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<p align="center"><b>New York State Information Technology Policy</b></p>	<p><b>No:</b> NYS-P08-001</p>
<p align="center"><b>IT Policy:  Enterprise Plan to Procure Policy</b></p>	<p><b>Updated:</b> 08/01/2010</p> <p><b>Issued By:</b> NYS ITS State Chief Information Officer Director Office of IT Services</p> <p><b>Policy Owner:</b> Enterprise Program Management Office</p>

## 1.0 Purpose and Benefits of the Policy

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The purpose of this Policy is to ensure New York State strategically plans, procures and manages Information Technology (IT) investments by fully leveraging the State's buying 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 **New York State 2009-2012 Enterprise Information Technology (IT) Strategic Plan**

(<http://www.cio.ny.gov/assets/documents/ITStrategicPlan072909.pdf>).

The alignment focuses on linking the Administration's priorities with enterprise and state agency information technology initiatives to enable achieving those priorities as outlined in the IT Plan. Specifically, the Policy helps to position New York State government agencies, authorities and any other relevant entities as an "enterprise" to leverage information technology procurements and deployments; to improve the delivery of IT services and to enable building the New Innovation and Digital Economy in New York State. This Policy will enable better and earlier identification and coordination of IT procurement opportunities among agencies to reduce duplication and redundant spending.

The Policy further elaborates on the shared roles provided by the NYS Office of Information Technology Services (ITS) in collaboration with the Division of the Budget (DOB) and the Office of Taxpayer Accountability (OTA) to ensure strategic alignment across the enterprise to reduce state spending and eliminate waste, fraud and abuse. Another partner critical to the success of this policy is the Office of the State Comptroller (OSC), which also assists in the implementation and enforcement of the Policy.

## 2.0 Enterprise IT Policy Statement

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Section 2 of Executive Order No. 117 states the State Chief Information Officer, who also serves as Director of the NYS Office for Technology, has 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 CIO/OFT Policy, [NYS-P08-002, Authority to Establish State Enterprise Information \(IT\) Policy, Standards and Guidelines](#). CIO/OFT will develop, deploy and maintain policy compliance to ensure effective policy planning and implementation to achieve the strategic priorities of the Administration.

### 3.0 Scope of the Policy

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This Policy applies to all “state entities” which include all state agencies, departments, offices, divisions, boards, bureaus, commissions and any other entities over which the Governor has executive power.

The Policy applies to all IT acquisitions, procurements, lease-purchases and/or leases, including amendments to existing contracts, including those using an Office of General Services (OGS) Centralized Contract, an aggregate contract, an enterprise license agreement, or an enterprise master agreement developed and administered by CIO/OFT or OGS in collaboration with CIO/OFT. Also, the Policy applies to all IT acquisitions made using a Purchase Order, an Invitation for Bid (IFB), a Request for Proposal (RFP), a Backdrop Contract, a Mini-Bid Request for Qualifications (RFQ), or any other type of approved solicitation document used by the State of New York.

### 4.0 Policy Statement

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#### 4.1 General

Every initiative in State government must enable the most cost-efficient delivery of government services and concurrently add value for our taxpayers. ***All State agencies and other authorized government entities are expected to implement effective cost-control measures when procuring, deploying, upgrading or maintaining information technology systems. All state agencies are expected to seek opportunities to collaborate, integrate and consolidate to drive down IT costs whenever feasible.***

Two critical cost-control measures to foster greater collaboration, integration and consolidation include the CIO/OFT “Plan to Procure” (PTP) and DOB Bulletin B-1184 policies. Both policies involve a pre-approval process regarding agency spending. Specifically,

- (1) CIO/OFT requires notification of any and all plans to procure information technology and information technology-related products, materials, services, ancillary or related products and services, or otherwise that meet the submission thresholds defined in this Policy; and
- (2) DOB issues guidelines, found at [http://www.budget.state.ny.us/guide/bprm/bulletins/b-1184\\_reissue.html](http://www.budget.state.ny.us/guide/bprm/bulletins/b-1184_reissue.html), for the implementation of agency contracts, non-personal service, and capital spending controls to maintain budget balance.

