

1853

2009-2010 Regular Sessions

I N S E N A T E

February 9, 2009

Introduced by Sen. KLEIN -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT to amend the state finance law, in relation to contents of the budget relating to appropriations for certain information technology projects

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 22 of the state finance law is amended by adding a
2 new subdivision 17 to read as follows:
3 17. A. WITH RESPECT TO APPROPRIATIONS FOR ANY INFORMATION TECHNOLOGY
4 PROJECT INVOLVING ONE OR MORE CONTRACTS AND TOTALLING FIVE MILLION
5 DOLLARS OR MORE PROPOSED FOR FUNDING IN THE BUDGET SUBMITTED ANNUALLY BY
6 THE GOVERNOR TO THE LEGISLATURE, EXCLUDING CAPITAL PLAN PROJECTS, THE
7 AMOUNT REQUESTED TO FUND EACH SUCH PROJECT SHALL BE SET FORTH AS A SEPA-
8 RATE ITEM OF APPROPRIATION. NOTWITHSTANDING ANY PROVISION OF LAW TO THE
9 CONTRARY, SUCH APPROPRIATION OR A PORTION THEREOF SHALL BE MADE AVAIL-
10 ABLE ONLY UPON THE SUBMISSION TO THE DIRECTOR OF THE BUDGET, THE CHAIR-
11 PERSON OF THE SENATE FINANCE COMMITTEE AND THE CHAIRPERSON OF THE ASSEM-
12 BLY WAYS AND MEANS COMMITTEE, OF A PROJECT DESIGN, DEVELOPMENT AND
13 IMPLEMENTATION PLAN PREPARED BY THE COMMISSIONER OF THE LEAD AGENCY FOR
14 THE PROJECT. SUCH PLAN SHALL INCLUDE, BUT NOT BE LIMITED TO, A SCHEDULE
15 FOR THE DESIGN, DEVELOPMENT AND IMPLEMENTATION OF THE PROJECT THAT IDEN-
16 TIFIES FUNCTIONAL DESIGN COMPONENTS, SPECIFICATIONS, AND REQUIREMENTS,
17 KEY MILESTONES, TIMETABLE, THE ESTIMATED COST OF EACH PHASE OF THE
18 PROJECT AND WEIGHS THE APPROPRIATENESS OF DISCRETE TECHNICAL AND FUNC-
19 TIONAL PROJECT COMPONENTS. THE PLAN SHALL DOCUMENT THE RATIONALE FOR
20 PROJECT SCOPE AND METHOD OF PROCUREMENT, INCLUDING WHETHER THE PROJECT
21 WILL BE PROCURED AS A SINGLE CONTRACT OR AS SEPARATE CONTRACTS OF
22 DISCRETE TECHNICAL AND FUNCTIONAL COMPONENTS. ANY EXPENDITURE MADE
23 PURSUANT TO SUCH APPROPRIATION SHALL BE IN ACCORDANCE WITH SUCH PLAN.

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets [] is old law to be omitted.

