

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 810 Session of 2019

INTRODUCED BY PHILLIPS-HILL, AUMENT, MENSCH, BAKER, K. WARD, J. WARD, BROWNE, REGAN AND STEFANO, AUGUST 7, 2019

SENATOR AUMENT, COMMUNICATIONS AND TECHNOLOGY, AS AMENDED, NOVEMBER 19, 2019

AN ACT

1 Amending Title 71 (State Government) of the Pennsylvania
2 Consolidated Statutes, in boards and offices, providing for
3 information technology; establishing the Office of
4 Information Technology and the Information Technology Fund;
5 providing for administrative and procurement procedures and
6 for the Joint Cybersecurity Oversight Committee; imposing
7 duties on the Office of Information Technology; PROVIDING FOR <--
8 ADMINISTRATION OF PENNSYLVANIA STATEWIDE RADIO NETWORK and
9 imposing penalties.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

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

CHAPTER 43

INFORMATION TECHNOLOGY

16 Subchapter

- 17 A. General Provisions
18 B. Office of Information Technology
19 C. Business Operations
20 D. Procurement of Information Technology
21 E. Security

1 F. Enforcement and Penalties

2 G. PENNSYLVANIA STATEWIDE RADIO NETWORK

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3 SUBCHAPTER A

4 GENERAL PROVISIONS

5 Sec.

6 4301. Scope of chapter.

7 4302. Findings and declarations.

8 4303. Definitions.

9 § 4301. Scope of chapter.

10 This chapter relates to administrative procedures and  
11 procurement regarding information technology.

12 § 4302. Findings and declarations.

13 The General Assembly finds and declares the following:

14 (1) The Commonwealth has struggled to keep information  
15 technology costs under control, including failing to include  
16 as part of overall costs, time spent by Commonwealth staff  
17 for development, implementation and use of information  
18 technology.

19 (2) Many of the Commonwealth's information technology  
20 contracts extend well beyond their anticipated date of  
21 completion.

22 (3) The Commonwealth can begin to reduce information  
23 technology costs by the consolidation of information  
24 technology functions and resources within the executive  
25 branch.

26 (4) Consolidation of information technology services  
27 will not only reduce costs but create more efficient  
28 information technology operations.

29 (5) By reforming the Commonwealth's outdated approach to  
30 information technology, the Commonwealth can improve data and

1 analytic capabilities and improve cybersecurity.

2 (6) The improvement of operations will enhance taxpayer  
3 satisfaction and make it easier for residents to navigate.

4 (7) Consolidation of information technology services  
5 must be designed to improve accountability and transparency  
6 to taxpayers and enhance the Commonwealth's data and  
7 analytics capabilities.

8 (8) The Commonwealth shall, as part of its information  
9 technology and cybersecurity efforts:

10 (i) Reduce redundancy and align information  
11 technology spending in a manner that reduces costs and  
12 measurably improves Commonwealth agency mission  
13 effectiveness.

14 (ii) Improve quality, transparency and  
15 accountability in the procurement and use of information  
16 technology.

17 (iii) Achieve five-year budget limits, within  
18 limited variance, for all administrative agencies for  
19 projects above a de minimis threshold.

20 (iv) Achieve measurable protection for Commonwealth  
21 data, including identifying and mitigating risks for  
22 personal identifiable information and other valuable,  
23 nonpublic mission critical data.

24 § 4303. Definitions.

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

28 "Architecture." The overall design of a computing system and  
29 the logical and physical interrelationships between its  
30 components.

1 "Authorization to operate." A formal declaration by the head  
2 of the State agency that:

3 (1) authorizes operation of a product and explicitly  
4 accepts the risk to agency operations; and

5 (2) is signed after the system has met and passed all  
6 requirements to become operational.

7 "Business case." A statement specifying the needs of the  
8 State agency for information technology, services and related  
9 resources, including expected improvements to programmatic or  
10 business operations, and the requirements for State resources  
11 and funding, together with an evaluation of those requirements  
12 by the chief information officer assigned to the State agency  
13 which takes into consideration:

14 (1) The State's current technology.

15 (2) The opportunities for technology sharing.

16 (3) Any other factors relevant to the analysis by the  
17 director.

18 "Director." The administrative head of the office and chief  
19 information officer of the Commonwealth.

20 "Distributed information technology assets." Hardware,  
21 software and communications equipment not classified as  
22 traditional mainframe-based items, including, but not limited  
23 to, personal computers, local area networks, servers, mobile  
24 computers, peripheral equipment and other related hardware and  
25 software items.

26 "Electronic bidding." The electronic solicitation and  
27 receipt of offers to contract.

28 "Fund." The Information Technology Fund established under  
29 section 4316 (relating to Commonwealth Information Technology  
30 Fund).

1 "Independent agency." As follows:

2 (1) A board, commission, authority or other agency of  
3 the Commonwealth that is not subject to the policy  
4 supervision and control of the Governor.

5 (2) The term does not include:

6 (i) A court or agency of the unified judicial  
7 system.

8 (ii) The General Assembly or an agency of the  
9 General Assembly.

10 "Independent department." Any of the following:

11 (1) The Department of the Auditor General.

12 (2) The Treasury Department.

13 (3) The Office of Attorney General.

14 (4) A board or commission of an entity under paragraph  
15 (1), (2) or (3).

16 "Information technology." Hardware, software and  
17 telecommunications equipment, including, but not limited to, the  
18 following:

19 (1) Personal computers.

20 (2) Servers.

21 (3) Mainframes.

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

23 (5) Broadband.

24 (6) Mobile or portable computers.

25 (7) Peripheral equipment.

26 (8) Telephones.

27 (9) Wireless communications.

28 (10) Handheld devices.

29 ~~(11) Public safety radio services.~~ <--

30 ~~(12) (11) Facsimile machines.~~ <--

1        ~~(13)~~ (12) Technology facilities, including, but not <--  
2 limited to, data centers, dedicated training facilities or  
3 switching facilities.

4        ~~(14)~~ (13) Electronic payment processing services. <--

5        ~~(15)~~ (14) Other relevant hardware and software items or <--  
6 personnel tasked with the planning, implementation or support  
7 of technology, including hosting or vendor-managed service  
8 solutions.

9        "Information technology budget." As follows:

10        (1) All information technology expenditures listed by  
11 project and amount of expenditure for planning, development,  
12 modernization, operations and maintenance.

13        (2) The term includes all software, hardware,  
14 Commonwealth and vendor staff and service costs.

15        "Information technology security incident." A computer-based  
16 activity, network-based activity or paper-based activity that  
17 results directly or indirectly in misuse, damage, denial of  
18 service, compromise of integrity or loss of confidentiality of a  
19 network, a computer, an application or data.

20        "Office." The Office of Information Technology established  
21 under Subchapter B (relating to Office of Information  
22 Technology).

23        "Open data." Government data sets and documents that are  
24 considered publicly available under the act of February 14, 2008  
25 (P.L.6, No.3), known as the Right-to-Know Law, or other  
26 Commonwealth transparency initiatives to use and republish  
27 without restriction from copyright, patents or other  
28 restrictions on control.

29        "Portal." A publicly available Internet website.

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 of the  
4 Commonwealth.

5 "State agency." Any of the following:

6 (1) The Governor's Office.

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

10 (3) The office of Lieutenant Governor.

11 (4) An independent agency.

12 SUBCHAPTER B

13 OFFICE OF INFORMATION TECHNOLOGY

14 Sec.

15 4311. Establishment of office.

16 4312. Duties of office.

17 4313. Director.

18 4314. Transfer of additional duties and personnel.

19 4315. Planning and financing information technology resources.

20 4316. Commonwealth Information Technology Fund.

21 4317. Financial accountability and information technology.

22 4318. Commonwealth portal.

23 4319. Statewide information technology transparency portal.

24 4320. State agency requests for information technology and  
25 services.

26 4321. Status of information technology projects and corrective  
27 action plans.

28 § 4311. Establishment of office.