These two measures work together to control IT spending. DOB requires all B-1184 requests be accompanied by a copy of an approved PTP. Consequently, **a state government entity must submit its PTP and receive approval of its PTP from CIO/OFT prior to beginning the B-1184 approval process.**

- Notification of any and all plans to procure IT and IT-related products, materials, and services meeting the required thresholds defined in this Policy must be submitted to CIO/OFT by means of the PTP online application process.
- The 3-Tier IT Service Delivery Model, outlined in the NYS Enterprise IT Strategic Plan, will guide PTP submissions and review criteria and requirements. CIO/OFT, working in consultation with DOB and OTA, will decide if an IT procurement is a Tier 1, 2 or 3 level IT solution in cases where it is not clear.
- Every agency is expected to use existing enterprise agreements, aggregate and centralized contracts as the preference choice when available.
- Whenever feasible, agencies are expected to consider procuring open source and “off-the-shelf” software as a lower-cost alternative to proprietary or highly customized software. In an effort to achieve savings and reduce IT spending, agencies should include this option, as appropriate, in their Plans to Procure when open source or “off-the-shelf” solutions are available.
- Agencies or other government entities are encouraged to develop an IT sub-plan to focus on “mission-critical” applications (Tier 2) of the agency or other government entity.

## 4.2 Plan to Procure (PTP) Process

### 4.2.1 Agency PTP Submission Requirements

- a. For the purposes of this Policy, "technology and related products and services" shall include, but not be limited to, information management, digital or electronic equipment, software, operating systems, interface systems, interconnected systems, data management systems, telecommunications, networks, broadband network management, consulting, project and staff augmentation services, supplies, data center facilities, maintenance, training and any other ancillary or related information technology products and services.
- b. State agencies must submit a complete and accurate PTP directly to CIO/OFT to acquire approval for all technology and technology-related products or services meeting the following criteria:
  - **Any IT procurement for goods or services, equal to or greater than \$5,000;**
  - **Any aggregate IT commodity contract or any enterprise or universal licensing contract procurement, regardless of dollar amount; and**
  - **Any exception to an existing aggregate or enterprise license contract, regardless of dollar amount.**
- c. The PTP submission must, with respect to the **NYS 2009-2012 Enterprise Information Technology (IT) Strategic Plan**, identify which of the three IT Service Delivery tiers of the federated IT Service Delivery Model the proposed PTP solution applies.
- d. The PTP must identify which strategic priority and objective the PTP most closely aligns to advance the State to the forefront of the New Innovation and Digital Economy. The PTP must identify which of the statewide business goals the PTP supports. Lastly, the PTP must easily identify adherence to the guiding principles of the Enterprise IT Strategic Plan.
- e. All PTPs requesting staff augmentation services or "body-shop" consulting services are to be acquired through the State's Enterprise Staff Augmentation Contract when such an enterprise contract is available. Requests using the enterprise staff augmentation contract will be "fast tracked" through the approval process.

**NOTE:** Staff Augmentation requests that cannot be fulfilled through the State's Enterprise Staff Augmentation Contract will require a waiver that must be approved by CIO/OFT.
- f. If there is no enterprise staff augmentation contract in force, CIO/OFT will continue to approve up to one-year extensions until such times as an enterprise staff augmentation contract is in place.
- g. Agencies submitting PTPs for projects equal to or greater than \$10M, for which annual reporting to the Legislature is required, must have an Independent Verification and

Validation (IV&V) and/or Quality Assurance (QA) provider funded by the agency. The IV&V/QA resource will report jointly to the CIO/OFT Enterprise Program Management Office (EPMO) and the respective agency.

These projects will be subject to at least quarterly oversight meetings conducted by CIO/OFT in collaboration with other key stakeholders such as DOB, OTA and any other appropriate stakeholders. A standard status reporting template will be provided by CIO/OFT's Enterprise Program Management Office to enable effective project portfolio management.

This IT oversight helps to ensure a higher project success for major IT investments made on behalf of the State. It ensures alignment with the State's enterprise technology priorities and fosters greater accountability and transparency for the agency and CIO/OFT.

- h. State agencies are required to coordinate similar or common technology procurements among their respective regional offices, institutions and other facilities into a single, agency-wide procurement which is reflected in a single PTP submission. By achieving greater economies of scale, the state can reduce IT total cost of ownership.
- i. Emergency procurements are exceptions. They are defined as procurements operating under a court order or injunction, or mandate from a federal agency. All must have specific deadline dates as part of the mandate. Appropriate verification documentation must be attached to the PTP request submitted to CIO/OFT. Also, critical equipment failures necessitating an emergency procurement to restore critical operations fall into this category. Emergency procurement requests will be promptly reviewed separately to ensure adequate response time for agency compliance requirements or business continuity purposes.

