efforts as necessary and appropriate regarding
24 the information technology contracts of an independent
25 department, the General Assembly and its agencies or the
26 agencies of the judicial branch.

27 § 4313. Transfer of duties.

28 Upon the effective date of this chapter, information
29 technology functions, powers, duties, obligations and services
30 shall be transferred to and vested in the office. The following

1 shall apply:

2 (1) The chief information officer of each State agency
3 shall:

4 (i) Report directly to the director.

5 (ii) Work within the chief information officer's
6 respective State agency on behalf of the office as an
7 employee of the office.

8 (2) The salary and costs related to the chief
9 information officer of each State agency shall be paid by the
10 chief information officer's respective State agency from
11 funds appropriated for general government operations.

12 (3) The following shall apply for an employee of a State
13 agency who handles or otherwise has responsibility for the
14 State agency's information technology services:

15 (i) Except as provided in subparagraph (ii), the
16 employee shall be transferred to the office as an
17 employee of the State agency and operate in the physical
18 location of the State agency, but the employee shall
19 report matters to the office and be supervised by the
20 office.

21 (ii) Subparagraph (i) shall not apply to an employee
22 who handles proprietary information technology programs.
23 The employee shall remain an employee of the State agency
24 and shall coordinate with the office.

25 § 4314. Director.

26 (a) Appointment and salary.--The secretary shall appoint the
27 director and set the salary of the director.

28 (b) Qualifications.--The director shall be qualified by
29 education and experience for the office.

30 (c) Duties.--In addition to other duties specified under

1 this chapter, the director shall manage the operations of the
2 office and do all of the following:

3 (1) Develop and administer a comprehensive long-range
4 plan to ensure the proper management of the Commonwealth's
5 information technology resources.

6 (2) Set technical standards for information technology
7 and review and approve information technology projects and
8 budgets.

9 (3) Establish information technology security standards.

10 (4) Provide for the procurement of information
11 technology resources.

12 (5) Develop a schedule for the replacement or
13 modification of information technology systems.

14 (6) Require and review reports by each State agency
15 concerning information technology assets, systems, personnel
16 and projects and prescribe the form of the reports.

17 (7) Prescribe the manner in which information technology
18 assets, systems and personnel shall be provided and
19 distributed among State agencies.

20 (8) Prescribe the manner of inspecting or testing
21 information technology assets, systems or personnel to
22 determine compliance with information technology plans,
23 specifications and requirements.

24 (9) Hire personnel as necessary to perform the functions
25 of the office.

26 § 4315. Planning and financing information technology
27 resources.

28 (a) Development of policies.--The director shall develop
29 necessary policies for State agency information technology
30 planning and financing to achieve the purposes of this chapter.

1 (b) Development of plan.--

2 (1) The director shall analyze the information
3 technology systems and develop a plan to ascertain the needs,
4 costs and time frame required for State agencies to
5 efficiently use information technology systems, resources,
6 security and data management to achieve the purposes of this
7 chapter. The plan may include current applications and
8 infrastructure, migration from current environments and other
9 information necessary for fiscal or technology planning.

10 (2) The director shall develop strategic plans for
11 information technology as necessary.

12 (c) Consultation and cooperation.--

13 (1) In determining whether a strategic plan is necessary
14 for a State agency, the director shall consider the State
15 agency's operational needs, functions and performance
16 capabilities.

17 (2) The director shall consult with and assist State
18 agencies in the preparation of plans under this subsection.

19 (3) Each State agency shall actively participate in
20 preparing, testing and implementing an information technology
21 plan as determined by the director. A State agency shall
22 provide all financial information to the director necessary
23 to determine full costs and expenditures for information
24 technology assets, including resources provided by the State
25 agency or through contracts or grants.

26 (4) Each State agency shall prepare and submit plans as
27 required by the director.

28 (5) A plan by a State agency shall be submitted to the
29 director no later than October 1 of each even-numbered year.

30 (d) Biennial plan.--

1 (1) The director shall develop a biennial State
2 Information Technology Plan, which shall be transmitted to
3 the General Assembly in conjunction with the Governor's
4 budget submission that year.

5 (2) The biennial plan shall include the following
6 elements:

7 (i) An inventory of current information technology
8 assets and major projects.

9 (ii) An inventory of significant unmet needs for
10 information technology resources over a five-year time
11 period, along with a ranking of the unmet needs in
12 priority order according to their urgency.

13 (iii) A statement of the financial requirements,
14 together with a recommended funding schedule for major
15 projects in progress or anticipated for approval during
16 the upcoming fiscal biennium.

17 (iv) An analysis of opportunities for Statewide
18 initiatives that would yield significant efficiencies or
19 improve effectiveness in State programs.

20 (3) As used in this subsection, the term "major project"
21 includes a project costing more than \$500,000 to implement.

22 § 4316. Information Technology Fund.

23 (a) Establishment.--A restricted account is established in
24 the State Treasury to be known as the Information Technology
25 Fund.

26 (b) Receipt of money.--The fund may receive money for the
27 operations of the office and to fulfill the duties of the office
28 under this chapter by the following methods:

29 (1) The transfer of encumbered funds from each State
30 agency which were designated for information technology

1 purposes prior to the effective date of this section.

2 (2) Transfers as authorized by the General Assembly that
3 are not already provided for under this section.