29 The Office of Information Technology is established within  
30 the Governor's Office of Administration to oversee and achieve

1 information technology consolidation and other findings of this  
2 chapter.

3 § 4312. Duties of office.

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

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

8 (2) Provide, operate and manage the information  
9 technology services for each State agency under the  
10 Governor's jurisdiction, including, but not limited to, the  
11 following:

12 (i) The development of priorities and strategic  
13 plans.

14 (ii) The management of information technology  
15 investments, procurement and policy.

16 (iii) Compliance with the provisions of this chapter  
17 through consultation and engagement with the secretary of  
18 each agency.

19 (3) Notwithstanding any other provisions of law, procure  
20 all information technology and information technology as a  
21 service for State agencies utilizing the processes under 62  
22 Pa.C.S. Ch. 5 (relating to source selection and contract  
23 formation). The office shall integrate technological review,  
24 cost analysis and procurement for all information technology  
25 needs of State agencies to make procurement and  
26 implementation of technology more responsive, efficient and  
27 cost effective.

28 (4) Determine any changes to staffing or operations  
29 regarding information technology.

30 (5) Provide documentation and training to achieve



1 development in the functional responsibilities that shall  
2 include:

3 (i) Defining an information technology strategy  
4 plan.

5 (ii) Defining enterprise architecture.

6 (iii) Determining technological direction.

7 (iv) Defining information technology organization  
8 and relationships.

9 (v) Managing information technology investment.

10 (vi) Communicating management aims and direction.

11 (vii) Managing information technology human  
12 resources.

13 (viii) Managing quality.

14 (ix) Assessing risks.

15 (x) Managing projects.

16 (xi) Identifying automated solutions.

17 (xii) Acquiring and maintaining application  
18 software.

19 (xiii) Acquiring and maintaining technology  
20 infrastructure.

21 (xiv) Enabling operation and use.

22 (xv) Procuring information technology resources.

23 (xvi) Managing changes.

24 (xvii) Installing and accrediting solutions and  
25 changes.

26 (xviii) Defining and managing service levels.

27 (xix) Managing third-party services.

28 (xx) Managing performance and capacity.

29 (xxi) Ensuring continuous service.

30 (xxii) Ensuring system security.

1 (xxiii) Identifying and allocating costs.

2 (xxiv) Educating and training users.

3 (xxv) Managing service desk and incidents.

4 (xxvi) Managing the configuration.

5 (xxvii) Managing problems.

6 (xxviii) Managing data.

7 (xxix) Managing physical environment.

8 (xxx) Managing operations.

9 (xxxi) Monitoring and evaluating information  
10 technology performance.

11 (xxxii) Monitoring and evaluating internal controls.

12 (xxxiii) Ensuring compliance with external  
13 requirements.

14 (xxxiv) Providing improved information technology  
15 governance.

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

18 (1) Develop and administer a comprehensive long-range  
19 plan to ensure the proper management of the information  
20 technology resources of the Commonwealth.

21 (2) Set technical standards for information technology  
22 and review and approve information technology projects and  
23 budgets.

24 (3) Establish information technology security standards.

25 (4) Provide for the procurement of information  
26 technology resources.

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

29 (6) Prescribe the manner in which information technology  
30 assets, systems and personnel shall be provided and

1 distributed among State agencies.

2 (7) Prescribe the manner of inspecting or testing  
3 information technology assets, systems or personnel to  
4 determine compliance with information technology plans,  
5 specifications and requirements.

6 (8) Develop an annual information technology strategic  
7 plan that aligns information technology expenditures with  
8 each State agency's strategic initiatives and ongoing mission  
9 needs, including priorities resource use and expenditures,  
10 performance review measures, procurement and other governance  
11 and planning measures.

12 (9) Provide guidance, review and approve the information  
13 technology plans for each State agency.

14 (10) Obtain guidance and consult with the Office of the  
15 Budget on budgetary matters regarding information technology  
16 spending and procurement plans.

17 (11) Obtain advice on matters involving overall  
18 technology and data governance from academia, private sector  
19 and other leading government institutions.

20 (12) Establish and maintain an information technology  
21 portfolio management process to prepare and manage the  
22 information technology budget, including overall monitoring  
23 of information technology program objectives and alignment  
24 with administrative priorities, budgets and expenditures.

25 (13) Identify common information technology business  
26 functions within each State agency.

27 (14) Make recommendations for consolidation, integration  
28 and investment.

29 (15) Facilitate the use of common technology, as  
30 appropriate.

1           (16) Ensure the proper use of project management  
2 methodologies and principles on information technology  
3 projects, including measures to review project delivery and  
4 quality.

5           (17) Ensure compliance by each State agency with  
6 required business process reviews.

7           (18) Audit the information technology assets of each  
8 State agency no later than 547 days after the effective date  
9 of this paragraph.

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

12          (20) Align the appropriate technology and procurement  
13 methods with the service strategy.

14          (21) Establish and maintain an information technology  
15 architecture that ensures a modern operating environment for  
16 agencies and aligns all information technology investments to  
17 the information technology strategic plan. This architecture  
18 shall include the following, as appropriate:

19           (i) The development of standards, policies,  
20 processes and strategic technology roadmaps.

21           (ii) The performance of technical reviews and  
22 capability assessments of services, technologies and  
23 State agency systems.

24           (iii) The evaluation of requests for information  
25 technology policy exceptions.

26           (iv) The ability to incorporate emerging  
27 technologies in a cost-effective and timely manner.

28          (22) Develop and implement efforts to standardize data  
29 elements and determine data ownership assignments.

30          (23) Establish and operate centers of expertise for

1 specific information technologies and services to serve two  
2 or more State agencies on a cost-sharing basis, if the  
3 director, after consultation with the Office of the Budget,  
4 decides it is advisable from the standpoint of the  
5 information technology strategic plan, efficiency and economy  
6 to establish these centers and services.

7 (24) Require a State agency served to transfer to the  
8 office ownership, custody or control of information  
9 processing equipment, supplies and positions required to  
10 implement the information technology strategic plan.

11 (25) Develop and promote training programs to  
12 efficiently implement, use and manage information technology  
13 resources throughout State government.

14 (26) Develop and maintain a comprehensive information  
15 technology inventory.

16 (27) Monitor compliance with information technology  
17 policy and standards through investment, budgeting and  
18 architectural review processes.

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

21 (29) Develop security solutions, services and programs  
22 to protect data and infrastructure.

23 (30) Identify and remediate security risks and maintain  
24 citizen trust in securing computerized personal information.

25 (31) Implement programs, processes and solutions to  
26 maintain cybersecurity situational awareness and effectively  
27 respond to cybersecurity attacks and information technology  
28 security incidents.

29 (32) Create a process identifying risks to the success  
30 of information technology programs and projects, developing

1 mitigations, incorporating mitigating actions in budgeting  
2 and investment and review processes.

3 (33) Conduct evaluations and compliance audits of State  
4 agency security infrastructure.

5 (34) Develop and produce cost, risk and quality  
6 initiatives that consolidate State agency information  
7 technology services, including, but not limited to,  
8 infrastructure, personnel, investments, operations and  
9 support services necessary to achieve the findings of this  
10 chapter.

11 (35) Establish and facilitate a process for the  
12 identification, evaluation and optimization of information  
13 technology shared services.

14 (36) Establish a process for the following:

15 (i) Developing and implementing telecommunications  
16 policies, services and infrastructure.

17 (ii) Reviewing and authorizing State agency requests  
18 for enhanced services.

19 (37) Identify opportunities for convergence and  
20 leveraging existing assets to reduce or eliminate duplicative  
21 telecommunication networks.

22 (38) Establish, maintain and continuously optimize cost  
23 and performance of an information technology service  
24 management process library and services catalog to govern the  
25 services provided to each State agency.

26 (39) Establish a formal operational testing environment  
27 to enable the rapid evaluation and introduction of new  
28 information technology services and the retiring of existing  
29 information technology services.

30 (40) Establish metrics to monitor the health of the

1 services provided and make appropriate corrections as  
2 necessary.

