WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION
Form #2

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1990 AUG -7 PM 2:02
OFFICE OF WEST VIRGINIA SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: Department of Administration: Information Services & Communications TITLE NUMBER: 161

RULE TYPE: Legislative ; CITE AUTHORITY W.V.Code Section 5A-7-2

AMENDMENT TO AN EXISTING RULE: YES___ NO X

IF YES, SERIES NUMBER OF RULE BEING AMENDED: ________

TITLE OF RULE BEING AMENDED: ________

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: One (1)

TITLE OF RULE BEING PROPOSED: Plan of Operation

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON September 15, 1990 AT 4:30 p.m.

ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

Information Services & Communications
Capitol Complex Bldg. 6 Room B-112
Charleston, W.V. 25305
Attn: Director

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.

[signature]

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

STATE OF WEST VIRGINIA
DEPARTMENT OF ADMINISTRATION
State Capitol
Charleston, WV 25305

Gaston Caperton
Governor

Chuck Polan
Secretary

FILED
1990 AUG -7 PM 12:02
OFFICE OF WEST VIRGINIA SECRETARY OF STATE

August 7 , 1990

Honorable Ken Hechler
Secretary of State
Suite 157-K
Capitol Building
Charleston, West Virginia 25305

Re: Legislative Rules For The Plan Of Operation Of The Information Services And Communications Division

Dear Mr. Hechler:

Approval is hereby given for filing of legislative rules for the Plan Of Operation for the Information Services and Communications Division, entitled "Plan Of Operation," as enclosed, in accordance with West Virginia Code, 5A-7-2.

Sincerely,

Chuck Polan

Chuck Polan
Secretary

CP:bt

Attachment

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Plan Of Operation

Type of Rule: x Legislative ____ Interpretive ____ Procedural

Agency Infomation Services & Communication Address Capital Complex Bldg. 6 Room B-102 Charleston, WV 25305

1. Effect of Proposed Rule	ANNUAL Increase	Decrease	FISCAL YEAR Current	Next	Thereafter
Estimated Total Cost	$	$	$	$	$
Personal Services					
Current Expense					
Repairs and Alterations					
Equipment					
Other					

2. Explanation of above estimates: No additional costs are anticipated by implementing these rules.

3. Objectives of these rules: To establish the plan of operation for the Information and Communications Division.

SUMMARY OF PROPOSED RULE

To establish the plan of operation for the Information and Communications Division.

FILED

1993 AUG -7 PM 12: 03

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

161 CSR 1

TITLE 161

LEGISLATIVE RULES
WEST VIRGINIA DEPARTMENT OF ADMINISTRATION

INFORMATION SERVICES AND COMMUNICATIONS DIVISION

SERIES 1

PLAN OF OPERATION

Section - -1. General.

1.1 Scope--These Legislative Rules establish the plan of operation for the Information Services and Communications Division for data processing, telecommunication, and central mailing office services. These rules supplement West Virginia Code article seven, chapter five-a, and must be read in conjunction with this article.

1.2 Authority--West Virginia Code 5A-7-2.

1.3 Filing Date--

1.4 Effective Date--

Section - -2. Applicable Departments.

These Legislative rules shall apply to each spending unit of state or local government or any other entity served by the Information Services and Communications Division, hereinafter "ISC", except where otherwise provided.

Section - -3. Rate Schedules and Invoicing.

3.1 Rate Schedules.

ISC's rate structure is developed at the beginning of each fiscal year and reviewed quarterly for the first three quarters. Each revenue center charges for goods or services to enable that revenue center to be self-sufficient. Actual costs are accumulated for each revenue center and compared against the revenues received for the corresponding period. Differences will be evaluated to determine if an adjustment of the rate and/or if debits or credits are required to remedy large variances between billing and operating expenses by individual revenue center. Comparisons are made for each revenue center for the current period using cumulative history. Major considerations for rate determinations include such things as the total cumulative recovery position for all services and the changes expected in future cost or usage that would effect the recovery levels. If rate revisions are required during any fiscal year, these revisions shall be announced to users prior to implementation.

3.2 Rates for Services.

(a) Each user shall be invoiced for services rendered, with charges to be fixed in a schedule or schedules prepared by the Director and approved by the Governor. A schedule of federal reimbursable rates and a Federal Cost Allocation Plan complying with the U. S. Office of Management and Budget Circular Number A-87 shall be submitted annually, to assist agencies receiving federal funds in determining the portion of the ISC bill that is reimbursable using federal funds. Nevertheless, the ISC billing rate is the rate all ISC users will pay for services.

(b) User billings are based upon standard rates for services provided by ISC. Standard rates are calculated using the known and anticipated fiscal year resource costs divided by the projected resource usage expressed in terms of billable units, and will, as nearly as may be practical reflect the actual costs incurred in the performance of services rendered to user agencies. If actual costs or actual usage vary greatly from the projections upon which the rates are based, a cost center will recover more or less than is necessary for it to be self-sufficient. Adjustments are made to increase or decrease future rates to compensate for this variance.