4 (3) Appropriations from the General Fund.

5 (4) The transfer of a portion of a State agency's funds
6 regarding general government operations for information
7 technology employees.

8 (c) Use of fund money.--

9 (1) Subject to paragraph (2), the director shall approve
10 the disbursement of money from the fund, which shall be used
11 for the following purposes and other legitimate purposes:

12 (i) Project management.

13 (ii) Security.

14 (iii) E-mail operations.

15 (iv) State portal operations.

16 (2) Expenditures made from the fund which involve money
17 appropriated from the General Fund shall be approved by the
18 director.

19 § 4317. Information technology reports.

20 (a) Report on office operations.--By February 1 of each
21 year, the director shall issue an annual report regarding the
22 office, which shall, at a minimum, include the following:

23 (1) Current cash balances.

24 (2) Line-item details on expenditures which occurred
25 following the previous biennial report.

26 (3) Anticipated expenditures and revenues.

27 (4) The financial activities of the fund, including fund
28 expenditures, during the immediately prior fiscal year.

29 (b) Issuance.--A report under subsection (a) shall be
30 submitted to the following:

- 1 (1) The Secretary of the Budget.
2 (2) The Independent Fiscal Office.
3 (3) The chairperson and minority chairperson of the
4 Appropriations Committee of the Senate.
5 (4) The chairperson and minority chairperson of the
6 Appropriations Committee of the House of Representatives.
7 § 4318. Financial reporting and accountability.

8 (a) Development of processes.--The office, along with the
9 Secretary of the Budget and the State Treasurer, shall develop
10 processes for budgeting and accounting of expenditures for
11 information technology operations, services, projects,
12 infrastructure and assets across all State agencies.

13 (b) Included information.--The budgeting and accounting
14 processes under subsection (a) may include information regarding
15 the following:

- 16 (1) Hardware.
17 (2) Software.
18 (3) Personnel.
19 (4) Training.
20 (5) Contractual services.
21 (6) Other items relevant to information technology.

22 (c) Reports.--By February 1 of each year, the director shall
23 also report to the General Assembly the following information:

- 24 (1) Services currently provided and associated
25 transaction volumes or other relevant indicators of
26 utilization by user type.
27 (2) New services added during the previous year.
28 (3) Services added that are currently available in other
29 states.
30 (4) The total amount collected for each service.

1 (5) The total amount remitted to the State for each
2 service.

3 (6) The total amount remitted to the vendor for each
4 service.

5 (7) Any other use of State data by the vendor and the
6 total amount of revenue collected per use and in total.

7 (8) User satisfaction with each service.

8 (9) Any other issues associated with the provision of
9 each service.

10 § 4319. Statewide electronic portal and annual report.

11 The office shall develop and operate a Statewide electronic
12 portal to increase the convenience of the public in conducting
13 online transactions with and obtaining information from State
14 government. The portal shall be designed to facilitate and
15 improve public interactions along with communications between
16 State agencies.

17 § 4320. Budget for information technology.

18 The office, along with the Secretary of the Budget, shall
19 develop and implement a plan to manage all information
20 technology funding, including State and other receipts, as soon
21 as practicable. As part of the plan and implementation, the
22 following shall apply:

23 (1) Funding for information technology resources,
24 projects and contracts shall be appropriated to and managed
25 by the office.

26 (2) Funding for the office's information technology
27 shared services and approved contracts shall remain with the
28 State agencies.

29 (3) Information technology budget codes and fund codes
30 shall be created as required.

1 § 4321. Commonwealth portal.

2 Each State agency shall functionally link its Internet or
3 electronic services to a centralized web portal system
4 established under this chapter.

5 § 4322. Information technology request.

6 A State agency may request significant resources, as defined
7 by the director, for the purpose of acquiring, operating or
8 maintaining information technology for the State agency. In
9 addition to other information that may be required by the
10 director, the State agency shall submit the following to
11 accompany the request:

12 (1) A statement setting forth the following:

13 (i) The needs of the State agency for information
14 technology and related resources, including expected
15 improvements to programmatic or business operations.

16 (ii) The requirements for State resources, together
17 with an evaluation of those requirements by the chief
18 information officer assigned to the State agency which
19 takes into consideration the following:

20 (A) The State's current technology.

21 (B) The opportunities for technology sharing.

22 (C) Any other factors relevant to the analysis
23 by the director.

24 (2) A review and evaluation of the statement under
25 paragraph (1) which is prepared by the chief information
26 officer assigned to the State agency.

27 (3) In cases of an acquisition, an explanation of the
28 method by which the acquisition is to be financed.

29 (4) A statement by the chief information officer
30 assigned to the State agency which sets forth viable

1 alternatives, if any, for meeting the State agency needs in
2 an economical and efficient manner.

3 SUBCHAPTER C

4 PROCUREMENT AND BUSINESS OPERATIONS

5 Sec.

6 4331. Reporting requirements regarding procurement.

7 4332. Business continuity planning.

8 4333. Information technology operations.

9 4334. Communications services.

10 4335. Project approval standards.

11 4336. Project management standards.

12 4337. Dispute resolution.

13 4338. Procurement of information technology.

14 4339. Review and approval of contracts.

15 4340. Purchase of certain equipment prohibited.

16 4341. Refurbished computer equipment purchasing program.

17 4342. Data on reliability and other matters.

