

<p align="center">New York State Information Technology Policy</p>	<p>No: NYS-P98-003</p>
<p align="center">IT Policy Name:</p> <p align="center">DATE/TIME CONVERSION CONTRACT LANGUAGE</p>	<p>Effective: 08/30/2011</p> <p>Issued By: NYS CIO/OFT State Chief Information Officer Director Office for Technology</p> <p>Published By: Enterprise Strategy & Acquisitions Office</p> <p>Policy Owner: Counsel and Legal Services</p>

1.0 Purpose and Benefits of the Policy

The “Year 2000 Problem” (“Y2K”) raised critical technology concerns as the year 1999 rolled over to the year 2000. The common practice of representing years in software with two digits rather than four digits resulted in date-related computer processing operating incorrectly with logic errors. This gained wide media coverage including reports of computer programs misinterpreting “00” as referring to the year 1900 instead of 2000.

What is not as widely known is date-time software problems can re-emerge on other critical dates; for example, in what have been dubbed the “Year 2010 Problem” and the “Year 2038 Problem.” As 2010 began, the media reported:

- Tens of millions of German bank ATM and credit cards stopped working because of a software date error;
- Mobile telephones from several different companies began listing incorrect dates for any messages sent after January 1, 2010;
- Tens of thousands of payment terminals failed because of date errors in a system that processes financial transactions in Australia and New Zealand;
- Certain security and spam prevention software began misinterpreting dates because of software errors, as did one company's business management software.

"Y2K all over again in 2010?" <https://www.networkworld.com/news/2010/010510-date-change-problems.html> (accessed January 5, 2010)

Occasional additional problems can be expected in the future, either through generic coding error, ill-advised patches made during Y2k remediation, or from other date "bugs" (such as the so-called "*Unix Millennium 2038 Bug*" which is reportedly already causing problems with some systems. <http://www.statemaster.com/encyclopedia/Year-2038-problem>). As such, State government entities must continue to include date/time warranty provisions in procurements for software, systems, enhancements and equipment.

CIO/OFT collaborated with the Office of General Services (OGS) in 1998 on procedures and language addressing the Y2K date/time problem. In 2004, the two agencies again worked together on a shorter version of the warranty language which is found in OGS's Appendix B document (revised July 2006). This type of warranty language is still needed as date/time problems continue to occur.

By future-proofing and strategically planning now, it will help alleviate potential date/time conversion issues. Benefits to incorporating a date/time conversion warranty include:

- Enhanced resource utilization by remaining at the forefront of the date/time conversion problem.
- Potential money savings by incorporating the date/time conversion warranty now for the "Unix Millennium 2038 Bug."

Benefits of being prepared for future date/time conversion issues include:

- Greater awareness of risk management, risk exposures and planning for business continuity.
- Maintaining competitive advantage by installing or updating systems as they provide more advanced functionality for State government entities.
- Standardized software and hardware systems.

2.0 Enterprise IT Policy Statement

Section 2 of Executive Order No. 117 provides the State Chief Information Officer, who also serves as director of the NYS Office for Technology, 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](#).

3.0 Scope of the Policy

This policy applies to all "State government entities," as defined in NYS Executive Order 117.

4.0 Policy Statement

For the purposes of this Policy, the following definitions apply:

"Product" shall include, without limitation: when solicited from a vendor in a State government entity's contracts, RFPs, IFBs, or mini-bids, any piece or component of equipment, hardware, firmware, middleware, custom or commercial software, or internal components or subroutines therein which perform any date/time data recognition function, calculation, comparing or sequencing. Where services are being furnished, e.g., consulting, systems integration, code or data conversion or data entry, the term "Product" shall include resulting deliverables.

"Third Party Product" shall include product manufactured or developed by a corporate entity independent from the vendor and provided by the vendor on a non-exclusive licensing or other distribution Agreement with the third party manufacturer. "Third Party Product" does not include product where vendor is: (a) a corporate subsidiary or affiliate of the third party manufacturer/developer; and/or (b) the exclusive re-seller or distributor of product manufactured or developed by said corporate entity.

Except where a date/time warranty has already been negotiated into a State centralized contract or "back-drop contract," State government entities must continue including date/time warranties in their contracts, RFPs, IFBs, or mini-bids.

The form of the date/time warranty shall be substantially similar to the following language, currently found in §72-g of OGS's Appendix B (revised July 2006):

Date/Time Warranty

Contractor warrants that Product(s) furnished pursuant to this Contract shall, when used in accordance with the Product documentation, be able to accurately process date/time data (including, but not limited to, calculating, comparing, and sequencing) transitions, including leap year calculations. Where a Contractor proposes or an acquisition requires that specific Products must perform as a package or system, this warranty shall apply to the Products as a system.

Where Contractor is providing ongoing services, including but not limited to: i) consulting, integration, code or data conversion, ii) maintenance or support services, iii) data entry or processing, or iv) contract administration services (e.g., billing, invoicing, claim processing), Contractor warrants that services shall be provided in an accurate and timely manner without interruption, failure or error due to the inaccuracy of Contractor's business operations in processing date/time data (including, but not limited to, calculating, comparing, and sequencing) various date/time transitions, including leap year calculations. Contractor shall be responsible for damages resulting from any delays, errors or untimely

performance resulting therefrom, including but not limited to the failure or untimely performance of such services.

This Date/Time Warranty shall survive beyond termination or expiration of this contract through: a) ninety (90) days or b) the Contractor's or Product manufacturer/developer's stated date/time warranty term, whichever is longer. Nothing in this warranty statement shall be construed to limit any rights or remedies otherwise available under this Contract for breach of warranty.

5.0 Policy Compliance

This policy shall take effect upon publication. The Enterprise Strategy and Acquisitions Office shall review the policy at least once every two years to ensure relevancy. The Enterprise Strategy and Acquisitions Office may also assess agency compliance with this policy. To accomplish this assessment, CIO/OFT may issue, from time to time, requests for information to covered agencies, which will be used to develop any reporting requirements as may be requested by the NYS Chief Information Officer, the Executive Chamber or Legislative entities.

6.0 Definitions of Key Terms

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

7.0 CIO/OFT Contact Information

Submit all inquiries and requests for future enhancements regarding this policy to:

Policy Owner
Attention: Enterprise Strategy and Acquisitions Office
Enterprise Strategy and Governance Services
New York State Office of the Chief Information Officer and Office for Technology
State Capitol, ESP, P.O. Box 2062
Albany, NY 12220
Telephone: 518-473-0234
Facsimile: 518-402-2976

Email: oft.sm.policy@cio.ny.gov

The State of New York Enterprise IT Policies may be found at the following website:
<http://www.cio.ny.gov/policy/technologypolicyindex.htm>

8.0 Revision Schedule and Review History

Date	Description of Change
04/17/1998	Original Policy Release
08/30/2011	Revised policy
08/30/2013	Scheduled Policy Review

9.0 Related Documents

Section 72-g of OGS's Appendix B (revised July 2006)