S T A T E O F N E W Y O R K

3618

2009-2010 Regular Sessions

I N A S S E M B L Y

January 27, 2009

Introduced by M. of A. BRENNAN, DESTITO, KOON, ORTIZ, CAHILL, BRADLEY, JAFFEE, JOHN, COLTON -- Multi-Sponsored by -- M. of A. BENJAMIN, BRODSKY, CLARK, CYMBROWITZ, DIAZ, ENGLEBRIGHT, GOTTFRIED, LIFTON, McENENY, MILLMAN, NOLAN, PEOPLES, PHEFFER, SWEENEY -- read once and referred to the Committee on Ways and Means

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

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

Section 1. Subdivision 14 of section 22 of the state finance law is REPEALED, and a new subdivision 14 is added to read as follows:

14. A. WITH RESPECT TO APPROPRIATIONS FOR ANY INFORMATION TECHNOLOGY PROJECT INVOLVING ONE OR MORE CONTRACTS AND TOTALLING TEN MILLION DOLLARS OR MORE PROPOSED FOR FUNDING IN THE BUDGET SUBMITTED ANNUALLY BY THE GOVERNOR TO THE LEGISLATURE, EXCLUDING CAPITAL PLAN PROJECTS, THE AMOUNT REQUESTED TO FUND EACH SUCH PROJECT SHALL BE SET FORTH AS A SEPARATE ITEM OF APPROPRIATION. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, SUCH APPROPRIATION OR A PORTION THEREOF SHALL BE MADE AVAILABLE ONLY UPON THE SUBMISSION TO THE DIRECTOR OF THE BUDGET, THE CHAIRPERSON OF THE SENATE FINANCE COMMITTEE AND THE CHAIRPERSON OF THE ASSEMBLY WAYS AND MEANS COMMITTEE, OF A PROJECT DESIGN, DEVELOPMENT AND IMPLEMENTATION PLAN PREPARED BY THE COMMISSIONER OF THE LEAD AGENCY FOR THE PROJECT. SUCH PLAN SHALL INCLUDE, BUT NOT BE LIMITED TO, A SCHEDULE FOR THE DESIGN, DEVELOPMENT AND IMPLEMENTATION OF THE PROJECT THAT IDENTIFIES FUNCTIONAL DESIGN COMPONENTS, SPECIFICATIONS, AND REQUIREMENTS, KEY MILESTONES, TIMETABLE, THE ESTIMATED COST OF EACH PHASE OF THE PROJECT AND WEIGHS THE APPROPRIATENESS OF DISCRETE TECHNICAL AND FUNCTIONAL PROJECT COMPONENTS. THE PLAN SHALL DOCUMENT THE RATIONALE FOR PROJECT SCOPE AND METHOD OF PROCUREMENT, INCLUDING WHETHER THE PROJECT

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

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WILL BE PROCURED AS A SINGLE CONTRACT OR AS SEPARATE CONTRACTS OF DISCRETE TECHNICAL AND FUNCTIONAL COMPONENTS. ANY EXPENDITURE MADE PURSUANT TO SUCH APPROPRIATION SHALL BE IN ACCORDANCE WITH SUCH PLAN.

B. WITHIN THIRTY DAYS FOLLOWING THE SUBMISSION OF THE BUDGET BY THE GOVERNOR FOR EACH FISCAL YEAR, BEGINNING WITH THE TWO THOUSAND NINE--TWO THOUSAND TEN FISCAL YEAR, THE DIRECTOR OF THE BUDGET SHALL TRANSMIT TO THE CHAIRS OF THE SENATE FINANCE COMMITTEE AND THE ASSEMBLY WAYS AND MEANS COMMITTEE A REPORT WHICH INCLUDES PROJECT SPECIFIC INFORMATION FOR THE PROPOSED APPROPRIATIONS IDENTIFIED IN PARAGRAPH A OF THIS SUBDIVISION AND ANY OTHER PROJECTS WHICH APPEAR AS SEPARATE ITEMS OF APPROPRIATION EXCLUDING CAPITAL PLAN PROJECTS. SUCH REPORT SHALL SET FORTH:

