New York State Information Technology Policy	No: NYS-P08-001
IT Policy: **Plan to Procure**	**Updated:** 07/06/2023 **Issued By:** NYS Office of Information Technology Services **Owner:** Chief Technology Office

1.0 Purpose and Benefits

The purpose of this policy is to ensure New York State (NYS or State) strategically plans, procures, and manages Information Technology (IT) investments by fully leveraging the State's purchasing power and creating value for delivering better government services across the State enterprise through greater economies of scale.

This policy is designed to:

- Establish and ensure strategic alignment between the goals and strategies outlined in the NYS IT Strategic Plan.

- Position NYS government agencies, authorities, and any other relevant entities as an "enterprise" to leverage IT procurements and deployments.

- Enable better and earlier identification and coordination of IT procurement opportunities among agencies to reduce duplication and redundant spending.

- Ensure the compatibility of technology acquisitions on a statewide basis.

This policy further elaborates on the shared roles of the NYS Office of Information Technology Services (ITS) and the NYS Division of the Budget (DOB) in implementing the information technology governance framework as defined in both the Statewide Policy for Information Technology Investment and Governance H-0300 and Building a High Performance Government L-1220. Other partners critical to the successful execution of this policy are the NYS Office of the State Comptroller (OSC), and the NYS Office of General Services' (OGS) Business Services Center (BSC).

2.0 Authority

Section 103(10) of the State Technology Law provides ITS with the authority to establish statewide technology policies, including technology and security standards. *Section 2 of Executive Order No. 117*[1], issued January 2002, provides the State Chief Information Officer with the authority to oversee, direct and coordinate the establishment of information technology policies, protocols and standards for State government, including hardware, software, security, and business re-engineering. Details regarding this authority can be found in NYS ITS Policy, *NYS-P08-002 Authority to Establish State Enterprise Information Technology Policy, Standards and Guidelines*.

3.0 Scope

This policy applies to all "State Entities" (SE), as defined as "State Government" entities as defined in Executive Order 117[1], issued January 2002, or "State Agencies" as defined in Section 101 of the State Technology Law including their employees, and all third parties (e.g., local governments, consultants, vendors, and contractors), that use or access any IT resource for which the SE has administrative responsibility, including systems managed or hosted by third parties on behalf of the SE.

Procurement activities are all planned acquisitions, procurements, lease-purchases, and/or leases, including amendments to existing contracts, for covered IT products and services, regardless of the contract or procurement method utilized ("IT Purchase"). Examples include, but are not limited to, licensing agreements, open-market procurements, centralized contract procurements, or any other procurement made through or pursuant to the State Finance Law.

IT products and services covered under this policy include, but are not limited to, information management, digital or electronic equipment, software, cloud-based or other "as a service" products, operating systems, interface systems, interconnected systems, data management systems, telecommunications, networks, broadband network management, information and data storage (on-premises/off-premises), hardware, licensing, subscription, consulting, project and staff augmentation services, supplies, data center facilities, maintenance, training, and any other ancillary or related IT products and services.

4.0 Information Statement

Every State initiative must enable the most cost-efficient delivery of government services and concurrently add value to taxpayers. In accordance with DOB Budget Bulletin H-0300, Statewide Policy for Information Technology Investment and

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[1] All references to Executive Order 117 refer to that which was originally issued by Governor George E. Pataki on January 28, 2002 and continued by Executive Order 5 issued by Governor Eliot Spitzer on January 1, 2007, Executive Order 9 issued by Governor David A. Patterson on June 18, 2008, and Executive Order 2 issued by Governor Andrew M. Cuomo on January 1, 2011 and Executive Order 6 issued by Governor Kathy Hochul on October 8, 2021.

Governance, all SEs are expected to implement effective cost-control measures when procuring IT products and services and seek opportunities to collaborate and drive down IT costs whenever feasible. As such, before issuing any procurement for an IT Purchase covered by this policy, the SE must submit a Plan to Procure (PTP) and obtain approval from ITS.

To proceed with any IT Purchase, funding must first be identified in the approved fiscal year Agency Spend Plan in accordance with DOB Budget Bulletin B-1184, Agency Spending Controls: Processes and Approval Requirements, which requires DOB approval via the Agency Spending Controls Application (ASCA) for agency spending based on request type and value.

OSC and OGS BSC may require approval of a PTP as part of their administrative processes.

4.1 Plan to Procure Process

SEs should submit PTP requests and receive ITS approval within the DOB eBudget application, ASCA. The act of submitting the PTP serves as confirmation that the SE approves of the request.

4.1.1 Submission Requirements

4.1.1.1   A PTP is required for:

4.1.1.1.1   Any IT Purchase, including renewals, for covered products or services, equal to or greater than $50,000;

4.1.1.1.2   Any procurement of a cloud-based or other service that will integrate with existing ITS-supported or maintained technology assets;

4.1.1.1.3 Any aggregate IT commodity contract; or

4.1.1.1.4 Any exception to an existing aggregate IT commodity contract.

4.1.1.2   SEs submitting PTP requests for projects equal to or greater than $10 million dollars are subject to reporting requirements outlined in DOB Budget Bulletin H- 0300, Statewide Policy for Information Technology Investment and Governance.