3 (41) Establish information technology data management  
4 and development policy frameworks throughout each State  
5 agency that include policies, processes and standards that  
6 adhere to commonly accepted principles for, among other  
7 things, data governance, data development and the quality,  
8 sourcing, use, accessibility, content, ownership and  
9 licensing of open data.

10 (42) Create and maintain a comprehensive open data  
11 portal for public accessibility.

12 (43) Provide guidance regarding the procurement of  
13 supplies and services related to the subject matter of this  
14 chapter.

15 (44) Facilitate communication with the public by  
16 publishing open data plans and policies and by soliciting or  
17 allowing for public input on the subject matter of this  
18 chapter.

19 (45) Ensure the internal examination of Commonwealth  
20 data sets for business, confidentiality, privacy and security  
21 issues and the reasonable mitigation of those issues, prior  
22 to the data's release for open data purposes.

23 (46) Develop and facilitate the engagement with private  
24 and other public stakeholders, including, but not limited to,  
25 arranging for and expediting data-sharing agreements and  
26 encouraging and facilitating cooperation and substantive and  
27 administrative efficiencies.

28 (47) Develop and facilitate data sharing and data  
29 analytics to minimize redundancy and align information  
30 technology spending in a manner that reduces costs and

1 measurably improves Commonwealth agency mission  
2 effectiveness.

3 (48) Oversee the information technology contracts of  
4 each State agency. The following shall apply:

5 (i) The office shall obtain, review and maintain, on  
6 an ongoing basis, records of the appropriations,  
7 allotments, expenditures and revenues of each State  
8 agency for information technology.

9 (ii) The office shall identify opportunities for  
10 consolidation of redundant expenditures that could be  
11 more cost effectively provided through multiagency shared  
12 services.

13 (iii) The office shall conduct annual reviews of  
14 agency programs and contract cost estimates to ensure  
15 accuracy and quality in budgetary estimates.

16 (c) Discretionary duties.--Notwithstanding any other  
17 provision of law, the office may provide information technology  
18 services on a cost-sharing basis to the following:

19 (1) An independent department as requested by the head  
20 of the independent department.

21 (2) The General Assembly and its agencies as requested  
22 by the President pro tempore of the Senate and the Speaker of  
23 the House of Representatives.

24 (3) The judicial branch as requested by the Chief  
25 Justice of Pennsylvania.

26 § 4313. Director.

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

29 (b) Qualifications.--The director must be qualified by  
30 experience for the office and have at least five years of



1 experience dealing with public sector information systems in a  
2 State government agency or an equivalent entity. The  
3 qualifications shall include, but are not limited to, verifying  
4 that an individual has the proper industry certifications  
5 necessary to perform the duties under this chapter.

6 (c) Duties.--In addition to other duties specified under  
7 this chapter, the director shall:

8 (1) Manage the operations of the office in a manner  
9 conducive to achieving the findings of this chapter.

10 (2) Review and approve reports by each State agency  
11 concerning information technology assets, systems, personnel  
12 and projects and prescribe the form of the reports.

13 (3) Hire personnel as necessary to perform the functions  
14 of the office.

15 (4) Provide written determination to the Secretary of  
16 the Budget of findings, remediation plan and restructuring  
17 actions for programs designated as the color red in  
18 accordance with section 4319 (relating to Statewide  
19 information technology transparency portal).

20 (5) Notify the Treasury Department in order to suspend  
21 funding for a program that has been designated as the color  
22 red in accordance with section 4321 (relating to status of  
23 information technology projects and corrective action plans).

24 (d) Oversight.--The director shall oversee the manner and  
25 means by which information technology business and disaster  
26 recovery plans for State agencies are created, reviewed and  
27 updated.

28 (e) Disaster recovery plan.--

29 (1) The director shall ensure that each State agency  
30 establish a disaster recovery planning team and work with the

1 office to develop a disaster recovery plan and administer and  
2 implement the plan.

3 (2) In developing a disaster recovery plan, all of the  
4 following shall be completed:

5 (i) Consideration of the organizational, managerial  
6 and technical environments in which the plan must be  
7 implemented.

8 (ii) An assessment of the types and likely  
9 parameters of disasters most likely to occur and the  
10 resultant impacts on the State agency's ability to  
11 perform its mission.

12 (iii) The listing of the protective measures to be  
13 implemented in anticipation of a natural or manmade  
14 disaster.

15 (iv) A determination whether the plan is adequate to  
16 address information technology security incidents.

17 (3) Each State agency shall submit its disaster recovery  
18 plan to the director on an annual basis and as otherwise  
19 requested by the director.

20 § 4314. Transfer of additional duties and personnel.

21 Upon the effective date of this section, information  
22 technology functions, powers, duties, obligations and services  
23 shall be transferred to and organized to the maximum extent  
24 practicable into centers that provide shared services to State  
25 agencies. The following shall apply:

26 (1) The chief information officer of each State agency  
27 or shared service center shall:

28 (i) Report directly to the director.

29 (ii) Work within the chief information officer's  
30 respective State agency or shared service center on

1 behalf of the office as an employee of the office.

2 (2) An employee of a State agency who handles or  
3 otherwise has responsibility for the State agency's  
4 information technology services shall be transferred to the  
5 office and operate in the physical location of the State  
6 agency or the shared services center supporting that agency,  
7 but the employee shall report matters to the office and be  
8 supervised by the chief information officer of the State  
9 agency or head of the shared services center.

10 (3) The chief information officer of each agency or  
11 shared service center shall be responsible for identifying  
12 and implementing actions and milestones as required to  
13 fulfill the remediation plan determined by the director under  
14 section 4313(c)(4) (relating to director).

15 (4) Each State agency shall provide personnel if  
16 necessary to participate in project management,  
17 implementation, testing, shared services and other activities  
18 for an information technology project.

19 § 4315. Planning and financing information technology  
20 resources.

21 (a) Development of policies.--The director shall issue  
22 necessary policies for State agency information technology  
23 planning and financing consistent with the findings under  
24 section 4302 (relating to findings and declarations).

25 (b) Development of plan.--

26 (1) The director shall analyze the needs for information  
27 and information technology systems and develop a plan to  
28 ascertain the needs, costs and time frame required for State  
29 agencies to efficiently use information technology systems,  
30 resources, security and data management to achieve the

1 purposes of this chapter. The following shall apply:

2 (i) The plan may include current applications and  
3 infrastructure, migration from current environments and  
4 other information necessary for fiscal or technology  
5 planning.

6 (ii) The plan shall include a budget for all  
7 information technology expenditures.

8 (2) In consultation with the Secretary of the Budget,  
9 the office shall develop and implement a plan to manage all  
10 information technology funding, including Commonwealth and  
11 other receipts, as soon as practicable. As part of the  
12 development and implementation, the following shall apply:

13 (i) Funding for information technology resources,  
14 projects and contracts shall be allocated to each  
15 Commonwealth agency by the office based on approved  
16 business case submissions.

17 (ii) Information technology budget codes and fund  
18 codes shall be created as required.

19 (3) The director shall develop strategic plans for  
20 information technology as necessary.

21 (c) Consultation and cooperation.--

22 (1) In determining whether a strategic plan is necessary  
23 for a State agency, the director shall consider the State  
24 agency's operational needs, functions and performance  
25 capabilities.

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

28 (3) Each State agency shall actively participate in  
29 preparing, testing and implementing an information technology  
30 plan as determined by the director. A State agency shall

1 provide all financial information to the director necessary  
2 to determine full costs and expenditures for information  
3 technology assets, including resources provided by the State  
4 agency or through contracts or grants.

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

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

9 (d) Biennial plan.--

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

14 (2) The biennial plan shall include:

15 (i) An inventory of current information technology  
16 assets and major projects.

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

21 (iii) A statement of the financial requirements,  
22 together with a recommended funding schedule for major  
23 projects in progress or anticipated for approval during  
24 the upcoming fiscal biennium.

25 (iv) An analysis of opportunities for Statewide  
26 initiatives that would yield significant efficiencies or  
27 improve effectiveness in State programs.

