



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-
MAKING REVIEW COMMITTEE**

AGENCY: Office of Technology TITLE-SERIES: 163-02
RULE TYPE: Legislative Amendment to Existing Rule: No Repeal of existing rule: No
RULE NAME: 163-02 Chief Information Officer Review

PRIMARY CONTACT

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CITE STATUTORY AUTHORITY: 5A-6-4, 5A-6-5, 5A-6-6

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

This is a new rule. Article 6 of Chapter 5A of the West Virginia Code describes the powers and duties of the Chief Information Officer, including providing rulemaking authority to effectuate the statutory provisions. This rule provides the process for CIO review of technology investment, reflecting the changes adopted during the 2021 Regular Session that revamped the Project Management Office.

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)? No

IF YES, DO YOU CERTIFY THAT THE ONLY CHANGES TO THE RULE ARE THE FILING DATE, EFFECTIVE DATE AND AN EXTENSION OF THE SUNSET DATE? Yes

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/23/2021

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/23/2021

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

None

SUMMARY OF THE CONTENT OF THE LEGISLATIVE RULE, AND A DETAILED DESCRIPTION OF THE RULE'S PURPOSE AND ALL PROPOSED CHANGES TO THE RULE:

This is a new rule. Article 6 of Chapter 5A of the West Virginia Code describes the powers and duties of the Chief Information Officer, including providing rulemaking authority to effectuate the statutory provisions. This rule provides the process for CIO review of technology investment, reflecting the changes adopted during the 2021 Regular Session that revamped the Project Management Office.

STATEMENT OF CIRCUMSTANCES WHICH REQUIRE THE RULE:

The code section at issue was updated and modernized during the 2021 Session in SB 486. The rule provides the process by which the CIO will review and approve technology investments.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED LEGISLATIVE RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

None

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

None

C. ECONOMIC IMPACT OF THE LEGISLATIVE RULE ON THE STATE OR ITS RESIDENTS:

None

D. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2021 Increase/Decrease (use "-")	2022 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0	0	0
Personal Services	0	0	0
Current Expenses	0	0	0
Repairs and Alterations	0	0	0
Assets	0	0	0
Other	0	0	0
2. Estimated Total Revenues	0	0	0

E. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

None

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Jennelle Jones -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

TITLE 163
LEGISLATIVE RULE
WEST VIRGINIA OFFICE OF TECHNOLOGY

SERIES 2
CHIEF INFORMATION OFFICER REVIEW

§ 163-2-1. General Provisions.

1.1. Scope. -- This legislative rule establishes requirements relating to the review and management of technology projects.

1.2. Authority. -- W. Va. Code §5A-6-4, 5A-6-5, and 5A-6-6.

1.3. Filing Date. --

1.4. Effective Date. --

1.5. Sunset Provision: This rule shall terminate and have no further force or effect on August 1, 2027.

§ 163-2-2. Definitions.

2.1. "Technology project" means a project where technology is a significant component and is valued at \$250,000 or more, or will involve sensitive or restricted data. Technology projects include but is not limited to hardware, software, consulting services, maintenance investments.

§ 163-2-3. Chief Information Officer review of technology projects.

3.1. The Chief Information Officer will assign the Project Management Office technology projects submitted for review and approval. The Project Management Office will provide a recommendation to the Chief Information Officer for approval of the project.

§ 163-2-4. Steering Committee Oversight of Technology Projects.

4.1. The Chief Information Officer may create steering committees for approved technology projects as needed. The steering committee will be charged with oversight and decision making of a specific technology project.

4.1.1. The steering committee will oversee the development of the solicitation necessary for the project and be responsible for submitting the project for requisition review prescribed by statute and administrative rule.

4.1.2. The steering committee will collect information about the project needed for technology portfolio management by the Project Management Office.

4.1.3. The steering committee will submit any necessary information about the project to the Cyber Security Risk Program via the Program's online tool.

4.2. A steering committee shall consist of no more than seven key decision makers, representing the West Virginia Office of Technology and the Agency. The steering committee will be made up of the Chief Information Officer or designee, assigned Office of Technology project manager, agency head or designee, agency financial or budget representative, agency business process representative, agency technical project owner, plus any other members necessary to the technology project. Alternative members of the steering committee may be approved by the Chief Information Officer on a case by case basis.

§ 163-2-5. Chief Information Officer review of technology investment.

5.1. Agencies shall submit all proposed technology investments to the Chief Information Officer for review.

5.1.2. The Chief Information Officer's review of the investment will focus on the cost and its suitability within the overall environment of both the agency and the State as a whole in relation to integration and communications with existing systems.

5.1.2.a. The Chief Information Officer shall set by policy the threshold for value of technology investment to be reviewed. The Chief Information Officer is authorized to provide form approvals or minimum value approvals, however may require project or investment information to be reported by agencies for informational purposes.

5.1.2.b. Agencies must submit investments for review by the Chief Information Officer prior to submitting the procurement documentation for the investment to the Purchasing Division.

5.1.2.c. Review shall include the documentation required by the Purchasing Division and information describing the need for the proposed investment and any alternative solutions considered.

5.1.3. The Chief Information Officer may recommend an appropriate purchasing method for the proposed investment.

5.1.4. The Chief Information Officer's approval of proposed investment valued at over the threshold for review must be attached to any procurement documentation when submitted to the Purchasing Division.

5.2. Exceptions to this review process may be granted by the Secretary.