



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE**

AGENCY: Office of Technology TITLE-SERIES: 163-02
RULE TYPE: Legislative Amendment to Existing Rule: No Repeal of existing rule: No
RULE NAME: Chief Information Officer Review
CITE STATUTORY AUTHORITY: 5A-6-4, 5A-6-5, 5A-6-6

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) HB 4114

Section 64-2-3 Passed On 2/18/2022 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

March 2, 2022

This rule shall terminate and have no further force or effect from the following date:

August 01, 2027

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. -- March 2, 2022.

1.4. Effective Date. -- March 2, 2022.

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 are not limited to hardware, software, consulting services, and maintenance investments.

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

3.1. The Chief Information Officer shall assign the Project Management Office technology projects submitted for review and approval. The Project Management Office shall 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.

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 shall be made up of the Chief Information Officer or his or her designee, the assigned Office of Technology project manager, the agency head or his or her designee, the agency's financial or budget representative, the agency's business process representative, the agency's technical project owner, plus any other members necessary to the technology project. The Chief Information Officer may approve alternative members of the steering committee on a case by case basis.

4.3 The steering committee shall be charged with oversight and decision making of a specific technology project.

4.3.1. The steering committee shall 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.

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

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

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

5.1. Agencies shall submit all proposed technology procurements to the Chief Information Officer for review prior to submitting the procurement documentation for the investment to the Purchasing Division.

5.1.2. The Chief Information Officer's review of the procurement shall 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 the value of technology procurement to be reviewed. The Chief Information Officer may provide form approvals or minimum value approvals, however he or she may require project or investment information to be reported by agencies for informational purposes.

5.1.2.b. The review shall include the documentation required by the Purchasing Division and information describing the need for the proposed procurement and any alternative solutions considered.

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

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

5.2. The Secretary of the Department of Administration may grant exceptions to this review process.