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

30 § 4316. Commonwealth Information Technology Fund.

1 (a) Establishment.--An account is established in the General  
2 Fund to be known as the Information Technology Fund.

3 (b) Receipt of money.--The fund shall receive money for the  
4 operations of the office and to fulfill the duties of the office  
5 under this chapter by the following methods:

6 (1) The transfer of encumbered funds from each State  
7 agency which were designated for information technology  
8 purposes prior to the effective date of this section.

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

11 (3) The transfer of a portion of a State agency's funds  
12 regarding general government operations for information  
13 technology employees.

14 (c) Use of fund money.--

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

18 (i) Project management.

19 (ii) Security.

20 (iii) E-mail operations for State agencies under the  
21 policy supervision and jurisdiction of the Governor.

22 (iv) State portal operations.

23 (v) State agencies' annual information technology  
24 budget.

25 (vi) Operations of the office, including salaries  
26 and expenses of all State agency information technology  
27 personnel.

28 (2) Expenditures for the operations of the office made  
29 from the fund that involve money appropriated from the  
30 General Fund shall be approved by the director.

1 § 4317. Financial accountability and information technology.

2 (a) Development of processes.--Subject to subsection (b),  
3 the office, along with the Secretary of the Budget and the State  
4 Treasurer, shall develop processes for budgeting and accounting  
5 of expenditures for information technology operations, including  
6 all Commonwealth personnel, services, projects, infrastructure  
7 and assets across all State agencies.

8 (b) Included information.--The budgeting and accounting  
9 processes under subsection (a) shall include, but not be limited  
10 to, information regarding the following:

11 (1) Hardware.

12 (2) Software.

13 (3) Personnel.

14 (4) Training.

15 (5) Contractual services, including cloud service  
16 providers.

17 (6) Other items relevant to information technology.

18 (c) Significant resources.--State agency requests for  
19 significant resources shall provide the information required in  
20 section 4320 (relating to State agency requests for information  
21 technology and services).

22 (d) Reports generally.--Subject to subsections (e) and (f),  
23 by February 1 of each year, the director shall report to the  
24 General Assembly the following information:

25 (1) Services currently provided and associated  
26 transaction volumes or other relevant indicators of  
27 utilization by user type.

28 (2) New services added during the previous year.

29 (3) The total appropriation for each service.

30 (4) The total amount remitted to the vendor for each

1 service.

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

4 (6) User satisfaction with each service.

5 (7) Any other issues associated with the provision of  
6 each service.

7 (e) Financial information.--The director shall, at a  
8 minimum, include in the report under subsection (d) the  
9 following financial information:

10 (1) Current budgetary balances for the fund and each  
11 information technology project.

12 (2) Line-item details on expenditures.

13 (3) Anticipated expenditures for the next four years.

14 (4) Cybersecurity expenditures for the previous and next  
15 four years by each agency.

16 (5) The financial activities of the fund, including fund  
17 expenditures, during the immediately prior fiscal year.

18 (f) Issuance.--In addition to the General Assembly, a report  
19 under subsection (c) shall be submitted to the following:

20 (1) The Secretary of the Budget.

21 (2) The Independent Fiscal Office.

22 § 4318. Commonwealth portal.

23 The office shall establish a single point of service  
24 accessible electronically by means in use by residents of this  
25 Commonwealth. The following shall apply:

26 (1) Each State agency shall functionally link its  
27 Internet or electronic services to a centralized web portal  
28 system established under this chapter.

29 (2) The office shall ensure the portal facilitates  
30 Commonwealth residents' ease in conducting online



1 transactions with and obtaining information from State  
2 government.

3 (3) The portal shall be designed to facilitate and  
4 improve public interactions along with communications between  
5 State agencies.

6 § 4319. Statewide information technology transparency portal.

7 (a) Implementation.--Within one year of the effective date  
8 of this chapter, the office shall develop, operate and update  
9 regularly a web-based portal detailing the status of each of the  
10 Commonwealth's information technology projects, to increase the  
11 transparency and convenience for the public in obtaining  
12 information regarding State information technology activity as  
13 contained in section 4317 (relating to financial accountability  
14 and information technology).

15 (b) Contents.--The portal shall include the following:

16 (1) A brief summary of each information technology  
17 project.

18 (2) The approved budget of each project.

19 (3) The total and percent of the project's approved  
20 budget that has been expended by the agency based on the end  
21 balance from the prior business day along with a color  
22 designation as follows:

23 (i) If an information technology project is under  
24 the project's approved budget, the project shall be  
25 designated as the color green.

26 (ii) If an information technology project is over  
27 the project's approved budget, the project shall be  
28 designated as the color red.

29 (4) The completion date in the original contract along  
30 with the total percent of work for the project that has been

1 completed, along with a color designation as follows:

2 (i) If an information technology project has not  
3 exceeded the completion date in the original contract,  
4 the project shall be designated as the color green.

5 (ii) If an information technology project has  
6 exceeded the completion date in the original contract,  
7 the project shall be designated as the color red.

8 (5) A summary of the scope of work along with a color  
9 designation as follows:

10 (i) If an information technology project is meeting  
11 the scope of work in the original contract, the project  
12 shall be designated as the color green.

13 (ii) If an information technology project is not  
14 meeting the scope of work in the original contract, the  
15 project shall be designated as the color red.

16 (6) A summary of the performance requirements of the  
17 contract, along with a color designation as follows:

18 (i) If an information technology project is meeting  
19 the performance requirements in the original contract,  
20 the project shall be designated as the color green.

21 (ii) If an information technology project is not  
22 meeting the performance measures in the original  
23 contract, the project shall be designated as the color  
24 red.

25 (c) Posting.--Posting of draft and final policy documents  
26 shall be made within 90 days of the effective date of this  
27 section.

28 (1) The office shall make available all proposed and  
29 existing information technology related policies and laws by  
30 an intranet accessible to all State employees.

1           (2) The policy intranet documents shall be made  
2           available via the web-based portal when deployed.  
3 § 4320. State agency requests for information technology and  
4           services.

5           A State agency shall submit a business case to the office,  
6 requesting significant resources as defined by the director, for  
7 the purpose of acquiring, operating or maintaining information  
8 technology or services for the State agency. The office shall  
9 supply sufficient staff support for agency business case  
10 development. The following shall apply regarding the business  
11 case:

12           (1) A review and evaluation shall be made of the  
13 business case that is prepared by the chief information  
14 officer assigned to the State agency that includes an  
15 assessment of risk and ensures that the cost and schedule  
16 estimates incorporate the risk assessment.

17           (2) In cases of an acquisition, there shall be an  
18 explanation of the method by which the acquisition is to be  
19 financed.

20           (3) A statement shall be made by the chief information  
21 officer assigned to the State agency that specifies viable  
22 alternatives, if any, for meeting the State agency needs in  
23 an economical and efficient manner. The statement shall  
24 include an analysis of alternatives that identifies the best  
25 approach for achieving mission improvement or program results  
26 within available funding and that takes into consideration  
27 the following:

28           (i) Organization, process and technology options.

29           (ii) At least three alternatives, including the  
30 status quo, a shared service or external service option

1 and any other alternatives consistent with the  
2 architecture and strategy developed by the office.

3 (4) An assessment of and plan for ensuring cybersecurity  
4 and privacy issues shall be incorporated and funded in the  
5 request for resources.

6 § 4321. Status of information technology projects and  
7 corrective action plans.

8 (a) Designation.--With respect to a business case under  
9 section 4320 (relating to State agency requests for information  
10 technology and services), the office shall designate as red, as  
11 specified under section 4319 (relating to Statewide information  
12 technology transparency portal), and identify a remediation  
13 plan, including contract and program restructuring, for programs  
14 experiencing cost or schedule overruns or performance shortfall  
15 exceeding the business case as funded. The following shall  
16 apply:

17 (1) The remediation plan and restructuring actions shall  
18 address root causes of the program and contract cost,  
19 performance or schedule overruns.