18 § 4331. Reporting requirements regarding procurement.

19 (a) Bids.--A vendor submitting a bid shall disclose in a
20 statement, provided contemporaneously with the bid, where
21 services will be performed under the contract sought, including
22 any subcontracts, and whether any services under that contract,
23 including any subcontracts, are anticipated to be performed
24 outside the United States.

25 (b) Retention and reports.--The director shall:

26 (1) retain the statements required by this section
27 regardless of the State agency that awards the contract; and

28 (2) report annually to the secretary on the number of
29 contracts.

30 (c) Records of purchases.--Each State agency which makes a

1 direct purchase of information technology through the office
2 shall report directly to the director, who shall keep annual
3 records of information technology purchases.

4 (d) Effect of section.--Nothing in this section is intended
5 to contravene any existing treaty, law, agreement or regulation
6 of the United States.

7 § 4332. Business continuity planning.

8 (a) Oversight.--The director shall oversee the manner and
9 means by which information technology business and disaster
10 recovery plans for State agencies are created, reviewed and
11 updated.

12 (b) Disaster recovery planning team.--Each State agency
13 shall establish a disaster recovery planning team to work with
14 the office to develop the disaster recovery plan and administer
15 and implement the plan.

16 (c) Components of plan.--In developing a disaster recovery
17 plan, all of the following shall be completed:

18 (1) Consideration of the organizational, managerial and
19 technical environments in which the plan must be implemented.

20 (2) An assessment of the types and likely parameters of
21 disasters most likely to occur and the resultant impacts on
22 the State agency's ability to perform its mission.

23 (3) The listing of the protective measures to be
24 implemented in anticipation of a natural or manmade disaster.

25 (4) A determination whether the plan is adequate to
26 address information technology security incidents.

27 (d) Submittal.--Each State agency shall submit its disaster
28 recovery plan to the director on an annual basis and as
29 otherwise requested by the director.

30 § 4333. Information technology operations.

1 (a) Functions.--In addition to other functions authorized or
2 required by this chapter, the office shall do the following:

3 (1) Submit all rates and fees for common, shared and
4 Statewide information technology services provided by the
5 office to the Budget Office for approval.

6 (2) Establish and operate centers of expertise for
7 specific information technologies and services to serve two
8 or more State agencies on a cost-sharing basis, if the
9 director, after consultation with the Budget Office, decides
10 it is advisable from the standpoint of efficiency and
11 economy to establish these centers and services.

12 (3) Charge each State agency for which services are
13 performed its proportionate part of the cost of maintaining
14 and operating the shared centers and services, subject to
15 approval by the Budget Office.

16 (4) Require a State agency served to transfer to the
17 department ownership, custody or control of information
18 processing equipment, supplies and positions required by the
19 shared centers and services.

20 (5) Adopt plans, policies and procedures for the
21 acquisition, management and use of information technology
22 resources in State agencies to facilitate more efficient and
23 economic use of information technology in the State agencies.

24 (6) Develop and promote training programs to efficiently
25 implement, use and manage information technology resources
26 throughout State government.

27 (b) Confidentiality.--No data of a confidential nature shall
28 be entered into or processed through an information technology
29 system or network established under this chapter until
30 appropriate safeguards and other security measures are approved

1 by the director and installed and fully operational.

2 (c) Cost sharing.--Notwithstanding any other provision of
3 law, the office shall provide information technology services on
4 a cost-sharing basis to:

5 (1) An independent department as requested by the head
6 of the independent department.

7 (2) The General Assembly and its agencies as requested
8 by the President pro tempore of the Senate and the Speaker of
9 the House of Representatives.

10 (3) The judicial branch as requested by the Chief
11 Justice.

12 (d) Estimates and actual expenditures.--Each State agency
13 shall furnish to the director upon request and on forms
14 prescribed:

15 (1) estimates of all information technology goods and
16 services needed and required by the State agency; and

17 (2) actual expenditures for all information technology
18 goods and services needed and required by the State agency
19 for the periods after the expenditures have been made.

20 § 4334. Communications services.

21 The director shall exercise authority for telecommunications
22 and other communications included in information technology
23 relating to the internal management and operations of a State
24 agency. In discharging this responsibility, the director shall
25 do the following:

26 (1) Provide for the establishment, management and
27 operation, through State ownership, by contract or through
28 commercial leasing, of the following systems and services as
29 they affect the internal management and operation of State
30 agencies:

1 (i) Central telephone systems and telephone
2 networks, including Voice over Internet Protocol and
3 commercial mobile radio systems.

4 (ii) Satellite services.

5 (iii) Closed-circuit television systems.

6 (iv) Two-way radio systems.

7 (v) Microwave systems.

8 (vi) Related systems based on telecommunication
9 technologies.

10 (vii) Broadband.

11 (2) Coordinate the development of cost-sharing systems
12 for respective State agencies for their proportionate parts
13 of the cost of maintenance and operation of the systems and
14 services listed in this section.

15 (3) Assist in the development of coordinated
16 telecommunications services or systems within and among all
17 State agencies and recommend, where appropriate, cooperative
18 utilization of telecommunication facilities by aggregating
19 users.

20 (4) Perform traffic analysis and engineering for all
21 telecommunications services and systems listed in this
22 section.

23 (5) Establish telecommunications specifications and
24 designs so as to promote and support compatibility of the
25 systems within State agencies.

