

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 40

Session of 2021

INTRODUCED BY GROVE, RYAN, THOMAS, SAYLOR, MOUL, GAYDOS AND GLEIM, JANUARY 11, 2021

AS REPORTED FROM COMMITTEE ON STATE GOVERNMENT, HOUSE OF REPRESENTATIVES, AS AMENDED, JANUARY 27, 2021

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; and imposing~~
7 ~~penalties.~~

8 AMENDING TITLE 71 (STATE GOVERNMENT) OF THE PENNSYLVANIA <--
9 CONSOLIDATED STATUTES, IN BOARDS AND OFFICES, PROVIDING FOR
10 INFORMATION TECHNOLOGY; ESTABLISHING THE OFFICE OF
11 INFORMATION TECHNOLOGY AND THE INFORMATION TECHNOLOGY FUND;
12 PROVIDING FOR ADMINISTRATIVE AND PROCUREMENT PROCEDURES AND
13 FOR THE JOINT CYBERSECURITY OVERSIGHT COMMITTEE; IMPOSING
14 DUTIES ON THE OFFICE OF INFORMATION TECHNOLOGY; PROVIDING FOR
15 ADMINISTRATION OF PENNSYLVANIA STATEWIDE RADIO NETWORK AND
16 IMPOSING PENALTIES.

17 The General Assembly of the Commonwealth of Pennsylvania
18 hereby enacts as follows:

19 ~~Section 1. Part V of Title 71 of the Pennsylvania~~ <--
20 ~~Consolidated Statutes is amended by adding a chapter to read:~~

CHAPTER 43

INFORMATION TECHNOLOGY

Subchapter

A. General Provisions

~~B. Office of Information Technology~~

~~C. Procurement and Business Operations~~

~~D. Security~~

~~E. Enforcement and Penalties~~

~~SUBCHAPTER A~~

~~GENERAL PROVISIONS~~

~~Sec.~~

~~4301. Scope of chapter.~~

~~4302. Findings and declarations.~~

~~4303. Definitions.~~

~~§ 4301. Scope of chapter.~~

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

~~§ 4302. Findings and declarations.~~

~~The General Assembly finds and declares the following:~~

~~(1) The Commonwealth has struggled to keep information technology costs under control.~~

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

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

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

~~(5) By reforming the Commonwealth's outdated approach to information technology, the Commonwealth can improve data and analytic capabilities and improve cybersecurity.~~

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

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

7 ~~§ 4303. Definitions.~~

8 ~~The following words and phrases when used in this chapter~~  
9 ~~shall have the meanings given to them in this section unless the~~  
10 ~~context clearly indicates otherwise:~~

11 ~~"Director." The administrative head of the office.~~

12 ~~"Distributed information technology assets." Hardware,~~  
13 ~~software and communications equipment not classified as~~  
14 ~~traditional mainframe based items, including, but not limited~~  
15 ~~to, personal computers, local area networks, servers, mobile~~  
16 ~~computers, peripheral equipment and other related hardware and~~  
17 ~~software items.~~

18 ~~"Electronic bidding." The electronic solicitation and~~  
19 ~~receipt of offers to contract.~~

20 ~~"Fund." The Information Technology Fund established under~~  
21 ~~section 4316 (relating to Information Technology Fund).~~

22 ~~"Independent agency." A board, commission, authority or~~  
23 ~~other agency of the Commonwealth that is not subject to the~~  
24 ~~policy supervision and control of the Governor. The term does~~  
25 ~~not include:~~

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

27 ~~(2) the General Assembly or an agency of the General~~  
28 ~~Assembly.~~

29 ~~"Independent department." Any of the following:~~

30 ~~(1) The Department of the Auditor General.~~

1 ~~(2) The Treasury Department.~~

2 ~~(3) The Office of Attorney General.~~

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

5 ~~"Information technology." Hardware, software and~~  
6 ~~telecommunications equipment, including, but not limited to, the~~  
7 ~~following:~~

8 ~~(1) Personal computers.~~

9 ~~(2) Servers.~~

10 ~~(3) Mainframes.~~

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

12 ~~(5) Broadband.~~

13 ~~(6) Mobile or portable computers.~~

14 ~~(7) Peripheral equipment.~~

15 ~~(8) Telephones.~~

16 ~~(9) Wireless communications.~~

17 ~~(10) Handheld devices.~~

18 ~~(11) Public safety radio services.~~

19 ~~(12) Facsimile machines.~~

20 ~~(13) Technology facilities, including, but not limited~~  
21 ~~to, data centers, dedicated training facilities or switching~~  
22 ~~facilities.~~

23 ~~(14) Electronic payment processing services.~~

24 ~~(15) Other relevant hardware and software items or~~  
25 ~~personnel tasked with the planning, implementation or support~~  
26 ~~of technology, including hosting or vendor managed service~~  
27 ~~solutions.~~

28 ~~"Information technology security incident." A computer based~~  
29 ~~activity, network based activity or paper based activity which~~  
30 ~~results directly or indirectly in misuse, damage, denial of~~

1 ~~service, compromise of integrity or loss of confidentiality of a~~  
2 ~~network, a computer, an application or data.~~

3 ~~"Office." The Office of Information Technology established~~  
4 ~~under Subchapter B (relating to Office of Information~~  
5 ~~Technology).~~

6 ~~"Reverse auction." A real time purchasing process in which~~  
7 ~~vendors compete to provide goods or services at the lowest~~  
8 ~~selling price in an open and interactive electronic environment.~~

9 ~~"Secretary." The Secretary of Administration.~~

10 ~~"State agency." Any of the following:~~

11 ~~(1) The Governor's Office.~~

12 ~~(2) A department, board, commission, authority or other~~  
13 ~~agency of the Commonwealth that is subject to the policy~~  
14 ~~supervision and control of the Governor.~~

15 ~~(3) The office of Lieutenant Governor.~~

16 ~~(4) An independent agency.~~

17 SUBCHAPTER B

18 OFFICE OF INFORMATION TECHNOLOGY

19 Sec.

20 ~~4311. Establishment of office.~~

21 ~~4312. Duties of office.~~

22 ~~4313. Transfer of duties.~~

23 ~~4314. Director.~~

24 ~~4315. Planning and financing information technology resources.~~

25 ~~4316. Information Technology Fund.~~

26 ~~4317. Financial accountability and information technology.~~

27 ~~4318. Statewide electronic portal and annual report.~~

28 ~~4319. Budget for information technology.~~

29 ~~4320. Commonwealth portal.~~

30 ~~4321. Information technology request.~~

~~4322. Status of information technology projects and corrective  
action plans.~~

~~§ 4311. Establishment of office.~~

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

~~§ 4312. Duties of office.~~

~~(a) Duties generally. The office shall:~~

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

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

~~(i) The development of priorities and strategic  
plans.~~

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

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

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

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

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

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

1 ~~(3) Consult with the Governor's Office of the Budget on~~  
2 ~~budgetary matters regarding information technology planning~~  
3 ~~and procurement.~~

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

6 ~~(5) Establish and maintain an information technology~~  
7 ~~portfolio management process for overall monitoring of~~  
8 ~~information technology program objectives, alignment with~~  
9 ~~priorities, budgets and expenditures.~~

10 ~~(6) Identify common information technology business~~  
11 ~~functions within each State agency.~~

12 ~~(7) Make recommendations for consolidation, integration~~  
13 ~~and investment.~~

14 ~~(8) Facilitate the use of common technology, as~~  
15 ~~appropriate.~~

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

19 ~~(10) Ensure compliance by each State agency with~~  
20 ~~required business process reviews.~~

21 ~~(11) Maintain a central procurement organization.~~

22 ~~(12) Procure or supervise the procurement of all~~  
23 ~~information technology.~~

24 ~~(13) Oversee information technology contract issues,~~  
25 ~~monitoring and compliance.~~

26 ~~(14) Serve as a liaison between State agencies and~~  
27 ~~contracted information technology vendors.~~

28 ~~(15) Align the appropriate technology and procurement~~  
29 ~~methods with the service strategy.~~

30 ~~(16) Establish an information technology architecture~~

1 ~~framework that governs information technology investments.~~

2 ~~This architecture framework shall include the following, as~~  
3 ~~appropriate:~~

4 ~~(i) The development of standards, policies,~~  
5 ~~processes and strategic technology roadmaps.~~

6 ~~(ii) The performance of technical reviews and~~  
7 ~~capability assessments of services, technologies and~~  
8 ~~State agency systems.~~

9 ~~(iii) The evaluation of requests for information~~  
10 ~~technology policy exceptions.~~

11 ~~(17) Develop and implement efforts to standardize data~~  
12 ~~elements and determine data ownership assignments.~~

13 ~~(18) Develop and maintain a comprehensive information~~  
14 ~~technology inventory.~~

15 ~~(19) Monitor compliance with information technology~~  
16 ~~policy and standards through an architectural review process.~~

17 ~~(20) Maintain and strengthen the Commonwealth's~~  
18 ~~cybersecurity posture through security governance.~~

19 ~~(21) Develop security solutions, services and programs~~  
20 ~~to protect data and infrastructure.~~

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

23 ~~(23) Implement programs, processes and solutions to~~  
24 ~~maintain cybersecurity situational awareness and effectively~~  
25 ~~respond to cybersecurity attacks and information technology~~  
26 ~~security incidents.~~

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

28 ~~(25) Conduct evaluations and compliance audits of State~~  
29 ~~agency security infrastructure.~~

30 ~~(26) Recommend and conduct the consolidation of State~~



1 ~~agency information technology services, including, but not~~  
2 ~~limited to, infrastructure, personnel, investments,~~  
3 ~~operations and support services.~~

4 ~~(27) Establish and facilitate a process for the~~  
5 ~~identification, evaluation and optimization of information~~  
6 ~~technology shared services.~~

7 ~~(28) Establish, maintain and communicate service level~~  
8 ~~agreements for shared services.~~

9 ~~(29) Establish a process for:~~

10 ~~(i) the development and implementation of~~  
11 ~~telecommunications policies, services and infrastructure;~~  
12 ~~and~~

13 ~~(ii) reviewing and authorizing State agency requests~~  
14 ~~for enhanced services.~~

15 ~~(30) Identify opportunities for convergence and~~  
16 ~~leveraging existing assets to reduce or eliminate duplicative~~  
17 ~~telecommunication networks.~~

18 ~~(31) Establish and maintain an information technology~~  
19 ~~service management process library to govern the services~~  
20 ~~provided to each State agency.~~

21 ~~(32) Establish a formal governance body to evaluate the~~  
22 ~~introduction of new information technology services and the~~  
23 ~~retiring of existing information technology services.~~

24 ~~(33) Establish metrics to monitor the health of the~~  
25 ~~services provided and make appropriate corrections as~~  
26 ~~necessary.~~

27 ~~(34) Establish information technology data management~~  
28 ~~and development policy frameworks for each State agency that~~  
29 ~~include policies, processes and standards that adhere to~~  
30 ~~commonly accepted principles for, among other things, data~~

~~governance, data development and the quality, sourcing, use, accessibility, content, ownership and licensing of open data.~~

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

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

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

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

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

~~(40) Develop and facilitate data sharing and data analytics.~~

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

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

~~(ii) The office shall not manage but shall coordinate efforts as necessary and appropriate regarding~~

~~the information technology contracts of an independent department, the General Assembly and its agencies or the agencies of the judicial branch.~~

~~§ 4313. Transfer of duties.~~

~~Upon the effective date of this section, information technology functions, powers, duties, obligations and services shall be transferred to and vested in the office. The following shall apply:~~

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

~~(i) Report directly to the director.~~

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

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

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

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

~~(ii) Subparagraph (i) shall not apply to an employee who handles proprietary information technology programs.~~

~~The employee shall remain an employee of the State agency~~

1 ~~and shall coordinate with the office.~~

2 ~~§ 4314. Director.~~

3 ~~(a) Appointment and salary. The secretary shall appoint the~~  
4 ~~director and set the salary of the director.~~

5 ~~(b) Qualifications. The director shall be qualified by~~  
6 ~~education and experience for the office.~~

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

9 ~~(1) Manage the operations of the office.~~

10 ~~(2) Develop and administer a comprehensive long range~~  
11 ~~plan to ensure the proper management of the Commonwealth's~~  
12 ~~information technology resources.~~

13 ~~(3) Set technical standards for information technology~~  
14 ~~and review and approve information technology projects and~~  
15 ~~budgets.~~

16 ~~(4) Establish information technology security standards.~~

17 ~~(5) Provide for the procurement of information~~  
18 ~~technology resources.~~

19 ~~(6) Develop a schedule for the replacement or~~  
20 ~~modification of information technology systems.~~

21 ~~(7) Require and review reports by each State agency~~  
22 ~~concerning information technology assets, systems, personnel~~  
23 ~~and projects and prescribe the form of the reports.~~

24 ~~(8) Prescribe the manner in which information technology~~  
25 ~~assets, systems and personnel shall be provided and~~  
26 ~~distributed among State agencies.~~

27 ~~(9) Prescribe the manner of inspecting or testing~~  
28 ~~information technology assets, systems or personnel to~~  
29 ~~determine compliance with information technology plans,~~  
30 ~~specifications and requirements.~~

~~(10) Hire personnel as necessary to perform the functions of the office.~~

~~§ 4315. Planning and financing information technology resources.~~

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

~~(b) Development of plan.~~

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

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

~~(c) Consultation and cooperation.~~

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

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

~~(3) Each State agency shall actively participate in preparing, testing and implementing an information technology plan as determined by the director. A State agency shall provide all financial information to the director necessary to determine full costs and expenditures for information~~

~~technology assets, including resources provided by the State agency or through contracts or grants.~~

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

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

~~(d) Biennial plan.~~

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

~~(2) The biennial plan shall include:~~

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

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

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

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

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

~~§ 4316. Information Technology Fund.~~

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

1 ~~(b) Receipt of money. The fund may receive money for the~~  
2 ~~operations of the office and to fulfill the duties of the office~~  
3 ~~under this chapter by the following methods:~~

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

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

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

12 ~~(c) Use of fund money.~~

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

16 ~~(i) Project management.~~

17 ~~(ii) Security.~~

18 ~~(iii) E-mail operations.~~

19 ~~(iv) State portal operations.~~

20 ~~(2) Expenditures made from the fund which involve money~~  
21 ~~appropriated from the General Fund shall be approved by the~~  
22 ~~director.~~

23 ~~§ 4317. Financial accountability and information technology.~~

24 ~~(a) Development of processes. The office, along with the~~  
25 ~~Secretary of the Budget and the State Treasurer, shall develop~~  
26 ~~processes for budgeting and accounting of expenditures for~~  
27 ~~information technology operations, services, projects,~~  
28 ~~infrastructure and assets across all State agencies.~~

29 ~~(b) Included information. The budgeting and accounting~~  
30 ~~processes under subsection (a) may include information regarding~~

1 ~~the following:~~

2 ~~(1) Hardware.~~

3 ~~(2) Software.~~

4 ~~(3) Personnel.~~

5 ~~(4) Training.~~

6 ~~(5) Contractual services.~~

7 ~~(6) Other items relevant to information technology.~~

8 ~~(c) Reports. By February 1 of each year, the director shall~~

9 ~~also report to the General Assembly the following information:~~

10 ~~(1) Services currently provided and associated~~  
11 ~~transaction volumes or other relevant indicators of~~  
12 ~~utilization by user type.~~

13 ~~(2) New services added during the previous year.~~

14 ~~(3) The total appropriation for each service.~~

15 ~~(4) The total amount remitted to the vendor for each~~  
16 ~~service.~~

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

19 ~~(6) User satisfaction with each service.~~

20 ~~(7) Any other issues associated with the provision of~~  
21 ~~each service.~~

22 ~~(d) Financial information. The director shall, at a~~

23 ~~minimum, include in the report under subsection (c) the~~

24 ~~following financial information:~~

25 ~~(1) Current budgetary balances for the fund and each~~  
26 ~~information technology project.~~

27 ~~(2) Line item details on expenditures.~~

28 ~~(3) Anticipated expenditures for the next three years.~~

29 ~~(4) The financial activities of the fund, including fund~~  
30 ~~expenditures, during the immediately prior fiscal year.~~



~~(e) Issuance. In addition to the General Assembly, a report under subsection (c) shall be submitted to the following:~~

~~(1) The Secretary of the Budget.~~

~~(2) The Independent Fiscal Office.~~

~~(3) The General Assembly.~~

~~§ 4318. Statewide electronic portal and annual report.~~

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

~~§ 4319. Budget for information technology.~~

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

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

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

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

~~§ 4320. Commonwealth portal.~~

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

1 ~~§ 4321. Information technology request.~~

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

8 ~~(1) A statement setting forth the following:~~

9 ~~(i) The needs of the State agency for information~~  
10 ~~technology and related resources, including expected~~  
11 ~~improvements to programmatic or business operations.~~

12 ~~(ii) The requirements for State resources, together~~  
13 ~~with an evaluation of those requirements by the chief~~  
14 ~~information officer assigned to the State agency which~~  
15 ~~takes into consideration the following:~~

16 ~~(A) The State's current technology.~~

17 ~~(B) The opportunities for technology sharing.~~

18 ~~(C) Any other factors relevant to the analysis~~  
19 ~~by the director.~~

20 ~~(2) A review and evaluation of the statement under~~  
21 ~~paragraph (1) which is prepared by the chief information~~  
22 ~~officer assigned to the State agency.~~

23 ~~(3) In cases of an acquisition, an explanation of the~~  
24 ~~method by which the acquisition is to be financed.~~

25 ~~(4) A statement by the chief information officer~~  
26 ~~assigned to the State agency which sets forth viable~~  
27 ~~alternatives, if any, for meeting the State agency needs in~~  
28 ~~an economical and efficient manner.~~

29 ~~§ 4322. Status of information technology projects and~~  
30 ~~corrective action plans.~~

~~(a) Portal. Within one year of the effective date of this section, the director shall develop a web based portal detailing the status of each of the Commonwealth's information technology projects. The portal shall include the following:~~

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

~~(2) The approved budget of each project.~~

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

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

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

~~(4) The completion date in the original contract along with the total percent of work for the project that has been completed, along with a color designation as follows:~~

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

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

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

~~(i) If an information technology project is meeting the scope of work in the original contract, the project~~

1 ~~shall be designated as the color green.~~

2 ~~(ii) If an information technology project is not~~  
3 ~~meeting the scope of work in the original contract, the~~  
4 ~~project shall be designated as the color red.~~

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

7 ~~(i) If an information technology project is meeting~~  
8 ~~the performance requirements in the original contract,~~  
9 ~~the project shall be designated as the color green.~~

10 ~~(ii) If an information technology project is not~~  
11 ~~meeting the performance measures in the original~~  
12 ~~contract, the project shall be designated as the color~~  
13 ~~red.~~

14 ~~(b) Notification. The following shall apply:~~

15 ~~(1) Upon determining that an information technology~~  
16 ~~project will be designated red, the director shall notify the~~  
17 ~~Governor's Office, the Independent Fiscal Office and the~~  
18 ~~General Assembly.~~

19 ~~(2) Upon being notified that the information technology~~  
20 ~~project is designated as red, the director shall develop a~~  
21 ~~corrective action plan to ensure that the information~~  
22 ~~technology project moves back to green status.~~

23 ~~(3) The corrective action plan shall be finalized within~~  
24 ~~20 days from the notification. The finalized corrective~~  
25 ~~action plan shall be sent to the General Assembly, the~~  
26 ~~Independent Fiscal Office and the Auditor General.~~

