

## **MEMORANDUM**

From: Mark Myers, Director, Arkansas Department of Information Systems

To: Agency CIOs and IT Planners

Date: March 13, 2015

During a recent meeting of Governor Hutchinson's cabinet, the governor emphasized the importance of abiding by the statutory requirements relevant to information technology governance. In follow-up, I sent a letter to members of Governor Hutchinson's cabinet providing more detailed information about the statutes applicable to state agencies, boards and commissions pertaining to information technology and highlighted the following provisions:

- a. Agencies shall use the core information technology infrastructure as administered by DIS and defined as the state data, state network and application interfaces, state security, and disaster recovery. See Ark. Code Ann. §§ 25-4-109 (d) and 25-4-103 (3).
- b. Agencies shall use project management for designated activities defined as a project. See Ark. Code Ann. § 25-4-109 (g).
- c. Each state agency shall develop a biennial information technology plan that establishes state agency goals, objectives, and policies regarding the development and use of information technology and shall specifically include a policy regarding the use of the Internet. Plans developed or updated shall be submitted to the Department of Information Systems. See Ark. Code Ann. §§ 25-4-110 (b)(1), (b)(2)(A), and (d)(1).
- d. Unless an agency first receives approval for a plan or an updated plan as provided for under § 25-4-110, a state agency shall not: (1) Acquire by purchase or lease any new or additional information technology; or (2) Enter into any contract for information technology. See Ark. Code Ann. §§ 25-4-111(a)(1) and (a)(2).
- e. If an agency desires to acquire information technology not part of an information technology plan approved under § 25-4-110, the requesting agency shall submit a waiver request to the Director of DIS that includes: (1) Identification of necessary additional services or improvements in information technology; (2) Relationship of the information technology improvements or additions to the overall goals of the agency; (3) Resources needed to provide the additional services or improvements; and (4) Measurement and evaluation criteria. See Ark. Code Ann. §§ 25-4-111(b)(1), (b)(2), (b)(3), and (b)(4).
- f. If the Director of DIS rejects a request for a waiver, a state agency shall not make any expenditure of public funds for the acquisition or expansion of information technology equipment or services. See Ark. Code Ann. § 25-4-111 (c)(3).

- g. All state agencies shall comply with the provisions of the Arkansas Procurement Law, § 19-11 - 201 et seq., and applicable provisions of the General Accounting and Budgetary Procedures Law, § 19-4-101 et seq., in the acquisition, purchase, contracting for the purchase of, and leasing of information technology. See Ark. Code Ann. § 25-4-1 11 (d).
- h. In the case of state-supported institutions of higher education and state-supported postsecondary vocational-technical schools, the provisions of the Arkansas Information Systems Act of 1997 shall apply to business and administrative applications of information technology but do not apply to academic and research applications. See Ark. Code Ann. § 25-4-112 (a)(1).
- i. Contracts and agreement for state agencies for information technology shall adhere to the state enterprise architecture. See Ark. Code Ann. § 25-4-114 (a).
- j. A state agency shall submit to the Director of DIS for review and approval a request for the state agency to enter into a technology contract or agreement that is not in compliance with the state enterprise architecture. See Ark. Code Ann. § 25-4-1 14 (b).
- k. The Director of DIS, as the State Broadband Manager, shall coordinate the efforts to expand and improve broadband capacity and availability by serving as a single point of contact for, among others, state agencies, boards, commissions, and constitutional officers, including without limitation the Governor, Department of Education, Department of Higher Education, and Arkansas State Highway and Transportation Department. See Ark. Code Ann. 25-4-1 25 (b)(1)(A).

During Governor Hutchinson's cabinet meeting, he directed that all contracts pertaining to information technology that exceed \$100,000 are to be submitted to DIS for review. Additionally, all contracts pertaining to information technology exceeding \$1 million are to be submitted to the Office of the Governor and Department of Finance and Administration for review. If DIS personnel may be of assistance to you with regard to these submissions or any aspect of the identified statutes, please do not hesitate to contact your DIS account representative.

My goal in forwarding this information for your consideration is to achieve a heightened level of recognition and understanding these provisions will help leverage the state's buying power in order to maximize taxpayer dollars on behalf of the citizens of Arkansas. It will also help streamline and coalesce IT operations across state government to facilitate a more efficient selection, procurement and utilization process.

On behalf of DIS and its staff, I look forward to being a productive and beneficial partner to you. Please contact me at 501.682.5148 if I may be of assistance.

Sincerely,

Mark E. Myers  
Director, Arkansas Department of Information Systems  
Chief Technology Officer