4.1.1.3   The PTP must identify:

4.1.1.3.1   The alignment to SE business goals and/or the problem the SE is trying to solve.

4.1.1.3.2   Adherence to the NYS IT Strategic Plan, including technical and security standards that will be met.

4.1.1.3.3 The alignment with statewide objectives.

For a new IT Purchase, SEs are encouraged to consult with an ITS Portfolio Executive at least 15 days prior to the PTP submission. Where technology standards have been established, and the PTP is not in compliance with such technology standards, the requesting SE may ask ITS for an exception in the PTP submission by providing a compelling technical business case which warrants the exception. The request for an exception must include, at a minimum, the following:

4.1.1.3.4   A detailed profile of the SE's system and functional requirements including information security and compliance standards and requirements;

4.1.1.3.5   A detailed explanation of the criteria that are neither addressed by nor compatible with the State's technology standard;

4.1.1.3.6   A detailed cost/benefit analysis comparing the cost for procuring and maintaining the "non-standard" system as compared to the "standard" system;

4.1.1.3.7   A total cost of ownership case as well as a description of the process used to seek an exception to the standards; and

4.1.1.3.8 A risk analysis ascertaining sustainability for a non-standard system.

ITS will grant exceptions at its sole discretion and these will be documented in the approved PTP.

4.1.1.4   SEs are required to coordinate similar or common technology procurements across program areas, agency needs, and among their respective regional offices, institutions, and other facilities into a single, agency-wide procurement which will be reflected in a single PTP submission.

4.1.1.5   As part of the PTP, SEs must submit all solicitation (e.g., Requests for Proposals [RFP]), Requests for Quotes [RFQ], etc.) drafts and necessary supporting documents with the PTP request to facilitate a timely review and disposition.

ITS will review the PTP and may request additional documents from the SE to assist in the review.

ITS reserves the sole right to waive the PTP process for an IT Purchase when deemed in the best interest of the State.

IT Purchases operating under a court order or injunction, or mandate from a federal agency as well as critical equipment failures necessitating an emergency procurement to restore critical operations will be expedited. All must have specific deadline dates as part of the mandate. Appropriate verification documentation must be attached to the PTP request.

4.1.2 Review Process

ITS will review the submitted PTP based upon the following criteria and any other information ITS deems relevant: Detailed business case to describe the problem to be solved, or improvement being made, including process flow diagrams and/or user stories. PTP form field (attachment if additional space is needed).

- Technology solution proposed (description of the products and services). PTP form field (attachment if additional space is needed).
- Alignment with the NYS IT Strategic Plan. PTP form field (attachment if additional space is needed).
- Adherence to technical standards and security compliance requirements. PTP form field (attachment if additional space is needed).
- ITS services required (directory/network services, enterprise storage and backup, etc.). PTP form field.
- Total cost of ownership (hardware, software, consulting services, maintenance, training and other). PTP form field (attachment if additional space is needed).
- Funding source and procurement method, including purchase documentation (quotes, statements of work, RFPs, etc.). PTP form field (attachment for purchase documentation).
- Risk and risk mitigation strategies. PTP attachment.
- Knowledge transfer provisions to ensure any operational support required by ITS or the SE is accounted for. PTP attachment.
- Project schedule (purchase, start and completion dates). PTP attachment.
- Resources (number of ITS and consultant staff FTEs for both implementation and support). PTP form field (attachment if additional space is needed).

Integration points between any third party and State systems are known and adhere to technical and security standards. Any data sharing as an outcome of such integrations must adhere to all NYS policies and standards, as well as, SE data compliance rules and requirements.

Upon receipt of the results of the review and/or disposition from ITS, the requesting SE is required to resubmit the PTP request to reflect the review comments with the final solicitation documents. This step is necessary to obtain a final ITS PTP approval.

During the review, ITS may refer the PTP request to a detailed review process track to better understand the effort, or specific technology components of the IT Purchase. ITS will convene a meeting with the SE to conduct a detailed review of the PTP. Also, DOB and any other relevant stakeholders deemed appropriate by ITS may participate in these meetings pursuant to DOB Budget Bulletin H-300.

4.1.3 Disposition

All dispositions will be provided to the requesting SE via the ASCA system. Approved PTP requests will continue on through DOB's B-1184 review process.

Please note SEs must submit the final PTP approval form along with other required documentation to OSC. OSC will not approve any purchase request without a PTP

approval from ITS. If a PTP is denied, the SE can appeal or request an exception by resubmitting the request with supporting documents and a brief explanation.