27 ~~SUBCHAPTER C~~

28 ~~PROCUREMENT AND BUSINESS OPERATIONS~~

29 ~~Sec.~~

30 ~~4331. Reporting requirements regarding procurement.~~

1 ~~4332. Business continuity planning.~~  
2 ~~4333. Information technology operations.~~  
3 ~~4334. Communications services.~~  
4 ~~4335. Project approval standards.~~  
5 ~~4336. Project management standards.~~  
6 ~~4337. Dispute resolution.~~  
7 ~~4338. Procurement of information technology.~~  
8 ~~4339. Contractor verification.~~  
9 ~~4340. Review and approval of contracts.~~  
10 ~~4341. Purchase of certain equipment prohibited.~~  
11 ~~4342. Refurbished computer equipment purchasing program.~~  
12 ~~4343. Data on reliability and other matters.~~  
13 ~~§ 4331. Reporting requirements regarding procurement.~~  
14 ~~(a) Bids. A vendor submitting a bid or proposal shall~~  
15 ~~disclose in a statement, provided contemporaneously with the bid~~  
16 ~~or proposal, where services will be performed under the contract~~  
17 ~~sought, including any subcontracts, and whether any services~~  
18 ~~under that contract, including any subcontracts, are anticipated~~  
19 ~~to be performed outside the United States.~~  
20 ~~(b) Retention and reports. The director shall:~~  
21 ~~(1) retain the statements required by this section~~  
22 ~~regardless of the State agency that awards the contract; and~~  
23 ~~(2) report annually to the secretary on the number of~~  
24 ~~contracts.~~  
25 ~~(c) Records of purchases. Each State agency which makes a~~  
26 ~~purchase of information technology through the office shall~~  
27 ~~report directly to the director, who shall keep annual records~~  
28 ~~of information technology purchases.~~  
29 ~~(d) Effect of section. Nothing in this section is intended~~  
30 ~~to contravene any existing treaty, law, agreement or regulation~~

1 ~~of the United States.~~

2 ~~§ 4332. Business continuity planning.~~

3 ~~(a) Oversight. The director shall oversee the manner and~~  
4 ~~means by which information technology business and disaster~~  
5 ~~recovery plans for State agencies are created, reviewed and~~  
6 ~~updated.~~

7 ~~(b) Disaster recovery planning team. Each State agency~~  
8 ~~shall establish a disaster recovery planning team to work with~~  
9 ~~the office to develop the disaster recovery plan and administer~~  
10 ~~and implement the plan.~~

11 ~~(c) Components of plan. In developing a disaster recovery~~  
12 ~~plan, all of the following shall be completed:~~

13 ~~(1) Consideration of the organizational, managerial and~~  
14 ~~technical environments in which the plan must be implemented.~~

15 ~~(2) An assessment of the types and likely parameters of~~  
16 ~~disasters most likely to occur and the resultant impacts on~~  
17 ~~the State agency's ability to perform its mission.~~

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

20 ~~(4) A determination whether the plan is adequate to~~  
21 ~~address information technology security incidents.~~

22 ~~(d) Submittal. Each State agency shall submit its disaster~~  
23 ~~recovery plan to the director on an annual basis and as~~  
24 ~~otherwise requested by the director.~~

25 ~~§ 4333. Information technology operations.~~

26 ~~(a) Functions. In addition to other functions authorized or~~  
27 ~~required by this chapter, the office shall do the following:~~

28 ~~(1) Establish and operate centers of expertise for~~  
29 ~~specific information technologies and services to serve two~~  
30 ~~or more State agencies on a cost sharing basis, if the~~

~~1 director, after consultation with the Budget Office, decides~~  
~~2 it is advisable from the standpoint of efficiency and economy~~  
~~3 to establish these centers and services.~~

~~4 (2) Require a State agency served to transfer to the~~  
~~5 department ownership, custody or control of information~~  
~~6 processing equipment, supplies and positions required by the~~  
~~7 shared centers and services.~~

~~8 (3) Adopt plans, policies and procedures for the~~  
~~9 acquisition, management and use of information technology~~  
~~10 resources in State agencies to facilitate more efficient and~~  
~~11 economic use of information technology in the State agencies.~~

~~12 (4) Develop and promote training programs to efficiently~~  
~~13 implement, use and manage information technology resources~~  
~~14 throughout State government.~~

~~15 (b) Confidentiality. No data of a confidential nature shall~~  
~~16 be entered into or processed through an information technology~~  
~~17 system or network established under this chapter until~~  
~~18 appropriate safeguards and other security measures are approved~~  
~~19 by the director and installed and fully operational.~~

~~20 (c) Cost sharing. Notwithstanding any other provision of~~  
~~21 law, the office shall provide information technology services on~~  
~~22 a cost sharing basis to:~~

~~23 (1) An independent department as requested by the head~~  
~~24 of the independent department.~~

~~25 (2) The General Assembly and its agencies as requested~~  
~~26 by the President pro tempore of the Senate and the Speaker of~~  
~~27 the House of Representatives.~~

~~28 (3) The judicial branch as requested by the Chief~~  
~~29 Justice.~~

~~30 (d) Estimates and actual expenditures. Each State agency~~

1 ~~shall furnish to the director upon request and on forms~~  
2 ~~prescribed:~~

3 ~~(1) estimates of all information technology goods and~~  
4 ~~services needed and required by the State agency; and~~

5 ~~(2) actual expenditures for all information technology~~  
6 ~~goods and services needed and required by the State agency~~  
7 ~~for the periods after the expenditures have been made.~~

8 ~~§ 4334. Communications services.~~

9 ~~The director shall exercise authority for telecommunications~~  
10 ~~and other communications included in information technology~~  
11 ~~relating to the internal management and operations of a State~~  
12 ~~agency. In discharging this responsibility, the director shall:~~

13 ~~(1) Provide for the establishment, management and~~  
14 ~~operation, through State ownership, by contract or through~~  
15 ~~commercial leasing, of the following systems and services as~~  
16 ~~they affect the internal management and operation of State~~  
17 ~~agencies:~~

18 ~~(i) Central telephone systems and telephone~~  
19 ~~networks, including Voice over Internet Protocol and~~  
20 ~~commercial mobile radio systems.~~

21 ~~(ii) Satellite services.~~

22 ~~(iii) Closed circuit television systems.~~

23 ~~(iv) Two way radio systems.~~

24 ~~(v) Microwave systems.~~

25 ~~(vi) Related systems based on telecommunication~~  
26 ~~technologies.~~

27 ~~(vii) Broadband.~~

28 ~~(2) Coordinate the development of cost sharing systems~~  
29 ~~for respective State agencies for their proportionate parts~~  
30 ~~of the cost of maintenance and operation of the systems and~~



1 ~~services listed in this section.~~

2 ~~(3) Assist in the development of coordinated~~  
3 ~~telecommunications services or systems within and among all~~  
4 ~~State agencies and recommend, where appropriate, cooperative~~  
5 ~~utilization of telecommunication facilities by aggregating~~  
6 ~~users.~~

7 ~~(4) Perform traffic analysis and engineering for all~~  
8 ~~telecommunications services and systems listed in this~~  
9 ~~section.~~

10 ~~(5) Establish telecommunications specifications and~~  
11 ~~designs so as to promote and support compatibility of the~~  
12 ~~systems within State agencies.~~

13 ~~(6) Provide every three years an inventory of~~  
14 ~~telecommunications costs, facilities, systems and personnel~~  
15 ~~within State agencies.~~

16 ~~(7) Promote, coordinate and assist in the design and~~  
17 ~~engineering of emergency telecommunications systems,~~  
18 ~~including, but not limited to, the 911 emergency telephone~~  
19 ~~number program, emergency medical services, and other~~  
20 ~~emergency telecommunications services.~~

21 ~~(8) Perform frequency coordination and management for~~  
22 ~~State agencies and municipalities, including all public~~  
23 ~~safety radio service frequencies, in accordance with the~~  
24 ~~rules and regulations of the Federal Communications~~  
25 ~~Commission or any successor Federal agency.~~

26 ~~(9) Advise all State agencies on telecommunications~~  
27 ~~management planning and related matters and provide~~  
28 ~~opportunities for training to users within State agencies in~~  
29 ~~telecommunications technology and systems.~~

30 ~~(10) Assist and coordinate the development of policies~~

~~and long range plans, consistent with the protection of residents' rights to privacy and access to information, for the acquisition and use of telecommunications systems. All policies and plans shall be based on current information about the Commonwealth's telecommunications activities in relation to the full range of emerging technologies.~~

~~§ 4335. Project approval standards.~~

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

~~(1) the project conforms to project management procedures and policies and to procurement rules and policies; and~~

~~(2) sufficient funds are available for implementation.~~

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

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

~~(1) The State agency.~~

~~(2) The Secretary of the Budget.~~

~~(3) The Independent Fiscal Office.~~

~~(4) The General Assembly.~~

~~(d) Suspension.~~

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

1           ~~(i) fails to meet the applicable quality assurance~~  
2           ~~standards;~~

3           ~~(ii) has exceeded its projected costs; or~~

4           ~~(iii) has failed to meet its projected completion~~  
5           ~~date.~~

6           ~~(2) If the director suspends a project for a reason~~  
7           ~~under paragraph (1), the director shall specify in writing~~  
8           ~~the grounds for suspending the project no later than five~~  
9           ~~business days after making the determination. The director~~  
10           ~~shall provide notice of the suspension, along with the~~  
11           ~~grounds for suspension, to all of the following:~~

12           ~~(i) The State agency.~~

13           ~~(ii) The Independent Fiscal Office.~~

14           ~~(iii) The Auditor General.~~

15           ~~(iv) The Secretary of the Budget.~~

16           ~~(v) The State Treasurer.~~

17           ~~(vi) The General Assembly.~~

18           ~~(3) After a project has been suspended, the State~~  
19           ~~Treasurer may not allow the transfer of money from the State~~  
20           ~~agency to further implement the project unless the director~~  
21           ~~approves an amended version of the plan for the project.~~

22           ~~(4) If a State agency attempts to continue to implement~~  
23           ~~a project that is no longer approved by the director and~~  
24           ~~expend additional money for the project, the State Treasurer~~  
25           ~~shall prevent the transfer of funds and remit the intended~~  
26           ~~expenditures into the fund. After remitting the unauthorized~~  
27           ~~expenditure, the State Treasurer shall immediately notify the~~  
28           ~~following:~~

29           ~~(i) The director.~~

30           ~~(ii) The Governor.~~

1 ~~(iii) The Secretary of the Budget.~~

2 ~~(iv) The General Assembly.~~

3 ~~(e) Quality assurance. Information technology projects~~  
4 ~~authorized under this chapter shall meet all project standards~~  
5 ~~and requirements established under this chapter.~~

6 ~~(f) Performance contracting. All contracts between a State~~  
7 ~~agency and a private party for information technology projects~~  
8 ~~shall include provisions for vendor performance review and~~  
9 ~~accountability, contract suspension or termination and~~  
10 ~~termination of funding.~~

11 ~~(g) Contract provisions.~~

12 ~~(1) The director may require the following contract~~  
13 ~~provisions:~~

14 ~~(i) A performance bond.~~

15 ~~(ii) Monetary penalties.~~

16 ~~(iii) Other performance assurance measures for~~  
17 ~~projects that are not completed within the specified time~~  
18 ~~period or that involve costs in excess of those specified~~  
19 ~~in the contract.~~

20 ~~(2) Notwithstanding the provisions under paragraph (1)~~  
21 ~~which are included in the contract, the director shall have~~  
22 ~~the authority to suspend the project that is the basis of the~~  
23 ~~contract.~~

24 ~~(h) Cost savings. The director may utilize cost savings~~  
25 ~~realized on government vendor partnerships as performance~~  
26 ~~incentives for an information technology vendor.~~

27 ~~(i) Use of experts.~~

28 ~~(1) Notwithstanding any other provision of this chapter~~  
29 ~~to the contrary, the director may require a State agency to~~  
30 ~~engage the services of private counsel or other experts with~~

~~information technology and intellectual property expertise on a particular subject matter if the State agency is developing and implementing an information technology project with a total cost of ownership in excess of \$5,000,000.~~

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

~~(i) Review requests for proposals or invitation for bids.~~

~~(ii) Review and provide advice and assistance during the evaluation of proposals or bids and selection of contractors.~~

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

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

~~§ 4336. Project management standards.~~

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

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

~~(c) Project management assistant.~~

~~(1) The director may designate a project management assistant to implement an information technology project of a~~

1 ~~State agency.~~

2 ~~(2) A project management assistant for a State agency~~  
3 ~~shall:~~

4 ~~(i) Advise the State agency regarding the initial~~  
5 ~~planning of an information technology project, the~~  
6 ~~content and design of a request for proposals, contract~~  
7 ~~development, procurement and architectural and other~~  
8 ~~technical reviews.~~

9 ~~(ii) Monitor progress in the development and~~  
10 ~~implementation of an information technology project.~~

11 ~~(iii) Provide status reports to the State agency and~~  
12 ~~the director, including recommendations regarding~~  
13 ~~continued approval of an information technology project.~~

14 ~~(3) Personnel of the State agency to which a project~~  
15 ~~management assistant is designated shall provide periodic~~  
16 ~~reports to the project management assistant regarding an~~  
17 ~~information technology project. Each report shall include~~  
18 ~~information regarding the following:~~

19 ~~(i) The State agency's business requirements.~~

20 ~~(ii) Applicable laws and regulations.~~

21 ~~(iii) Project costs.~~

22 ~~(iv) Issues related to hardware, software or~~  
23 ~~training.~~

24 ~~(v) Projected and actual completion dates for the~~  
25 ~~project.~~

26 ~~(vi) Any other information related to the~~  
27 ~~implementation of the project.~~

28 ~~§ 4337. Dispute resolution.~~

29 ~~(a) Right to request for review. If the director has~~  
30 ~~disapproved or suspended an information technology project or~~

1 ~~has disapproved a State agency's request for an amended version~~  
2 ~~of the plan for the project, the affected State agency may~~  
3 ~~request the director to revisit the determination about the~~  
4 ~~project. The request for review shall be submitted in writing to~~  
5 ~~the director within 15 business days following the State~~  
6 ~~agency's receipt of the disapproval or suspension.~~

7 ~~(b) Contents of request for review. A request for review~~  
8 ~~under subsection (a) shall specify the grounds for the State~~  
9 ~~agency's disagreement with the director's determination. The~~  
10 ~~State agency shall include with its request a plan to modify the~~  
11 ~~project to meet the director's concerns.~~

12 ~~(c) Notification.~~

13 ~~(1) Within 30 days after initial receipt of a State~~  
14 ~~agency's request for review, the director shall notify the~~  
15 ~~State agency whether or not the project, as modified, may be~~  
16 ~~implemented.~~

17 ~~(2) If the director approves the implementation of a~~  
18 ~~modified project by a State agency, the director shall notify~~  
19 ~~the State Treasurer and the Secretary of the Budget~~  
20 ~~immediately.~~

21 ~~§ 4338. Procurement of information technology.~~

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

30 ~~(b) Specific duties of office. Subject to the provisions of~~

1 ~~this chapter and consistent with the processes enacted under 62-~~  
2 ~~Pa.C.S. Ch. 5, the office shall have the authority and~~  
3 ~~responsibility to:~~

4 ~~(1) Purchase or contract for all information technology~~  
5 ~~for State agencies.~~

6 ~~(2) Establish processes, specifications and standards~~  
7 ~~which shall apply to all information technology to be~~  
8 ~~purchased, licensed or leased by State agencies.~~

9 ~~(3) Establish processes, specifications and standards~~  
10 ~~relating to information technology services contract~~  
11 ~~requirements for State agencies.~~

12 ~~(4) Utilize the purchasing benchmarks established by the~~  
13 ~~director.~~

14 ~~(5) Provide strategic sourcing resources and planning to~~  
15 ~~compile and consolidate all estimates of information~~  
16 ~~technology goods and services needed and required by State~~  
17 ~~agencies.~~

18 ~~(6) Reduce the size of information technology projects~~  
19 ~~to ensure that the projects are manageable and meet initial~~  
20 ~~estimates for project costs and completion dates.~~

21 ~~(7) Ensure that projects utilize problem based~~  
22 ~~procurement. As used in this paragraph, the term "problem~~  
23 ~~based procurement" means a request for bids by a State agency~~  
24 ~~for an information technology project which details the~~  
25 ~~information technology needs of the State agency and solicits~~  
26 ~~proposals by bidders regarding how to best meet those needs.~~

27 ~~(c) Confidentiality.~~

28 ~~(1) Subject to paragraph (2), contract information~~  
29 ~~compiled by the office shall be made a matter of public~~  
30 ~~record after the award of contract.~~



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

5 ~~(d) Electronic procurement. The office may authorize the~~  
6 ~~use of an electronic procurement system to conduct a reverse~~  
7 ~~auction and electronic bidding. The following apply:~~

8 ~~(1) The vendor's price may be revealed during the~~  
9 ~~reverse auction.~~

10 ~~(2) The office may contract with a third party vendor to~~  
11 ~~conduct the reverse auction.~~

12 ~~(3) Offers or bids may be accepted and contracts may be~~  
13 ~~entered by use of electronic bidding.~~

14 ~~(4) All requirements relating to formal and competitive~~  
15 ~~bids, including advertisement, seal and signature, are~~  
16 ~~satisfied when a procurement is conducted or a contract is~~  
17 ~~entered in compliance with the reverse auction or electronic~~  
18 ~~bidding requirements established by the office.~~

19 ~~(e) Bulk purchasing.~~

20 ~~(1) The director shall establish procedures for the~~  
21 ~~procurement of information technology through bulk purchases.~~  
22 ~~The procedures may include the following:~~

23 ~~(i) The aggregation of hardware purchases.~~

24 ~~(ii) The use of formal bid procedures.~~

25 ~~(iii) Restrictions on supplemental staffing.~~

26 ~~(iv) Enterprise software licensing, hosting and~~  
27 ~~multiyear maintenance agreements.~~

28 ~~(2) The director may require State agencies to submit~~  
29 ~~information technology procurement requests to the department~~  
30 ~~on October 1, January 1 and June 1, or another regularly~~

1 ~~occurring schedule, of each fiscal year in order to allow for~~  
2 ~~bulk purchasing.~~

3 ~~(f) Most advantageous offer. All bids or offers to~~  
4 ~~contract, whether through competitive sealed bidding or other~~  
5 ~~procurement method under 62 Pa.C.S. Ch. 5, shall be subject to~~  
6 ~~evaluation and selection by acceptance of the most advantageous~~  
7 ~~offer to the Commonwealth.~~

8 ~~(g) Considerations. Evaluation of an information technology~~  
9 ~~purchase shall take into consideration the following factors:~~

10 ~~(1) The best value of the purchase.~~

11 ~~(2) Compliance with information technology project~~  
12 ~~management policies.~~

13 ~~(3) Compliance with information technology security~~  
14 ~~standards and policies.~~

15 ~~(4) Substantial conformity with the specifications and~~  
16 ~~other conditions set forth in the solicitation.~~

17 ~~(h) Exceptions. In addition to permitted waivers of~~  
18 ~~competition, the requirements of competitive bidding shall not~~  
19 ~~apply to information technology contracts and procurements:~~

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

22 ~~(2) in the use of master licensing or purchasing~~  
23 ~~agreements governing the office's acquisition of proprietary~~  
24 ~~intellectual property.~~

25 ~~(i) Award by director. The director may award a cost plus~~  
26 ~~percentage of cost contract for information technology projects.~~  
27 ~~As needed, the director shall report the cost plus percentage of~~  
28 ~~cost contract to the following:~~

29 ~~(1) The Secretary of the Budget.~~

30 ~~(2) The Auditor General.~~

1           ~~(3) The General Assembly.~~

2   ~~§ 4339. Contractor verification.~~

3           ~~(a) General rule. A contract for professional or technical~~  
4 ~~services in which the cost to the Commonwealth exceeds \$100,000~~  
5 ~~shall require a contractor working with a State agency on a~~  
6 ~~project to use software that verifies that the hours billed on a~~  
7 ~~contract with the State agency are valid and fulfill the purpose~~  
8 ~~of the contract.~~

9           ~~(b) Contract specifications. A contract shall specify that~~  
10 ~~a State agency may not pay for hours worked on a project that~~  
11 ~~are performed on a computer unless the hours can be verified~~  
12 ~~through the use of the software or data collected by the~~  
13 ~~software.~~

14           ~~(c) Software requirements. The software incorporated by a~~  
15 ~~contractor to meet the requirements of this section shall:~~

16                 ~~(1) Permit the State agency or an auditor of the State~~  
17 ~~agency to have real time or retroactive access to data~~  
18 ~~collected by the software.~~

19                 ~~(2) Automatically capture a screenshot of activity as~~  
20 ~~follows:~~

21                         ~~(i) The software shall capture a screenshot at least~~  
22 ~~once every three minutes.~~

23                         ~~(ii) A screenshot shall be made available for review~~  
24 ~~by the State agency or an auditor of the State agency in~~  
25 ~~real time and retroactively.~~