20 (2) The office shall ensure the business case is updated  
21 to establish a new baseline of cost, schedule and performance  
22 objectives that reflect the remediation plan and  
23 restructuring action.

24 (3) Upon determining that an information technology  
25 project has been designated red, the office shall notify the  
26 Governor's Office, the Auditor General and the General  
27 Assembly.

28 (4) The remediation plan and restructuring action shall  
29 be finalized within 60 days from notification.

30 (b) Transmittal.--The finalized corrective action plan shall

1 be sent to the General Assembly and the Auditor General.

2 (c) Additional requirements.--The director shall notify the  
3 State Treasurer to suspend future expenditure of funds for any  
4 technology project that is designated as red under this section  
5 and that fails to adopt a remediation plan within the time  
6 outlined under this section. The following shall apply:

7 (1) If a State agency adopts within the time allowed  
8 under this section a remediation plan, but the project's  
9 designation remains red following implementation of the plan,  
10 the director shall require the agency to adopt a new  
11 remediation plan or may, at the director's discretion,  
12 suspend or terminate the project.

13 (2) To implement this section, the director and each  
14 State agency shall include as part of contract provisions  
15 necessary to suspend payment for the failure of a contractor  
16 or vendor to complete the requirements of the contract on  
17 time or on budget.

18 SUBCHAPTER C

19 BUSINESS OPERATIONS

20 Sec.

21 4331. Reporting requirements regarding procurement.

22 4332. Communications services.

23 4333. Project approval standards.

24 4334. Project management standards.

25 4335. Dispute resolution.

26 4336. Purchase of certain equipment prohibited.

27 4337. Refurbished computer equipment purchasing program.

28 4338. Data on reliability and other matters.

29 § 4331. Reporting requirements regarding procurement.

30 (a) Bids.--A vendor submitting a bid or proposal shall

1 disclose in a statement, provided contemporaneously with the bid  
2 or proposal, where services will be performed under the contract  
3 sought, including any subcontracts, and whether any services  
4 under that contract, including any subcontracts, are anticipated  
5 to be performed outside the United States.

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

7 (1) Retain the statements required by this section  
8 regardless of the State agency that awards the contract.

9 (2) Report annually to the secretary on the number of  
10 contracts.

11 (c) Records of purchases.--Each State agency that makes a  
12 purchase of information technology through the office shall  
13 report directly to the director, who shall keep annual records  
14 of information technology purchases.

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

18 § 4332. Communications services.

19 ~~The~~ EXCEPT AS OTHERWISE PROVIDED UNDER SUBCHAPTER G (RELATING <--  
20 TO PENNSYLVANIA STATEWIDE RADIO NETWORK), THE director shall  
21 exercise authority for telecommunications and other  
22 communications included in information technology relating to  
23 the internal management and operations of a State agency. In  
24 discharging this responsibility, the director shall:

25 (1) Ensure that no data of a confidential nature shall  
26 be entered into or processed through an information  
27 technology system or network established under this chapter  
28 until appropriate safeguards and other security measures are  
29 approved by the director and installed and fully operational.

30 (2) Provide for the establishment, management and

1 operation, through State ownership, by contract or through  
2 commercial leasing, of the following systems and services as  
3 they affect the internal management and operation of State  
4 agencies:

5 (i) Central telephone systems and telephone  
6 networks, including Voice over Internet Protocol and  
7 commercial mobile radio systems.

8 (ii) Satellite services.

9 (iii) Closed-circuit television systems.

10 (iv) Two-way radio systems.

11 (v) Microwave systems.

12 (vi) Related systems based on telecommunication  
13 technologies.

14 (vii) Broadband.

15 (3) Coordinate the development of cost-sharing systems  
16 for respective State agencies for their proportionate parts  
17 of the cost of maintenance and operation of the systems and  
18 services listed in this section.

19 (4) Assist in the development of coordinated  
20 telecommunications services or systems within and among all  
21 State agencies and recommend, where appropriate, cooperative  
22 utilization of telecommunication facilities by aggregating  
23 users.

24 (5) Perform traffic analysis and engineering for all  
25 telecommunications services and systems listed in this  
26 section.

27 (6) Establish telecommunications specifications and  
28 designs so as to promote and support compatibility of the  
29 systems within State agencies.

30 (7) Provide every three years an inventory of

1 telecommunications costs, facilities, systems and personnel  
2 within State agencies.

3 (8) Promote, coordinate and assist in the design and  
4 engineering of emergency telecommunications systems,  
5 including, but not limited to, the 911 emergency telephone  
6 number program, emergency medical services and other  
7 emergency telecommunications services.

8 (9) Perform frequency coordination and management for  
9 State agencies and municipalities, ~~including all public~~ <--  
10 ~~safety radio service frequencies,~~ in accordance with the  
11 rules and regulations of the Federal Communications  
12 Commission or any successor Federal agency.

13 (10) Advise all State agencies on telecommunications  
14 management planning and related matters and provide  
15 opportunities for training to users within State agencies in  
16 telecommunications technology and systems.

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

24 § 4333. Project approval standards.

25 (a) Review and approval.--The director shall review all  
26 proposed information technology projects for each State agency  
27 and make a determination of approval or disapproval within 15  
28 business days of receipt. Project approval may be granted upon  
29 the director's determination that:

30 (1) the project conforms to project management



1 procedures and policies and to procurement rules and  
2 policies; and

3 (2) sufficient funds are available for implementation.

4 (b) Implementation.--Unless expressly exempt within this  
5 chapter, a State agency may not proceed with an information  
6 technology project until the director approves the project.

7 (c) Disapproval.--If a project is not approved, the director  
8 shall specify in writing the grounds for the disapproval after  
9 making the determination. The director shall provide notice of  
10 the disapproval, along with the grounds for the disapproval, to  
11 all of the following:

12 (1) The State agency.

13 (2) The Secretary of the Budget.

14 (3) The State Treasurer.

15 (4) The Auditor General.

16 (5) The General Assembly.

17 (d) Suspension.--

18 (1) The director may suspend an information technology  
19 project if the project:

20 (i) fails to meet the applicable quality assurance  
21 standards;

22 (ii) has exceeded its projected costs; or

23 (iii) has failed to meet its projected completion  
24 date.

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

- 1           (i) The State agency.
- 2           (ii) The Secretary of the Budget.
- 3           (iii) The State Treasurer.
- 4           (iv) The Auditor General.
- 5           (v) The General Assembly.
- 6           (vi) Any vendor or organization contracted by the  
7           respective State agency for work on the suspended  
8           project.

9           (3) After a project has been suspended, the State  
10          Treasurer may not allow the transfer of money from the State  
11          agency to support additional work under the project unless  
12          the director approves an amended version of the plan for the  
13          project.

14          (4) If a State agency attempts to continue to implement  
15          a project that is no longer approved by the director and  
16          expend additional money for the project, the State Treasurer  
17          shall prevent the transfer of funds and remit the intended  
18          expenditures into the fund. After remitting the unauthorized  
19          expenditure, the State Treasurer shall immediately notify the  
20          following:

- 21           (i) The director.
- 22           (ii) The Governor.
- 23           (iii) The Secretary of the Budget.
- 24           (iv) The General Assembly.

25   § 4334. Project management standards.

26          (a) Personnel.--Each State agency shall provide personnel if  
27          necessary to participate in project management, implementation,  
28          testing and other activities for an information technology  
29          project.

30          (b) Policies.--The director shall develop office policies

1 for implementing an approved project, whether the project is  
2 undertaken in single or multiple phases or components.

3 (c) Project management assistant.--

4 (1) The director may designate a project management  
5 assistant to implement an information technology project of a  
6 State agency.

7 (2) A project management assistant for a State agency  
8 shall:

9 (i) Advise the State agency regarding the initial  
10 planning of an information technology project, the  
11 content and design of a request for proposals, contract  
12 development, procurement and architectural and other  
13 technical reviews.