26 (6) Provide every three years an inventory of
27 telecommunications costs, facilities, systems and personnel
28 within State agencies.

29 (7) Promote, coordinate and assist in the design and
30 engineering of emergency telecommunications systems,

1 including, but not limited to, the 911 emergency telephone
2 number program, emergency medical services, and other
3 emergency telecommunications services.

4 (8) Perform frequency coordination and management for
5 State agencies and municipalities, including all public
6 safety radio service frequencies, in accordance with the
7 rules and regulations of the Federal Communications
8 Commission or any successor Federal agency.

9 (9) Advise all State agencies on telecommunications
10 management planning and related matters and provide
11 opportunities for training to users within State agencies in
12 telecommunications technology and systems.

13 (10) Assist and coordinate the development of policies
14 and long-range plans, consistent with the protection of
15 residents' rights to privacy and access to information, for
16 the acquisition and use of telecommunications systems. All
17 policies and plans shall be based on current information
18 about the Commonwealth's telecommunications activities in
19 relation to the full range of emerging technologies.

20 § 4335. Project approval standards.

21 (a) Review and approval.--The director shall review all
22 information technology projects for each State agency. Project
23 approval may be granted upon the director's determination that:

24 (1) the project conforms to project management
25 procedures and policies and to procurement rules and
26 policies; and

27 (2) sufficient funds are available for implementation.

28 (b) Implementation.--Unless expressly exempt within this
29 chapter, no State agency shall proceed with an information
30 technology project until the director approves the project.

1 (c) Disapproval.--If a project is not approved, the director
2 shall specify in writing the grounds for the disapproval no
3 later than 15 business days after making the determination. The
4 director shall provide notice of the disapproval, along with the
5 grounds for the disapproval, to all of the following:

6 (1) The State agency.

7 (2) The Secretary of the Budget.

8 (3) The Independent Fiscal Office.

9 (4) The chairperson and minority chairperson of the
10 Appropriations Committee of the Senate.

11 (5) The chairperson and minority chairperson of the
12 Appropriations Committee of the House of Representatives.

13 (d) Suspension.--

14 (1) The director may suspend an information technology
15 project if the project:

16 (i) does not continue to meet the applicable quality
17 assurance standards;

18 (ii) has exceeded its projected costs; or

19 (iii) has failed to meet its projected completion
20 date.

21 (2) If the director suspends a project for a reason
22 under paragraph (1), the director shall specify in writing
23 the grounds for suspending the project no later than five
24 business days after making the determination. The director
25 shall provide notice of the suspension, along with the
26 grounds for suspension, to all of the following:

27 (i) The State agency.

28 (ii) The Secretary of the Budget.

29 (iii) The Independent Fiscal Office.

30 (iv) The chairperson and minority chairperson of the

1 Appropriations Committee of the Senate.

2 (v) The chairperson and minority chairperson of the
3 Appropriations Committee of the House of Representatives.

4 (3) After a project has been suspended, the State
5 Treasurer may not allow the transfer of money from the State
6 agency to further implement the project unless the director
7 approves an amended version of the plan for the project.

8 (4) If a State agency attempts to continue to implement
9 a project that is no longer approved by the director and
10 expend additional money for the project, the State Treasurer
11 shall prevent the transfer of funds and remit the intended
12 expenditures into the fund. After remitting the unauthorized
13 expenditure, the State Treasurer shall immediately notify the
14 following:

15 (i) The director.

16 (ii) The Secretary of the Budget.

17 (iii) The chairperson and minority chairperson of
18 the Appropriations Committee of the Senate.

19 (iv) The chairperson and minority chairperson of the
20 Appropriations Committee of the House of Representatives.

21 (e) Quality assurance.--Information technology projects
22 authorized under this chapter shall meet all project standards
23 and requirements established under this chapter.

24 (f) Performance contracting.--All contracts between a State
25 agency and a private party for information technology projects
26 shall include provisions for vendor performance review and
27 accountability, contract suspension or termination and
28 termination of funding.

29 (g) Contract provisions.--

30 (1) The director may require the following contract

1 provisions:

2 (i) A performance bond.

3 (ii) Monetary penalties.

4 (iii) Other performance assurance measures for
5 projects that are not completed within the specified time
6 period or that involve costs in excess of those specified
7 in the contract.

8 (2) Notwithstanding the provisions under paragraph (1)
9 which are included in the contract, the director shall have
10 the authority to suspend the project that is the basis of the
11 contract.

12 (h) Cost savings.--The director may utilize cost savings
13 realized on government vendor partnerships as performance
14 incentives for an information technology vendor.

15 (i) Use of experts.--

16 (1) Notwithstanding any other provision of this chapter
17 to the contrary, the director may require a State agency to
18 engage the services of private counsel or other experts with
19 information technology and intellectual property expertise on
20 a particular subject matter if the State agency is developing
21 and implementing an information technology project with a
22 total cost of ownership in excess of \$5,000,000.

23 (2) At the director's discretion, the private counsel or
24 other expert under paragraph (1) may:

25 (i) Review requests for proposals.

26 (ii) Review and provide advice and assistance during
27 the evaluation of proposals and selection of vendors.

28 (iii) Review and negotiate contracts associated with
29 the development, implementation, operation and
30 maintenance of the project.