26                         ~~(iii) Track total keystroke and mouse event~~  
27 ~~frequency.~~

28                         ~~(iv) Be procured by the contractor from an~~  
29 ~~independent entity.~~

30           ~~(3) Provide the State agency or an auditor of the State~~

1 ~~agency an automated real time cost status of each task~~  
2 ~~relating to the contract.~~

3 ~~(4) Provide the State agency professional biographical~~  
4 ~~information that is not private or confidential on~~  
5 ~~individuals performing tasks under the contract.~~

6 ~~(5) Protect all data that is private or confidential on~~  
7 ~~individuals consistent with Pennsylvania law.~~

8 ~~(6) Permit the State agency to provide immediate~~  
9 ~~feedback to the contractor on work in progress under the~~  
10 ~~contract.~~

11 ~~(d) Data storage. The contractor shall store, or contract~~  
12 ~~to store, the data collected by the software required under this~~  
13 ~~section for a period of no less than seven years after the State~~  
14 ~~agency has remitted payment to the contractor for work under the~~  
15 ~~contract.~~

16 ~~(e) Requests for data. Data collected by the software~~  
17 ~~during the contract period shall not be considered government~~  
18 ~~data and the contractor shall retrieve the data upon request of~~  
19 ~~the State agency, in the format requested by the State agency,~~  
20 ~~at any time during the seven year period.~~

21 ~~(f) Charge prohibited. The contractor may not charge the~~  
22 ~~State agency or an auditor of the State agency for access to or~~  
23 ~~use of the software or for access to or retrievals of data~~  
24 ~~collected by the software.~~

25 ~~§ 4340. Review and approval of contracts.~~

26 ~~(a) Submittal to director. When the dollar value of a~~  
27 ~~proposed contract for the procurement of information technology~~  
28 ~~equipment, materials or supplies exceeds the benchmark~~  
29 ~~established under this chapter or by the director, a State~~  
30 ~~agency shall submit the proposed contract to the director for~~

1 ~~review and approval or other action deemed appropriate by the~~  
2 ~~director.~~

3 ~~(b) Considerations. The director shall determine whether~~  
4 ~~the proposed contract under subsection (a) ensures compliance~~  
5 ~~with the established processes, specifications and standards~~  
6 ~~applicable to the information technology purchased, licensed or~~  
7 ~~leased in this Commonwealth, including established procurement~~  
8 ~~processes.~~

9 ~~(c) Determination. The director shall promptly notify the~~  
10 ~~State agency of the determination regarding the proposed~~  
11 ~~contract under subsection (a).~~

12 ~~(d) Notification. For contract awards greater than~~  
13 ~~\$100,000, the director shall provide updates on an annual basis~~  
14 ~~to the General Assembly.~~

15 ~~§ 4341. Purchase of certain equipment prohibited.~~

16 ~~(a) Determination. A State agency may not purchase~~  
17 ~~information technology equipment or televisions, or enter into a~~  
18 ~~contract with any manufacturer, unless the director determines~~  
19 ~~that the purchase or contract is in compliance with the~~  
20 ~~requirements under this chapter and existing State law regarding~~  
21 ~~the procurement of information technology equipment and~~  
22 ~~televisions.~~

23 ~~(b) Findings. If the director determines that a purchase or~~  
24 ~~contract is not in compliance with the requirements under this~~  
25 ~~chapter or existing State law regarding the procurement of~~  
26 ~~information technology equipment and televisions, the director~~  
27 ~~shall issue written findings regarding the noncompliance to the~~  
28 ~~State agency.~~

29 ~~§ 4342. Refurbished computer equipment purchasing program.~~

30 ~~(a) Option. The office shall offer a State agency the~~

~~1 option of purchasing refurbished computer equipment from  
2 registered computer equipment refurbishers whenever most  
3 appropriate to meet the respective needs of the State agency.~~

~~4 (b) Savings. A State agency shall document any savings  
5 resulting from the purchase of refurbished computer equipment,  
6 including, but not limited to, the initial acquisition cost and  
7 operations and maintenance costs. The savings shall be reported  
8 annually to:~~

~~9 (1) The director.~~

~~10 (2) The General Assembly.~~

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

~~14 § 4343. 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 of the year  
21 following the effective date of this section and quarterly  
22 thereafter to:~~

~~23 (1) The General Assembly.~~

~~24 (2) The Independent Fiscal Office.~~

~~25 (3) The Secretary of the Budget.~~

~~26 SUBCHAPTER D~~

~~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) Standards. Notwithstanding any other provision of law~~  
29 ~~and except as otherwise provided by this chapter, all~~  
30 ~~information technology security goods, software or services~~

1 ~~purchased using taxpayer money, or for use by a State agency or~~  
2 ~~in a public facility, shall be subject to approval by the~~  
3 ~~director in accordance with security standards under this~~  
4 ~~chapter.~~

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

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

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

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

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

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

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

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

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



1       ~~(2) The State agency shall provide the director with~~  
2       ~~copies of the detailed report under paragraph (1), which~~  
3       ~~shall not be publicly disclosed.~~

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

6       ~~(c) Effect of section. Nothing in this section shall be~~  
7       ~~construed to preclude the Auditor General or the General~~  
8       ~~Assembly from assessing the security practices of State~~  
9       ~~information technology systems as part of its statutory duties~~  
10      ~~and responsibilities.~~

11      ~~§ 4353. Assessment of compliance with security standards.~~

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

16      ~~(b) Contents. The assessment under this section shall~~  
17      ~~include, at a minimum, the following:~~

18              ~~(1) The rate of compliance with the current security~~  
19              ~~standards.~~

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

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

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

30      ~~§ 4354. Joint Cybersecurity Oversight Committee.~~

1 ~~(a) Establishment and membership. The Joint Cybersecurity~~  
2 ~~Oversight Committee is established and shall consist of the~~  
3 ~~following members:~~

4 ~~(1) The director.~~

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

7 ~~(i) Three members of the Senate.~~

8 ~~(ii) A representative from the information~~  
9 ~~technology office of the majority caucus of the Senate.~~

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

12 ~~(i) Two members of the Senate.~~

13 ~~(ii) A representative from the information~~  
14 ~~technology office of the minority caucus of the Senate.~~

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

17 ~~(i) Three members of the House of Representatives.~~

18 ~~(ii) A representative from the information~~  
19 ~~technology office of the majority caucus of the House of~~  
20 ~~Representatives.~~

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

23 ~~(i) Two members of the House of Representatives.~~

24 ~~(ii) A representative from the information~~  
25 ~~technology office of the minority caucus of the House of~~  
26 ~~Representatives.~~

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

29 ~~(7) The chief information officer of:~~

30 ~~(i) The Department of the Auditor General.~~

1 ~~(ii) The Treasury Department.~~

2 ~~(iii) The Office of Attorney General.~~

3 ~~(iv) The Administrative Office of Pennsylvania~~  
4 ~~Courts.~~

5 ~~(v) The Pennsylvania Public Utility Commission.~~

6 ~~(8) Four private citizens appointed by the Governor with~~  
7 ~~professional cyber security experience.~~

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

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

14 ~~(c) Staffing. The committee shall be staffed by the office,~~  
15 ~~which shall support and assist the committee.~~

16 ~~(d) Service of members. Each member of the committee shall~~  
17 ~~serve at the pleasure of the individual who appointed the~~  
18 ~~member.~~

19 ~~(e) Vacancies. A vacancy in the membership of the committee~~  
20 ~~shall be filled by the appointing authority in the same manner~~  
21 ~~as the original appointment.~~

22 ~~(f) Meetings.~~

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

25 ~~(2) The chairperson of the committee, with the consent~~  
26 ~~of the vice chairperson of the committee, may schedule~~  
27 ~~additional meetings of the committee.~~

28 ~~(3) The chairperson of the committee shall provide the~~  
29 ~~members of the committee with notice of the time and location~~  
30 ~~of each meeting of the committee no later than one week prior~~

~~to the meeting. Notice shall also be provided to the Governor, the President pro tempore of the Senate and the Speaker of the House of Representatives.~~

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

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

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

~~(g) Duties. The committee shall review and coordinate cybersecurity policies and discuss emerging cybersecurity threats, recommended policy changes and assess current cybersecurity within this Commonwealth. The report shall be transmitted to:~~

~~(1) The Governor.~~

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

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

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

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

~~(6) The Court Administrator of Pennsylvania.~~

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

~~"Committee." The Joint Cybersecurity Oversight Committee established under this section.~~

#### SUBCHAPTER E

ENFORCEMENT AND PENALTIES

Sec.

4361. Administrative and judicial review.

4362. Unauthorized use for private benefit prohibited.

4363. Financial interests.

4364. Certification of submittal without collusion.

§ 4361. Administrative and judicial review.

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

§ 4362. Unauthorized use for private benefit prohibited.

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

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

§ 4363. Financial interests.

(a) Offense.—

(1) The director and any other policymaking employee of the office may not have a financial interest or personal beneficial interest, either directly or indirectly, in the purchase of or contract for information technology. The financial interest or personal interest shall extend to a corporation, partnership, company, trust, association or other entity furnishing information technology to the Commonwealth or any of its State agencies.

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

4 ~~(i) Anything of monetary or other value, whether by~~  
5 ~~rebate, gift or otherwise.~~

6 ~~(ii) A promise, obligation or contract for future~~  
7 ~~reward or compensation, regardless of the business or~~  
8 ~~nonbusiness nature of the promise, obligation or~~  
9 ~~contract.~~

10 ~~(b) Criminal penalties. A person that violates subsection~~  
11 ~~(a) commits a felony of the third degree. Upon conviction, the~~  
12 ~~person shall be removed from office or State employment.~~

13 ~~§ 4364. Certification of submittal without collusion.~~

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

18 ~~(b) Grading. A person that provides a false certification~~  
19 ~~under this section commits a misdemeanor of the first degree.~~

20 ~~Section 2. This act shall take effect immediately.~~

21 SECTION 1. PART V OF TITLE 71 OF THE PENNSYLVANIA  
22 CONSOLIDATED STATUTES IS AMENDED BY ADDING A CHAPTER TO READ:

23 CHAPTER 43

24 INFORMATION TECHNOLOGY

25 SUBCHAPTER

26 A. GENERAL PROVISIONS

27 B. OFFICE OF INFORMATION TECHNOLOGY

28 C. BUSINESS OPERATIONS

29 D. PROCUREMENT OF INFORMATION TECHNOLOGY

30 E. SECURITY

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1 F. ENFORCEMENT AND PENALTIES

2 G. PENNSYLVANIA STATEWIDE RADIO NETWORK

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) FACSIMILE MACHINES.

30 (12) TECHNOLOGY FACILITIES, INCLUDING, BUT NOT LIMITED

1 TO, DATA CENTERS, DEDICATED TRAINING FACILITIES OR SWITCHING  
2 FACILITIES.

3 (13) ELECTRONIC PAYMENT PROCESSING SERVICES.

4 (14) OTHER RELEVANT HARDWARE AND SOFTWARE ITEMS OR  
5 PERSONNEL TASKED WITH THE PLANNING, IMPLEMENTATION OR SUPPORT  
6 OF TECHNOLOGY, INCLUDING HOSTING OR VENDOR-MANAGED SERVICE  
7 SOLUTIONS.

8 "INFORMATION TECHNOLOGY BUDGET." AS FOLLOWS:

9 (1) ALL INFORMATION TECHNOLOGY EXPENDITURES LISTED BY  
10 PROJECT AND AMOUNT OF EXPENDITURE FOR PLANNING, DEVELOPMENT,  
11 MODERNIZATION, OPERATIONS AND MAINTENANCE.

12 (2) THE TERM INCLUDES ALL SOFTWARE, HARDWARE,  
13 COMMONWEALTH AND VENDOR STAFF AND SERVICE COSTS.

14 "INFORMATION TECHNOLOGY SECURITY INCIDENT." A COMPUTER-BASED  
15 ACTIVITY, NETWORK-BASED ACTIVITY OR PAPER-BASED ACTIVITY THAT  
16 RESULTS DIRECTLY OR INDIRECTLY IN MISUSE, DAMAGE, DENIAL OF  
17 SERVICE, COMPROMISE OF INTEGRITY OR LOSS OF CONFIDENTIALITY OF A  
18 NETWORK, A COMPUTER, AN APPLICATION OR DATA.

19 "OFFICE." THE OFFICE OF INFORMATION TECHNOLOGY ESTABLISHED  
20 UNDER SUBCHAPTER B (RELATING TO OFFICE OF INFORMATION  
21 TECHNOLOGY).

22 "OPEN DATA." GOVERNMENT DATA SETS AND DOCUMENTS THAT ARE  
23 CONSIDERED PUBLICLY AVAILABLE UNDER THE ACT OF FEBRUARY 14, 2008  
24 (P.L.6, NO.3), KNOWN AS THE RIGHT-TO-KNOW LAW, OR OTHER  
25 COMMONWEALTH TRANSPARENCY INITIATIVES TO USE AND REPUBLISH  
26 WITHOUT RESTRICTION FROM COPYRIGHT, PATENTS OR OTHER  
27 RESTRICTIONS ON CONTROL.

28 "PORTAL." A PUBLICLY AVAILABLE INTERNET WEBSITE.

29 "REVERSE AUCTION." A REAL-TIME PURCHASING PROCESS IN WHICH  
30 VENDORS COMPETE TO PROVIDE GOODS OR SERVICES AT THE LOWEST

1 SELLING PRICE IN AN OPEN AND INTERACTIVE ELECTRONIC ENVIRONMENT.

2 "SECRETARY." THE SECRETARY OF ADMINISTRATION OF THE  
3 COMMONWEALTH.

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. DIRECTOR.

17 4314. TRANSFER OF ADDITIONAL DUTIES AND PERSONNEL.

18 4315. PLANNING AND FINANCING INFORMATION TECHNOLOGY RESOURCES.

19 4316. COMMONWEALTH INFORMATION TECHNOLOGY FUND.

20 4317. FINANCIAL ACCOUNTABILITY AND INFORMATION TECHNOLOGY.

21 4318. COMMONWEALTH PORTAL.

22 4319. STATEWIDE INFORMATION TECHNOLOGY TRANSPARENCY PORTAL.

23 4320. STATE AGENCY REQUESTS FOR INFORMATION TECHNOLOGY AND  
24 SERVICES.

25 4321. STATUS OF INFORMATION TECHNOLOGY PROJECTS AND CORRECTIVE  
26 ACTION PLANS.

27 § 4311. ESTABLISHMENT OF OFFICE.

28 THE OFFICE OF INFORMATION TECHNOLOGY IS ESTABLISHED WITHIN  
29 THE GOVERNOR'S OFFICE OF ADMINISTRATION TO OVERSEE AND ACHIEVE  
30 INFORMATION TECHNOLOGY CONSOLIDATION AND OTHER FINDINGS OF THIS

1 CHAPTER.

2 § 4312. DUTIES OF OFFICE.

3 (A) DUTIES GENERALLY.--THE OFFICE SHALL:

4 (1) CONSOLIDATE INFORMATION TECHNOLOGY FUNCTIONS,  
5 POWERS, DUTIES, OBLIGATIONS, INFRASTRUCTURE AND SUPPORT  
6 SERVICES VESTED IN STATE AGENCIES.

7 (2) PROVIDE, OPERATE AND MANAGE THE INFORMATION  
8 TECHNOLOGY SERVICES FOR EACH STATE AGENCY UNDER THE  
9 GOVERNOR'S JURISDICTION, INCLUDING, BUT NOT LIMITED TO, THE  
10 FOLLOWING:

11 (I) THE DEVELOPMENT OF PRIORITIES AND STRATEGIC  
12 PLANS.

13 (II) THE MANAGEMENT OF INFORMATION TECHNOLOGY  
14 INVESTMENTS, PROCUREMENT AND POLICY.

15 (III) COMPLIANCE WITH THE PROVISIONS OF THIS CHAPTER  
16 THROUGH CONSULTATION AND ENGAGEMENT WITH THE SECRETARY OF  
17 EACH AGENCY.

18 (3) NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW, PROCURE  
19 ALL INFORMATION TECHNOLOGY AND INFORMATION TECHNOLOGY AS A  
20 SERVICE FOR STATE AGENCIES UTILIZING THE PROCESSES UNDER 62  
21 PA.C.S. CH. 5 (RELATING TO SOURCE SELECTION AND CONTRACT  
22 FORMATION). THE OFFICE SHALL INTEGRATE TECHNOLOGICAL REVIEW,  
23 COST ANALYSIS AND PROCUREMENT FOR ALL INFORMATION TECHNOLOGY  
24 NEEDS OF STATE AGENCIES TO MAKE PROCUREMENT AND  
25 IMPLEMENTATION OF TECHNOLOGY MORE RESPONSIVE, EFFICIENT AND  
26 COST EFFECTIVE.

27 (4) DETERMINE ANY CHANGES TO STAFFING OR OPERATIONS  
28 REGARDING INFORMATION TECHNOLOGY.

29 (5) PROVIDE DOCUMENTATION AND TRAINING TO ACHIEVE  
30 DEVELOPMENT IN THE FUNCTIONAL RESPONSIBILITIES THAT SHALL

1 INCLUDE:

2 (I) DEFINING AN INFORMATION TECHNOLOGY STRATEGY  
3 PLAN.

4 (II) DEFINING ENTERPRISE ARCHITECTURE.

5 (III) DETERMINING TECHNOLOGICAL DIRECTION.

6 (IV) DEFINING INFORMATION TECHNOLOGY ORGANIZATION  
7 AND RELATIONSHIPS.

8 (V) MANAGING INFORMATION TECHNOLOGY INVESTMENT.

9 (VI) COMMUNICATING MANAGEMENT AIMS AND DIRECTION.

10 (VII) MANAGING INFORMATION TECHNOLOGY HUMAN  
11 RESOURCES.

12 (VIII) MANAGING QUALITY.

13 (IX) ASSESSING RISKS.

14 (X) MANAGING PROJECTS.

15 (XI) IDENTIFYING AUTOMATED SOLUTIONS.

16 (XII) ACQUIRING AND MAINTAINING APPLICATION  
17 SOFTWARE.

18 (XIII) ACQUIRING AND MAINTAINING TECHNOLOGY  
19 INFRASTRUCTURE.

20 (XIV) ENABLING OPERATION AND USE.

21 (XV) PROCURING INFORMATION TECHNOLOGY RESOURCES.

22 (XVI) MANAGING CHANGES.

23 (XVII) INSTALLING AND ACCREDITING SOLUTIONS AND  
24 CHANGES.

25 (XVIII) DEFINING AND MANAGING SERVICE LEVELS.

26 (XIX) MANAGING THIRD-PARTY SERVICES.

27 (XX) MANAGING PERFORMANCE AND CAPACITY.

28 (XXI) ENSURING CONTINUOUS SERVICE.

29 (XXII) ENSURING SYSTEM SECURITY.

30 (XXIII) IDENTIFYING AND ALLOCATING COSTS.

1 (XXIV) EDUCATING AND TRAINING USERS.

2 (XXV) MANAGING SERVICE DESK AND INCIDENTS.

3 (XXVI) MANAGING THE CONFIGURATION.

4 (XXVII) MANAGING PROBLEMS.

5 (XXVIII) MANAGING DATA.

6 (XXIX) MANAGING PHYSICAL ENVIRONMENT.

7 (XXX) MANAGING OPERATIONS.

8 (XXXI) MONITORING AND EVALUATING INFORMATION  
9 TECHNOLOGY PERFORMANCE.

10 (XXXII) MONITORING AND EVALUATING INTERNAL CONTROLS.

11 (XXXIII) ENSURING COMPLIANCE WITH EXTERNAL  
12 REQUIREMENTS.

13 (XXXIV) PROVIDING IMPROVED INFORMATION TECHNOLOGY  
14 GOVERNANCE.

15 (B) SPECIFIC DUTIES.--AS PART OF THE GENERAL DUTIES UNDER  
16 SUBSECTION (A), THE OFFICE SHALL:

17 (1) DEVELOP AND ADMINISTER A COMPREHENSIVE LONG-RANGE  
18 PLAN TO ENSURE THE PROPER MANAGEMENT OF THE INFORMATION  
19 TECHNOLOGY RESOURCES OF THE COMMONWEALTH.

20 (2) SET TECHNICAL STANDARDS FOR INFORMATION TECHNOLOGY  
21 AND REVIEW AND APPROVE INFORMATION TECHNOLOGY PROJECTS AND  
22 BUDGETS.