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1 B. WITHIN THIRTY DAYS FOLLOWING THE SUBMISSION OF THE BUDGET BY THE
2 GOVERNOR FOR EACH FISCAL YEAR, BEGINNING WITH THE TWO THOUSAND NINE--TWO
3 THOUSAND TEN FISCAL YEAR, THE DIRECTOR OF THE BUDGET SHALL TRANSMIT TO
4 THE CHAIRS OF THE SENATE FINANCE COMMITTEE AND THE ASSEMBLY WAYS AND
5 MEANS COMMITTEE A REPORT WHICH INCLUDES PROJECT SPECIFIC INFORMATION FOR
6 THE PROPOSED APPROPRIATIONS IDENTIFIED IN PARAGRAPH A OF THIS SUBDIVI-
7 SION AND ANY OTHER PROJECTS WHICH APPEAR AS SEPARATE ITEMS OF APPROPRI-
8 ATION EXCLUDING CAPITAL PLAN PROJECTS. SUCH REPORT SHALL SET FORTH:
9 (I) EXISTING OR ANTICIPATED CONTRACTS, INCLUDING THE AGENCY OR AGEN-
10 CIES WHICH LET OR ANTICIPATE LETTING SUCH CONTRACTS;
11 (II) VENDOR NAME WHEN AVAILABLE;
12 (III) A DESCRIPTION OF THE PROJECT AND CONTRACT PURPOSE IN LESS THAN
13 THIRTY WORDS;
14 (IV) WHETHER SUCH CONTRACTS ARE OR ARE ANTICIPATED TO BE CENTRALIZED
15 CONTRACTS;
16 (V) ANTICIPATED LIFE TIME CONTRACT COSTS, BROKEN DOWN BY FISCAL YEAR;
17 (VI) CONTRACT AMENDMENTS AND/OR CHANGE ORDERS FOR THE CURRENT FISCAL
18 YEAR, INCLUDING VALUE IF ANY AND REASONS THEREFOR;
19 (VII) THE ESTIMATED DATE OF CONTRACT COMPLETION, INCLUDING ANNUAL
20 TIMETABLE FOR A MULTI-YEAR CONTRACT AND ANY CHANGE IN SUCH TIMETABLE
21 SINCE THE PREVIOUS REPORT AND THE REASONS THEREFOR;
22 (VIII) THE TOTAL OF ALL EXPENDITURES ON SUCH SPECIFIC CONTRACTS MADE
23 PRIOR TO THE THEN CURRENT FISCAL YEAR, INCLUDING ALL AGENCIES WHICH HAVE
24 INCURRED SUCH COSTS INCLUDING WHEN EXPENDITURES ARE MADE OFF OF A
25 CENTRALIZED CONTRACT;
26 (IX) THE TOTAL AMOUNT OF EXPENDITURES ON SUCH SPECIFIC CONTRACTS ESTI-
27 MATED TO BE MADE DURING THE THEN CURRENT FISCAL YEAR AND DURING EACH OF
28 THE NEXT ENSUING FIVE FISCAL YEARS FOR MULTI-YEAR CONTRACTS, INCLUDING
29 ALL AGENCIES WHICH HAVE INCURRED SUCH COSTS INCLUDING WHEN EXPENDITURES
30 ARE MADE OFF OF A CENTRALIZED CONTRACT;
31 (X) WHETHER SUCH PROJECT IS FINANCED BY THE ISSUANCE OF CERTIFICATES
32 OF PARTICIPATION OR SIMILAR INSTRUMENTS AND THE ASSOCIATED COSTS RELATED
33 THERETO; AND
34 (XI) SUCH OTHER INFORMATION AS NECESSARY TO FULLY DESCRIBE THE STATE
35 OBLIGATION WITH REGARD TO SUCH SPECIFIC OR ANTICIPATED CONTRACTS.
36 S 2. The state finance law is amended by adding a new section 2-b to
37 read as follows:
38 S 2-B. ADDITIONAL DEFINITION. AS USED IN SUBDIVISION SEVENTEEN OF
39 SECTION TWENTY-TWO OF THIS CHAPTER, THE TERM "INFORMATION TECHNOLOGY"
40 SHALL MEAN A GOOD, SERVICE OR GOOD AND SERVICE THAT RESULTS IN A
41 DIGITAL, ELECTRONIC OR SIMILAR TECHNICAL METHOD OF ACHIEVING A PRACTICAL
42 PURPOSE OR IN IMPROVEMENTS IN PRODUCTIVITY, INCLUDING BUT NOT LIMITED TO
43 INFORMATION MANAGEMENT, EQUIPMENT, SOFTWARE, OPERATING SYSTEMS, INTER-
44 FACE SYSTEMS, INTERCONNECTED SYSTEMS, TELECOMMUNICATIONS, DATA MANAGE-
45 MENT, NETWORKS, AND NETWORK MANAGEMENT, CONSULTING, SUPPLIES, FACILI-
46 TIES, MAINTENANCE AND TRAINING.
47 S 3. This act shall take effect on the first of July next succeeding
48 the date on which it shall have become a law.