1 (3) At the director's discretion, the requirement under
2 paragraph (1) may also apply to information technology
3 programs that are separated into individual projects, if the
4 total cost of ownership for the overall program exceeds
5 \$5,000,000.

6 § 4336. Project management standards.

7 (a) Personnel.--Each State agency shall provide personnel if
8 necessary to participate in project management, implementation,
9 testing and other activities for an information technology
10 project.

11 (b) Policies.--The director shall develop office policies
12 for implementing an approved project, whether the project is
13 undertaken in single or multiple phases or components.

14 (c) Project management assistant.--

15 (1) The director may designate a project management
16 assistant to implement an information technology project of a
17 State agency.

18 (2) A project management assistant for a State agency
19 shall:

20 (i) Advise the State agency regarding the initial
21 planning of an information technology project, the
22 content and design of a request for proposals, contract
23 development, procurement and architectural and other
24 technical reviews.

25 (ii) Monitor progress in the development and
26 implementation of an information technology project.

27 (iii) Provide status reports to the State agency and
28 the director, including recommendations regarding
29 continued approval of an information technology project.

30 (3) Personnel of the State agency to which a project

1 management assistant is designated shall provide periodic
2 reports to the project management assistant regarding an
3 information technology project. Each report shall include
4 information regarding the following:

5 (i) The State agency's business requirements.

6 (ii) Applicable laws and regulations.

7 (iii) Project costs.

8 (iv) Issues related to hardware, software or
9 training.

10 (v) Projected and actual completion dates for the
11 project.

12 (vi) Any other information related to the
13 implementation of the project.

14 § 4337. Dispute resolution.

15 (a) Right to request for review.--If the director has
16 disapproved or suspended an information technology project or
17 has disapproved a State agency's request for an amended version
18 of the plan for the project, the affected State agency may
19 request the director to revisit the determination about the
20 project. The request for review shall be submitted in writing to
21 the director within 15 business days following the State
22 agency's receipt of the disapproval or suspension.

23 (b) Contents of request for review.--A request for review
24 under subsection (a) shall specify the grounds for the State
25 agency's disagreement with the director's determination. The
26 State agency shall include with its request a plan to modify the
27 project to meet the director's concerns.

28 (c) Notification.--

29 (1) Within 30 days after initial receipt of a State
30 agency's request for review, the director shall notify the

1 State agency whether or not the project, as modified, may be
2 implemented.

3 (2) If the director approves the implementation of a
4 modified project by a State agency, the director shall notify
5 the State Treasurer and the Secretary of the Budget
6 immediately.

7 § 4338. Procurement of information technology.

8 (a) General duty of office.--Notwithstanding any other
9 provision of law, the office shall procure all information
10 technology for State agencies. The office shall integrate
11 technological review, cost analysis and procurement for all
12 information technology needs of State agencies to make
13 procurement and implementation of technology more responsive,
14 efficient and cost-effective.

15 (b) Specific duties of office.--Subject to the provisions of
16 this chapter, the office shall have the authority and
17 responsibility to do the following:

18 (1) Purchase or contract for all information technology
19 for State agencies.

20 (2) Establish processes, specifications and standards
21 which shall apply to all information technology to be
22 purchased, licensed or leased by State agencies.

23 (3) Establish processes, specifications and standards
24 relating to information technology personal services contract
25 requirements for State agencies.

26 (4) Utilize the purchasing benchmarks established by the
27 director.

28 (5) Provide strategic sourcing resources and planning to
29 compile and consolidate all estimates of information
30 technology goods and services needed and required by State

1 agencies.

2 (6) Reduce the size of information technology projects
3 to ensure that the projects are manageable and meet initial
4 estimates for project costs and completion dates.

5 (7) Ensure that projects utilize problem-based
6 procurement. As used in this paragraph, the term "problem-
7 based procurement" means a request for bids by a State agency
8 for an information technology project which details the
9 information technology needs of the State agency and solicits
10 proposals by bidders regarding how to best meet those needs.

11 (c) Confidentiality.--

12 (1) Subject to paragraph (2), contract information
13 compiled by the office shall be made a matter of public
14 record after the award of contract.

15 (2) Trade secrets, test data and similar proprietary
16 information and security information protected from
17 disclosure under Federal or State law shall remain
18 confidential.

19 (d) Electronic procurement.--The office may authorize the
20 use of an electronic procurement system to conduct a reverse
21 auction and electronic bidding. The following apply:

22 (1) The vendor's price may be revealed during the
23 reverse auction.

24 (2) The office may contract with a third-party vendor to
25 conduct the reverse auction.

26 (3) Offers may be accepted and contracts may be entered
27 by use of electronic bidding.

28 (4) All requirements relating to formal and competitive
29 bids, including advertisement, seal and signature, are
30 satisfied when a procurement is conducted or a contract is

1 entered in compliance with the reverse auction or electronic
2 bidding requirements established by the office.

3 (e) Bulk purchasing.--

4 (1) The director shall establish procedures for the
5 procurement of information technology through bulk purchases.

6 The procedures may include the following:

7 (i) The aggregation of hardware purchases.

8 (ii) The use of formal bid procedures.

9 (iii) Restrictions on supplemental staffing.

10 (iv) Enterprise software licensing, hosting and
11 multiyear maintenance agreements.