23 (3) ESTABLISH INFORMATION TECHNOLOGY SECURITY STANDARDS.

24 (4) PROVIDE FOR THE PROCUREMENT OF INFORMATION  
25 TECHNOLOGY RESOURCES.

26 (5) DEVELOP A SCHEDULE FOR THE REPLACEMENT OR  
27 MODIFICATION OF INFORMATION TECHNOLOGY SYSTEMS.

28 (6) PRESCRIBE THE MANNER IN WHICH INFORMATION TECHNOLOGY  
29 ASSETS, SYSTEMS AND PERSONNEL SHALL BE PROVIDED AND  
30 DISTRIBUTED AMONG STATE AGENCIES.

1           (7) PRESCRIBE THE MANNER OF INSPECTING OR TESTING  
2 INFORMATION TECHNOLOGY ASSETS, SYSTEMS OR PERSONNEL TO  
3 DETERMINE COMPLIANCE WITH INFORMATION TECHNOLOGY PLANS,  
4 SPECIFICATIONS AND REQUIREMENTS.

5           (8) DEVELOP AN ANNUAL INFORMATION TECHNOLOGY STRATEGIC  
6 PLAN THAT ALIGNS INFORMATION TECHNOLOGY EXPENDITURES WITH  
7 EACH STATE AGENCY'S STRATEGIC INITIATIVES AND ONGOING MISSION  
8 NEEDS, INCLUDING PRIORITIES RESOURCE USE AND EXPENDITURES,  
9 PERFORMANCE REVIEW MEASURES, PROCUREMENT AND OTHER GOVERNANCE  
10 AND PLANNING MEASURES.

11           (9) PROVIDE GUIDANCE, REVIEW AND APPROVE THE INFORMATION  
12 TECHNOLOGY PLANS FOR EACH STATE AGENCY.

13           (10) OBTAIN GUIDANCE AND CONSULT WITH THE OFFICE OF THE  
14 BUDGET ON BUDGETARY MATTERS REGARDING INFORMATION TECHNOLOGY  
15 SPENDING AND PROCUREMENT PLANS.

16           (11) OBTAIN ADVICE ON MATTERS INVOLVING OVERALL  
17 TECHNOLOGY AND DATA GOVERNANCE FROM ACADEMIA, PRIVATE SECTOR  
18 AND OTHER LEADING GOVERNMENT INSTITUTIONS.

19           (12) ESTABLISH AND MAINTAIN AN INFORMATION TECHNOLOGY  
20 PORTFOLIO MANAGEMENT PROCESS TO PREPARE AND MANAGE THE  
21 INFORMATION TECHNOLOGY BUDGET, INCLUDING OVERALL MONITORING  
22 OF INFORMATION TECHNOLOGY PROGRAM OBJECTIVES AND ALIGNMENT  
23 WITH ADMINISTRATIVE PRIORITIES, BUDGETS AND EXPENDITURES.

24           (13) IDENTIFY COMMON INFORMATION TECHNOLOGY BUSINESS  
25 FUNCTIONS WITHIN EACH STATE AGENCY.

26           (14) MAKE RECOMMENDATIONS FOR CONSOLIDATION, INTEGRATION  
27 AND INVESTMENT.

28           (15) FACILITATE THE USE OF COMMON TECHNOLOGY, AS  
29 APPROPRIATE.

30           (16) ENSURE THE PROPER USE OF PROJECT MANAGEMENT



1 METHODOLOGIES AND PRINCIPLES ON INFORMATION TECHNOLOGY  
2 PROJECTS, INCLUDING MEASURES TO REVIEW PROJECT DELIVERY AND  
3 QUALITY.

4 (17) ENSURE COMPLIANCE BY EACH STATE AGENCY WITH  
5 REQUIRED BUSINESS PROCESS REVIEWS.

6 (18) AUDIT THE INFORMATION TECHNOLOGY ASSETS OF EACH  
7 STATE AGENCY NO LATER THAN 547 DAYS AFTER THE EFFECTIVE DATE  
8 OF THIS PARAGRAPH.

9 (19) SERVE AS A LIAISON BETWEEN STATE AGENCIES AND  
10 CONTRACTED INFORMATION TECHNOLOGY VENDORS.

11 (20) ALIGN THE APPROPRIATE TECHNOLOGY AND PROCUREMENT  
12 METHODS WITH THE SERVICE STRATEGY.

13 (21) ESTABLISH AND MAINTAIN AN INFORMATION TECHNOLOGY  
14 ARCHITECTURE THAT ENSURES A MODERN OPERATING ENVIRONMENT FOR  
15 AGENCIES AND ALIGNS ALL INFORMATION TECHNOLOGY INVESTMENTS TO  
16 THE INFORMATION TECHNOLOGY STRATEGIC PLAN. THIS ARCHITECTURE  
17 SHALL INCLUDE THE FOLLOWING, AS APPROPRIATE:

18 (I) THE DEVELOPMENT OF STANDARDS, POLICIES,  
19 PROCESSES AND STRATEGIC TECHNOLOGY ROADMAPS.

20 (II) THE PERFORMANCE OF TECHNICAL REVIEWS AND  
21 CAPABILITY ASSESSMENTS OF SERVICES, TECHNOLOGIES AND  
22 STATE AGENCY SYSTEMS.

23 (III) THE EVALUATION OF REQUESTS FOR INFORMATION  
24 TECHNOLOGY POLICY EXCEPTIONS.

25 (IV) THE ABILITY TO INCORPORATE EMERGING  
26 TECHNOLOGIES IN A COST-EFFECTIVE AND TIMELY MANNER.

27 (22) DEVELOP AND IMPLEMENT EFFORTS TO STANDARDIZE DATA  
28 ELEMENTS AND DETERMINE DATA OWNERSHIP ASSIGNMENTS.

29 (23) ESTABLISH AND OPERATE CENTERS OF EXPERTISE FOR  
30 SPECIFIC INFORMATION TECHNOLOGIES AND SERVICES TO SERVE TWO

1 OR MORE STATE AGENCIES ON A COST-SHARING BASIS, IF THE  
2 DIRECTOR, AFTER CONSULTATION WITH THE OFFICE OF THE BUDGET,  
3 DECIDES IT IS ADVISABLE FROM THE STANDPOINT OF THE  
4 INFORMATION TECHNOLOGY STRATEGIC PLAN, EFFICIENCY AND ECONOMY  
5 TO ESTABLISH THESE CENTERS AND SERVICES.

6 (24) REQUIRE A STATE AGENCY SERVED TO TRANSFER TO THE  
7 OFFICE OWNERSHIP, CUSTODY OR CONTROL OF INFORMATION  
8 PROCESSING EQUIPMENT, SUPPLIES AND POSITIONS REQUIRED TO  
9 IMPLEMENT THE INFORMATION TECHNOLOGY STRATEGIC PLAN.

10 (25) DEVELOP AND PROMOTE TRAINING PROGRAMS TO  
11 EFFICIENTLY IMPLEMENT, USE AND MANAGE INFORMATION TECHNOLOGY  
12 RESOURCES THROUGHOUT STATE GOVERNMENT.

13 (26) DEVELOP AND MAINTAIN A COMPREHENSIVE INFORMATION  
14 TECHNOLOGY INVENTORY.

15 (27) MONITOR COMPLIANCE WITH INFORMATION TECHNOLOGY  
16 POLICY AND STANDARDS THROUGH INVESTMENT, BUDGETING AND  
17 ARCHITECTURAL REVIEW PROCESSES.

18 (28) MAINTAIN AND STRENGTHEN THE COMMONWEALTH'S  
19 CYBERSECURITY POSTURE THROUGH SECURITY GOVERNANCE.

20 (29) DEVELOP SECURITY SOLUTIONS, SERVICES AND PROGRAMS  
21 TO PROTECT DATA AND INFRASTRUCTURE.

22 (30) IDENTIFY AND REMEDIATE SECURITY RISKS AND MAINTAIN  
23 CITIZEN TRUST IN SECURING COMPUTERIZED PERSONAL INFORMATION.

24 (31) IMPLEMENT PROGRAMS, PROCESSES AND SOLUTIONS TO  
25 MAINTAIN CYBERSECURITY SITUATIONAL AWARENESS AND EFFECTIVELY  
26 RESPOND TO CYBERSECURITY ATTACKS AND INFORMATION TECHNOLOGY  
27 SECURITY INCIDENTS.

28 (32) CREATE A PROCESS IDENTIFYING RISKS TO THE SUCCESS  
29 OF INFORMATION TECHNOLOGY PROGRAMS AND PROJECTS, DEVELOPING  
30 MITIGATIONS, INCORPORATING MITIGATING ACTIONS IN BUDGETING

1 AND INVESTMENT AND REVIEW PROCESSES.

2 (33) CONDUCT EVALUATIONS AND COMPLIANCE AUDITS OF STATE  
3 AGENCY SECURITY INFRASTRUCTURE.

4 (34) DEVELOP AND PRODUCE COST, RISK AND QUALITY  
5 INITIATIVES THAT CONSOLIDATE STATE AGENCY INFORMATION  
6 TECHNOLOGY SERVICES, INCLUDING, BUT NOT LIMITED TO,  
7 INFRASTRUCTURE, PERSONNEL, INVESTMENTS, OPERATIONS AND  
8 SUPPORT SERVICES NECESSARY TO ACHIEVE THE FINDINGS OF THIS  
9 CHAPTER.

10 (35) ESTABLISH AND FACILITATE A PROCESS FOR THE  
11 IDENTIFICATION, EVALUATION AND OPTIMIZATION OF INFORMATION  
12 TECHNOLOGY SHARED SERVICES.

13 (36) ESTABLISH A PROCESS FOR THE FOLLOWING:

14 (I) DEVELOPING AND IMPLEMENTING TELECOMMUNICATIONS  
15 POLICIES, SERVICES AND INFRASTRUCTURE.

16 (II) REVIEWING AND AUTHORIZING STATE AGENCY REQUESTS  
17 FOR ENHANCED SERVICES.

18 (37) IDENTIFY OPPORTUNITIES FOR CONVERGENCE AND  
19 LEVERAGING EXISTING ASSETS TO REDUCE OR ELIMINATE DUPLICATIVE  
20 TELECOMMUNICATION NETWORKS.

21 (38) ESTABLISH, MAINTAIN AND CONTINUOUSLY OPTIMIZE COST  
22 AND PERFORMANCE OF AN INFORMATION TECHNOLOGY SERVICE  
23 MANAGEMENT PROCESS LIBRARY AND SERVICES CATALOG TO GOVERN THE  
24 SERVICES PROVIDED TO EACH STATE AGENCY.

25 (39) ESTABLISH A FORMAL OPERATIONAL TESTING ENVIRONMENT  
26 TO ENABLE THE RAPID EVALUATION AND INTRODUCTION OF NEW  
27 INFORMATION TECHNOLOGY SERVICES AND THE RETIRING OF EXISTING  
28 INFORMATION TECHNOLOGY SERVICES.

29 (40) ESTABLISH METRICS TO MONITOR THE HEALTH OF THE  
30 SERVICES PROVIDED AND MAKE APPROPRIATE CORRECTIONS AS

1 NECESSARY.

2 (41) ESTABLISH INFORMATION TECHNOLOGY DATA MANAGEMENT  
3 AND DEVELOPMENT POLICY FRAMEWORKS THROUGHOUT EACH STATE  
4 AGENCY THAT INCLUDE POLICIES, PROCESSES AND STANDARDS THAT  
5 ADHERE TO COMMONLY ACCEPTED PRINCIPLES FOR, AMONG OTHER  
6 THINGS, DATA GOVERNANCE, DATA DEVELOPMENT AND THE QUALITY,  
7 SOURCING, USE, ACCESSIBILITY, CONTENT, OWNERSHIP AND  
8 LICENSING OF OPEN DATA.

9 (42) CREATE AND MAINTAIN A COMPREHENSIVE OPEN DATA  
10 PORTAL FOR PUBLIC ACCESSIBILITY.

11 (43) PROVIDE GUIDANCE REGARDING THE PROCUREMENT OF  
12 SUPPLIES AND SERVICES RELATED TO THE SUBJECT MATTER OF THIS  
13 CHAPTER.

14 (44) FACILITATE COMMUNICATION WITH THE PUBLIC BY  
15 PUBLISHING OPEN DATA PLANS AND POLICIES AND BY SOLICITING OR  
16 ALLOWING FOR PUBLIC INPUT ON THE SUBJECT MATTER OF THIS  
17 CHAPTER.

18 (45) ENSURE THE INTERNAL EXAMINATION OF COMMONWEALTH  
19 DATA SETS FOR BUSINESS, CONFIDENTIALITY, PRIVACY AND SECURITY  
20 ISSUES AND THE REASONABLE MITIGATION OF THOSE ISSUES, PRIOR  
21 TO THE DATA'S RELEASE FOR OPEN DATA PURPOSES.

22 (46) DEVELOP AND FACILITATE THE ENGAGEMENT WITH PRIVATE  
23 AND OTHER PUBLIC STAKEHOLDERS, INCLUDING, BUT NOT LIMITED TO,  
24 ARRANGING FOR AND EXPEDITING DATA-SHARING AGREEMENTS AND  
25 ENCOURAGING AND FACILITATING COOPERATION AND SUBSTANTIVE AND  
26 ADMINISTRATIVE EFFICIENCIES.

27 (47) DEVELOP AND FACILITATE DATA SHARING AND DATA  
28 ANALYTICS TO MINIMIZE REDUNDANCY AND ALIGN INFORMATION  
29 TECHNOLOGY SPENDING IN A MANNER THAT REDUCES COSTS AND  
30 MEASURABLY IMPROVES COMMONWEALTH AGENCY MISSION

1 EFFECTIVENESS.

2 (48) OVERSEE THE INFORMATION TECHNOLOGY CONTRACTS OF  
3 EACH STATE AGENCY. THE FOLLOWING SHALL APPLY:

4 (I) THE OFFICE SHALL OBTAIN, REVIEW AND MAINTAIN, ON  
5 AN ONGOING BASIS, RECORDS OF THE APPROPRIATIONS,  
6 ALLOTMENTS, EXPENDITURES AND REVENUES OF EACH STATE  
7 AGENCY FOR INFORMATION TECHNOLOGY.

8 (II) THE OFFICE SHALL IDENTIFY OPPORTUNITIES FOR  
9 CONSOLIDATION OF REDUNDANT EXPENDITURES THAT COULD BE  
10 MORE COST EFFECTIVELY PROVIDED THROUGH MULTIAGENCY SHARED  
11 SERVICES.

12 (III) THE OFFICE SHALL CONDUCT ANNUAL REVIEWS OF  
13 AGENCY PROGRAMS AND CONTRACT COST ESTIMATES TO ENSURE  
14 ACCURACY AND QUALITY IN BUDGETARY ESTIMATES.

15 (C) DISCRETIONARY DUTIES.--NOTWITHSTANDING ANY OTHER  
16 PROVISION OF LAW, THE OFFICE MAY PROVIDE INFORMATION TECHNOLOGY  
17 SERVICES ON A COST-SHARING BASIS TO THE FOLLOWING:

18 (1) AN INDEPENDENT DEPARTMENT AS REQUESTED BY THE HEAD  
19 OF THE INDEPENDENT DEPARTMENT.

20 (2) THE GENERAL ASSEMBLY AND ITS AGENCIES AS REQUESTED  
21 BY THE PRESIDENT PRO TEMPORE OF THE SENATE AND THE SPEAKER OF  
22 THE HOUSE OF REPRESENTATIVES.

23 (3) THE JUDICIAL BRANCH AS REQUESTED BY THE CHIEF  
24 JUSTICE OF PENNSYLVANIA.

25 § 4313. DIRECTOR.

26 (A) APPOINTMENT AND SALARY.--THE SECRETARY SHALL APPOINT THE  
27 DIRECTOR AND SET THE STARTING SALARY OF THE DIRECTOR.

28 (B) QUALIFICATIONS.--THE DIRECTOR MUST BE QUALIFIED BY  
29 EXPERIENCE FOR THE OFFICE AND HAVE AT LEAST FIVE YEARS OF  
30 EXPERIENCE DEALING WITH PUBLIC SECTOR INFORMATION SYSTEMS IN A

1 STATE GOVERNMENT AGENCY OR AN EQUIVALENT ENTITY. THE  
2 QUALIFICATIONS SHALL INCLUDE, BUT ARE NOT LIMITED TO, VERIFYING  
3 THAT AN INDIVIDUAL HAS THE PROPER INDUSTRY CERTIFICATIONS  
4 NECESSARY TO PERFORM THE DUTIES UNDER THIS CHAPTER.

5 (C) DUTIES.--IN ADDITION TO OTHER DUTIES SPECIFIED UNDER  
6 THIS CHAPTER, THE DIRECTOR SHALL:

7 (1) MANAGE THE OPERATIONS OF THE OFFICE IN A MANNER  
8 CONDUCTIVE TO ACHIEVING THE FINDINGS OF THIS CHAPTER.

9 (2) REVIEW AND APPROVE REPORTS BY EACH STATE AGENCY  
10 CONCERNING INFORMATION TECHNOLOGY ASSETS, SYSTEMS, PERSONNEL  
11 AND PROJECTS AND PRESCRIBE THE FORM OF THE REPORTS.

12 (3) HIRE PERSONNEL AS NECESSARY TO PERFORM THE FUNCTIONS  
13 OF THE OFFICE.

14 (4) PROVIDE WRITTEN DETERMINATION TO THE SECRETARY OF  
15 THE BUDGET OF FINDINGS, REMEDIATION PLAN AND RESTRUCTURING  
16 ACTIONS FOR PROGRAMS DESIGNATED AS THE COLOR RED IN  
17 ACCORDANCE WITH SECTION 4319 (RELATING TO STATEWIDE  
18 INFORMATION TECHNOLOGY TRANSPARENCY PORTAL).

19 (5) NOTIFY THE TREASURY DEPARTMENT IN ORDER TO SUSPEND  
20 FUNDING FOR A PROGRAM THAT HAS BEEN DESIGNATED AS THE COLOR  
21 RED IN ACCORDANCE WITH SECTION 4321 (RELATING TO STATUS OF  
22 INFORMATION TECHNOLOGY PROJECTS AND CORRECTIVE ACTION PLANS).

23 (D) OVERSIGHT.--THE DIRECTOR SHALL OVERSEE THE MANNER AND  
24 MEANS BY WHICH INFORMATION TECHNOLOGY BUSINESS AND DISASTER  
25 RECOVERY PLANS FOR STATE AGENCIES ARE CREATED, REVIEWED AND  
26 UPDATED.

27 (E) DISASTER RECOVERY PLAN.--

28 (1) THE DIRECTOR SHALL ENSURE THAT EACH STATE AGENCY  
29 ESTABLISH A DISASTER RECOVERY PLANNING TEAM AND WORK WITH THE  
30 OFFICE TO DEVELOP A DISASTER RECOVERY PLAN AND ADMINISTER AND

1 IMPLEMENT THE PLAN.

2 (2) IN DEVELOPING A DISASTER RECOVERY PLAN, ALL OF THE  
3 FOLLOWING SHALL BE COMPLETED:

4 (I) CONSIDERATION OF THE ORGANIZATIONAL, MANAGERIAL  
5 AND TECHNICAL ENVIRONMENTS IN WHICH THE PLAN MUST BE  
6 IMPLEMENTED.

7 (II) AN ASSESSMENT OF THE TYPES AND LIKELY  
8 PARAMETERS OF DISASTERS MOST LIKELY TO OCCUR AND THE  
9 RESULTANT IMPACTS ON THE STATE AGENCY'S ABILITY TO  
10 PERFORM ITS MISSION.

11 (III) THE LISTING OF THE PROTECTIVE MEASURES TO BE  
12 IMPLEMENTED IN ANTICIPATION OF A NATURAL OR MANMADE  
13 DISASTER.

14 (IV) A DETERMINATION WHETHER THE PLAN IS ADEQUATE TO  
15 ADDRESS INFORMATION TECHNOLOGY SECURITY INCIDENTS.

16 (3) EACH STATE AGENCY SHALL SUBMIT ITS DISASTER RECOVERY  
17 PLAN TO THE DIRECTOR ON AN ANNUAL BASIS AND AS OTHERWISE  
18 REQUESTED BY THE DIRECTOR.