3.3 Rates for Dedicated Charges.

Costs for dedicated charges shall be invoiced on the basis of the actual cash expenditures made by ISC for the benefit of the user and a service charge. As these charges are frequently unknown until the service has been performed and the invoice is received from the vendor, the charges shall be determined upon receipt of the invoice from the vendor providing the goods or services.

3.4 Invoicing.

Users will be invoiced on a monthly basis for ISC services. Invoices will show each chargeable service performed for the agency during the previous month and will be mailed on or about the fifteenth day of each month. An exception to this schedule is when an agency's monthly ISC charges are less than $5.00. Invoices in this category will be held and sent only three times a year: approximately November 15, March 15, and July 15.

Section --4. Requisition Review.

4.1 General.

ISC shall review and, in most cases, approve all data processing and office automation hardware, software and consulting requests for State spending units. All spending units shall submit documentation requesting such goods and services to ISC for review prior to issuing a formal purchasing document. Exceptions may be granted by the Secretary of Administration.

4.2 Procedures.

ISC review shall focus upon the cost justification of the request, as well as its suitability within the overall environment of the user and the State in relation to integration and communication. ISC shall make recommendations regarding the appropriate procurement method to be utilized (e.g., statewide contract, direct purchase, bids attached, competitive bid, etc.).

4.3 Procurement of Data Processing Equipment.

Any spending unit desiring to procure data processing equipment shall contact ISC for assistance in preparing the justification document showing agency need. Once the need is approved, ISC will work with the agency in determining the appropriate equipment type needed and procurement method. The agency will then be responsible for preparing the final procurement document, attaching the ISC approval of need, and submitting it to ISC for final processing.

ISC shall forward all procurement documents to Purchasing, through the Budget Section, for processing.

4.4 Procurement of Office Automation Equipment.

Any spending unit desiring to procure office automation equipment should first contact ISC for assistance in preparing the justification document showing agency need. If the need is approved and if the equipment is to be procured from statewide contract, ISC and the vendor will work with the spending unit to determine the appropriate equipment configuration. The spending unit will then be responsible for preparing the final procurement document, attaching the ISC approval of need and the recommended configuration sheet, for submission to ISC for final processing. During this approval process, ISC and the vendor will work with the spending unit to develop an installation support plan, including an analysis of the environmental specifications and a training plan, and, if necessary, a conversion plan and statement of proposed consulting assistance required to become operational.

4.5 Acquisition of Consulting Services.

(a) Under $250,000.00 - For acquisition of consulting services estimated to cost less than $250,000.00, the spending unit must submit a WV-84 Consulting Questionnaire and a draft Letter of Solicitation (LOS) to ISC for approval. An LOS is a letter sent out to the vendor community which addresses the spending unit's needs and expectations of the potential consultant. After ISC approval is received, the spending unit will send the LOS to potential bidders. Upon receipt of responses from vendors, the spending unit will evaluate and make a recommendation for award. This recommendation, along with complete documentation and a WV-47, shall be forwarded to ISC for approval. ISC will review the request and upon approval, forward to Purchasing.

(b) $250,000.00 and Over - For acquisition of consulting services estimated to cost $250,000.00 or more, the spending unit must submit a WV-84 Consulting Questionnaire and an LOS to ISC for approval. Upon ISC approval, the spending unit shall submit a WV-35, the LOS and the ISC approval letter to Purchasing for bidding purposes. The spending unit shall be responsible for evaluating the bids received, making a recommendation and preparing a WV-47, as well as for forwarding the recommendation and WV-47 to ISC. ISC will review the package and upon approval forward it to Purchasing for award.

4.6 Acquisition of Software Packages and Software Maintenance.

If a spending unit desires to procure software estimated to cost in excess of $10,000, it shall complete the Software Questionnaire, form WV-85, and submit it to ISC for approval. Once approval is granted, the final procurement document and copies of any past correspondence must be forwarded to ISC for final processing. ISC shall forward all procurement documents to the Purchasing Division, through the Budget Section, for processing.

4.7 Monetary Limit.

The current ISC review policy requires a formal review, as outlined previously in section 4.6, of all requests which exceed a total purchase price of $10,000.00. Procurements under the

$10,000.00 limit also require a letter of justification, but the involvement of ISC is after-the-fact in that copies of the documents are sent to ISC after the purchase to insure the solution is viable. This policy is for the convenience of the spending units and requires the least amount of time for commodity and service acquisition. The total purchase price is intended to include all items associated with the procurement effort and circumvention of the dollar limitation by splitting invoices among different payment dates or procurement documents may result in revocation of this privilege.