

**Notice of Intent**  
Office of Technology Services

OTS Consolidation (LAC 4: XV. 101, 301, 303, 501, 503, 701)

The Office of Technology Services, Division of Administration announces its intent to repeal LAC, Title 4 Part XV Information Technology, Chapter 3, section 303; and to amend Chapter 1, section 101; Chapter 3, section 301; Chapter 5, sections 501 and 503; and Chapter 7, section 701. The Office of Technology Services is also submitting the Fiscal and Economic Statement supporting the repeal and the amendments.

Act 712 of the 2014 Regular Legislative Session created a consolidated Office of Technology Services (OTS) headed by the State Chief Information Officer and granted the new Office sole authority in establishing, defining, and coordinating all IT systems and services affecting the management and operations of the in-scope executive cabinet agencies of state government. The transfer of functions, positions, assets, and funds between and within departments to form OTS and its ancillary responsibilities to charge user agencies for all or part of the cost of its operation have also been authorized. In addition, OTS will have the sole responsibility for the procurement of IT systems and services for in-scope agencies. Act 712 became effective July 1, 2014.

The fiscal impact in FY 2015 of the IT consolidation is projected to be a net savings in State general Fund of \$24,700.00. Savings will be realized through leveraging economies of scale in consolidated procurements, improved resource utilization, maximizing shared services, and efficiency gains in provision of IT support services.

**Title 4**  
**ADMINISTRATION**

**Part XV. Information Technology**

**Chapter 1. General Provisions**

**§101. General**

A. Under the authority of the Administrative Procedure Act, R.S. 49:950 et seq., and in accordance with R.S. 39:15.1-6 in Act 712 of the 2014 Regular Session, the position of the State Chief Information Officer (CIO) and the Office of Technology Services were established to manage and direct the following information technology initiatives:

1. establishing and coordinating all information technology systems and information technology services affecting the management and operations of the executive branch of state government;
2. overseeing and implementing a state master information technology plan on an annual basis;

3. establishing and directing the implementation of information technology standards, architecture, and guidelines;
4. reviewing, coordinating, and standardizing information technology;
5. implementing strategic information technology planning;
6. assessing the performance of information technology systems and technology operations and personnel;
7. assuring compatibility and connectivity of Louisiana's information systems; overseeing and coordinating the centralization of the technology systems and data processing systems;
8. overseeing all telecommunication systems;
9. assuring compatibility and connectivity of Louisiana's information systems;
10. facilitating and fostering innovative applications of emerging technologies;
11. reviewing and overseeing information technology projects and systems for compliance with statewide strategies, policies, and standards;
12. providing support and technical assistance to the office of state purchasing, the office of contractual review, the office of facility planning and control, and the office of planning and budget;
13. overseeing and coordinating access to state information that is electronically available online from agency web sites;
14. facilitating a process among state agencies to identify services that are favorable for electronic delivery;
15. providing direction to the Louisiana Geographic Information Systems Council and the Louisiana Geographic Information Center (LAGIC) for coordination of geographic data, geographic technology, and geographic standards of the state;
16. identifying information technology applications that should be statewide in scope;
17. reviewing and approving the receipt by executive agencies of information technology goods and services and telecommunication systems and services from non-appropriated sources, including but not limited to grants, donations, and gifts;
18. preparing annual reports and plans concerning the status and result of the state's specific information technology plans;

19. facilitating and fostering the identification of the policy and planning data needs of the state;
20. charging respective user agencies for the cost of information technology systems and information technology services provided by the office of technology services and may include all or part of the cost of the operation of the office;
21. acting as the sole centralized customer for the acquisition, billing, and record keeping of information technology systems or information technology services provided to state agencies.
22. developing coordinated information technology systems or information technology services within and among all state agencies and require, where appropriate, cooperative utilization of information technology; and
23. reviewing, coordinating, approving, or disapproving requests by state agencies for the procurement of information technology systems or information technology services including information technology proposals, studies, and contracts.

AUTHORITY NOTE: Promulgated in accordance with Act 712 of the 2014 Regular Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Information Technology, LR 28:1583 (July 2002), repromulgated LR 28:1954 (September 2002), amended by the Office of the Governor, Division of Administration, Office of Technology Services, LR 40:

### **Chapter 3. State Agencies Responsibilities**

#### **§301. General**

A. All agencies under the authority of Act 712 must comply with the policies and guidelines promulgated by the Office of Technology Services.

AUTHORITY NOTE: Promulgated in accordance with Act 712 of the 2014 Regular Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Information Technology, LR 28:1583 (July 2002), repromulgated LR 28:1955 (September 2002), amended by the Office of the Governor, Division of Administration, Office of Technology Services, LR 40:

#### **§303 Information Technology Coordination**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Act 712 of the 2014 Regular Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Information Technology, LR 28:1583 (July 2002), repromulgated

LR 28:1955 (September 2002), repealed by the Office of the Governor, Division of Administration, Office of Technology Services, LR 40:

## **Chapter 5. Policy and Guidelines**

### **§501. General**

A. It is the intent of the Office of Technology Services to develop formal IT policies, standards and guidelines relative to information technology activities including but not limited to the following:

1. implementing IT standards for hardware, software, and consolidation of services;
2. directing and managing IT planning, procurement, and budgeting;
3. directing and managing centralization/consolidation of technology systems and services and provision of shared IT resources;
4. assuring compatibility and connectivity of Louisiana's information systems;
5. directing and managing IT projects and systems for compliance with statewide strategies, goals, and standards

B. The policies, standards and guidelines of the Office of Technology Services will be promulgated via the OTS website at <http://doa.louisiana.gov/>.