19 § 4314. TRANSFER OF ADDITIONAL DUTIES AND PERSONNEL.

20 UPON THE EFFECTIVE DATE OF THIS SECTION, INFORMATION  
21 TECHNOLOGY FUNCTIONS, POWERS, DUTIES, OBLIGATIONS AND SERVICES  
22 SHALL BE TRANSFERRED TO AND ORGANIZED TO THE MAXIMUM EXTENT  
23 PRACTICABLE INTO CENTERS THAT PROVIDE SHARED SERVICES TO STATE  
24 AGENCIES. THE FOLLOWING SHALL APPLY:

25 (1) THE CHIEF INFORMATION OFFICER OF EACH STATE AGENCY  
26 OR SHARED SERVICE CENTER SHALL:

27 (I) REPORT DIRECTLY TO THE DIRECTOR.

28 (II) WORK WITHIN THE CHIEF INFORMATION OFFICER'S  
29 RESPECTIVE STATE AGENCY OR SHARED SERVICE CENTER ON  
30 BEHALF OF THE OFFICE AS AN EMPLOYEE OF THE OFFICE.

1           (2) AN EMPLOYEE OF A STATE AGENCY WHO HANDLES OR  
2 OTHERWISE HAS RESPONSIBILITY FOR THE STATE AGENCY'S  
3 INFORMATION TECHNOLOGY SERVICES SHALL BE TRANSFERRED TO THE  
4 OFFICE AND OPERATE IN THE PHYSICAL LOCATION OF THE STATE  
5 AGENCY OR THE SHARED SERVICES CENTER SUPPORTING THAT AGENCY,  
6 BUT THE EMPLOYEE SHALL REPORT MATTERS TO THE OFFICE AND BE  
7 SUPERVISED BY THE CHIEF INFORMATION OFFICER OF THE STATE  
8 AGENCY OR HEAD OF THE SHARED SERVICES CENTER.

9           (3) THE CHIEF INFORMATION OFFICER OF EACH AGENCY OR  
10 SHARED SERVICE CENTER SHALL BE RESPONSIBLE FOR IDENTIFYING  
11 AND IMPLEMENTING ACTIONS AND MILESTONES AS REQUIRED TO  
12 FULFILL THE REMEDIATION PLAN DETERMINED BY THE DIRECTOR UNDER  
13 SECTION 4313(C) (4) (RELATING TO DIRECTOR).

14           (4) EACH STATE AGENCY SHALL PROVIDE PERSONNEL IF  
15 NECESSARY TO PARTICIPATE IN PROJECT MANAGEMENT,  
16 IMPLEMENTATION, TESTING, SHARED SERVICES AND OTHER ACTIVITIES  
17 FOR AN INFORMATION TECHNOLOGY PROJECT.

18 § 4315. PLANNING AND FINANCING INFORMATION TECHNOLOGY  
19 RESOURCES.

20           (A) DEVELOPMENT OF POLICIES.--THE DIRECTOR SHALL ISSUE  
21 NECESSARY POLICIES FOR STATE AGENCY INFORMATION TECHNOLOGY  
22 PLANNING AND FINANCING CONSISTENT WITH THE FINDINGS UNDER  
23 SECTION 4302 (RELATING TO FINDINGS AND DECLARATIONS).

24           (B) DEVELOPMENT OF PLAN.--

25           (1) THE DIRECTOR SHALL ANALYZE THE NEEDS FOR INFORMATION  
26 AND INFORMATION TECHNOLOGY SYSTEMS AND DEVELOP A PLAN TO  
27 ASCERTAIN THE NEEDS, COSTS AND TIME FRAME REQUIRED FOR STATE  
28 AGENCIES TO EFFICIENTLY USE INFORMATION TECHNOLOGY SYSTEMS,  
29 RESOURCES, SECURITY AND DATA MANAGEMENT TO ACHIEVE THE  
30 PURPOSES OF THIS CHAPTER. THE FOLLOWING SHALL APPLY:



1           (I) THE PLAN MAY INCLUDE CURRENT APPLICATIONS AND  
2           INFRASTRUCTURE, MIGRATION FROM CURRENT ENVIRONMENTS AND  
3           OTHER INFORMATION NECESSARY FOR FISCAL OR TECHNOLOGY  
4           PLANNING.

5           (II) THE PLAN SHALL INCLUDE A BUDGET FOR ALL  
6           INFORMATION TECHNOLOGY EXPENDITURES.

7           (2) IN CONSULTATION WITH THE SECRETARY OF THE BUDGET,  
8           THE OFFICE SHALL DEVELOP AND IMPLEMENT A PLAN TO MANAGE ALL  
9           INFORMATION TECHNOLOGY FUNDING, INCLUDING COMMONWEALTH AND  
10           OTHER RECEIPTS, AS SOON AS PRACTICABLE. AS PART OF THE  
11           DEVELOPMENT AND IMPLEMENTATION, THE FOLLOWING SHALL APPLY:

12           (I) FUNDING FOR INFORMATION TECHNOLOGY RESOURCES,  
13           PROJECTS AND CONTRACTS SHALL BE ALLOCATED TO EACH  
14           COMMONWEALTH AGENCY BY THE OFFICE BASED ON APPROVED  
15           BUSINESS CASE SUBMISSIONS.

16           (II) INFORMATION TECHNOLOGY BUDGET CODES AND FUND  
17           CODES SHALL BE CREATED AS REQUIRED.

18           (3) THE DIRECTOR SHALL DEVELOP STRATEGIC PLANS FOR  
19           INFORMATION TECHNOLOGY AS NECESSARY.

20           (C) CONSULTATION AND COOPERATION.--

21           (1) IN DETERMINING WHETHER A STRATEGIC PLAN IS NECESSARY  
22           FOR A STATE AGENCY, THE DIRECTOR SHALL CONSIDER THE STATE  
23           AGENCY'S OPERATIONAL NEEDS, FUNCTIONS AND PERFORMANCE  
24           CAPABILITIES.

25           (2) THE DIRECTOR SHALL CONSULT WITH AND ASSIST STATE  
26           AGENCIES IN THE PREPARATION OF PLANS UNDER THIS SUBSECTION.

27           (3) EACH STATE AGENCY SHALL ACTIVELY PARTICIPATE IN  
28           PREPARING, TESTING AND IMPLEMENTING AN INFORMATION TECHNOLOGY  
29           PLAN AS DETERMINED BY THE DIRECTOR. A STATE AGENCY SHALL  
30           PROVIDE ALL FINANCIAL INFORMATION TO THE DIRECTOR NECESSARY

1 TO DETERMINE FULL COSTS AND EXPENDITURES FOR INFORMATION  
2 TECHNOLOGY ASSETS, INCLUDING RESOURCES PROVIDED BY THE STATE  
3 AGENCY OR THROUGH CONTRACTS OR GRANTS.

4 (4) EACH STATE AGENCY SHALL PREPARE AND SUBMIT PLANS AS  
5 REQUIRED BY THE DIRECTOR.

6 (5) A PLAN BY A STATE AGENCY SHALL BE SUBMITTED TO THE  
7 DIRECTOR NO LATER THAN OCTOBER 1 OF EACH EVEN-NUMBERED YEAR.

8 (D) BIENNIAL PLAN.--

9 (1) THE DIRECTOR SHALL DEVELOP A BIENNIAL STATE  
10 INFORMATION TECHNOLOGY PLAN, WHICH SHALL BE TRANSMITTED TO  
11 THE GENERAL ASSEMBLY IN CONJUNCTION WITH THE GOVERNOR'S  
12 BUDGET SUBMISSION THAT YEAR.

13 (2) THE BIENNIAL PLAN SHALL INCLUDE:

14 (I) AN INVENTORY OF CURRENT INFORMATION TECHNOLOGY  
15 ASSETS AND MAJOR PROJECTS.

16 (II) AN INVENTORY OF SIGNIFICANT UNMET NEEDS FOR  
17 INFORMATION TECHNOLOGY RESOURCES OVER A FIVE-YEAR TIME  
18 PERIOD, ALONG WITH A RANKING OF THE UNMET NEEDS IN  
19 PRIORITY ORDER ACCORDING TO THEIR URGENCY.

20 (III) A STATEMENT OF THE FINANCIAL REQUIREMENTS,  
21 TOGETHER WITH A RECOMMENDED FUNDING SCHEDULE FOR MAJOR  
22 PROJECTS IN PROGRESS OR ANTICIPATED FOR APPROVAL DURING  
23 THE UPCOMING FISCAL BIENNIUM.

24 (IV) AN ANALYSIS OF OPPORTUNITIES FOR STATEWIDE  
25 INITIATIVES THAT WOULD YIELD SIGNIFICANT EFFICIENCIES OR  
26 IMPROVE EFFECTIVENESS IN STATE PROGRAMS.

27 (3) AS USED IN THIS SUBSECTION, THE TERM "MAJOR PROJECT"  
28 INCLUDES A PROJECT COSTING MORE THAN \$500,000 TO IMPLEMENT.

29 § 4316. COMMONWEALTH INFORMATION TECHNOLOGY FUND.

30 (A) ESTABLISHMENT.--AN ACCOUNT IS ESTABLISHED IN THE GENERAL

1 FUND TO BE KNOWN AS THE INFORMATION TECHNOLOGY FUND.

2 (B) RECEIPT OF MONEY.--THE FUND SHALL RECEIVE MONEY FOR THE  
3 OPERATIONS OF THE OFFICE AND TO FULFILL THE DUTIES OF THE OFFICE  
4 UNDER THIS CHAPTER BY THE FOLLOWING METHODS:

5 (1) THE TRANSFER OF ENCUMBERED FUNDS FROM EACH STATE  
6 AGENCY WHICH WERE DESIGNATED FOR INFORMATION TECHNOLOGY  
7 PURPOSES PRIOR TO THE EFFECTIVE DATE OF THIS SECTION.

8 (2) TRANSFERS AS AUTHORIZED BY THE GENERAL ASSEMBLY THAT  
9 ARE NOT ALREADY PROVIDED FOR UNDER THIS SECTION.

10 (3) THE TRANSFER OF A PORTION OF A STATE AGENCY'S FUNDS  
11 REGARDING GENERAL GOVERNMENT OPERATIONS FOR INFORMATION  
12 TECHNOLOGY EMPLOYEES.

13 (C) USE OF FUND MONEY.--

14 (1) SUBJECT TO PARAGRAPH (2), THE DIRECTOR SHALL APPROVE  
15 THE DISBURSEMENT OF MONEY FROM THE FUND, WHICH SHALL BE USED  
16 FOR THE FOLLOWING PURPOSES AND OTHER LEGITIMATE PURPOSES:

17 (I) PROJECT MANAGEMENT.

18 (II) SECURITY.

19 (III) E-MAIL OPERATIONS FOR STATE AGENCIES UNDER THE  
20 POLICY SUPERVISION AND JURISDICTION OF THE GOVERNOR.

21 (IV) STATE PORTAL OPERATIONS.

22 (V) STATE AGENCIES' ANNUAL INFORMATION TECHNOLOGY  
23 BUDGET.

24 (VI) OPERATIONS OF THE OFFICE, INCLUDING SALARIES  
25 AND EXPENSES OF ALL STATE AGENCY INFORMATION TECHNOLOGY  
26 PERSONNEL.

27 (2) EXPENDITURES FOR THE OPERATIONS OF THE OFFICE MADE  
28 FROM THE FUND THAT INVOLVE MONEY APPROPRIATED FROM THE  
29 GENERAL FUND SHALL BE APPROVED BY THE DIRECTOR.

30 § 4317. FINANCIAL ACCOUNTABILITY AND INFORMATION TECHNOLOGY.

1 (A) DEVELOPMENT OF PROCESSES.--SUBJECT TO SUBSECTION (B),  
2 THE OFFICE, ALONG WITH THE SECRETARY OF THE BUDGET AND THE STATE  
3 TREASURER, SHALL DEVELOP PROCESSES FOR BUDGETING AND ACCOUNTING  
4 OF EXPENDITURES FOR INFORMATION TECHNOLOGY OPERATIONS, INCLUDING  
5 ALL COMMONWEALTH PERSONNEL, SERVICES, PROJECTS, INFRASTRUCTURE  
6 AND ASSETS ACROSS ALL STATE AGENCIES.

7 (B) INCLUDED INFORMATION.--THE BUDGETING AND ACCOUNTING  
8 PROCESSES UNDER SUBSECTION (A) SHALL INCLUDE, BUT NOT BE LIMITED  
9 TO, INFORMATION REGARDING THE FOLLOWING:

10 (1) HARDWARE.

11 (2) SOFTWARE.

12 (3) PERSONNEL.

13 (4) TRAINING.

14 (5) CONTRACTUAL SERVICES, INCLUDING CLOUD SERVICE  
15 PROVIDERS.

16 (6) OTHER ITEMS RELEVANT TO INFORMATION TECHNOLOGY.

17 (C) SIGNIFICANT RESOURCES.--STATE AGENCY REQUESTS FOR  
18 SIGNIFICANT RESOURCES SHALL PROVIDE THE INFORMATION REQUIRED IN  
19 SECTION 4320 (RELATING TO STATE AGENCY REQUESTS FOR INFORMATION  
20 TECHNOLOGY AND SERVICES).

21 (D) REPORTS GENERALLY.--SUBJECT TO SUBSECTIONS (E) AND (F),  
22 BY FEBRUARY 1 OF EACH YEAR, THE DIRECTOR SHALL REPORT TO THE  
23 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) THE TOTAL APPROPRIATION FOR EACH SERVICE.

29 (4) THE TOTAL AMOUNT REMITTED TO THE VENDOR FOR EACH  
30 SERVICE.

1           (5) ANY OTHER USE OF STATE DATA BY THE VENDOR AND THE  
2 TOTAL AMOUNT OF REVENUE COLLECTED PER USE AND IN TOTAL.

3           (6) USER SATISFACTION WITH EACH SERVICE.

4           (7) ANY OTHER ISSUES ASSOCIATED WITH THE PROVISION OF  
5 EACH SERVICE.

6           (E) FINANCIAL INFORMATION.--THE DIRECTOR SHALL, AT A  
7 MINIMUM, INCLUDE IN THE REPORT UNDER SUBSECTION (D) THE  
8 FOLLOWING FINANCIAL INFORMATION:

9           (1) CURRENT BUDGETARY BALANCES FOR THE FUND AND EACH  
10 INFORMATION TECHNOLOGY PROJECT.

11           (2) LINE-ITEM DETAILS ON EXPENDITURES.

12           (3) ANTICIPATED EXPENDITURES FOR THE NEXT FOUR YEARS.

13           (4) CYBERSECURITY EXPENDITURES FOR THE PREVIOUS AND NEXT  
14 FOUR YEARS BY EACH AGENCY.

15           (5) THE FINANCIAL ACTIVITIES OF THE FUND, INCLUDING FUND  
16 EXPENDITURES, DURING THE IMMEDIATELY PRIOR FISCAL YEAR.

17           (F) ISSUANCE.--IN ADDITION TO THE GENERAL ASSEMBLY, A REPORT  
18 UNDER SUBSECTION (C) SHALL BE SUBMITTED TO THE FOLLOWING:

19           (1) THE SECRETARY OF THE BUDGET.

20           (2) THE INDEPENDENT FISCAL OFFICE.

21 § 4318. COMMONWEALTH PORTAL.

22           THE OFFICE SHALL ESTABLISH A SINGLE POINT OF SERVICE  
23 ACCESSIBLE ELECTRONICALLY BY MEANS IN USE BY RESIDENTS OF THIS  
24 COMMONWEALTH. THE FOLLOWING SHALL APPLY:

25           (1) EACH STATE AGENCY SHALL FUNCTIONALLY LINK ITS  
26 INTERNET OR ELECTRONIC SERVICES TO A CENTRALIZED WEB PORTAL  
27 SYSTEM ESTABLISHED UNDER THIS CHAPTER.

28           (2) THE OFFICE SHALL ENSURE THE PORTAL FACILITATES  
29 COMMONWEALTH RESIDENTS' EASE IN CONDUCTING ONLINE  
30 TRANSACTIONS WITH AND OBTAINING INFORMATION FROM STATE

1 GOVERNMENT.

2 (3) THE PORTAL SHALL BE DESIGNED TO FACILITATE AND  
3 IMPROVE PUBLIC INTERACTIONS ALONG WITH COMMUNICATIONS BETWEEN  
4 STATE AGENCIES.

5 § 4319. STATEWIDE INFORMATION TECHNOLOGY TRANSPARENCY PORTAL.

6 (A) IMPLEMENTATION.--WITHIN ONE YEAR OF THE EFFECTIVE DATE  
7 OF THIS CHAPTER, THE OFFICE SHALL DEVELOP, OPERATE AND UPDATE  
8 REGULARLY A WEB-BASED PORTAL DETAILING THE STATUS OF EACH OF THE  
9 COMMONWEALTH'S INFORMATION TECHNOLOGY PROJECTS, TO INCREASE THE  
10 TRANSPARENCY AND CONVENIENCE FOR THE PUBLIC IN OBTAINING  
11 INFORMATION REGARDING STATE INFORMATION TECHNOLOGY ACTIVITY AS  
12 CONTAINED IN SECTION 4317 (RELATING TO FINANCIAL ACCOUNTABILITY  
13 AND INFORMATION TECHNOLOGY).

14 (B) CONTENTS.--THE PORTAL SHALL INCLUDE THE FOLLOWING:

15 (1) A BRIEF SUMMARY OF EACH INFORMATION TECHNOLOGY  
16 PROJECT.

17 (2) THE APPROVED BUDGET OF EACH PROJECT.

18 (3) THE TOTAL AND PERCENT OF THE PROJECT'S APPROVED  
19 BUDGET THAT HAS BEEN EXPENDED BY THE AGENCY BASED ON THE END  
20 BALANCE FROM THE PRIOR BUSINESS DAY ALONG WITH A COLOR  
21 DESIGNATION AS FOLLOWS:

22 (I) IF AN INFORMATION TECHNOLOGY PROJECT IS UNDER  
23 THE PROJECT'S APPROVED BUDGET, THE PROJECT SHALL BE  
24 DESIGNATED AS THE COLOR GREEN.

25 (II) IF AN INFORMATION TECHNOLOGY PROJECT IS OVER  
26 THE PROJECT'S APPROVED BUDGET, THE PROJECT SHALL BE  
27 DESIGNATED AS THE COLOR RED.

28 (4) THE COMPLETION DATE IN THE ORIGINAL CONTRACT ALONG  
29 WITH THE TOTAL PERCENT OF WORK FOR THE PROJECT THAT HAS BEEN  
30 COMPLETED, ALONG WITH A COLOR DESIGNATION AS FOLLOWS:

1           (I) IF AN INFORMATION TECHNOLOGY PROJECT HAS NOT  
2 EXCEEDED THE COMPLETION DATE IN THE ORIGINAL CONTRACT,  
3 THE PROJECT SHALL BE DESIGNATED AS THE COLOR GREEN.

4           (II) IF AN INFORMATION TECHNOLOGY PROJECT HAS  
5 EXCEEDED THE COMPLETION DATE IN THE ORIGINAL CONTRACT,  
6 THE PROJECT SHALL BE DESIGNATED AS THE COLOR RED.

7           (5) A SUMMARY OF THE SCOPE OF WORK ALONG WITH A COLOR  
8 DESIGNATION AS FOLLOWS:

9           (I) IF AN INFORMATION TECHNOLOGY PROJECT IS MEETING  
10 THE SCOPE OF WORK IN THE ORIGINAL CONTRACT, THE PROJECT  
11 SHALL BE DESIGNATED AS THE COLOR GREEN.

12           (II) IF AN INFORMATION TECHNOLOGY PROJECT IS NOT  
13 MEETING THE SCOPE OF WORK IN THE ORIGINAL CONTRACT, THE  
14 PROJECT SHALL BE DESIGNATED AS THE COLOR RED.

15           (6) A SUMMARY OF THE PERFORMANCE REQUIREMENTS OF THE  
16 CONTRACT, ALONG WITH A COLOR DESIGNATION AS FOLLOWS:

17           (I) IF AN INFORMATION TECHNOLOGY PROJECT IS MEETING  
18 THE PERFORMANCE REQUIREMENTS IN THE ORIGINAL CONTRACT,  
19 THE PROJECT SHALL BE DESIGNATED AS THE COLOR GREEN.

