

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE BILL 217

Short Title: DIT Changes.-AB (Public)

Sponsors: Representatives Saine, Jones, and K. Hall (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: State and Local Government, if favorable, Rules, Calendar, and Operations of the House

February 28, 2019

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE MISCELLANEOUS AND TECHNICAL CHANGES TO THE
3 STATUTES RELATING TO THE DEPARTMENT OF INFORMATION TECHNOLOGY.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 143B-1350 reads as rewritten:

6 "**§ 143B-1350. Procurement of information technology.**

7 ...

8 (c) The Department shall, subject to the provisions of this Part, do all of the following
9 with respect to State information technology procurement:

10 ...

11 (3) Establish standardized, consistent processes, specifications, and standards that
12 shall apply to all information technology to be purchased, licensed, or leased
13 by State agencies and relating to information technology personal services
14 contract requirements for State agencies, ~~including, but not limited to,~~
15 ~~requiring convenience contracts to be rebid prior to termination without~~
16 ~~extensions.~~ agencies.

17 ...

18 (5) Establish procedures to permit State agencies and local government entities to
19 use multiple award schedule contracts and other cooperative purchasing
20 agreements.

21 ...

22 (f1) Multiple-Award Schedule Contracts. – The procurement of information technology
23 may be conducted using multiple award schedule contracts. Contracts awarded under this
24 subsection shall be periodically updated as directed by the State CIO to include addition or
25 deletion of particular vendors, goods, services, or pricing.

26"

27 **SECTION 2.** G.S. 143B-1362 reads as rewritten:

28 "**§ 143B-1362. Personal services contracts subject to Article.**

29 (a) Requirement. – Notwithstanding any other provision of law, information technology
30 personal services contracts for executive branch agencies shall be subject to the same
31 requirements and procedures as information technology service contracts, except as provided in
32 this section.

33 (b) Certain Approvals Required. – Notwithstanding any provision of law to the contrary,
34 no information technology personal services contract, nor any contract that provides personnel



1 to perform information technology functions regardless of the cost of the contract, may be
2 established or renewed without written approval from the Department of Information Technology
3 and the Office of State Budget and Management. To facilitate compliance with this requirement,
4 the Department of Information Technology shall develop and document ~~the following:~~

5 (1) ~~Standards for determining whether it is more appropriate for an agency to hire
6 an employee or use the services of a vendor.~~

7 (2) ~~A process to monitor all State agency information technology personal services
8 contracts, as well as any other State contracts providing personnel to perform information
9 technology functions.~~

10 (3) ~~A functions and a process for obtaining approval of contractor positions.~~

11 (c) ~~Creation of State Positions in Certain Cases. — The Department of Information
12 Technology shall review current information technology personal services contracts on an
13 ongoing basis and determine if each contractor is performing a function that could more
14 appropriately be performed by a State employee. Where the determination is made that a State
15 employee should be performing the function, the Department of Information Technology shall
16 work with the impacted agency and the Office of State Human Resources to identify or create
17 the position.~~

18 (d) ~~Compliance Audits Required. — The Department of Information Technology shall
19 conduct periodic audits of State agencies that are subject to this Article to determine the degree
20 to which those agencies are complying with the rules and procedures that govern information
21 technology personal services contracts.~~

22 (e) Reporting Required. — The Department of Information Technology shall report
23 biennially to the Joint Legislative Oversight Committee on Information Technology and the
24 Fiscal Research Division on ~~all of the following:~~

25 (1) ~~Its progress toward standardizing information technology personal services
26 contracts.~~

27 (2) ~~The the number of information technology service contractors in each State agency,
28 the cost for each, and the comparable cost, including benefits, of a State employee serving in that
29 capacity rather than a contractor.~~

30 (3) ~~The results of the compliance audits conducted pursuant to subsection (d) of
31 this section.~~

32 (f) Information Technology Personal Services Contract Defined. — For purposes of this
33 section, the term "personal services contract" means a contract for services provided by a
34 professional individual as an independent contractor on a temporary or occasional basis.

35 (g) ~~Rules Required. — The Department of Information Technology shall adopt rules
36 consistent with this section."~~

37 **SECTION 3.** G.S. 143-787(d) reads as rewritten:

38 "(d) ~~The Office of the State Chief Information Officer shall ensure that the Section is
39 provided with all necessary access to the Government Data Analytics Center and all other
40 information technology services."~~

41 **SECTION 4.** G.S. 143B-1420(a) reads as rewritten:

42 "(a) Council Established. — The North Carolina Geographic Information Coordinating
43 Council ("Council") is established to develop policies regarding the utilization of geographic
44 information, GIS systems, and other related technologies. The Council shall be responsible for
45 the following:

46 (1) Strategic planning.

47 (2) Resolution of policy and technology issues.

48 (3) Coordination, direction, and oversight of State, local, and private GIS efforts.

49 (4) Advising the Governor, the General Assembly, and the State Chief
50 Information Officer as to needed directions, responsibilities, and funding
51 regarding geographic information.

1 The purpose of this statewide geographic information coordination effort shall be to further
2 cooperation among State, federal, and local government agencies; academic institutions; and the
3 private sector to improve the quality, access, cost-effectiveness, and utility of North Carolina's
4 geographic information and to promote geographic information as a strategic resource in the
5 State. The Council shall be located in the ~~Office of the Governor~~ Department of Information
6 Technology for organizational, budgetary, and administrative purposes."

7 **SECTION 5.** G.S. 143B-1353 reads as rewritten:

8 "**§ 143B-1353. Financial interest of officers in sources of supply; acceptance of bribes.**

9 Neither the State CIO, any deputy State CIO, or any other policy-making or managerially
10 exempt personnel shall be financially interested, or have any personal beneficial interest, either
11 directly or indirectly, in the purchase of, or contract for, any information technology, nor in any
12 firm, corporation, partnership, or association furnishing any information technology to the State
13 government or any of its departments, institutions, or ~~agencies, nor shall any agencies.~~ The
14 provisions of G.S. 133-32 apply to all of these persons or any and all other Department employee
15 accept or receive, directly or indirectly, from any person, firm, or corporation to whom any
16 contract may be awarded, by rebate, gifts, or otherwise, any money or anything of value
17 whatsoever, or any promise, obligation, or contract for future reward or compensation.
18 employees. Violation of this section is a Class F felony, and any person found guilty of a violation
19 of this section shall, upon conviction, be removed from State office or employment."

20 **SECTION 6.** This act is effective when it becomes law.