#### 4.2.2 Use of Enterprise and Aggregate Procurements

- a. CIO/OFT, working collaboratively with OTA, DOB and OGS, will jointly promote the use of statewide **Technology Aggregate** Contracts and **Enterprise or Universal Licensing** Contracts. Any procurement utilizing a current or planned New York State Aggregate Contract, Enterprise or Universal Licensing Contract, or Agreement will automatically be fast-tracked through the PTP approval process only if the procurement has been identified in the agency's Annual Technology Plan (ATP) submission. If it has not been identified in the ATP submitted to CIO/OFT, it may delay the PTP process.

**NOTE:** Current Information Technology Aggregate Commodity Contracts and Enterprise/Universal Licensing Contracts or Agreements available for use are listed in **Appendix A.**

- b. CIO/OFT, in conjunction with OGS, will work collaboratively to develop timely and updated specifications for additional Aggregate and Enterprise contract opportunities. These opportunities will be based on information provided by state agencies in the Annual Technology Plan submissions or other surveys requested of agencies. The information will assist with planning future IT procurements and will help identify opportunities to achieve greater economies of scale to drive down IT costs and create better value across the State

enterprise.

- c. **If an Enterprise or Aggregate contract is in place for particular information technology goods or services, agencies will be required to procure from these Enterprise or Aggregate contracts.** Separately negotiated contracts or procurements from any vendor for the same or comparable technology solution is prohibited and will not be approved unless a waiver is granted by CIO/OFT.

#### 4.2.3 Plan to Procure Process Flow, Required Submission Timeline

- a. **A state agency must submit a PTP for any IT procurement for a product or service, equal to or greater than \$5,000 in amount, or when procuring from any aggregate or enterprise agreement regardless of dollar amount as outlined in Section 4.2.2**
- b. **The PTP submission must be sent as soon as an agency plans to issue an RFI at the idea initiation stage and PRIOR to issuing or announcing any mini-bid, backdrop contract, and/or before a RFP or any other procurement vehicle.**

**Note: The PTP must be submitted prior to publishing any advertisement in the Contract Reporter or any other required vehicle prior to the submission of a Purchase Order to OSC.**

- c. **CIO/OFT requires every PTP submitted to CIO/OFT reference a specific project described in the agency's ATP submission, unless special circumstances exist.** In that case, the special circumstances must be fully described in the PTP submission. **The ATP must be amended to reflect the modifications.**

For IT procurements considered "normal operations" by agencies, as opposed to project-specific activities, operational projects must be included with the agency ATP. Examples of operational projects include: annual personal computer refresh, software maintenance and renewal activities, and application maintenance or minor (non-project) enhancements.

- d. **Note: PTPs related to the Statewide Financial System ("SFS") Program will be sent by CIO/OFT to the SFS Program Management Office for review and approval before CIO/OFT commences any other due diligence review and approval.** This includes all PTPs for SFS agency interface development, hardware, software, or services that are deemed to be "in-scope" of the SFS initiative to deliver a modern Enterprise Resource Planning (ERP) Financial Management System for the state enterprise. Any approval by the SFS Program shall be fast-tracked by CIO/OFT.
- e. **CIO/OFT will attempt to fast track the review and disposition process utilizing existing New York State Aggregate Contracts, Enterprise or Universal Licensing Contracts and Agreements as identified in section 4.2.2 if they have been included in the agency's ATP submitted to CIO/OFT.** If they have not been included in the ATP, the request will not be fast tracked.