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

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

19 (3) Personnel of the State agency to which a project  
20 management assistant is designated shall provide periodic  
21 reports to the project management assistant regarding an  
22 information technology project. Each report shall include  
23 information regarding the following:

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

25 (ii) Applicable laws and regulations.

26 (iii) Project costs.

27 (iv) Issues related to hardware, software or  
28 training.

29 (v) Projected and actual completion dates for the  
30 project.

1           (vi) Any other information related to the  
2           implementation of the project.

3 § 4335. Dispute resolution.

4       (a) Right to request for review.--If the director has  
5 disapproved or suspended an information technology project or  
6 has disapproved a State agency's request for an amended version  
7 of the plan for the project, the affected State agency may  
8 request the director to revisit the determination about the  
9 project. The request for review shall be submitted in writing to  
10 the director within 15 business days following the State  
11 agency's receipt of the disapproval or suspension.

12       (b) Contents of request for review.--A request for review  
13 under subsection (a) shall specify the grounds for the State  
14 agency's disagreement with the director's determination. The  
15 State agency shall include with its request a plan to modify the  
16 project to meet the director's concerns.

17       (c) Notification.--

18           (1) Within 30 days after initial receipt of a State  
19 agency's request for review, the director shall notify the  
20 State agency whether or not the project, as modified, may be  
21 implemented.

22           (2) If the director approves the implementation of a  
23 modified project by a State agency, the director shall notify  
24 the State Treasurer and the Secretary of the Budget  
25 immediately. The State agency shall notify all contracted  
26 third parties of any changes or modifications to the project.

27 § 4336. Purchase of certain equipment prohibited.

28       (a) Determination.--A State agency may not purchase  
29 information technology equipment or televisions, or enter into a  
30 contract with a manufacturer, unless the director determines

1 that the purchase or contract is in compliance with the  
2 requirements under this chapter and existing State law regarding  
3 the procurement of information technology equipment and  
4 televisions.

5 (b) Findings.--If the director determines that a purchase or  
6 contract is not in compliance with the requirements under this  
7 chapter or existing State law regarding the procurement of  
8 information technology equipment and televisions, the director  
9 shall issue written findings regarding the noncompliance to the  
10 State agency.

11 § 4337. Refurbished computer equipment purchasing program.

12 (a) Option.--The office shall offer a State agency the  
13 option of purchasing, leasing or using refurbished computer  
14 equipment from registered computer equipment refurbishers  
15 whenever most appropriate to meet the respective needs of the  
16 State agency.

17 (b) Savings.--A State agency shall document any savings  
18 resulting from the purchase of refurbished computer equipment,  
19 including, but not limited to, the initial acquisition cost and  
20 operations and maintenance costs. The savings shall be reported  
21 annually to:

22 (1) The director.

23 (2) The General Assembly.

24 (c) Requirements.--Participating computer equipment  
25 refurbishers shall meet all existing procurement requirements  
26 established by the office.

27 § 4338. Data on reliability and other matters.

28 (a) Maintenance of data.--The office shall maintain data on  
29 equipment reliability, potential cost savings and matters  
30 associated with the refurbished computer equipment purchasing

1 program.

2 (b) Report.--The office shall transmit a report regarding  
3 the matters under subsection (a) by February 1, 2020, and  
4 quarterly thereafter to:

5 (1) The Secretary of the Budget.

6 (2) The Independent Fiscal Office.

7 (3) The General Assembly.

8 SUBCHAPTER D

9 PROCUREMENT OF INFORMATION TECHNOLOGY

10 Sec.

11 4345. Duties of office.

12 4346. Confidentiality.

13 4347. Methods of procurement.

14 4348. Quality assurance.

15 § 4345. Duties of office.

16 (a) Specific duties of office.--Subject to the provisions of  
17 this chapter and consistent with the processes enacted under 62  
18 Pa.C.S. Ch. 5 (relating to source selection and contract  
19 formation), the office shall have the authority and  
20 responsibility to:

21 (1) Contract for all information technology and  
22 information technology as a service for State agencies. The  
23 office may enter into purchase orders under this type of  
24 contract.

25 (2) Establish processes, specifications and standards  
26 that shall apply to all information technology to be  
27 purchased, licensed or leased by State agencies.

28 (3) Establish processes, specifications and standards  
29 relating to information technology services contract  
30 requirements for State agencies.

1       (4) Utilize the purchasing benchmarks established by the  
2 director.

3       (5) Provide strategic sourcing resources and planning to  
4 compile and consolidate all estimates of information  
5 technology goods and services needed and required by State  
6 agencies.

7       (6) Ensure, to the maximum extent practicable, that  
8 projects utilize Statements of Objectives when issuing  
9 solicitations for information technology projects that are  
10 for noncommodity hardware. The following shall apply:

11       (i) As used in this paragraph, the term "Statement  
12 of Objective" means an office-prepared or State-agency-  
13 prepared document incorporated into the solicitation that  
14 states the overall performance objectives or outcomes of  
15 the project.

16       (ii) A Statement of Objective shall be used in  
17 solicitations when the office or State agency intends to  
18 provide the maximum flexibility to each offeror to  
19 propose an innovative approach.

20       (iii) A Statement of Objective may be used in lieu  
21 of a detailed statement of work that dictates detailed  
22 requirements that stifle flexible, innovation solutions.

23       (b) Specific duties of State agencies.--Subject to the  
24 provisions of this chapter and consistent with the processes  
25 enacted under 62 Pa.C.S. Ch. 5, each State agency shall have the  
26 authority and responsibility to issue purchase orders under  
27 contracts entered by the office.

28 § 4346. Confidentiality.

29       (a) Contract information.--Subject to subsection (b),  
30 contract information compiled by the office shall be made a

1 matter of public record after the award of contract.

2 (b) Proprietary information.--Trade secrets, test data and  
3 similar proprietary information and security information  
4 protected from disclosure under Federal or State law shall  
5 remain confidential.

6 § 4347. Methods of procurement.

7 (a) Electronic procurement.--

8 (1) The office may authorize the use of an electronic  
9 procurement system to conduct a reverse auction and  
10 electronic bidding on existing multiple-award contracts.

11 (2) The following shall apply regarding reverse  
12 auctions:

13 (i) The vendor's price may be revealed during the  
14 reverse auction.

15 (ii) The office may contract with a third-party  
16 vendor to conduct the reverse auction.

17 (iii) Offers or bids may be accepted and contracts  
18 may be entered by use of electronic bidding.

19 (iv) All requirements relating to formal and  
20 competitive bids, including advertisement, seal and  
21 signature, are satisfied when a procurement is conducted  
22 or a contract is entered in compliance with the reverse  
23 auction or electronic bidding requirements established by  
24 the office.

25 (v) The office shall limit the use of reverse  
26 auctions in procurement of information technology to the  
27 acquisition of information technology hardware.

28 (vi) The office shall not use reverse auctions for  
29 the procurement of information technology services,  
30 hardware software or solutions that incorporate both



1 information technology hardware and services, including,  
2 but not limited to, cloud-based information technology  
3 solutions.

4 (3) As used in this subsection, "existing multiple-award  
5 contracts" means one or more contracts where the same or  
6 similar goods are being procured by State agencies.

7 (b) Bulk purchasing.--

8 (1) The director shall establish procedures for the  
9 procurement of information technology through bulk purchases.  
10 The procedures may include the following:

11 (i) The aggregation of hardware purchases.

12 (ii) The use of formal bid procedures.

13 (iii) Restrictions on supplemental staffing.

14 (iv) Enterprise software licensing, hosting and  
15 multiyear maintenance agreements.

16 (v) Information technology as a service.

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

22 (c) Most advantageous offer.--All bids or offers to  
23 contract, whether through competitive sealed bidding or other  
24 procurement method under 62 Pa.C.S. Ch. 5 (relating to source  
25 selection and contract formation), shall be subject to  
26 evaluation and selection by acceptance of the most advantageous  
27 offer to the Commonwealth.

28 (d) Considerations.--Evaluation of an information technology  
29 purchase shall take into consideration the following factors:

30 (1) The best value of the purchase.

