

First Regular Session
Seventieth General Assembly
STATE OF COLORADO

DRAFT
1.23.15

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(D)

LLS NO. 15-0795.01 Nicole Myers x4326

HOUSE BILL

HOUSE SPONSORSHIP

Tyler,

SENATE SPONSORSHIP

(None),

BILL TOPIC: "Office Of Information Technology Modifications"
DEADLINES: File by: 2/5/2015

A BILL FOR AN ACT

101 CONCERNING CLARIFICATIONS IN CONNECTION WITH THE
102 PROCUREMENT RESPONSIBILITIES OF THE OFFICE OF
103 INFORMATION TECHNOLOGY. <{*is procurement too narrow?*}>

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill makes the following modifications in connection with the office of information technology (office):

- Defines "enterprise agreement" for purposes of the office as an agreement to purchase information technology equipment and other information technology related goods

- or services;
- Redefines "enterprise facility" for purposes of the office to include specified state buildings and vendor facilities where state data, equipment, information technology, and information technology related goods will be stored or where information technology related services will be performed;
- Clarifies that procuring enterprise facilities and using enterprise agreements for procurement purposes are included in the responsibilities of the office; and
- Eliminates provisions that exempt the office from using emergency procurement procedures specified in the "Procurement Code" and that require the office to promulgate rules for emergency procurement procedures.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 24-37.5-102, **amend**
3 (1.7); and **add** (1.6) as follows:

4 **24-37.5-102. Definitions.** As used in this article, unless the
5 context otherwise requires:

6 (1.6) "ENTERPRISE AGREEMENT" MEANS ANY AGREEMENT FOR THE
7 PURCHASE OF INFORMATION TECHNOLOGY OR FOR THE PURCHASE OF
8 GOODS OR SERVICES THAT ARE RELATED TO INFORMATION TECHNOLOGY
9 THAT THE OFFICE ENTERS INTO FOR THE BENEFIT OF THE STATE AND THAT
10 IS CREATED IN FURTHERANCE OF THE OFFICE'S REQUIREMENTS OR
11 RESPONSIBILITIES SPECIFIED IN THIS ARTICLE.

12 (1.7) "Enterprise facility" means ~~an enterprise facility for~~
13 ~~providing information technology services~~ ANY FACILITY, INCLUDING
14 STATE OFFICES, STATE WAREHOUSES, STATE LEASED SPACES, AND VENDOR
15 FACILITIES THAT THE OFFICE DESIGNATES AS A FACILITY WHERE STATE
16 DATA, EQUIPMENT, INFORMATION TECHNOLOGY, OR GOODS RELATED TO
17 INFORMATION TECHNOLOGY WILL BE LOCATED OR WHERE SERVICES

1 RELATED TO INFORMATION TECHNOLOGY WILL BE PERFORMED.

2 SECTION 2. In Colorado Revised Statutes, 24-37.5-105, amend
3 (3) (i) and (8) introductory portion as follows:

4 24-37.5-105. Office - responsibilities - rules. (3) The office
5 shall:

6 (i) Initiate or approve all procurements of information technology
7 resources, ENTERPRISE FACILITIES, AND ANY GOODS OR SERVICES RELATED
8 TO SUCH PROCUREMENTS for state agencies and enter into any agreement,
9 or contract, OR ENTERPRISE AGREEMENT in connection with such a
10 procurement PROCUREMENTS on behalf of a state agency or agencies;

11 ~~(8) Notwithstanding any other provision of law, any emergency~~
12 ~~acquisition or purchase of information technology resources by the office~~
13 ~~shall not be subject to the provisions of the "Procurement Code", articles~~
14 ~~101 to 112 of this title. The chief information officer, in consultation with~~
15 ~~and with the approval of the executive director of the department of~~
16 ~~personnel, shall promulgate rules pursuant to article 4 of this title~~
17 ~~specifying the criteria for such emergency acquisitions or purchases. On~~
18 ~~or before September 1, 2009, and on or before September 1 each year~~
19 ~~thereafter, the chief information officer shall report to the state, veterans,~~
20 ~~and military affairs committees of the senate and house of representatives,~~
21 ~~or any successor committees, to the joint technology committee, and to~~
22 ~~the joint budget committee the following information for each emergency~~
23 ~~acquisition or purchase of information technology resources made in the~~
24 ~~preceding fiscal year: <{Instead of amending statute to be silent~~
25 ~~regarding the procurement code, do you want to clarify that the office~~
26 ~~shall follow the procedures specified in the procurement code?>~~

27 SECTION 3. Act subject to petition - effective date. This act

1 takes effect at 12:01 a.m. on the day following the expiration of the
2 ninety-day period after final adjournment of the general assembly (August
3 5, 2015, if adjournment sine die is on May 6, 2015); except that, if a
4 referendum petition is filed pursuant to section 1 (3) of article V of the
5 state constitution against this act or an item, section, or part of this act
6 within such period, then the act, item, section, or part will not take effect
7 unless approved by the people at the general election to be held in
8 November 2016 and, in such case, will take effect on the date of the
9 official declaration of the vote thereon by the governor. <{Ask
10 Member}>