WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Information Services And Communcations Divisions TITLE-SERIES: 161-01

RULE TYPE: Legislative Amendment to Existing Rule: No Repeal of existing rule: Yes

RULE NAME: PLAN OF OPERATION

CITE STATUTORY AUTHORITY: W.Va. Code §5A-7-2.

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 10/18/2024 5:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

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PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

INCORPORATED BY REFERENCE: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

PROVIDE A BRIEF SUMMARY OF THE CONTENT OF THE RULE:

Enacted legislation merged the Information Services and Communication Division (IS&C) into the West Virginia Office of Technology (WVOT). Repealing this rule will remove it from the IS&C series. WVOT filed a new rule in WVOTs series that includes the same content.

SUMMARIZE IN A CLEAR AND CONCISE MANNER CONTENTS OF CHANGES IN THE RULE AND A STATEMENT OF CIRCUMSTANCES REQUIRING THE RULE:

Enacted legislation merged the Information Services and Communication Division (IS&C) into the West Virginia Office of Technology (WVOT). Repealing this rule will remove it from the IS&C series. WVOT filed a new rule in WVOTs series that includes the same content.

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

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

None

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

None

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

None

D. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2024 Increase/Decrease (use "-")	2025 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):

No impact.

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

Yes
Misty Peal -- 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 161~~
~~LEGISLATIVE RULES~~
~~INFORMATION SERVICES AND COMMUNICATIONS DIVISION~~

~~SERIES 1~~
~~PLAN OF OPERATION~~

~~161-1-1. General.~~

~~1.1. Scope--This Legislative Rule establishes the plan of operation for the Information Services and Communications Division of the Department of Administration for data processing, telecommunication, and central mailing office services. These rules supplement West Virginia Code §5A-7-1 et seq., and must be read in conjunction with this article.~~

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

~~1.3. Filing Date--April 3, 1991~~

~~1.4. Effective Date--April 3, 1991~~

~~161-1-2. Applicability.~~

~~2.1. This Legislative Rule applies to each spending unit of the executive branch of state government utilizing the services of the Purchasing Division of the Department of Administration or any other entity utilizing the services of the Information Services and Communications Division.~~

~~161-1-3. Definitions.~~

~~3.1. As used in this rule, all terms shall have the same meaning as provided in West Virginia Code §5A-7-1, and as follows:~~

~~(a) "Cost center" means expenses related to a specific resource.~~

~~(b) "Dedicated charges" means expenses for a resource that is solely for the benefit of a single user.~~

~~(c) "Director" means the Director of the Information Services and Communications Division of the Department of Administration.~~

~~(d) "ISC" means the Information Services and Communications Division of the Department of Administration.~~

~~(e) "Purchasing Division" means the Purchasing Division of the Department of Administration.~~

~~(f) "Resource" means a service or commodity provided by ISC.~~

~~(g) "Revenue center" means a specific type of resource that generates revenue.~~

~~(h) "Secretary" means the Secretary of the Department of Administration.~~
~~(i) "User" means a spending unit of the executive branch of state government utilizing the services of~~

~~the Purchasing Division or any other entity utilizing the services of ISC.~~

~~161-1-4. Rate Schedules and Invoicing.~~

~~4.1. Rate Schedules.~~

~~ISC's rate schedules are 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 between costs and revenues will be evaluated to determine if an adjustment of the rate is required and/or if debits or credits are required to remedy large variances between billing and operating expenses by an individual revenue center. Comparisons are made for each revenue center for the current fiscal year or quarter using the cumulative history of all revenues and expenses and usage that would effect the rate structure. If rate revisions shall be announced to users prior to implementation.~~

~~4.2. 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 users 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 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.~~

~~4.3. 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 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.~~

~~4.4. Invoicing.~~

~~Users will be invoiced on a monthly basis for ISC services. Invoices will show each chargeable service performed for the user during the previous month and will be mailed on or about the fifteenth day of each month. An exception to this schedule is when a user'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.~~

~~161-1-5. Requisition Review.~~

~~5.1. General.~~

~~ISC shall review and approve prior to submission of the requests to the Purchasing Division all~~

~~automation hardware, software, consulting and associated maintenance requests of uses estimated to cost in excess of $10,000. Requests estimated to cost $10,000 or less shall be submitted to ISC for informational purposes. Review shall include the appropriate documents required by the Purchasing Division and information describing the need for the request and any alternative solutions considered. Exceptions to the review process may be granted by the Secretary.~~

~~5.2. Procedures.~~

~~ISC review shall focus upon the cost of the request and its suitability within the overall environment of the user and the State in relation to integration and communication with existing systems. ISC shall make recommendations regarding to appropriate purchasing method to be utilized. Approval of ISC shall be attached to requests estimated to cost in excess of $10,000 when submitted to the Purchasing Division.~~

~~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.~~