1           (2) Compliance with information technology project  
2 management policies.

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

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

7       (e) Exceptions.--In addition to permitted waivers of  
8 competition, the requirements of competitive bidding shall not  
9 apply to information technology contracts and procurements:

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

12           (2) in the use of master licensing or purchasing  
13 agreements governing the office's acquisition of proprietary  
14 intellectual property.

15       (f) Award by director.--The director may award a cost plus  
16 percentage of cost contract for information technology projects.  
17 As needed, the director shall report the cost plus percentage of  
18 cost contract to the following:

19           (1) The Secretary of the Budget.

20           (2) The Auditor General.

21           (3) The General Assembly.

22 § 4348. Quality assurance.

23       Information technology projects authorized under this chapter  
24 shall meet all project standards and requirements established  
25 under this chapter.

26                                   SUBCHAPTER E

27                                   SECURITY

28 Sec.

29 4351. Statewide security standards.

30 4352. Security standards and risk assessments.

1 4353. Assessment of compliance with security standards.

2 4354. Joint Cybersecurity Oversight Committee.

3 § 4351. Statewide security standards.

4 (a) Establishment.--

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

10 (i) Data classification.

11 (ii) Management.

12 (iii) Communications.

13 (iv) Encryption technologies.

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

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

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

27 § 4352. Security standards and risk assessments.

28 (a) Authorization to operate.--Notwithstanding any other  
29 provision of law and except as otherwise provided by this  
30 chapter, all information technology security goods, software or

1 services purchased using taxpayer money, or for use by a State  
2 agency or in a public facility, shall require an authorization  
3 to operate by the head of the State agency in accordance with  
4 security standards under this chapter. No information technology  
5 system or service may be operated by, or in support of, a State  
6 agency without an authorization to operate.

7 (b) Standards.--The director shall define a risk-based set  
8 of control standards that identify specific security and privacy  
9 protections for all information technology and information  
10 technology services in line with the specific threats and risks  
11 to the residents of this Commonwealth and State agency  
12 operations.

13 (c) Assessments.--The director shall conduct risk  
14 assessments to identify compliance and operational and strategic  
15 risks to the information technology network and agency  
16 operations. The following shall apply:

17 (1) The assessments may include methods such as  
18 penetration testing, social engineered security threats or  
19 similar assessment methodologies.

20 (2) The director may contract with another party to  
21 perform the assessments.

22 (3) The following assessment reviews shall be performed  
23 prior to the information security audit under subsection (e)  
24 and the assessment shall be performed consistent with the  
25 Federal information processing standards:

26 (i) Identity management.

27 (ii) Security incident management.

28 (iii) Network perimeter security.

29 (iv) Systems development.

30 (v) Project management.

1 (vi) Information technology risk management.

2 (vii) Data management.

3 (viii) Vulnerability management.

4 (4) Detailed reports of the risk and security issues  
5 identified in the assessments shall be reported to the  
6 director and shall be kept confidential.

7 (5) The agency head, in consultation with the office,  
8 shall identify corrective or mitigating actions as needed.

9 (d) Interim authority to operate.--If the agency head  
10 determines that the information technology system or service is  
11 needed, the agency head may seek authorization from the director  
12 for a period not longer than 180 days to implement the  
13 corrective or mitigating actions.

14 (e) Security audit.--

15 (1) The director shall contract with an independent  
16 certified information security auditor or entity to perform  
17 an information security audit of State agencies.

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

20 (f) Notification and audits.--The following shall apply:

21 (1) The party conducting the assessment or audit shall  
22 provide the director and head of the reviewed State agency  
23 with a detailed report of the security issues identified,  
24 which shall not be publicly disclosed.

25 (2) The State agency, in cooperation with the office,  
26 shall provide the director with a corrective action plan that  
27 remediates issues identified in the detailed report under  
28 paragraph (1), which shall not be publicly disclosed.

29 (3) The director shall issue a public report on the  
30 general results of the assessment that shall be accessible on

1 the portal under section 4319 (relating to Statewide  
2 information technology transparency portal).

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

8 § 4353. Assessment of compliance with security standards.

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

12 (b) Contents.--The director shall establish a quantifiable  
13 objective metric that measures the degree of compliance with  
14 current security standards. The assessment under this section  
15 shall, at a minimum:

16 (1) Quantify the degree of compliance with the current  
17 security standards using the metric.

18 (2) Include security organization, security practices,  
19 security information standards, network security  
20 architecture, systems development and lifecycle management  
21 and current expenditures of State funds for information  
22 security.

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

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

29 § 4354. Joint Cybersecurity Oversight Committee.

30 (a) Establishment and membership.--The Joint Cybersecurity

1 Oversight Committee is established and shall consist of the  
2 following members:

3 (1) The director.

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

6 (i) Two members of the Senate.

7 (ii) A representative from the Information  
8 Technology Office of the majority caucus of the Senate.

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

11 (i) One member of the Senate.

12 (ii) A representative from the Information  
13 Technology Office of the minority caucus of the Senate.

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

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

17 (ii) A representative from the Information  
18 Technology Office of the majority caucus of the House of  
19 Representatives.

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

22 (i) One member of the House of Representatives.

23 (ii) A representative from the Information  
24 Technology Office of the minority caucus of the House of  
25 Representatives.

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

28 (7) The chief information officer of:

29 (i) The Department of the Auditor General.

30 (ii) The Treasury Department.

1           (iii) The Office of Attorney General.

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

4           (v) The Pennsylvania Public Utility Commission.

5           (8) Four private citizens appointed by the Governor with  
6           professional cybersecurity experience.

7           (9) The Commissioner of the Pennsylvania State Police or  
8           a designee of the commissioner.

9           (10) A member of the National Guard experienced in  
10           cybersecurity, as appointed by the Adjutant General.

11           (b) Chairperson and vice chairperson.--The chairperson of  
12           the committee shall be appointed by the Governor, and the vice  
13           chairperson of the committee shall be appointed by the  
14           chairperson.

15           (c) Staffing.--

16           (1) The committee shall be staffed by the office, which  
17           shall support and assist the committee.

18           (2) Costs incurred for mileage for a member shall be  
19           reimbursed by the individual or entity appointing the member.

20           (d) Service of members.--Each member of the committee shall  
21           serve at the pleasure of the individual who appointed the  
22           member.

23           (e) Vacancies.--A vacancy in the membership of the committee  
24           shall be filled by the appointing authority in the same manner  
25           as the original appointment.

26           (f) Meetings.--

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

29           (2) The chairperson of the committee, with the consent  
30           of the vice chairperson of the committee, may schedule



1 additional meetings of the committee.

2 (3) The chairperson of the committee shall provide the  
3 members of the committee with notice of the time and location  
4 of each meeting of the committee no later than one week prior  
5 to the meeting. Notice shall also be provided to the  
6 Governor, the President pro tempore of the Senate and the  
7 Speaker of the House of Representatives.

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

10 (5) A member of the committee may participate in a  
11 meeting of the committee in person, by teleconference, by  
12 video conference or by other means as agreed to by the  
13 chairperson and vice chairperson of the committee.

14 (6) A meeting of the committee shall not be subject to  
15 65 Pa.C.S. Ch. 7 (relating to open meetings).

16 (7) A meeting held by the Committee in which the  
17 committee accepts testimony shall comply with 65 Pa.C.S. Ch.  
18 7.

19 (g) Duties.--

20 (1) The committee shall review and coordinate  
21 cybersecurity policies and discuss emerging cybersecurity  
22 threats, recommended policy changes and assess current  
23 cybersecurity within this Commonwealth.

24 (2) The committee shall prepare a report of its  
25 activities, which shall be transmitted to the following:

26 (i) The Governor.

27 (ii) The President pro tempore of the Senate.

28 (iii) The Speaker of the House of Representatives.

29 (iv) The Majority Leader and the Minority Leader of  
30 the Senate.

1           (v) The Majority Leader and the Minority Leader of  
2           the House of Representatives.

3           (vi) The Court Administrator of Pennsylvania.