- f. **CIO/OFT will initiate the due diligence review and approval process for all other PTPs according to the following criteria:**
1. Is the PTP aligned with the NYS Enterprise IT Strategic Plan?
  2. Has the appropriate tier been identified?
  3. Is the project included in the agency's ATP?
  4. If the PTP request meets the previous two criteria and is greater than \$250K, the State CIO will review and make a disposition on the PTP request.
  5. How will the project be funded?
  6. Have MWBE goals been included in the procurement?
  7. Is there a knowledge transfer provision?
  8. Was a business case (cost/benefit) developed? Was it attached?
  9. Was a resource plan developed for sustainability?
- g. **State agencies are required to submit all RFP drafts and necessary procurement documents to CIO/OFT with the PTP request to facilitate a timely review and disposition from CIO/OFT.** Upon hearing the results of the review and/or disposition from CIO/OFT, the requesting state agency is required to update or modify the PTP request to reflect the review comments with the final proposal documents. This step is necessary to obtain a final CIO/OFT PTP approval. CIO/OFT will review the documents for final PTP approval based on the final scope and estimated total cost of ownership.
- h. **Following the PTP approval from CIO/OFT, the agency may issue the solicitation for relevant information technology services using the appropriate procurement vehicle.**
- i. **In cases of competitive RFPs, the state agency is required to submit to CIO/OFT the recommendation of the vendor award prior to a final CIO/OFT approval. The state agency may not announce an award to the vendor or to any other stakeholders without CIO/OFT approval.**
- j. **Following completion of a solicitation process, the agency must submit to CIO/OFT a follow up PTP along with supporting documentation to obtain final approval sign-off.** Agencies will submit the final PTP approval form along with other required documentation to OSC. **(Please Note: OSC will not approve any purchase request without a PTP approval from CIO/OFT.)**
- k. **As the final step in the PTP approval process, the requesting agency must close out the PTP transaction by providing to CIO/OFT the final chosen vendor, contract cost and total cost of ownership to sustain the project.**
- l. **The requesting state agency is required to amend and resubmit the PTP request to CIO/OFT if the final contract cost exceeds the CIO/OFT approved PTP amount by more than 15%.**

#### 4.3 Detailed Review Process

- 4.3.1 During an initial PTP review, CIO/OFT may deem the PTP request as relevant to achieving a particular strategic priority of the Administration. If that situation should arise,

CIO/OFT may refer the PTP request to the detailed review process track to enable all relevant stakeholders of the Administration to participate in the review.

- a. ***During the detailed review process track, CIO/OFT will convene a meeting with the agency CIO or designee and appropriate project team members to conduct a detailed review of the proposed project during the project initiation stage.*** Also, DOB and any other relevant stakeholders deemed appropriate by CIO/OFT may participate in these meetings pursuant to DOB Bulletin H-300.
- b. During the detailed review, agency representatives are required to make a presentation describing IT strategic alignment, scope, business case justification, project timeline, estimated costs, required internal dedicated and qualified resources, critical success factors for project completion, known similar procurements or needs by other agencies, risks and risk mitigation strategy, resource plan and total cost of ownership to sustain the project.

**4.3.2. It is highly recommended the state agency submit the PTP request as early in the planning stage as possible to ensure adequate time for an effective review by CIO/OFT.**

**4.3.3** Where ***“preferred” technology standards have been established,*** and the PTP is not in compliance with such technology standards, the requesting state government entity may ask CIO/OFT for an exception by providing a compelling technical business case which warrants the exception. The request for an exception must include, at a minimum, the following:

- a. A detailed profile of the state government entity’s system and functional requirements;
- b. A detailed explanation of the criteria that are neither addressed by nor compatible with the state’s technology standard;
- c. A detailed Cost/Benefit analysis comparing the cost for procuring and maintaining the “non-standard” system as compared to the “standard” system;
- d. A Total Cost of Ownership (TCO) case as well as a description of the process used to seek an exception to the standards; and
- e. A risk analysis ascertaining sustainability for a non-standard system.

#### **4.4 Lead Agency Status for Joint or Enterprise Procurements**

**4.4.1** ***To advance procuring technology on behalf of the State, the CIO/OFT 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 designed to ensure there is a committed “champion” for the initiative who drives the project through completion.

Once a “lead agency” has been designated, other agencies 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, agencies will be requested to coordinate their RFP efforts with the lead agency. This can be accomplished by either incorporating all requirements into a single RFP based on what the lead agency learned from other agencies; procuring from the existing contract; or identifying a joint application development or system design between multiple agency efforts.

**4.4.2 A “Lead Agency” status may be designated by the agency 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 agencies may submit a similar request for a similar IT need must be verified. Agencies are expected to show due diligence to reach out and ascertain similar needs across the State.

**4.5 Turnaround Service Level Targets**

In order to complete a thorough and timely review of PTP requests, CIO/OFT will make every effort to meet the PTP processing service level targets stated below:

- a. **Fast-Track Requests** – 2 Business Days from Date of Receipt
- b. **Normal PTP Requests (Less Than \$250K)** – 5 to 10 Business Days from Date of Receipt
- c. **Large or Technically Complex PTP Requests (Greater Than \$250K)** – 10 to 30 Business Days from Date of Receipt
- d. **Detailed Reviews and Exceptions to “Special Interest” or “Exception” PTP requests will have detailed reviews and will not be measured against these service level targets.** “Special interest” and “Exception” PTPs resulting in a “detailed review” track by CIO/OFT may take longer than 30 days depending on the technical complexity of the project, and the quality, accuracy and completeness of the information provided to CIO/OFT

**4.6 Restricted Periods Under the NYS Procurement Lobbying Law**

**4.6.1** CIO/OFT presumes the requesting agency **will not** commence a restricted period under the NYS Procurement Lobbying Law for any procurement related to a PTP request until **after** CIO/OFT has acted on the request and has submitted a **written** disposition to the requesting agency.

