

# STATE OF KANSAS

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DONNA R. SHELITE, INTERIM CHIEF INFORMATION TECHNOLOGY OFFICER

To: Chairman Estes & Members of the Senate Federal and State Affairs Committee  
From: Donna Shelite, Interim Chief Information Technology Officer  
Date: March 8, 2018  
Re: House Bill 2438

Thank you for the opportunity to come testify on behalf of House Bill 2438.

OITS has two concerns with the current language of the legislation.

For large, complex state systems it is common for the State to use contractors to build, operate and enhance systems to meet Federal and State policy, improve program and system effectiveness and evolve technology efficiencies through initiatives (projects). These efforts may have stand-alone budgets with Federal participation. The required project documentation including budget estimates, project timeline, testing and release schedules often begin with the vendor providing a change request estimate for the work. It would not be practical to use another vendor to develop these materials necessary for approval. The current language could prohibit the current vendor from performing the work without having exception approval from the CITO each time major changes were contemplated. While this may be a pro-forma exercise in practice, it does create potential delays in the execution of system compliance and enhancement activities.

This legislation may also limit agency engagement with vendors in buy -vs- build scenarios for the purchase and customization of information technology since it would be nearly impossible to produce the necessary documents for project approval without that vendors participation. It is normal practice for agencies to engage with established vendors to perform innovation discovery, feasibility analysis, initial project planning and to determine the fit of innovation technology to agency needs. These vendors may avoid these engagements in the future since their participation could technically bar them from participation in the project execution.

We ask that the language be amended to require that all vendor participation in the preparation of the project approval documents must be noted.

### ***Current Bill Language***

*(3) (A) Agencies are prohibited from contracting with a vendor to implement the project if that vendor prepared or assisted in the preparation of the program statement required under subsection (a), the project planning documents required under subsection (b)(1), or any other project plans prepared prior to the project being approved by the chief information technology officer as required under subsection (b)(1). (B) Information technology projects with an estimated cumulative cost of less than \$5,000,000 are exempted from the provisions of subparagraph (A). (C) The provisions of subparagraph (A) may be waived with prior written permission from the chief information technology officer.*

### **Proposed Alternative Language**

(3) (A) Agency submissions shall clearly declare any and all vendor or other 3<sup>rd</sup> party participation and/or assistance in preparation of the program statement required under subsection (a), the project planning documents required under subsection (b)(1), or any other project plans prepared prior to the project being approved by the chief information technology officer as required under subsection (b)(1).