4           (h) Definitions.--As used in this section, the following  
5           words and phrases shall have the meanings given to them in this  
6           subsection unless the context clearly indicates otherwise:

7           "Committee." The Joint Cybersecurity Oversight Committee  
8           established under this section.

9   SUBCHAPTER F

10    ENFORCEMENT AND PENALTIES

11           Sec.

12           4361. Administrative and judicial review.

13           4362. Unauthorized use for private benefit prohibited.

14           4363. Financial interests.

15           4364. Certification of submittal without collusion.

16           § 4361. Administrative and judicial review.

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

20           § 4362. Unauthorized use for private benefit prohibited.

21           (a) Offense.--It is unlawful for any person, by the use of  
22           the powers, policies or procedures, to purchase, attempt to  
23           purchase, procure or attempt to procure any property or services  
24           for private use or benefit.

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

30           § 4363. Financial interests.

1 (a) Offense.--

2 (1) The director, any other policymaking employee of the  
3 office and any employee of a State agency involved in  
4 management or oversight, including contract administration,  
5 of the information technology project may not have a  
6 financial interest or personal beneficial interest, either  
7 directly or indirectly, in the purchase of or contract for  
8 information technology. The financial interest or personal  
9 interest shall extend to a corporation, partnership, company,  
10 trust, association or other entity furnishing information  
11 technology to the Commonwealth or any of its State agencies.

12 (2) An official covered in paragraph (1) may not accept  
13 or receive, directly or indirectly, any of the following:

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

16 (ii) A promise, obligation or contract for future  
17 reward, employment or compensation, regardless of the  
18 business or nonbusiness nature of the promise, obligation  
19 or contract.

20 (b) Criminal penalties.--A person that violates subsection  
21 (a) commits a felony of the third degree. Upon conviction, the  
22 person shall be removed from office or State employment.  
23 § 4364. Certification of submittal without collusion.

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

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

30 SUBCHAPTER G

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1 PENNSYLVANIA STATEWIDE RADIO NETWORK

2 SEC.

3 4371. DEFINITIONS.

4 4372. ADMINISTRATION OF PA-STARNET.

5 4373. PA-STARNET COMMITTEE.

6 § 4371. DEFINITIONS.

7 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS SUBCHAPTER  
8 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE  
9 CONTEXT CLEARLY INDICATES OTHERWISE:

10 "BUSINESS PARTNER." AN ORGANIZATION THAT HAS ENTERED INTO AN  
11 AGREEMENT WITH THE COMMONWEALTH UNDER WHICH IT OFFERS SOME FORM  
12 OF NONMONETARY CONSIDERATION, SUCH AS FREQUENCY LICENSES OR  
13 SITES FOR SYSTEM INFRASTRUCTURE, IN RETURN FOR PERMISSION TO USE  
14 PA-STARNET FOR RADIO COMMUNICATIONS.

15 "COMMISSIONER." THE COMMISSIONER OF PENNSYLVANIA STATE  
16 POLICE.

17 "COMMITTEE." THE PA-STARNET COMMITTEE ESTABLISHED UNDER §  
18 4373 (RELATING TO PA-STARNET COMMITTEE).

19 "EMERGENCY COMMUNICATIONS." THE MEANS AND METHODS FOR  
20 EXCHANGING COMMUNICATIONS AND INFORMATION NECESSARY FOR  
21 SUCCESSFUL INCIDENT MANAGEMENT.

22 "FIRST RESPONDER." AN INDIVIDUAL WHO IN THE EARLY STAGES OF  
23 AN INCIDENT IS RESPONSIBLE FOR THE PROTECTION AND PRESERVATION  
24 OF LIFE, PROPERTY, EVIDENCE AND THE ENVIRONMENT, INCLUDING  
25 EMERGENCY RESPONSE PROVIDERS AS THAT TERM IS DEFINED IN SECTION  
26 2 OF THE HOMELAND SECURITY ACT OF 2002 (PUBLIC LAW 107-296, 116  
27 STAT. 2135).

28 "PARTICIPATING AGENCY." A GOVERNMENT AGENCY, PUBLIC SAFETY  
29 ORGANIZATION, FIRST RESPONDER ORGANIZATION, BUSINESS PARTNER OR  
30 OTHER ORGANIZATION.

1 "PENNSYLVANIA STATEWIDE RADIO NETWORK" OR "PA-STARNET." A  
2 STATEWIDE RADIO NETWORK COMPRISING A COMMUNICATION AND  
3 INFORMATION INFRASTRUCTURE CONNECTED BY A DIGITAL MICROWAVE  
4 SYSTEM FOR TRANSMISSION OF VOICE AND DATA, INCLUDING ALL  
5 FREQUENCY BANDS AND OTHER SYSTEM EXTENSIONS OWNED AND OPERATED  
6 BY THE COMMONWEALTH AND CONNECTED TO THE CORE DIGITAL TRUNKED  
7 RADIO NETWORK OPERATING IN THE 800 MEGAHERTZ (MHZ) PUBLIC SAFETY  
8 FREQUENCY BAND AND IN OTHER PUBLIC SAFETY FREQUENCY BANDS  
9 LICENSED BY THE FEDERAL COMMUNICATIONS COMMISSION (FCC), OR TO  
10 THE MICROWAVE BACKBONE NETWORK.

11 "PUBLIC SAFETY COMMUNICATIONS." THE MEANS AND METHODS FOR  
12 TRANSMITTING AND RECEIVING INFORMATION NECESSARY FOR THE CONDUCT  
13 OF SERVICES RENDERED BY OR THROUGH FEDERAL, STATE OR LOCAL  
14 GOVERNMENT ENTITIES IN SUPPORT OF THE PROTECTION AND  
15 PRESERVATION OF LIFE, PROPERTY AND NATURAL RESOURCES, AS  
16 PRESCRIBED BY LAW.

17 "STATE POLICE." THE PENNSYLVANIA STATE POLICE.  
18 § 4372. ADMINISTRATION OF PA-STARNET.

19 (A) AUTHORITY.--THE STATE POLICE, THROUGH A PA-STARNET  
20 DIVISION, SHALL DEVELOP, OPERATE, REGULATE, MANAGE, MAINTAIN AND  
21 MONITOR PA-STARNET, INCLUDING PA-STARNET INFRASTRUCTURE,  
22 EQUIPMENT, SOFTWARE, SERVICES AND LICENSES.

23 (B) PURPOSES.--THE STATE POLICE SHALL ADMINISTER PA-STARNET  
24 FOR:

25 (1) THE BENEFIT OF THE PARTICIPATING AGENCIES;

26 (2) THE SUPPORT OF EFFECTIVE COMMUNICATIONS AT CRITICAL  
27 PUBLIC EVENTS; AND

28 (3) THE INTEROPERABLE COMMUNICATION NEEDS OF FEDERAL,  
29 STATE AND LOCAL FIRST RESPONDERS DURING EMERGENCIES.

30 (C) POLICIES AND PROCEDURES.--THE STATE POLICE SHALL

1 ESTABLISH POLICIES AND PROCEDURES FOR THE SPECIFICATION,  
2 PROCUREMENT, DEVELOPMENT, TESTING, CONFIGURATION, OPERATIONS,  
3 USE, REPLACEMENT AND MAINTENANCE OF PA-STARNET RESOURCES.  
4 § 4373. PA-STARNET COMMITTEE.

5 THE PA-STARNET COMMITTEE IS ESTABLISHED IN THE STATE POLICE  
6 TO PROVIDE A STANDING FORUM FOR PARTICIPATING AGENCIES TO ENSURE  
7 COORDINATION AND COOPERATION AMONG PARTICIPATING STATE AGENCIES  
8 AND COUNTY AND LOCAL AGENCIES IN THE DEVELOPMENT AND USE OF PA-  
9 STARNET AND ITS APPLICATION TO PUBLIC SAFETY COMMUNICATIONS AND  
10 EMERGENCY COMMUNICATIONS.

11 Section 2. This act shall take effect immediately.