12 (2) The director may require State agencies to submit
13 information technology procurement requests to the department
14 on October 1, January 1 and June 1, or another regularly
15 occurring schedule, of each fiscal year in order to allow for
16 bulk purchasing.

17 (f) Most advantageous offer.--All offers to contract,
18 whether through competitive bidding or other procurement method,
19 shall be subject to evaluation and selection by acceptance of
20 the most advantageous offer to the Commonwealth.

21 (g) Considerations.--Evaluation of an information technology
22 purchase shall take into consideration the following factors:

23 (1) The best value of the purchase.

24 (2) Compliance with information technology project
25 management policies.

26 (3) Compliance with information technology security
27 standards and policies.

28 (4) Substantial conformity with the specifications and
29 other conditions set forth in the solicitation.

30 (h) Exceptions.--In addition to permitted waivers of

1 competition, the requirements of competitive bidding shall not
2 apply to information technology contracts and procurements:

3 (1) in the case of a pressing need or an emergency
4 arising from an information technology security incident; or

5 (2) in the use of master licensing or purchasing
6 agreements governing the office's acquisition of proprietary
7 intellectual property.

8 (i) Award by director.--The director may award a cost plus
9 percentage of cost contract for information technology projects.
10 As needed, the director shall report the cost plus percentage of
11 cost contract to the following:

12 (1) The Secretary of the Budget.

13 (2) The Auditor General.

14 (3) The chairperson and minority chairperson of the
15 Appropriations Committee of the Senate.

16 (4) The chairperson and minority chairperson of the
17 Appropriations Committee of the House of Representatives.

18 § 4339. Review and approval of contracts.

19 (a) Submittal to director.--When the dollar value of a
20 proposed contract for the procurement of information technology
21 equipment, materials or supplies exceeds the benchmark
22 established under this chapter or by the director, a State
23 agency shall submit the proposed contract to the director for
24 review and approval or other action deemed appropriate by the
25 director.

26 (b) Considerations.--The director shall determine whether
27 the proposed contract under subsection (a) ensures compliance
28 with the established processes, specifications and standards
29 applicable to the information technology purchased, licensed or
30 leased in this Commonwealth, including established procurement

1 processes.

2 (c) Determination.--The director shall promptly notify the
3 State agency of the determination regarding the proposed
4 contract under subsection (a).

5 (d) Notification.--For contract awards greater than \$25,000,
6 the director shall provide updates on a quarterly basis to the
7 following:

8 (1) The chairperson and minority chairperson of the
9 Appropriations Committee of the Senate.

10 (2) The chairperson and minority chairperson of the
11 Appropriations Committee of the House of Representatives.

12 (3) The chairperson and minority chairperson of each of
13 the standing committees of the Senate and House of
14 Representatives with jurisdiction over the State agency which
15 is a party to the contract.

16 § 4340. Purchase of certain equipment prohibited.

17 (a) Determination.--A State agency may not purchase computer
18 equipment or televisions, or enter into a contract with any
19 manufacturer, unless the director determines that the purchase
20 or contract is in compliance with the requirements under this
21 chapter.

22 (b) Findings.--If the director determines that a purchase or
23 contract is not in compliance with the requirements under this
24 chapter, the director shall issue written findings regarding the
25 noncompliance to the State agency.

26 § 4341. Refurbished computer equipment purchasing program.

27 (a) Option.--The office shall offer a State agency the
28 option of purchasing refurbished computer equipment from
29 registered computer equipment refurbishers whenever most
30 appropriate to meet the respective needs of the State agency.

1 (b) Savings.--A State agency shall document any savings
2 resulting from the purchase of refurbished computer equipment,
3 including, but not limited to, the initial acquisition cost and
4 operations and maintenance costs. The savings shall be reported
5 quarterly to:

6 (1) The director.

7 (2) The chairperson and minority chairperson of the
8 Appropriations Committee of the Senate.

9 (3) The chairperson and minority chairperson of the
10 Appropriations Committee of the House of Representatives.

11 (c) Requirements.--Participating computer equipment
12 refurbishers shall meet all procurement requirements established
13 by the office.

14 § 4342. Data on reliability and other matters.

15 (a) Maintenance of data.--The office shall maintain data on
16 equipment reliability, potential cost savings and matters
17 associated with the refurbished computer equipment purchasing
18 program.

19 (b) Report.--The office shall transmit a report regarding
20 the matters under subsection (a) by February 1, 2018, and
21 quarterly thereafter to the following:

22 (1) The General Assembly.

23 (2) The Independent Fiscal Office.

24 (3) The Secretary of the Budget.

25 SUBCHAPTER D

26 SECURITY

27 Sec.

28 4351. Statewide security standards.

29 4352. Security standards and risk assessments.

30 4353. Assessment of compliance with security standards.

1 4354. Legislative Cybersecurity Oversight Committee.

2 § 4351. Statewide security standards.

3 (a) Establishment.--

4 (1) The director shall establish a Statewide set of
5 standards for information technology security to maximize the
6 functionality, security and interoperability of the
7 Commonwealth's distributed information technology assets,
8 including the following:

9 (i) Data classification.

10 (ii) Management.

11 (iii) Communications.

12 (iv) Encryption technologies.

13 (2) The standards under this subsection shall conform to
14 the industry's best practices and standards regarding
15 information technology security.