### **§503. Policy Distribution**

A. The official method of publishing/distributing OTS policies, standards and guidelines will be via the OTS website at: [at http://doa.louisiana.gov](http://doa.louisiana.gov)

B. Other electronic delivery systems will be utilized as appropriate to notify agencies of adopted policies and guidelines.

AUTHORITY NOTE: Promulgated in accordance with Act 712 of the 2014 Regular Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Information Technology, LR 28:1583 (July 2002), repromulgated LR 28:1955 (September 2002, amended by the Office of the Governor, Division of Administration, Office of Technology Services LR 40:.

## **Chapter 7. Submitting and Receiving Electronic Bids for Public Works Contracts and for the Purchase of Materials and Supplies by Political Subdivisions**

### **§701. General Provisions**

A. Electronic bid is to be an alternative, rather than exclusive, method to a paper bid.

B. In addition to including the information required for paper bidding, when accepting bids electronically, the advertisement must:

1. specify any special condition or requirement for the submission;

2. contain the electronic address of the public entity.

C. Online Service Provider Minimum Requirements

1. Compliance with applicable law and rules:

a. Public Works contract law—R.S. 38:2212;

b. materials and supplies contract law—R.S. 38:2212.1;

c. the Louisiana Uniform Electronic Transaction Act—R.S. 9:2601-2619, particularly R.S. 9:2619(A) which provides that the commissioner of administration shall encourage and promote consistency and interoperability with similar requirements adopted by other governmental agencies of this state, other states, federal government, and nongovernmental persons interacting with governmental agencies of this state [R.S. 9:2619(A)] while recognizing that, if appropriate, standards may specify differing levels of standards from which governmental agencies of this state may choose in implementing most appropriate standard for particular application. [R.S. 9:2619(B)];

d. Louisiana Administrative Code, Title 4, Part XV, Chapter 7—"Implementation of Electronic Signatures in Global and National Commerce Act—P.L. 106-229";

e. security standards promulgated by the Office of Technology Services of the state's Division of Administration.

2. Be accessible over the Internet via a modem or a network connection.

3. Be available daily, 7 days a week, 24 hours daily, except for maintenance, and be reliable with better than 99.95 percent uptime with backup.

4. Provide two-way service—publishes on the Internet public works bid-related information from the political subdivision to the contracting community, and allows online, secure public works bid submission from the contracting community to the political subdivision.

5. Automatically send bid receipt to bidder whenever a bid is submitted to the provider, with the receipt digitally signed by the provider and using the same technology used by the bidder to sign the bid.

6. Have accurate retrieval or conversion of electronic forms of such information into a medium which permits inspection and copying.

7. Ensure that bid cannot be read by anyone until the public bid opening. When bid is submitted to the provider, bid must be encrypted before sending using the political subdivision's key. Encryption level must ensure security.

8. Ensure that if a bidder requests that an electronic bid be withdrawn before the bid deadline, it will not be passed on, or be accessible, to the political subdivision.

9. Ensure that only the last electronic bid submission from a person is kept and passed on, or made accessible, to the political subdivision.

10. Ensure that bid is not passed on, or accessible, to political subdivision until the public bid opening.

11. Enable electronic bid bond submission and verification with at least two participating surety agencies.

12. Ensure secure digital signature.

13. Uses public/private key pair technology for encrypting and digitally signing documents.

14. Provide telephone support desk, at a minimum, from 8 a.m. to 7 p.m., Monday through Friday, except for legal holidays. Provides voice mail after business hours with messages being addressed the next business day. E-mail and fax support addresses are available 24 hours a day and be answered the next business day.

**AUTHORITY NOTE:** Promulgated in accordance with Act 831 of the 2003 Regular Session of the Louisiana Legislature and Act 203 of the 2006 Regular Session of the Louisiana Legislature.

**HISTORICAL NOTE:** Promulgated by the Office of the Governor, Division of Administration, Office of Information Technology, LR 32:2052 (November 2006), amended by the Office of the Governor, Division of Administration, Office of Technology Services LR 40:

#### **Family Impact Statement**

In compliance with ACT 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this Rule will have no impact on family functioning, stability and autonomy as described in R.S. 49:972.

#### **Poverty Impact Statement**

It is anticipated that the proposed action will have no significant impact on:

1. household income, assets, and financial security;
2. early childhood or educational development;
3. employment and workforce development;
4. taxes and tax credits; or
5. child and dependent care, housing, health care, nutrition, transportation and utilities assistance.

#### **Small Business Statement**

It is anticipated that the proposed Rule will not have a significant adverse impact on small businesses as defined in the Regulatory Flexibility Act. The agency, consistent with health, safety, environmental and economic factors has considered and, where possible, utilized regulatory methods in drafting the proposed Rule to accomplish the objectives of applicable statutes while minimizing any anticipated adverse impact on small businesses.

#### **Provider Impact Statement**

The proposed rulemaking will have no provider impact as described in HCR 170 of 2014

### **Public Comments**

Interested persons may submit written comments on this proposed Rule to Richard Howze, Office of Technology Services, P.O. Box 94095, Baton Rouge, LA 70804-9095. All comments must be received by close of business on November 10, 2014.