**4.6.2** If a PTP request is associated with procurement currently in a restricted period under the NYS Procurement Lobbying Law, written notification must be provided to CIO/OFT. Such notification must be included with the PTP request and include the procurement name, e-mail address and telephone number of the agency’s Designated Agency Contact(s) for the procurement.

**4.6.3 Vendors are not to lobby or engage in any manner with CIO/OFT with respect to an agency PTP.** Any attempt to influence, in any way, a PTP disposition by a vendor may result in an undesirable disposition. It is the agency's responsibility to inform their respective vendors of this requirement. CIO/OFT staff will not engage in any conversations with relevant vendors regarding the PTPs.

#### **4.7 PTP Submission Authorizations**

***Only those persons approved and authorized by their agency to access the online PTP application may submit PTPs to CIO/OFT.*** CIO/OFT will maintain a directory of authorized persons; it is the agency's responsibility to ensure the list is maintained. Agencies should submit any changes to the Enterprise Strategy and Acquisitions Services Office.

Agencies are required to submit a PTP request **before** any solicitation of technology products or services. The PTP request form, along with any required supporting documentation, should be submitted online at:

<http://www6.oft.state.ny.us/ITP/itpIndex.jsp> (This site is available 24x7x365.)

#### **4.7.1 NYS Directory Services User Account**

***In order to use the online PTP system, all authorized PTP submitters are required to have a New York State Directory Services user account.*** Many agencies already have PTP User Administrators who can entitle accounts to use the PTP application. If the name of the PTP User Administrator is unknown, please contact the CIO/OFT IT Customer Relationship Management Services unit at [customer.relations@cio.ny.gov](mailto:customer.relations@cio.ny.gov) or call 518-473-2658.

#### **4.7.2 PTP User Administration and Access**

- a. If a state governmental entity is a NYS Directory Services Participating Organization but does not have a PTP User Administrator, the state entity's CIO (or an equivalent) must make the request. Please request a PTP User Administrator be created by sending the name and existing Security Level 2 User ID to CIO/OFT IT Customer Relationship Management Services unit at [customer.relations@cio.ny.gov](mailto:customer.relations@cio.ny.gov).
- b. If a state governmental entity does not have a PTP User Administrator and is not a NYS Directory Services Participating Organization, please fill out the [PTP Delegated Administrator \(DA\) Request Form](#).

#### **4.8 Disposition of PTP Requests and Notification**

Every PTP requests will receive a disposition determination by CIO/OFT. Every PTP request will have one of the following dispositions:

- **Approved**
- **Conditionally Approved (With Contingencies)**
- **Disapproved (With No Further Review)**
- **Deferred For More Information (For Further Review).**

All dispositions will be sent by CIO/OFT in writing to the requesting agency via the online PTP system.

#### **4.9 Request to Appeal CIO/OFT PTP Disposition**

If a PTP is disapproved by CIO/OFT, agencies may request to appeal the decision to CIO/OFT's Enterprise Strategy and Acquisitions Office at 518-473-0234.

## **5.0 Policy Compliance**

**5.1** All State agencies are expected to comply with the provisions of this policy. Any state agency consistently out of compliance with this policy may be subject to an extensive information technology review of **ALL** IT initiatives at the agency's expense. Results of this analysis will be shared with the agency head, Chamber representatives and other key stakeholders.

## **6.0 Definitions of Key Terms**

A complete listing of defined terms are available in the "NYS Information Technology Policies, Standards, and Best Practice Guidelines Glossary" available at <http://www.cio.ny.gov/policy/glossary.htm>.

## **7.0 CIO/OFT Contact Information**

Questions concerning the Plan to Procure process may be directed to CIO/OFT IT Customer Development & Relationship Management Services at [customer.relations@cio.ny.gov](mailto:customer.relations@cio.ny.gov) or 518-473-2658. Questions concerning this Policy may be directed to CIO/OFT Enterprise Strategy and Acquisition Services at [policy@cio.ny.gov](mailto:policy@cio.ny.gov) or 518-473-0234.