4.2 Processing Time

In order to complete a thorough and timely review of PTP requests, ITS will make every effort to meet the following PTP processing targets:

- Standard processing time is 15 business days from the time of submission.
- Large or technically complex IT Purchases processing time is 30 business days from the time of submission, or within reason.

Timeframes are contingent upon, and do not begin to run until the SE submits all necessary details and information required for a decision.

4.3 Solicitations

Following the PTP approval for a 'Contracts – RFP / RFI / Pre-contract' request, the SE may issue the subject solicitation using the appropriate procurement vehicle. In cases of competitive RFPs, prior to issuance of a tentative award to a vendor, the SE must obtain ITS approval. Further, the SE cannot announce an award to any other stakeholders prior to receipt of approval from ITS.

Following completion of the RFP solicitation process, the SE must submit a new PTP for a 'Contracts – New' request containing solicitation supporting documentation, the final chosen vendor, contract cost, and total cost of ownership to sustain the project.

All technology resulting from solicitations are subject to the ITS technology integration and security review process.

4.4 Lead Agency Status for Joint or Enterprise Procurements

To advance procuring technology on behalf of the State, ITS review of a given acquisition may require the assignment of a "lead agency" for a particular technology initiative or a joint procurement opportunity. A lead agency is designated to ensure there is a committed "champion" for the initiative who drives the effort through completion. Once a lead agency has been designated, other SEs might be required to defer pursuing the same technology until a pilot or prototype on behalf of the State enterprise is complete.

In most cases, SEs will be requested to coordinate their procurement efforts with the lead agency. This can be accomplished by either incorporating all requirements into a single procurement based on what the lead agency learned from other SEs; procuring from an existing contract; or identifying a joint application development or system design between multiple SE efforts.

A lead agency status may be designated by the SE originating the PTP request. The PTP request must have the potential for "high enterprise" or "high multi-agency" strategic and operational impact. The likelihood additional SEs may submit a similar request for a similar IT need must be verified. SEs are expected to show due diligence in contacting and ascertaining similar needs across the State.

4.5 Restricted Periods Under the NYS Procurement Lobbying Law

ITS will treat each PTP request received as if a restricted period under the NYS Procurement Lobbying Law is in place. As part of the PTP submittal, the requesting SE must include a list of designated contacts, along with contact information, for the proposed procurement.

ITS staff will not engage in any conversations with relevant vendors regarding the PTPs. SE must advise vendors not to lobby or engage in any manner with ITS with respect to an SE PTP. Any attempt to influence, in any way, a PTP disposition by a vendor may result in an undesirable disposition.

5.0 Compliance

6.0 Definitions of Key Terms

http://www.its.ny.gov/glossary.

7.0 Contact Information

Submit all inquiries and requests for future enhancements to the policy owner at:

Chief Technology Office
Reference: NYS-P08-001
NYS Office of Information Technology Services
State Capitol, ESP, P.O. Box 2062
Albany, NY 12220
Telephone: (518) 402-7000
Email: CTO@its.ny.gov

Statewide technology policies, standards, and guidelines may be found at the following website: http://www.its.ny.gov/tables/technologypolicyindex

8.0 Revision History

This policy shall be reviewed at least once every two years to ensure relevancy.

Date	Description of Change	Reviewer
05/15/1996	Issued policy	CIO/OFT
08/12/1996	Revised policy	CIO/OFT

Date	Description of Change	Reviewer
02/16/1997	Revised policy	CIO/OFT
03/31/2004	Revised policy	CIO/OFT
04/01/2008	Policy NYS-P08-001 replaces policy 96-2A, Intent to Purchase; change of policy number; change of policy name from Intent to Purchase to Plan to Procure; change process workflow; and change threshold limits.	CIO/OFT
11/03/2008	Reduced PTP request threshold from $100K to $50K. Reduce staff augmentation renewal option from 2 years to 1 year. Added allowance for 18-month fast track procurements.	CIO/OFT
07/16/2009	Section 3.1.2 added Printer Aggregate Contract under #2; added McAfee Endpoint Security ELA under #3.	CIO/OFT
08/01/2010	Revised PTP Policy to align with the 2009-2012 NYS Enterprise IT Strategic Plan and provide new review thresholds.	CIO/OFT
07/06/2022	Revised policy to remove cost threshold and to add eventual integration of PTP process with the DOB ASCA system.	Chief Technology Office
12/2/2022	Revised policy to state that DOB ASCA system will be used for the submission and reviews of PTP's.	Chief Portfolio Office
07/06/2023	Revised policy to state that DOB ASCA system will be used for the submission and reviews of PTP's.	Chief Technology Office

9.0 Related Documents

NYS Information Technology Strategic Plan

Division of the Budget Bulleting H-0300, Statewide Policy for Information Technology Investment and Governance

Division of the Budget Bulletin B-1184, Agency Spending Controls: Processes and Approval Requirements

Division of the Budget Bulletin L-1220, Building a High Performance Government