20           (II) IF AN INFORMATION TECHNOLOGY PROJECT IS NOT  
21 MEETING THE PERFORMANCE MEASURES IN THE ORIGINAL  
22 CONTRACT, THE PROJECT SHALL BE DESIGNATED AS THE COLOR  
23 RED.

24           (C) POSTING.--POSTING OF DRAFT AND FINAL POLICY DOCUMENTS  
25 SHALL BE MADE WITHIN 90 DAYS OF THE EFFECTIVE DATE OF THIS  
26 SECTION.

27           (1) THE OFFICE SHALL MAKE AVAILABLE ALL PROPOSED AND  
28 EXISTING INFORMATION TECHNOLOGY RELATED POLICIES AND LAWS BY  
29 AN INTRANET ACCESSIBLE TO ALL STATE EMPLOYEES.

30           (2) THE POLICY INTRANET DOCUMENTS SHALL BE MADE

1 AVAILABLE VIA THE WEB-BASED PORTAL WHEN DEPLOYED.

2 § 4320. STATE AGENCY REQUESTS FOR INFORMATION TECHNOLOGY AND  
3 SERVICES.

4 A STATE AGENCY SHALL SUBMIT A BUSINESS CASE TO THE OFFICE,  
5 REQUESTING SIGNIFICANT RESOURCES AS DEFINED BY THE DIRECTOR, FOR  
6 THE PURPOSE OF ACQUIRING, OPERATING OR MAINTAINING INFORMATION  
7 TECHNOLOGY OR SERVICES FOR THE STATE AGENCY. THE OFFICE SHALL  
8 SUPPLY SUFFICIENT STAFF SUPPORT FOR AGENCY BUSINESS CASE  
9 DEVELOPMENT. THE FOLLOWING SHALL APPLY REGARDING THE BUSINESS  
10 CASE:

11 (1) A REVIEW AND EVALUATION SHALL BE MADE OF THE  
12 BUSINESS CASE THAT IS PREPARED BY THE CHIEF INFORMATION  
13 OFFICER ASSIGNED TO THE STATE AGENCY THAT INCLUDES AN  
14 ASSESSMENT OF RISK AND ENSURES THAT THE COST AND SCHEDULE  
15 ESTIMATES INCORPORATE THE RISK ASSESSMENT.

16 (2) IN CASES OF AN ACQUISITION, THERE SHALL BE AN  
17 EXPLANATION OF THE METHOD BY WHICH THE ACQUISITION IS TO BE  
18 FINANCED.

19 (3) A STATEMENT SHALL BE MADE BY THE CHIEF INFORMATION  
20 OFFICER ASSIGNED TO THE STATE AGENCY THAT SPECIFIES VIABLE  
21 ALTERNATIVES, IF ANY, FOR MEETING THE STATE AGENCY NEEDS IN  
22 AN ECONOMICAL AND EFFICIENT MANNER. THE STATEMENT SHALL  
23 INCLUDE AN ANALYSIS OF ALTERNATIVES THAT IDENTIFIES THE BEST  
24 APPROACH FOR ACHIEVING MISSION IMPROVEMENT OR PROGRAM RESULTS  
25 WITHIN AVAILABLE FUNDING AND THAT TAKES INTO CONSIDERATION  
26 THE FOLLOWING:

27 (I) ORGANIZATION, PROCESS AND TECHNOLOGY OPTIONS.

28 (II) AT LEAST THREE ALTERNATIVES, INCLUDING THE  
29 STATUS QUO, A SHARED SERVICE OR EXTERNAL SERVICE OPTION  
30 AND ANY OTHER ALTERNATIVES CONSISTENT WITH THE



1 ARCHITECTURE AND STRATEGY DEVELOPED BY THE OFFICE.

2 (4) AN ASSESSMENT OF AND PLAN FOR ENSURING CYBERSECURITY  
3 AND PRIVACY ISSUES SHALL BE INCORPORATED AND FUNDED IN THE  
4 REQUEST FOR RESOURCES.

5 § 4321. STATUS OF INFORMATION TECHNOLOGY PROJECTS AND  
6 CORRECTIVE ACTION PLANS.

7 (A) DESIGNATION.--WITH RESPECT TO A BUSINESS CASE UNDER  
8 SECTION 4320 (RELATING TO STATE AGENCY REQUESTS FOR INFORMATION  
9 TECHNOLOGY AND SERVICES), THE OFFICE SHALL DESIGNATE AS RED, AS  
10 SPECIFIED UNDER SECTION 4319 (RELATING TO STATEWIDE INFORMATION  
11 TECHNOLOGY TRANSPARENCY PORTAL), AND IDENTIFY A REMEDIATION  
12 PLAN, INCLUDING CONTRACT AND PROGRAM RESTRUCTURING, FOR PROGRAMS  
13 EXPERIENCING COST OR SCHEDULE OVERRUNS OR PERFORMANCE SHORTFALL  
14 EXCEEDING THE BUSINESS CASE AS FUNDED. THE FOLLOWING SHALL  
15 APPLY:

16 (1) THE REMEDIATION PLAN AND RESTRUCTURING ACTIONS SHALL  
17 ADDRESS ROOT CAUSES OF THE PROGRAM AND CONTRACT COST,  
18 PERFORMANCE OR SCHEDULE OVERRUNS.

19 (2) THE OFFICE SHALL ENSURE THE BUSINESS CASE IS UPDATED  
20 TO ESTABLISH A NEW BASELINE OF COST, SCHEDULE AND PERFORMANCE  
21 OBJECTIVES THAT REFLECT THE REMEDIATION PLAN AND  
22 RESTRUCTURING ACTION.

23 (3) UPON DETERMINING THAT AN INFORMATION TECHNOLOGY  
24 PROJECT HAS BEEN DESIGNATED RED, THE OFFICE SHALL NOTIFY THE  
25 GOVERNOR'S OFFICE, THE AUDITOR GENERAL AND THE GENERAL  
26 ASSEMBLY.

27 (4) THE REMEDIATION PLAN AND RESTRUCTURING ACTION SHALL  
28 BE FINALIZED WITHIN 60 DAYS FROM NOTIFICATION.

29 (B) TRANSMITTAL.--THE FINALIZED CORRECTIVE ACTION PLAN SHALL  
30 BE SENT TO THE GENERAL ASSEMBLY AND THE AUDITOR GENERAL.

1 (C) ADDITIONAL REQUIREMENTS.--THE DIRECTOR SHALL NOTIFY THE  
2 STATE TREASURER TO SUSPEND FUTURE EXPENDITURE OF FUNDS FOR ANY  
3 TECHNOLOGY PROJECT THAT IS DESIGNATED AS RED UNDER THIS SECTION  
4 AND THAT FAILS TO ADOPT A REMEDIATION PLAN WITHIN THE TIME  
5 OUTLINED UNDER THIS SECTION. THE FOLLOWING SHALL APPLY:

6 (1) IF A STATE AGENCY ADOPTS WITHIN THE TIME ALLOWED  
7 UNDER THIS SECTION A REMEDIATION PLAN, BUT THE PROJECT'S  
8 DESIGNATION REMAINS RED FOLLOWING IMPLEMENTATION OF THE PLAN,  
9 THE DIRECTOR SHALL REQUIRE THE AGENCY TO ADOPT A NEW  
10 REMEDICATION PLAN OR MAY, AT THE DIRECTOR'S DISCRETION,  
11 SUSPEND OR TERMINATE THE PROJECT.

12 (2) TO IMPLEMENT THIS SECTION, THE DIRECTOR AND EACH  
13 STATE AGENCY SHALL INCLUDE AS PART OF CONTRACT PROVISIONS  
14 NECESSARY TO SUSPEND PAYMENT FOR THE FAILURE OF A CONTRACTOR  
15 OR VENDOR TO COMPLETE THE REQUIREMENTS OF THE CONTRACT ON  
16 TIME OR ON BUDGET.

17 SUBCHAPTER C

18 BUSINESS OPERATIONS

19 SEC.

20 4331. REPORTING REQUIREMENTS REGARDING PROCUREMENT.

21 4332. COMMUNICATIONS SERVICES.

22 4333. PROJECT APPROVAL STANDARDS.

23 4334. PROJECT MANAGEMENT STANDARDS.

24 4335. DISPUTE RESOLUTION.

25 4336. PURCHASE OF CERTAIN EQUIPMENT PROHIBITED.

26 4337. REFURBISHED COMPUTER EQUIPMENT PURCHASING PROGRAM.

27 4338. DATA ON RELIABILITY AND OTHER MATTERS.

28 § 4331. REPORTING REQUIREMENTS REGARDING PROCUREMENT.

29 (A) BIDS.--A VENDOR SUBMITTING A BID OR PROPOSAL SHALL  
30 DISCLOSE IN A STATEMENT, PROVIDED CONTEMPORANEOUSLY WITH THE BID

1 OR PROPOSAL, WHERE SERVICES WILL BE PERFORMED UNDER THE CONTRACT  
2 SOUGHT, INCLUDING ANY SUBCONTRACTS, AND WHETHER ANY SERVICES  
3 UNDER THAT CONTRACT, INCLUDING ANY SUBCONTRACTS, ARE ANTICIPATED  
4 TO BE PERFORMED OUTSIDE THE UNITED STATES.

5 (B) RETENTION AND REPORTS.--THE DIRECTOR SHALL:

6 (1) RETAIN THE STATEMENTS REQUIRED BY THIS SECTION  
7 REGARDLESS OF THE STATE AGENCY THAT AWARDS THE CONTRACT.

8 (2) REPORT ANNUALLY TO THE SECRETARY ON THE NUMBER OF  
9 CONTRACTS.

10 (C) RECORDS OF PURCHASES.--EACH STATE AGENCY THAT MAKES A  
11 PURCHASE OF INFORMATION TECHNOLOGY THROUGH THE OFFICE SHALL  
12 REPORT DIRECTLY TO THE DIRECTOR, WHO SHALL KEEP ANNUAL RECORDS  
13 OF INFORMATION TECHNOLOGY PURCHASES.

14 (D) EFFECT OF SECTION.--NOTHING IN THIS SECTION IS INTENDED  
15 TO CONTRAVENE ANY EXISTING TREATY, LAW, AGREEMENT OR REGULATION  
16 OF THE UNITED STATES.

17 § 4332. COMMUNICATIONS SERVICES.

18 EXCEPT AS OTHERWISE PROVIDED UNDER SUBCHAPTER G (RELATING TO  
19 PENNSYLVANIA STATEWIDE RADIO NETWORK), THE DIRECTOR SHALL  
20 EXERCISE AUTHORITY FOR TELECOMMUNICATIONS AND OTHER  
21 COMMUNICATIONS INCLUDED IN INFORMATION TECHNOLOGY RELATING TO  
22 THE INTERNAL MANAGEMENT AND OPERATIONS OF A STATE AGENCY. IN  
23 DISCHARGING THIS RESPONSIBILITY, THE DIRECTOR SHALL:

24 (1) ENSURE THAT NO DATA OF A CONFIDENTIAL NATURE SHALL  
25 BE ENTERED INTO OR PROCESSED THROUGH AN INFORMATION  
26 TECHNOLOGY SYSTEM OR NETWORK ESTABLISHED UNDER THIS CHAPTER  
27 UNTIL APPROPRIATE SAFEGUARDS AND OTHER SECURITY MEASURES ARE  
28 APPROVED BY THE DIRECTOR AND INSTALLED AND FULLY OPERATIONAL.

29 (2) PROVIDE FOR THE ESTABLISHMENT, MANAGEMENT AND  
30 OPERATION, THROUGH STATE OWNERSHIP, BY CONTRACT OR THROUGH

1 COMMERCIAL LEASING, OF THE FOLLOWING SYSTEMS AND SERVICES AS  
2 THEY AFFECT THE INTERNAL MANAGEMENT AND OPERATION OF STATE  
3 AGENCIES:

4 (I) CENTRAL TELEPHONE SYSTEMS AND TELEPHONE  
5 NETWORKS, INCLUDING VOICE OVER INTERNET PROTOCOL AND  
6 COMMERCIAL MOBILE RADIO SYSTEMS.

7 (II) SATELLITE SERVICES.

8 (III) CLOSED-CIRCUIT TELEVISION SYSTEMS.

9 (IV) TWO-WAY RADIO SYSTEMS.

10 (V) MICROWAVE SYSTEMS.

11 (VI) RELATED SYSTEMS BASED ON TELECOMMUNICATION  
12 TECHNOLOGIES.

13 (VII) BROADBAND.

14 (3) COORDINATE THE DEVELOPMENT OF COST-SHARING SYSTEMS  
15 FOR RESPECTIVE STATE AGENCIES FOR THEIR PROPORTIONATE PARTS  
16 OF THE COST OF MAINTENANCE AND OPERATION OF THE SYSTEMS AND  
17 SERVICES LISTED IN THIS SECTION.

18 (4) ASSIST IN THE DEVELOPMENT OF COORDINATED  
19 TELECOMMUNICATIONS SERVICES OR SYSTEMS WITHIN AND AMONG ALL  
20 STATE AGENCIES AND RECOMMEND, WHERE APPROPRIATE, COOPERATIVE  
21 UTILIZATION OF TELECOMMUNICATION FACILITIES BY AGGREGATING  
22 USERS.

23 (5) PERFORM TRAFFIC ANALYSIS AND ENGINEERING FOR ALL  
24 TELECOMMUNICATIONS SERVICES AND SYSTEMS LISTED IN THIS  
25 SECTION.

26 (6) ESTABLISH TELECOMMUNICATIONS SPECIFICATIONS AND  
27 DESIGNS SO AS TO PROMOTE AND SUPPORT COMPATIBILITY OF THE  
28 SYSTEMS WITHIN STATE AGENCIES.

29 (7) PROVIDE EVERY THREE YEARS AN INVENTORY OF  
30 TELECOMMUNICATIONS COSTS, FACILITIES, SYSTEMS AND PERSONNEL

1 WITHIN STATE AGENCIES.

2 (8) PROMOTE, COORDINATE AND ASSIST IN THE DESIGN AND  
3 ENGINEERING OF EMERGENCY TELECOMMUNICATIONS SYSTEMS,  
4 INCLUDING, BUT NOT LIMITED TO, THE 911 EMERGENCY TELEPHONE  
5 NUMBER PROGRAM, EMERGENCY MEDICAL SERVICES AND OTHER  
6 EMERGENCY TELECOMMUNICATIONS SERVICES.

7 (9) PERFORM FREQUENCY COORDINATION AND MANAGEMENT FOR  
8 STATE AGENCIES AND MUNICIPALITIES, IN ACCORDANCE WITH THE  
9 RULES AND REGULATIONS OF THE FEDERAL COMMUNICATIONS  
10 COMMISSION OR ANY SUCCESSOR FEDERAL AGENCY.

11 (10) ADVISE ALL STATE AGENCIES ON TELECOMMUNICATIONS  
12 MANAGEMENT PLANNING AND RELATED MATTERS AND PROVIDE  
13 OPPORTUNITIES FOR TRAINING TO USERS WITHIN STATE AGENCIES IN  
14 TELECOMMUNICATIONS TECHNOLOGY AND SYSTEMS.

15 (11) ASSIST AND COORDINATE THE DEVELOPMENT OF POLICIES  
16 AND LONG-RANGE PLANS, CONSISTENT WITH THE PROTECTION OF  
17 RESIDENTS' RIGHTS TO PRIVACY AND ACCESS TO INFORMATION, FOR  
18 THE ACQUISITION AND USE OF TELECOMMUNICATIONS SYSTEMS. ALL  
19 POLICIES AND PLANS SHALL BE BASED ON CURRENT INFORMATION  
20 ABOUT THE COMMONWEALTH'S TELECOMMUNICATIONS ACTIVITIES IN  
21 RELATION TO THE FULL RANGE OF EMERGING TECHNOLOGIES.

22 § 4333. PROJECT APPROVAL STANDARDS.

23 (A) REVIEW AND APPROVAL.--THE DIRECTOR SHALL REVIEW ALL  
24 PROPOSED INFORMATION TECHNOLOGY PROJECTS FOR EACH STATE AGENCY  
25 AND MAKE A DETERMINATION OF APPROVAL OR DISAPPROVAL WITHIN 15  
26 BUSINESS DAYS OF RECEIPT. PROJECT APPROVAL MAY BE GRANTED UPON  
27 THE DIRECTOR'S DETERMINATION THAT:

28 (1) THE PROJECT CONFORMS TO PROJECT MANAGEMENT  
29 PROCEDURES AND POLICIES AND TO PROCUREMENT RULES AND  
30 POLICIES; AND

1           (2) SUFFICIENT FUNDS ARE AVAILABLE FOR IMPLEMENTATION.

2           (B) IMPLEMENTATION.--UNLESS EXPRESSLY EXEMPT WITHIN THIS  
3 CHAPTER, A STATE AGENCY MAY NOT PROCEED WITH AN INFORMATION  
4 TECHNOLOGY PROJECT UNTIL THE DIRECTOR APPROVES THE PROJECT.

5           (C) DISAPPROVAL.--IF A PROJECT IS NOT APPROVED, THE DIRECTOR  
6 SHALL SPECIFY IN WRITING THE GROUNDS FOR THE DISAPPROVAL AFTER  
7 MAKING THE DETERMINATION. THE DIRECTOR SHALL PROVIDE NOTICE OF  
8 THE DISAPPROVAL, ALONG WITH THE GROUNDS FOR THE DISAPPROVAL, TO  
9 ALL OF THE FOLLOWING:

10           (1) THE STATE AGENCY.

11           (2) THE SECRETARY OF THE BUDGET.

12           (3) THE STATE TREASURER.

13           (4) THE AUDITOR GENERAL.

14           (5) THE GENERAL ASSEMBLY.

15           (D) SUSPENSION.--

16           (1) THE DIRECTOR MAY SUSPEND AN INFORMATION TECHNOLOGY  
17 PROJECT IF THE PROJECT:

18           (I) FAILS TO MEET THE APPLICABLE QUALITY ASSURANCE  
19 STANDARDS;

20           (II) HAS EXCEEDED ITS PROJECTED COSTS; OR

21           (III) HAS FAILED TO MEET ITS PROJECTED COMPLETION  
22 DATE.

23           (2) IF THE DIRECTOR SUSPENDS A PROJECT FOR A REASON  
24 UNDER PARAGRAPH (1), THE DIRECTOR SHALL SPECIFY IN WRITING  
25 THE GROUNDS FOR SUSPENDING THE PROJECT NO LATER THAN FIVE  
26 BUSINESS DAYS AFTER MAKING THE DETERMINATION. THE DIRECTOR  
27 SHALL PROVIDE NOTICE OF THE SUSPENSION, ALONG WITH THE  
28 GROUNDS FOR SUSPENSION, TO ALL OF THE FOLLOWING:

29           (I) THE STATE AGENCY.

30           (II) THE SECRETARY OF THE BUDGET.

1           (III) THE STATE TREASURER.

2           (IV) THE AUDITOR GENERAL.

3           (V) THE GENERAL ASSEMBLY.

4           (VI) ANY VENDOR OR ORGANIZATION CONTRACTED BY THE  
5           RESPECTIVE STATE AGENCY FOR WORK ON THE SUSPENDED  
6           PROJECT.

7           (3) AFTER A PROJECT HAS BEEN SUSPENDED, THE STATE  
8           TREASURER MAY NOT ALLOW THE TRANSFER OF MONEY FROM THE STATE  
9           AGENCY TO SUPPORT ADDITIONAL WORK UNDER THE PROJECT UNLESS  
10           THE DIRECTOR APPROVES AN AMENDED VERSION OF THE PLAN FOR THE  
11           PROJECT.

12           (4) IF A STATE AGENCY ATTEMPTS TO CONTINUE TO IMPLEMENT  
13           A PROJECT THAT IS NO LONGER APPROVED BY THE DIRECTOR AND  
14           EXPEND ADDITIONAL MONEY FOR THE PROJECT, THE STATE TREASURER  
15           SHALL PREVENT THE TRANSFER OF FUNDS AND REMIT THE INTENDED  
16           EXPENDITURES INTO THE FUND. AFTER REMITTING THE UNAUTHORIZED  
17           EXPENDITURE, THE STATE TREASURER SHALL IMMEDIATELY NOTIFY THE  
18           FOLLOWING:

19           (I) THE DIRECTOR.