16 (b) Review and revision.--The director shall review and
17 revise the security standards annually as necessary. As part of
18 this function, the director shall review periodically existing
19 security standards and practices in place among the various
20 State agencies to determine whether those standards and
21 practices meet Statewide security and encryption requirements.

22 (c) Assumption of responsibilities.--The director may assume
23 the direct responsibility of providing for the information
24 technology security of a State agency that fails to adhere to
25 security standards adopted under this chapter.

26 § 4352. Security standards and risk assessments.

27 (a) Standards.--Notwithstanding any other provision of law
28 and except as otherwise provided by this chapter, all
29 information technology security goods, software or services
30 purchased using taxpayer money, or for use by a State agency or

1 in a public facility, shall be subject to approval by the
2 director in accordance with security standards under this
3 chapter.

4 (b) Assessments.--The director shall conduct risk
5 assessments to identify compliance and operational and strategic
6 risks to the information technology network. The following
7 apply:

8 (1) The assessments may include methods such as
9 penetration testing or similar assessment methodologies.

10 (2) The director may contract with another party to
11 perform the assessments.

12 (3) Detailed reports of the risk and security issues
13 identified in the assessments shall be kept confidential.

14 (c) Security audit.--The director shall contract with a
15 third party that is nationally recognized to perform a security
16 audit of a State agency's information technology system. The
17 following shall apply:

18 (1) The director shall determine a schedule for State
19 agency security audits.

20 (2) The audit of a State agency shall be paid from
21 encumbered funds of the State agency.

22 (d) Notification and approval.--Before a State agency may
23 enter into a contract with another party for an assessment of
24 network vulnerability, the State agency shall notify the
25 director and obtain approval of the request. The following
26 apply:

27 (1) The party conducting the assessment shall provide
28 the State agency with a detailed report of the security
29 issues identified, which shall not be publicly disclosed.

30 (2) The State agency shall provide the director with

1 copies of the detailed report under paragraph (1), which
2 shall not be publicly disclosed.

3 (3) The State agency shall issue a public report on the
4 general results of the assessment.

5 (e) Effect of section.--Nothing in this section shall be
6 construed to preclude the Auditor General from assessing the
7 security practices of State information technology systems as
8 part of its statutory duties and responsibilities.

9 § 4353. Assessment of compliance with security standards.

10 (a) Frequency.--The director shall biannually assess the
11 ability of each State agency and each State agency's contracted
12 vendors to comply with the current security standards
13 established under this chapter.

14 (b) Contents.--The assessment under this section shall
15 include, at a minimum, the following:

16 (1) The rate of compliance with the current security
17 standards.

18 (2) An assessment of security organization, security
19 practices, security information standards, network security
20 architecture and current expenditures of State funds for
21 information technology security.

22 (3) An estimate of the cost to implement the security
23 measures needed for State agencies to fully comply with the
24 established standards.

25 (c) Submittal of information.--Each State agency shall
26 submit information required by the director for the assessments
27 under this section.

28 § 4354. Legislative Cybersecurity Oversight Committee.

29 (a) Establishment and membership.--The Legislative
30 Cybersecurity Oversight Committee is established and shall

1 consist of the following members:

2 (1) The director.

3 (2) The following individuals appointed by the President
4 pro tempore of the Senate:

5 (i) Three members of the Senate.

6 (ii) A representative from the information
7 technology office of the majority caucus of the Senate.

8 (3) The following individuals appointed by the Minority
9 Leader of the Senate:

10 (i) Two members of the Senate.

11 (ii) A representative from the information
12 technology office of the minority caucus of the Senate.

13 (4) The following individuals appointed by the Speaker
14 of the House of Representatives:

15 (i) Three members of the House of Representatives.

16 (ii) A representative from the information
17 technology office of the majority caucus of the House of
18 Representatives.

19 (5) The following individuals appointed by the Minority
20 Leader of the House of Representatives:

21 (i) Two members of the House of Representatives.

22 (ii) A representative from the information
23 technology office of the minority caucus of the House of
24 Representatives.

25 (6) The Attorney General or a designee of the Attorney
26 General.

27 (7) The chief information officer of:

28 (i) The Department of the Auditor General.

29 (ii) The Treasury Department.

30 (iii) The Office of Attorney General.

1 (iv) The Administrative Office of Pennsylvania
2 Courts.

3 (8) The Commissioner of the Pennsylvania State Police or
4 a designee of the commissioner.

5 (b) Chairperson and vice chairperson.--The chairperson and
6 vice chairperson of the committee shall be appointed by the
7 President pro tempore of the Senate and the Speaker of the House
8 of Representatives as follows:

9 (1) Beginning on the effective date of this section and
10 until the following January 1:

11 (i) The chairperson of the committee shall be one of
12 the members of the Senate appointed to the committee.

13 (ii) The vice chairperson of the committee shall be
14 one of the members of the House of Representatives
15 appointed to the committee.

16 (2) Except as provided in paragraph (1), a chairperson
17 and vice chairperson shall serve for a period of two years.

18 (3) At the end of each two-year period, the chairperson
19 and vice chairperson of the committee shall rotate between a
20 member of the Senate appointed to the committee and a member
21 of the House of Representatives appointed to the committee.

22 (4) A vacancy in the position of chairperson or vice
23 chairperson of the committee shall be filled by the
24 appointing authority in the same manner as the original
25 appointment.