(I) EXISTING OR ANTICIPATED CONTRACTS, INCLUDING THE AGENCY OR AGENCIES WHICH LET OR ANTICIPATE LETTING SUCH CONTRACTS;

(II) VENDOR NAME WHEN AVAILABLE;

(III) A DESCRIPTION OF THE PROJECT AND CONTRACT PURPOSE IN LESS THAN THIRTY WORDS;

(IV) WHETHER SUCH CONTRACTS ARE OR ARE ANTICIPATED TO BE CENTRALIZED CONTRACTS;

(V) ANTICIPATED LIFE TIME CONTRACT COSTS, BROKEN DOWN BY FISCAL YEAR;

(VI) CONTRACT AMENDMENTS AND/OR CHANGE ORDERS FOR THE CURRENT FISCAL YEAR, INCLUDING VALUE IF ANY AND REASONS THEREFOR;

(VII) THE ESTIMATED DATE OF CONTRACT COMPLETION, INCLUDING ANNUAL TIMETABLE FOR A MULTI-YEAR CONTRACT AND ANY CHANGE IN SUCH TIMETABLE SINCE THE PREVIOUS REPORT AND THE REASONS THEREFOR;

(VIII) THE TOTAL OF ALL EXPENDITURES ON SUCH SPECIFIC CONTRACTS MADE PRIOR TO THE THEN CURRENT FISCAL YEAR, INCLUDING ALL AGENCIES WHICH HAVE INCURRED SUCH COSTS INCLUDING WHEN EXPENDITURES ARE MADE OFF OF A CENTRALIZED CONTRACT;

(IX) THE TOTAL AMOUNT OF EXPENDITURES ON SUCH SPECIFIC CONTRACTS ESTIMATED TO BE MADE DURING THE THEN CURRENT FISCAL YEAR AND DURING EACH OF THE NEXT ENSUING FIVE FISCAL YEARS FOR MULTI-YEAR CONTRACTS, INCLUDING ALL AGENCIES WHICH HAVE INCURRED SUCH COSTS INCLUDING WHEN EXPENDITURES ARE MADE OFF OF A CENTRALIZED CONTRACT;

(X) WHETHER SUCH PROJECT IS FINANCED BY THE ISSUANCE OF CERTIFICATES OF PARTICIPATION OR SIMILAR INSTRUMENTS AND THE ASSOCIATED COSTS RELATED THERETO; AND

(XI) SUCH OTHER INFORMATION AS NECESSARY TO FULLY DESCRIBE THE STATE OBLIGATION WITH REGARD TO SUCH SPECIFIC OR ANTICIPATED CONTRACTS.

S 2. The state finance law is amended by adding a new section 2-b to read as follows:

S 2-B. ADDITIONAL DEFINITION. AS USED IN SUBDIVISION FOURTEEN OF SECTION TWENTY-TWO OF THIS CHAPTER, THE TERM "INFORMATION TECHNOLOGY" SHALL MEAN A GOOD, SERVICE OR GOOD AND SERVICE THAT RESULTS IN A DIGITAL, ELECTRONIC OR SIMILAR TECHNICAL METHOD OF ACHIEVING A PRACTICAL PURPOSE OR IN IMPROVEMENTS IN PRODUCTIVITY, INCLUDING BUT NOT LIMITED TO INFORMATION MANAGEMENT, EQUIPMENT, SOFTWARE, OPERATING SYSTEMS, INTERFACE SYSTEMS, INTERCONNECTED SYSTEMS, TELECOMMUNICATIONS, DATA MANAGEMENT, NETWORKS, AND NETWORK MANAGEMENT, CONSULTING, SUPPLIES, FACILITIES, MAINTENANCE AND TRAINING.

S 3. This act shall take effect July 1, 2009.