20           (II) THE GOVERNOR.

21           (III) THE SECRETARY OF THE BUDGET.

22           (IV) THE GENERAL ASSEMBLY.

23 § 4334. PROJECT MANAGEMENT STANDARDS.

24           (A) PERSONNEL.--EACH STATE AGENCY SHALL PROVIDE PERSONNEL IF  
25           NECESSARY TO PARTICIPATE IN PROJECT MANAGEMENT, IMPLEMENTATION,  
26           TESTING AND OTHER ACTIVITIES FOR AN INFORMATION TECHNOLOGY  
27           PROJECT.

28           (B) POLICIES.--THE DIRECTOR SHALL DEVELOP OFFICE POLICIES  
29           FOR IMPLEMENTING AN APPROVED PROJECT, WHETHER THE PROJECT IS  
30           UNDERTAKEN IN SINGLE OR MULTIPLE PHASES OR COMPONENTS.

1 (C) PROJECT MANAGEMENT ASSISTANT.--

2 (1) THE DIRECTOR MAY DESIGNATE A PROJECT MANAGEMENT  
3 ASSISTANT TO IMPLEMENT AN INFORMATION TECHNOLOGY PROJECT OF A  
4 STATE AGENCY.

5 (2) A PROJECT MANAGEMENT ASSISTANT FOR A STATE AGENCY  
6 SHALL:

7 (I) ADVISE THE STATE AGENCY REGARDING THE INITIAL  
8 PLANNING OF AN INFORMATION TECHNOLOGY PROJECT, THE  
9 CONTENT AND DESIGN OF A REQUEST FOR PROPOSALS, CONTRACT  
10 DEVELOPMENT, PROCUREMENT AND ARCHITECTURAL AND OTHER  
11 TECHNICAL REVIEWS.

12 (II) MONITOR PROGRESS IN THE DEVELOPMENT AND  
13 IMPLEMENTATION OF AN INFORMATION TECHNOLOGY PROJECT.

14 (III) PROVIDE STATUS REPORTS TO THE STATE AGENCY AND  
15 THE DIRECTOR, INCLUDING RECOMMENDATIONS REGARDING  
16 CONTINUED APPROVAL OF AN INFORMATION TECHNOLOGY PROJECT.

17 (3) PERSONNEL OF THE STATE AGENCY TO WHICH A PROJECT  
18 MANAGEMENT ASSISTANT IS DESIGNATED SHALL PROVIDE PERIODIC  
19 REPORTS TO THE PROJECT MANAGEMENT ASSISTANT REGARDING AN  
20 INFORMATION TECHNOLOGY PROJECT. EACH REPORT SHALL INCLUDE  
21 INFORMATION REGARDING THE FOLLOWING:

22 (I) THE STATE AGENCY'S BUSINESS REQUIREMENTS.

23 (II) APPLICABLE LAWS AND REGULATIONS.

24 (III) PROJECT COSTS.

25 (IV) ISSUES RELATED TO HARDWARE, SOFTWARE OR  
26 TRAINING.

27 (V) PROJECTED AND ACTUAL COMPLETION DATES FOR THE  
28 PROJECT.

29 (VI) ANY OTHER INFORMATION RELATED TO THE  
30 IMPLEMENTATION OF THE PROJECT.



1 § 4335. DISPUTE RESOLUTION.

2 (A) RIGHT TO REQUEST FOR REVIEW.--IF THE DIRECTOR HAS  
3 DISAPPROVED OR SUSPENDED AN INFORMATION TECHNOLOGY PROJECT OR  
4 HAS DISAPPROVED A STATE AGENCY'S REQUEST FOR AN AMENDED VERSION  
5 OF THE PLAN FOR THE PROJECT, THE AFFECTED STATE AGENCY MAY  
6 REQUEST THE DIRECTOR TO REVISIT THE DETERMINATION ABOUT THE  
7 PROJECT. THE REQUEST FOR REVIEW SHALL BE SUBMITTED IN WRITING TO  
8 THE DIRECTOR WITHIN 15 BUSINESS DAYS FOLLOWING THE STATE  
9 AGENCY'S RECEIPT OF THE DISAPPROVAL OR SUSPENSION.

10 (B) CONTENTS OF REQUEST FOR REVIEW.--A REQUEST FOR REVIEW  
11 UNDER SUBSECTION (A) SHALL SPECIFY THE GROUNDS FOR THE STATE  
12 AGENCY'S DISAGREEMENT WITH THE DIRECTOR'S DETERMINATION. THE  
13 STATE AGENCY SHALL INCLUDE WITH ITS REQUEST A PLAN TO MODIFY THE  
14 PROJECT TO MEET THE DIRECTOR'S CONCERNS.

15 (C) NOTIFICATION.--

16 (1) WITHIN 30 DAYS AFTER INITIAL RECEIPT OF A STATE  
17 AGENCY'S REQUEST FOR REVIEW, THE DIRECTOR SHALL NOTIFY THE  
18 STATE AGENCY WHETHER OR NOT THE PROJECT, AS MODIFIED, MAY BE  
19 IMPLEMENTED.

20 (2) IF THE DIRECTOR APPROVES THE IMPLEMENTATION OF A  
21 MODIFIED PROJECT BY A STATE AGENCY, THE DIRECTOR SHALL NOTIFY  
22 THE STATE TREASURER AND THE SECRETARY OF THE BUDGET  
23 IMMEDIATELY. THE STATE AGENCY SHALL NOTIFY ALL CONTRACTED  
24 THIRD PARTIES OF ANY CHANGES OR MODIFICATIONS TO THE PROJECT.

25 § 4336. PURCHASE OF CERTAIN EQUIPMENT PROHIBITED.

26 (A) DETERMINATION.--A STATE AGENCY MAY NOT PURCHASE  
27 INFORMATION TECHNOLOGY EQUIPMENT OR TELEVISIONS, OR ENTER INTO A  
28 CONTRACT WITH A MANUFACTURER, UNLESS THE DIRECTOR DETERMINES  
29 THAT THE PURCHASE OR CONTRACT IS IN COMPLIANCE WITH THE  
30 REQUIREMENTS UNDER THIS CHAPTER AND EXISTING STATE LAW REGARDING

1 THE PROCUREMENT OF INFORMATION TECHNOLOGY EQUIPMENT AND  
2 TELEVISIONS.

3 (B) FINDINGS.--IF THE DIRECTOR DETERMINES THAT A PURCHASE OR  
4 CONTRACT IS NOT IN COMPLIANCE WITH THE REQUIREMENTS UNDER THIS  
5 CHAPTER OR EXISTING STATE LAW REGARDING THE PROCUREMENT OF  
6 INFORMATION TECHNOLOGY EQUIPMENT AND TELEVISIONS, THE DIRECTOR  
7 SHALL ISSUE WRITTEN FINDINGS REGARDING THE NONCOMPLIANCE TO THE  
8 STATE AGENCY.

9 § 4337. REFURBISHED COMPUTER EQUIPMENT PURCHASING PROGRAM.

10 (A) OPTION.--THE OFFICE SHALL OFFER A STATE AGENCY THE  
11 OPTION OF PURCHASING, LEASING OR USING REFURBISHED COMPUTER  
12 EQUIPMENT FROM REGISTERED COMPUTER EQUIPMENT REFURBISHERS  
13 WHENEVER MOST APPROPRIATE TO MEET THE RESPECTIVE NEEDS OF THE  
14 STATE AGENCY.

15 (B) SAVINGS.--A STATE AGENCY SHALL DOCUMENT ANY SAVINGS  
16 RESULTING FROM THE PURCHASE OF REFURBISHED COMPUTER EQUIPMENT,  
17 INCLUDING, BUT NOT LIMITED TO, THE INITIAL ACQUISITION COST AND  
18 OPERATIONS AND MAINTENANCE COSTS. THE SAVINGS SHALL BE REPORTED  
19 ANNUALLY TO:

20 (1) THE DIRECTOR.

21 (2) THE GENERAL ASSEMBLY.

22 (C) REQUIREMENTS.--PARTICIPATING COMPUTER EQUIPMENT  
23 REFURBISHERS SHALL MEET ALL EXISTING PROCUREMENT REQUIREMENTS  
24 ESTABLISHED BY THE OFFICE.

25 § 4338. DATA ON RELIABILITY AND OTHER MATTERS.

26 (A) MAINTENANCE OF DATA.--THE OFFICE SHALL MAINTAIN DATA ON  
27 EQUIPMENT RELIABILITY, POTENTIAL COST SAVINGS AND MATTERS  
28 ASSOCIATED WITH THE REFURBISHED COMPUTER EQUIPMENT PURCHASING  
29 PROGRAM.

30 (B) REPORT.--THE OFFICE SHALL TRANSMIT A REPORT REGARDING

1 THE MATTERS UNDER SUBSECTION (A) BY FEBRUARY 1, 2020, AND  
2 QUARTERLY THEREAFTER TO:

3 (1) THE SECRETARY OF THE BUDGET.

4 (2) THE INDEPENDENT FISCAL OFFICE.

5 (3) THE GENERAL ASSEMBLY.

6 SUBCHAPTER D

7 PROCUREMENT OF INFORMATION TECHNOLOGY

8 SEC.

9 4345. DUTIES OF OFFICE.

10 4346. CONFIDENTIALITY.

11 4347. METHODS OF PROCUREMENT.

12 4348. QUALITY ASSURANCE.

13 § 4345. DUTIES OF OFFICE.

14 (A) SPECIFIC DUTIES OF OFFICE.--SUBJECT TO THE PROVISIONS OF  
15 THIS CHAPTER AND CONSISTENT WITH THE PROCESSES ENACTED UNDER 62  
16 PA.C.S. CH. 5 (RELATING TO SOURCE SELECTION AND CONTRACT  
17 FORMATION), THE OFFICE SHALL HAVE THE AUTHORITY AND  
18 RESPONSIBILITY TO:

19 (1) CONTRACT FOR ALL INFORMATION TECHNOLOGY AND  
20 INFORMATION TECHNOLOGY AS A SERVICE FOR STATE AGENCIES. THE  
21 OFFICE MAY ENTER INTO PURCHASE ORDERS UNDER THIS TYPE OF  
22 CONTRACT.

23 (2) ESTABLISH PROCESSES, SPECIFICATIONS AND STANDARDS  
24 THAT SHALL APPLY TO ALL INFORMATION TECHNOLOGY TO BE  
25 PURCHASED, LICENSED OR LEASED BY STATE AGENCIES.

26 (3) ESTABLISH PROCESSES, SPECIFICATIONS AND STANDARDS  
27 RELATING TO INFORMATION TECHNOLOGY SERVICES CONTRACT  
28 REQUIREMENTS FOR STATE AGENCIES.

29 (4) UTILIZE THE PURCHASING BENCHMARKS ESTABLISHED BY THE  
30 DIRECTOR.

1           (5) PROVIDE STRATEGIC SOURCING RESOURCES AND PLANNING TO  
2 COMPILE AND CONSOLIDATE ALL ESTIMATES OF INFORMATION  
3 TECHNOLOGY GOODS AND SERVICES NEEDED AND REQUIRED BY STATE  
4 AGENCIES.

5           (6) ENSURE, TO THE MAXIMUM EXTENT PRACTICABLE, THAT  
6 PROJECTS UTILIZE STATEMENTS OF OBJECTIVES WHEN ISSUING  
7 SOLICITATIONS FOR INFORMATION TECHNOLOGY PROJECTS THAT ARE  
8 FOR NONCOMMODITY HARDWARE. THE FOLLOWING SHALL APPLY:

9           (I) AS USED IN THIS PARAGRAPH, THE TERM "STATEMENT  
10 OF OBJECTIVE" MEANS AN OFFICE-PREPARED OR STATE-AGENCY-  
11 PREPARED DOCUMENT INCORPORATED INTO THE SOLICITATION THAT  
12 STATES THE OVERALL PERFORMANCE OBJECTIVES OR OUTCOMES OF  
13 THE PROJECT.

14           (II) A STATEMENT OF OBJECTIVE SHALL BE USED IN  
15 SOLICITATIONS WHEN THE OFFICE OR STATE AGENCY INTENDS TO  
16 PROVIDE THE MAXIMUM FLEXIBILITY TO EACH OFFEROR TO  
17 PROPOSE AN INNOVATIVE APPROACH.

18           (III) A STATEMENT OF OBJECTIVE MAY BE USED IN LIEU  
19 OF A DETAILED STATEMENT OF WORK THAT DICTATES DETAILED  
20 REQUIREMENTS THAT STIFLE FLEXIBLE, INNOVATION SOLUTIONS.

21           (B) SPECIFIC DUTIES OF STATE AGENCIES.--SUBJECT TO THE  
22 PROVISIONS OF THIS CHAPTER AND CONSISTENT WITH THE PROCESSES  
23 ENACTED UNDER 62 PA.C.S. CH. 5, EACH STATE AGENCY SHALL HAVE THE  
24 AUTHORITY AND RESPONSIBILITY TO ISSUE PURCHASE ORDERS UNDER  
25 CONTRACTS ENTERED BY THE OFFICE.

26 § 4346. CONFIDENTIALITY.

27           (A) CONTRACT INFORMATION.--SUBJECT TO SUBSECTION (B),  
28 CONTRACT INFORMATION COMPILED BY THE OFFICE SHALL BE MADE A  
29 MATTER OF PUBLIC RECORD AFTER THE AWARD OF CONTRACT.

30           (B) PROPRIETARY INFORMATION.--TRADE SECRETS, TEST DATA AND

1 SIMILAR PROPRIETARY INFORMATION AND SECURITY INFORMATION  
2 PROTECTED FROM DISCLOSURE UNDER FEDERAL OR STATE LAW SHALL  
3 REMAIN CONFIDENTIAL.

4 § 4347. METHODS OF PROCUREMENT.

5 (A) ELECTRONIC PROCUREMENT.--

6 (1) THE OFFICE MAY AUTHORIZE THE USE OF AN ELECTRONIC  
7 PROCUREMENT SYSTEM TO CONDUCT A REVERSE AUCTION AND  
8 ELECTRONIC BIDDING ON EXISTING MULTIPLE-AWARD CONTRACTS.

9 (2) THE FOLLOWING SHALL APPLY REGARDING REVERSE  
10 AUCTIONS:

11 (I) THE VENDOR'S PRICE MAY BE REVEALED DURING THE  
12 REVERSE AUCTION.

13 (II) THE OFFICE MAY CONTRACT WITH A THIRD-PARTY  
14 VENDOR TO CONDUCT THE REVERSE AUCTION.

15 (III) OFFERS OR BIDS MAY BE ACCEPTED AND CONTRACTS  
16 MAY BE ENTERED BY USE OF ELECTRONIC BIDDING.

17 (IV) ALL REQUIREMENTS RELATING TO FORMAL AND  
18 COMPETITIVE BIDS, INCLUDING ADVERTISEMENT, SEAL AND  
19 SIGNATURE, ARE SATISFIED WHEN A PROCUREMENT IS CONDUCTED  
20 OR A CONTRACT IS ENTERED IN COMPLIANCE WITH THE REVERSE  
21 AUCTION OR ELECTRONIC BIDDING REQUIREMENTS ESTABLISHED BY  
22 THE OFFICE.

23 (V) THE OFFICE SHALL LIMIT THE USE OF REVERSE  
24 AUCTIONS IN PROCUREMENT OF INFORMATION TECHNOLOGY TO THE  
25 ACQUISITION OF INFORMATION TECHNOLOGY HARDWARE.

26 (VI) THE OFFICE SHALL NOT USE REVERSE AUCTIONS FOR  
27 THE PROCUREMENT OF INFORMATION TECHNOLOGY SERVICES,  
28 HARDWARE SOFTWARE OR SOLUTIONS THAT INCORPORATE BOTH  
29 INFORMATION TECHNOLOGY HARDWARE AND SERVICES, INCLUDING,  
30 BUT NOT LIMITED TO, CLOUD-BASED INFORMATION TECHNOLOGY

1           SOLUTIONS.

2           (3) AS USED IN THIS SUBSECTION, "EXISTING MULTIPLE-AWARD  
3 CONTRACTS" MEANS ONE OR MORE CONTRACTS WHERE THE SAME OR  
4 SIMILAR GOODS ARE BEING PROCURED BY STATE AGENCIES.

5           (B) BULK PURCHASING.--

6           (1) THE DIRECTOR SHALL ESTABLISH PROCEDURES FOR THE  
7 PROCUREMENT OF INFORMATION TECHNOLOGY THROUGH BULK PURCHASES.  
8 THE PROCEDURES MAY INCLUDE THE FOLLOWING:

9                   (I) THE AGGREGATION OF HARDWARE PURCHASES.

10                   (II) THE USE OF FORMAL BID PROCEDURES.

11                   (III) RESTRICTIONS ON SUPPLEMENTAL STAFFING.

12                   (IV) ENTERPRISE SOFTWARE LICENSING, HOSTING AND  
13 MULTIYEAR MAINTENANCE AGREEMENTS.

14                   (V) INFORMATION TECHNOLOGY AS A SERVICE.

15           (2) THE DIRECTOR MAY REQUIRE STATE AGENCIES TO SUBMIT  
16 INFORMATION TECHNOLOGY PROCUREMENT REQUESTS TO THE DEPARTMENT  
17 ON OCTOBER 1, JANUARY 1 AND JUNE 1, OR ANOTHER REGULARLY  
18 OCCURRING SCHEDULE, OF EACH FISCAL YEAR IN ORDER TO ALLOW FOR  
19 BULK PURCHASING.

20           (C) MOST ADVANTAGEOUS OFFER.--ALL BIDS OR OFFERS TO  
21 CONTRACT, WHETHER THROUGH COMPETITIVE SEALED BIDDING OR OTHER  
22 PROCUREMENT METHOD UNDER 62 PA.C.S. CH. 5 (RELATING TO SOURCE  
23 SELECTION AND CONTRACT FORMATION), SHALL BE SUBJECT TO  
24 EVALUATION AND SELECTION BY ACCEPTANCE OF THE MOST ADVANTAGEOUS  
25 OFFER TO THE COMMONWEALTH.

26           (D) CONSIDERATIONS.--EVALUATION OF AN INFORMATION TECHNOLOGY  
27 PURCHASE SHALL TAKE INTO CONSIDERATION THE FOLLOWING FACTORS:

28                   (1) THE BEST VALUE OF THE PURCHASE.

29                   (2) COMPLIANCE WITH INFORMATION TECHNOLOGY PROJECT  
30 MANAGEMENT POLICIES.



1 § 4351. STATEWIDE SECURITY STANDARDS.

2 (A) ESTABLISHMENT.--

3 (1) THE DIRECTOR SHALL ESTABLISH A STATEWIDE SET OF  
4 STANDARDS FOR INFORMATION TECHNOLOGY SECURITY TO MAXIMIZE THE  
5 FUNCTIONALITY, SECURITY AND INTEROPERABILITY OF THE  
6 COMMONWEALTH'S DISTRIBUTED INFORMATION TECHNOLOGY ASSETS,  
7 INCLUDING:

8 (I) DATA CLASSIFICATION.

9 (II) MANAGEMENT.

10 (III) COMMUNICATIONS.

11 (IV) ENCRYPTION TECHNOLOGIES.

12 (2) THE STANDARDS UNDER THIS SUBSECTION SHALL CONFORM TO  
13 THE INDUSTRY'S BEST PRACTICES AND STANDARDS REGARDING  
14 INFORMATION TECHNOLOGY SECURITY.

15 (B) REVIEW AND REVISION.--THE DIRECTOR SHALL REVIEW AND  
16 REVISE THE SECURITY STANDARDS ANNUALLY AS NECESSARY. AS PART OF  
17 THIS FUNCTION, THE DIRECTOR SHALL REVIEW PERIODICALLY EXISTING  
18 SECURITY STANDARDS AND PRACTICES IN PLACE AMONG THE VARIOUS  
19 STATE AGENCIES TO DETERMINE WHETHER THOSE STANDARDS AND  
20 PRACTICES MEET STATEWIDE SECURITY AND ENCRYPTION REQUIREMENTS.