26 (c) Service of members.--Each member of the committee shall
27 serve at the pleasure of the individual who appointed the
28 member.

29 (d) Vacancies.--A vacancy in the membership of the committee
30 shall be filled by the appointing authority in the same manner

1 as the original appointment.

2 (e) Meetings.--

3 (1) The committee shall meet at least on a quarterly
4 basis and no later than the first Thursday of each quarter.

5 (2) The chairperson of the committee, with the consent
6 of the vice chairperson of the committee, may schedule
7 additional meetings of the committee.

8 (3) The chairperson of the committee shall provide the
9 members of the committee with notice of the time and location
10 of each meeting of the committee no later than one week prior
11 to the meeting. Notice shall also be provided to the
12 Governor, the President pro tempore of the Senate and the
13 Speaker of the House of Representatives.

14 (4) Notice of the meetings of the committee shall be
15 provided by regular mail and e-mail.

16 (5) A member of the committee may participate in a
17 meeting of the committee in person, by teleconference, by
18 video conference or by other means as agreed to by the
19 chairperson and vice chairperson of the committee.

20 (6) A meeting of the committee shall not be subject to
21 65 Pa.C.S. Ch. 7 (relating to open meetings).

22 (f) Quorum.--

23 (1) For the purposes of adopting a report under this
24 section or conducting committee business that requires a
25 vote of the committee, at least a majority of the members of
26 the committee must be present during the meeting or otherwise
27 participating in the meeting as described in subsection (e)
28 (5).

29 (2) For the purposes of receiving testimony from an
30 individual invited by the chairperson of the committee to

1 testify before the committee, at least three members of the
2 committee shall be present during the meeting.

3 (g) Testimony.--

4 (1) Rules regarding testimony before the standing
5 committees of the General Assembly shall govern testimony
6 given to the committee.

7 (2) Written testimony shall be made available to the
8 members of the committee, regardless of whether the member
9 was present during the meeting at which the testimony was
10 given.

11 (h) Compensation.--A member of the committee shall not be
12 entitled to compensation as a member of the committee but may be
13 reimbursed for actual and reasonable expenses incurred in the
14 performance of duties as a member of the committee.

15 (i) Duties.--The committee shall review cybersecurity
16 policies and issue an annual report on emerging cybersecurity
17 threats, recommended policy changes and an assessment of current
18 cybersecurity within this Commonwealth. The report shall be
19 transmitted to:

20 (1) The Governor.

21 (2) The President pro tempore of the Senate.

22 (3) The Speaker of the House of Representatives.

23 (4) The Majority Leader and the Minority Leader of the
24 Senate.

25 (5) The Majority Leader and the Minority Leader of the
26 House of Representatives.

27 (6) The Court Administrator of Pennsylvania.

28 (j) Definitions.--As used in this section, the following
29 words and phrases shall have the meanings given to them in this
30 subsection unless the context clearly indicates otherwise:

1 "Committee." The Legislative Cybersecurity Oversight
2 Committee established under this section.

3 SUBCHAPTER E

4 ENFORCEMENT AND PENALTIES

5 Sec.

6 4361. Administrative and judicial review.

7 4362. Unauthorized use for private benefit prohibited.

8 4363. Financial interests.

9 4364. Certification of submittal without collusion.

10 § 4361. Administrative and judicial review.

11 Actions taken by the director under this chapter shall be
12 subject to review in accordance with 2 Pa.C.S. Chs. 5 (relating
13 to practice and procedure) and 7 (relating to judicial review).

14 § 4362. Unauthorized use for private benefit prohibited.

15 (a) Offense.--It is unlawful for any person, by the use of
16 the powers, policies or procedures under this chapter, to
17 purchase, attempt to purchase, procure or attempt to procure any
18 property or services for private use or benefit.

19 (b) Criminal penalties and fines.--A person that violates
20 subsection (a) commits a misdemeanor of the first degree. Upon
21 conviction, the person shall be liable to the Commonwealth to
22 repay any amount expended in violation of this chapter, together
23 with any court costs.

24 § 4363. Financial interests.

25 (a) Offense.--

26 (1) The director and any other policymaking employee of
27 the office shall not have a financial interest or personal
28 beneficial interest, either directly or indirectly, in the
29 purchase of or contract for information technology. The
30 financial interest or personal interest shall extend to a

1 corporation, partnership, company, trust, association or
2 other entity furnishing information technology to the
3 Commonwealth or any of its State agencies.

4 (2) Consistent with paragraph (1), the director or other
5 policymaking employee may not accept or receive, directly or
6 indirectly, any of the following:

7 (i) Anything of monetary or other value, whether by
8 rebate, gift or otherwise.

9 (ii) A promise, obligation or contract for future
10 reward or compensation, regardless of the business or
11 nonbusiness nature of the promise, obligation or
12 contract.

13 (b) Criminal penalties.--A person that violates subsection
14 (a) commits a felony of the third degree. Upon conviction, the
15 person shall be removed from office or State employment.

16 § 4364. Certification of submittal without collusion.

17 (a) Duty.--The director shall require bidders under this
18 chapter to certify that each bid on information technology
19 contracts overseen by the office is submitted competitively and
20 without collusion.

21 (b) Grading.--A person that provides a false certification
22 under this section commits a misdemeanor of the first degree.

23 Section 2. This act shall take effect immediately.