## **8.0 Revision Schedule and Review History**

Date	Description of Change
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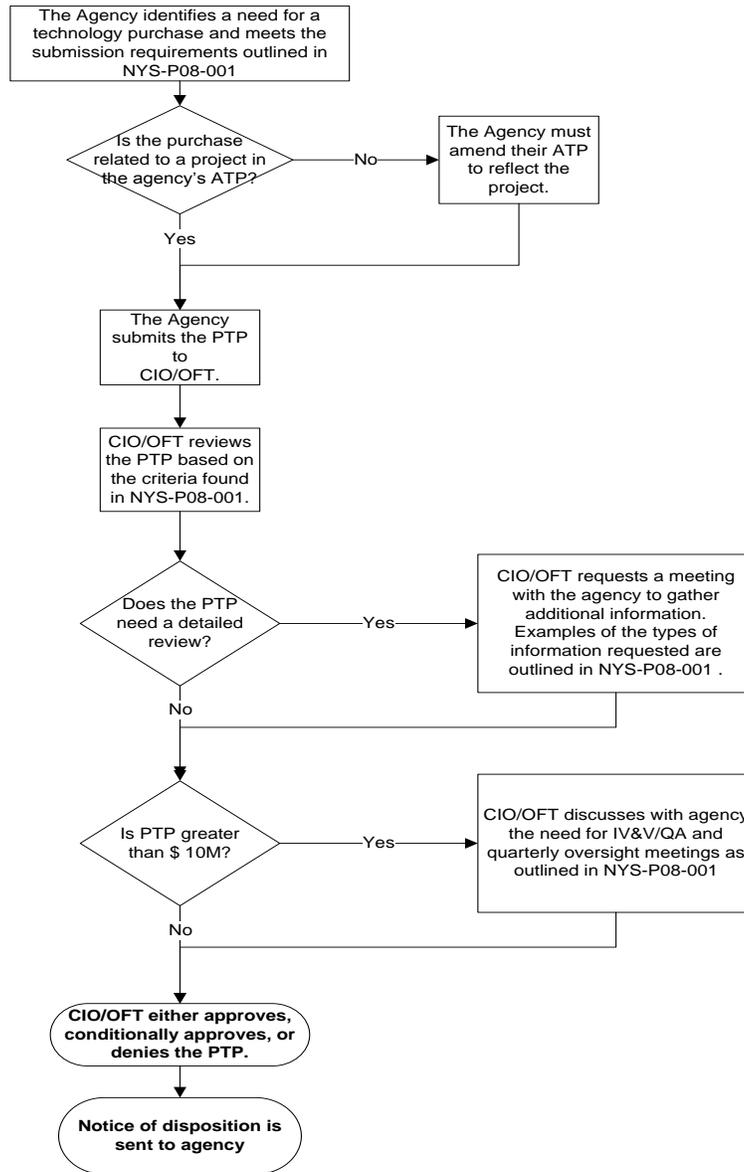
05/15/1996	Original Policy, 96-2A, approved and implemented
08/12/1996	Revised
02/16/1997	Revised
03/31/2004	Revised
04/01/2008	Policy NYS-P08-001 replaces policy 96-2A, Intent to Purchase; Change of Policy Number; Change of Policy Name from Intent to Purchase to Plan to Procure; Change process workflow; Change threshold limits
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-mth fast track procurements.
07/16/2009	Section 3.1.2 added Printer Aggregate Contract under #2; added McAfee Endpoint Security ELA under #3
08/01/2010	Revised PTP Policy to align with the 2009-2012 NYS Enterprise IT Strategic Plan and provide new review thresholds.
08/01/2012	Scheduled Review to Update Policy As Appropriate.

## 9.0 Related Documents

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The 2009-2012 New York State Enterprise IT Strategic Plan, the Division of the Budget Policy and Reporting Manual H-300, H-300A, Budget Bulletin B-1184, the Annual Technology Plans (ATP), and other surveys and documents may affect this policy.

**CIO/OFT Plan to Procure (PTP)  
Process Flow  
Figure 1**



## **Appendix A**

### **Aggregate Commodity Contracts Available for Use:**

- a. PC/Laptop Aggregate Contract
- b. Printer Aggregate Contract

### **Enterprise/Universal Licensing Contracts or Agreements Available for Use:**

- a. Microsoft Enterprise Contract
- b. Oracle CM 00884