21 (C) ASSUMPTION OF RESPONSIBILITIES.--THE DIRECTOR MAY ASSUME  
22 THE DIRECT RESPONSIBILITY OF PROVIDING FOR THE INFORMATION  
23 TECHNOLOGY SECURITY OF A STATE AGENCY THAT FAILS TO ADHERE TO  
24 SECURITY STANDARDS ADOPTED UNDER THIS CHAPTER.

25 § 4352. SECURITY STANDARDS AND RISK ASSESSMENTS.

26 (A) AUTHORIZATION TO OPERATE.--NOTWITHSTANDING ANY OTHER  
27 PROVISION OF LAW AND EXCEPT AS OTHERWISE PROVIDED BY THIS  
28 CHAPTER, ALL INFORMATION TECHNOLOGY SECURITY GOODS, SOFTWARE OR  
29 SERVICES PURCHASED USING TAXPAYER MONEY, OR FOR USE BY A STATE  
30 AGENCY OR IN A PUBLIC FACILITY, SHALL REQUIRE AN AUTHORIZATION



1 TO OPERATE BY THE HEAD OF THE STATE AGENCY IN ACCORDANCE WITH  
2 SECURITY STANDARDS UNDER THIS CHAPTER. NO INFORMATION TECHNOLOGY  
3 SYSTEM OR SERVICE MAY BE OPERATED BY, OR IN SUPPORT OF, A STATE  
4 AGENCY WITHOUT AN AUTHORIZATION TO OPERATE.

5 (B) STANDARDS.--THE DIRECTOR SHALL DEFINE A RISK-BASED SET  
6 OF CONTROL STANDARDS THAT IDENTIFY SPECIFIC SECURITY AND PRIVACY  
7 PROTECTIONS FOR ALL INFORMATION TECHNOLOGY AND INFORMATION  
8 TECHNOLOGY SERVICES IN LINE WITH THE SPECIFIC THREATS AND RISKS  
9 TO THE RESIDENTS OF THIS COMMONWEALTH AND STATE AGENCY  
10 OPERATIONS.

11 (C) ASSESSMENTS.--THE DIRECTOR SHALL CONDUCT RISK  
12 ASSESSMENTS TO IDENTIFY COMPLIANCE AND OPERATIONAL AND STRATEGIC  
13 RISKS TO THE INFORMATION TECHNOLOGY NETWORK AND AGENCY  
14 OPERATIONS. THE FOLLOWING SHALL APPLY:

15 (1) THE ASSESSMENTS MAY INCLUDE METHODS SUCH AS  
16 PENETRATION TESTING, SOCIAL ENGINEERED SECURITY THREATS OR  
17 SIMILAR ASSESSMENT METHODOLOGIES.

18 (2) THE DIRECTOR MAY CONTRACT WITH ANOTHER PARTY TO  
19 PERFORM THE ASSESSMENTS.

20 (3) THE FOLLOWING ASSESSMENT REVIEWS SHALL BE PERFORMED  
21 PRIOR TO THE INFORMATION SECURITY AUDIT UNDER SUBSECTION (E)  
22 AND THE ASSESSMENT SHALL BE PERFORMED CONSISTENT WITH THE  
23 FEDERAL INFORMATION PROCESSING STANDARDS:

24 (I) IDENTITY MANAGEMENT.

25 (II) SECURITY INCIDENT MANAGEMENT.

26 (III) NETWORK PERIMETER SECURITY.

27 (IV) SYSTEMS DEVELOPMENT.

28 (V) PROJECT MANAGEMENT.

29 (VI) INFORMATION TECHNOLOGY RISK MANAGEMENT.

30 (VII) DATA MANAGEMENT.

1 (VIII) VULNERABILITY MANAGEMENT.

2 (4) DETAILED REPORTS OF THE RISK AND SECURITY ISSUES  
3 IDENTIFIED IN THE ASSESSMENTS SHALL BE REPORTED TO THE  
4 DIRECTOR AND SHALL BE KEPT CONFIDENTIAL.

5 (5) THE AGENCY HEAD, IN CONSULTATION WITH THE OFFICE,  
6 SHALL IDENTIFY CORRECTIVE OR MITIGATING ACTIONS AS NEEDED.

7 (D) INTERIM AUTHORITY TO OPERATE.--IF THE AGENCY HEAD  
8 DETERMINES THAT THE INFORMATION TECHNOLOGY SYSTEM OR SERVICE IS  
9 NEEDED, THE AGENCY HEAD MAY SEEK AUTHORIZATION FROM THE DIRECTOR  
10 FOR A PERIOD NOT LONGER THAN 180 DAYS TO IMPLEMENT THE  
11 CORRECTIVE OR MITIGATING ACTIONS.

12 (E) SECURITY AUDIT.--

13 (1) THE DIRECTOR SHALL CONTRACT WITH AN INDEPENDENT  
14 CERTIFIED INFORMATION SECURITY AUDITOR OR ENTITY TO PERFORM  
15 AN INFORMATION SECURITY AUDIT OF STATE AGENCIES.

16 (2) THE DIRECTOR SHALL DETERMINE A SCHEDULE FOR  
17 CONTINUOUS STATE AGENCY INFORMATION SECURITY AUDITS.

18 (F) NOTIFICATION AND AUDITS.--THE FOLLOWING SHALL APPLY:

19 (1) THE PARTY CONDUCTING THE ASSESSMENT OR AUDIT SHALL  
20 PROVIDE THE DIRECTOR AND HEAD OF THE REVIEWED STATE AGENCY  
21 WITH A DETAILED REPORT OF THE SECURITY ISSUES IDENTIFIED,  
22 WHICH SHALL NOT BE PUBLICLY DISCLOSED.

23 (2) THE STATE AGENCY, IN COOPERATION WITH THE OFFICE,  
24 SHALL PROVIDE THE DIRECTOR WITH A CORRECTIVE ACTION PLAN THAT  
25 REMEDiates ISSUES IDENTIFIED IN THE DETAILED REPORT UNDER  
26 PARAGRAPH (1), WHICH SHALL NOT BE PUBLICLY DISCLOSED.

27 (3) THE DIRECTOR SHALL ISSUE A PUBLIC REPORT ON THE  
28 GENERAL RESULTS OF THE ASSESSMENT THAT SHALL BE ACCESSIBLE ON  
29 THE PORTAL UNDER SECTION 4319 (RELATING TO STATEWIDE  
30 INFORMATION TECHNOLOGY TRANSPARENCY PORTAL).

1 (G) EFFECT OF SECTION.--NOTHING IN THIS SECTION SHALL BE  
2 CONSTRUED TO PRECLUDE THE AUDITOR GENERAL OR THE GENERAL  
3 ASSEMBLY FROM ASSESSING THE SECURITY PRACTICES OF STATE  
4 INFORMATION TECHNOLOGY SYSTEMS AS PART OF ITS STATUTORY DUTIES  
5 AND RESPONSIBILITIES.

6 § 4353. ASSESSMENT OF COMPLIANCE WITH SECURITY STANDARDS.

7 (A) FREQUENCY.--THE DIRECTOR SHALL BIANNUALLY ASSESS THE  
8 ABILITY OF EACH STATE AGENCY'S CONTRACTED VENDORS TO COMPLY WITH  
9 THE CURRENT SECURITY STANDARDS ESTABLISHED UNDER THIS CHAPTER.

10 (B) CONTENTS.--THE DIRECTOR SHALL ESTABLISH A QUANTIFIABLE  
11 OBJECTIVE METRIC THAT MEASURES THE DEGREE OF COMPLIANCE WITH  
12 CURRENT SECURITY STANDARDS. THE ASSESSMENT UNDER THIS SECTION  
13 SHALL, AT A MINIMUM:

14 (1) QUANTIFY THE DEGREE OF COMPLIANCE WITH THE CURRENT  
15 SECURITY STANDARDS USING THE METRIC.

16 (2) INCLUDE SECURITY ORGANIZATION, SECURITY PRACTICES,  
17 SECURITY INFORMATION STANDARDS, NETWORK SECURITY  
18 ARCHITECTURE, SYSTEMS DEVELOPMENT AND LIFECYCLE MANAGEMENT  
19 AND CURRENT EXPENDITURES OF STATE FUNDS FOR INFORMATION  
20 SECURITY.

21 (3) INCLUDE AN ESTIMATE OF THE COST TO IMPLEMENT THE  
22 SECURITY MEASURES NEEDED FOR STATE AGENCIES TO FULLY COMPLY  
23 WITH THE ESTABLISHED STANDARDS.

24 (C) SUBMITTAL OF INFORMATION.--EACH STATE AGENCY SHALL  
25 SUBMIT INFORMATION REQUIRED BY THE DIRECTOR FOR THE ASSESSMENTS  
26 UNDER THIS SECTION.

27 § 4354. JOINT CYBERSECURITY OVERSIGHT COMMITTEE.

28 (A) ESTABLISHMENT AND MEMBERSHIP.--THE JOINT CYBERSECURITY  
29 OVERSIGHT COMMITTEE IS ESTABLISHED AND SHALL CONSIST OF THE  
30 FOLLOWING MEMBERS:

1           (1) THE DIRECTOR.

2           (2) THE FOLLOWING INDIVIDUALS APPOINTED BY THE PRESIDENT  
3 PRO TEMPORE OF THE SENATE:

4           (I) TWO MEMBERS OF THE SENATE.

5           (II) A REPRESENTATIVE FROM THE INFORMATION  
6 TECHNOLOGY OFFICE OF THE MAJORITY CAUCUS OF THE SENATE.

7           (3) THE FOLLOWING INDIVIDUALS APPOINTED BY THE MINORITY  
8 LEADER OF THE SENATE:

9           (I) ONE MEMBER OF THE SENATE.

10           (II) A REPRESENTATIVE FROM THE INFORMATION  
11 TECHNOLOGY OFFICE OF THE MINORITY CAUCUS OF THE SENATE.

12           (4) THE FOLLOWING INDIVIDUALS APPOINTED BY THE SPEAKER  
13 OF THE HOUSE OF REPRESENTATIVES:

14           (I) TWO MEMBERS OF THE HOUSE OF REPRESENTATIVES.

15           (II) A REPRESENTATIVE FROM THE INFORMATION  
16 TECHNOLOGY OFFICE OF THE MAJORITY CAUCUS OF THE HOUSE OF  
17 REPRESENTATIVES.

18           (5) THE FOLLOWING INDIVIDUALS APPOINTED BY THE MINORITY  
19 LEADER OF THE HOUSE OF REPRESENTATIVES:

20           (I) ONE MEMBER OF THE HOUSE OF REPRESENTATIVES.

21           (II) A REPRESENTATIVE FROM THE INFORMATION  
22 TECHNOLOGY OFFICE OF THE MINORITY CAUCUS OF THE HOUSE OF  
23 REPRESENTATIVES.

24           (6) THE ATTORNEY GENERAL OR A DESIGNEE OF THE ATTORNEY  
25 GENERAL.

26           (7) THE CHIEF INFORMATION OFFICER OF:

27           (I) THE DEPARTMENT OF THE AUDITOR GENERAL.

28           (II) THE TREASURY DEPARTMENT.

29           (III) THE OFFICE OF ATTORNEY GENERAL.

30           (IV) THE ADMINISTRATIVE OFFICE OF PENNSYLVANIA

1           COURTS.

2           (V) THE PENNSYLVANIA PUBLIC UTILITY COMMISSION.

3           (8) FOUR PRIVATE CITIZENS APPOINTED BY THE GOVERNOR WITH  
4 PROFESSIONAL CYBERSECURITY EXPERIENCE.

5           (9) THE COMMISSIONER OF THE PENNSYLVANIA STATE POLICE OR  
6 A DESIGNEE OF THE COMMISSIONER.

7           (10) A MEMBER OF THE NATIONAL GUARD EXPERIENCED IN  
8 CYBERSECURITY, AS APPOINTED BY THE ADJUTANT GENERAL.

9           (B) CHAIRPERSON AND VICE CHAIRPERSON.--THE CHAIRPERSON OF  
10 THE COMMITTEE SHALL BE APPOINTED BY THE GOVERNOR, AND THE VICE  
11 CHAIRPERSON OF THE COMMITTEE SHALL BE APPOINTED BY THE  
12 CHAIRPERSON.

13          (C) STAFFING.--

14           (1) THE COMMITTEE SHALL BE STAFFED BY THE OFFICE, WHICH  
15 SHALL SUPPORT AND ASSIST THE COMMITTEE.

16           (2) COSTS INCURRED FOR MILEAGE FOR A MEMBER SHALL BE  
17 REIMBURSED BY THE INDIVIDUAL OR ENTITY APPOINTING THE MEMBER.

18          (D) SERVICE OF MEMBERS.--EACH MEMBER OF THE COMMITTEE SHALL  
19 SERVE AT THE PLEASURE OF THE INDIVIDUAL WHO APPOINTED THE  
20 MEMBER.

21          (E) VACANCIES.--A VACANCY IN THE MEMBERSHIP OF THE COMMITTEE  
22 SHALL BE FILLED BY THE APPOINTING AUTHORITY IN THE SAME MANNER  
23 AS THE ORIGINAL APPOINTMENT.

24          (F) MEETINGS.--

25           (1) THE COMMITTEE SHALL MEET AT LEAST ON A QUARTERLY  
26 BASIS AND NO LATER THAN THE FIRST THURSDAY OF EACH QUARTER.

27           (2) THE CHAIRPERSON OF THE COMMITTEE, WITH THE CONSENT  
28 OF THE VICE CHAIRPERSON OF THE COMMITTEE, MAY SCHEDULE  
29 ADDITIONAL MEETINGS OF THE COMMITTEE.

30           (3) THE CHAIRPERSON OF THE COMMITTEE SHALL PROVIDE THE

1 MEMBERS OF THE COMMITTEE WITH NOTICE OF THE TIME AND LOCATION  
2 OF EACH MEETING OF THE COMMITTEE NO LATER THAN ONE WEEK PRIOR  
3 TO THE MEETING. NOTICE SHALL ALSO BE PROVIDED TO THE  
4 GOVERNOR, THE PRESIDENT PRO TEMPORE OF THE SENATE AND THE  
5 SPEAKER OF THE HOUSE OF REPRESENTATIVES.

6 (4) NOTICE OF THE MEETINGS OF THE COMMITTEE SHALL BE  
7 PROVIDED BY REGULAR MAIL AND E-MAIL.

8 (5) A MEMBER OF THE COMMITTEE MAY PARTICIPATE IN A  
9 MEETING OF THE COMMITTEE IN PERSON, BY TELECONFERENCE, BY  
10 VIDEO CONFERENCE OR BY OTHER MEANS AS AGREED TO BY THE  
11 CHAIRPERSON AND VICE CHAIRPERSON OF THE COMMITTEE.

12 (6) A MEETING OF THE COMMITTEE SHALL NOT BE SUBJECT TO  
13 65 PA.C.S. CH. 7 (RELATING TO OPEN MEETINGS).

14 (7) A MEETING HELD BY THE COMMITTEE IN WHICH THE  
15 COMMITTEE ACCEPTS TESTIMONY SHALL COMPLY WITH 65 PA.C.S. CH.  
16 7.

17 (G) DUTIES.--

18 (1) THE COMMITTEE SHALL REVIEW AND COORDINATE  
19 CYBERSECURITY POLICIES AND DISCUSS EMERGING CYBERSECURITY  
20 THREATS, RECOMMENDED POLICY CHANGES AND ASSESS CURRENT  
21 CYBERSECURITY WITHIN THIS COMMONWEALTH.

22 (2) THE COMMITTEE SHALL PREPARE A REPORT OF ITS  
23 ACTIVITIES, WHICH SHALL BE TRANSMITTED TO THE FOLLOWING:

24 (I) THE GOVERNOR.

25 (II) THE PRESIDENT PRO TEMPORE OF THE SENATE.

26 (III) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

27 (IV) THE MAJORITY LEADER AND THE MINORITY LEADER OF  
28 THE SENATE.

29 (V) THE MAJORITY LEADER AND THE MINORITY LEADER OF  
30 THE HOUSE OF REPRESENTATIVES.



1 OFFICE AND ANY EMPLOYEE OF A STATE AGENCY INVOLVED IN  
2 MANAGEMENT OR OVERSIGHT, INCLUDING CONTRACT ADMINISTRATION,  
3 OF THE INFORMATION TECHNOLOGY PROJECT MAY NOT HAVE A  
4 FINANCIAL INTEREST OR PERSONAL BENEFICIAL INTEREST, EITHER  
5 DIRECTLY OR INDIRECTLY, IN THE PURCHASE OF OR CONTRACT FOR  
6 INFORMATION TECHNOLOGY. THE FINANCIAL INTEREST OR PERSONAL  
7 INTEREST SHALL EXTEND TO A CORPORATION, PARTNERSHIP, COMPANY,  
8 TRUST, ASSOCIATION OR OTHER ENTITY FURNISHING INFORMATION  
9 TECHNOLOGY TO THE COMMONWEALTH OR ANY OF ITS STATE AGENCIES.

10 (2) AN OFFICIAL COVERED IN PARAGRAPH (1) MAY NOT ACCEPT  
11 OR RECEIVE, DIRECTLY OR INDIRECTLY, ANY OF THE FOLLOWING:

12 (I) ANYTHING OF MONETARY OR OTHER VALUE, WHETHER BY  
13 REBATE, GIFT OR OTHERWISE.

14 (II) A PROMISE, OBLIGATION OR CONTRACT FOR FUTURE  
15 REWARD, EMPLOYMENT OR COMPENSATION, REGARDLESS OF THE  
16 BUSINESS OR NONBUSINESS NATURE OF THE PROMISE, OBLIGATION  
17 OR CONTRACT.

18 (B) CRIMINAL PENALTIES.--A PERSON THAT VIOLATES SUBSECTION  
19 (A) COMMITS A FELONY OF THE THIRD DEGREE. UPON CONVICTION, THE  
20 PERSON SHALL BE REMOVED FROM OFFICE OR STATE EMPLOYMENT.

21 § 4364. CERTIFICATION OF SUBMITTAL WITHOUT COLLUSION.

22 (A) DUTY.--THE DIRECTOR SHALL REQUIRE BIDDERS UNDER THIS  
23 CHAPTER TO CERTIFY THAT EACH BID ON INFORMATION TECHNOLOGY  
24 CONTRACTS OVERSEEN BY THE OFFICE IS SUBMITTED COMPETITIVELY AND  
25 WITHOUT COLLUSION.

26 (B) GRADING.--A PERSON THAT PROVIDES A FALSE CERTIFICATION  
27 UNDER THIS SECTION COMMITS A MISDEMEANOR OF THE FIRST DEGREE.

28 SUBCHAPTER G

29 PENNSYLVANIA STATEWIDE RADIO NETWORK

30 SEC.



1 4371. DEFINITIONS.

2 4372. ADMINISTRATION OF PA-STARNET.

3 4373. PA-STARNET COMMITTEE.

4 § 4371. DEFINITIONS.

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

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

13 "COMMISSIONER." THE COMMISSIONER OF PENNSYLVANIA STATE  
14 POLICE.

15 "COMMITTEE." THE PA-STARNET COMMITTEE ESTABLISHED UNDER §  
16 4373 (RELATING TO PA-STARNET COMMITTEE).

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

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

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

29 "PENNSYLVANIA STATEWIDE RADIO NETWORK" OR "PA-STARNET." A  
30 STATEWIDE RADIO NETWORK COMPRISING A COMMUNICATION AND

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

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

15 "STATE POLICE." THE PENNSYLVANIA STATE POLICE.  
16 § 4372. ADMINISTRATION OF PA-STARNET.

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

21 (B) PURPOSES.--THE STATE POLICE SHALL ADMINISTER PA-STARNET  
22 FOR:

23 (1) THE BENEFIT OF THE PARTICIPATING AGENCIES;  
24 (2) THE SUPPORT OF EFFECTIVE COMMUNICATIONS AT CRITICAL  
25 PUBLIC EVENTS; AND

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

28 (C) POLICIES AND PROCEDURES.--THE STATE POLICE SHALL  
29 ESTABLISH POLICIES AND PROCEDURES FOR THE SPECIFICATION,  
30 PROCUREMENT, DEVELOPMENT, TESTING, CONFIGURATION, OPERATIONS,

1 USE, REPLACEMENT AND MAINTENANCE OF PA-STARNET RESOURCES.

2 § 4373. PA-STARNET COMMITTEE.

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

9 SECTION 2. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.