

OFFICE OF THE GOVERNOR

Governor's Office of Information Technology

RULES IN SUPPORT OF THE OFFICE OF INFORMATION TECHNOLOGY

8 CCR 1501-6

[Editor's Notes follow the text of the rules at the end of this CCR Document.]

R 24-37.5-105(8). 1 Authority

This rule is adopted pursuant to § 24-37.5-105(8) CRS and the State Administrative Procedure Act § 24-4-101 et seq. CRS.

R 24-37.5-105(8). 2 Scope and Purpose

- A. This rule governs the purchase of information technology related goods and services in emergency situations.
- B. This rule does not apply to non-emergency purchases or to purchases of construction or non-IT related goods and services.
- C. The Statement of Basis and Purpose is incorporated herein by reference.

R 24-37.5-105(8). 3 Applicability

This rule applies to all state agencies as defined by § 24-37.5-102(4) CRS.

R 24-37.5-105(8). 4 Definitions

- A. Chief Information Officer – see § 24-37.5-102(1) CRS
- B. Chief Information Security Officer – see § 24-37.5-403(1),(2) CRS
- C. Emergency – An emergency is a situation in which an immediate threat to public health, welfare, or safety exists, and where the situation creates an immediate need for IT equipment or services, the lack of which would threaten:
 - 1. The health or safety of any person
 - 2. Property
 - 3. The immediate functioning of one or more of the state government's essential services
 - 4. The security, confidentiality, or integrity of the state's IT systems or equipment.
 - 5. An emergency does not exist as a result of budget cycles, fiscal year end requirements, or potential loss of funding.
- D. Information Technology (IT) – see § 24-37.5-102(2)

R 24-37.5-105(8). 5 Rule

- A. An emergency must be proclaimed by the Chief Information Officer, the Chief Information Security Officer, the OIT Procurement Director, or other delegated OIT employee.
- B. Emergency procurements shall be made with such competition as is reasonable under the circumstances and shall be limited to the IT related equipment and services necessary to address the emergency. The IT related equipment and services may be purchased without regard to the Procurement Code (Articles 101-112 of Title 24, CRS).
- C. The procedure used to obtain the necessary equipment and services shall be selected to ensure that they are obtained in time to meet the emergency. Given this constraint, such competition as is reasonably practical shall be obtained. To the extent reasonably possible, emergencies will be addressed using equipment and services available through state price agreements or other existing state contracts. Requirements for competition among price agreement vendors shall not apply unless it is practical under the circumstances.
- D. All IT resource price agreements and contracts must include emergency contact information and information on emergency availability and pricing.
- E. A state Procurement Card shall be used to pay for emergency equipment and services to the maximum extent possible. The person making the emergency purchase shall obtain invoices, receipts, or other statements describing the equipment or services obtained and the price paid, sufficient to satisfy fiscal rule 2-2.
- F. Approval shall be obtained from the Chief Information Officer, Chief Information Security Officer, or OIT Procurement Director prior to any emergency purchase consistent with Fiscal Rule 2-2. However, in the event of an emergency after business hours, on weekends, or holidays, the person making the purchase shall notify the Chief Information Officer, Chief Information Security Officer, or OIT Procurement Director as soon as possible, but no later than the next working day. The Procurement Director will make a written determination stating the basis for the emergency and for selection of the contractor and will coordinate with the OIT Controller and the State Controller's Office to ensure that fiscal rule 2-2 is satisfied.
- G. On or before September 1 each year, the Chief Information Officer shall report emergency purchases and acquisitions made pursuant to this rule to the General Assembly in the manner, format, and detail required by §24-37.5-105(8).

Editor's Notes

History

Entire rule eff. 12/01/2009.