



Office of Information Technology Services

State Capitol P.O. Box 2062
Albany, NY 12220-0062
www.its.ny.gov

New York State Information Technology Guideline	No: NYS-G24-001
IT Guideline: Date/Time Conversion Contract Language	Updated: 02/29/2024
	Issued By: NYS Office of Information Technology Services (ITS) Owner: Division of Legal Affairs

1.0 Purpose and Benefits

Date/time conversions on specific dates raise critical software technology issues during rollover. This Policy contains information and contract language to help mitigate such incidents and possibly prevent them from occurring.

Benefits of incorporating date/time conversion warranty language into relevant information technology related contracts include:

- Enhanced resource utilization by remaining at the forefront of date/time conversion problems.
- Potential cost savings by incorporating the date/time conversion warranty now for other date/time conversion bugs, e.g., 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 Entities.
- Standardized software and hardware systems.

2.0 Authority

Section 103(10) of the State Technology Law provides ITS the authority to establish statewide technology policies, including technology and security standards. *Section 2 of*

*Executive Order No. 117*¹, established 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 \(IT\) Policy, Standards and Guidelines](#).

3.0 Scope

This guideline applies to all “State Entities” (SE), defined as “State Government” in Executive Order 117 or “State Agencies” as defined in Section 101 of the State Technology Law. This includes employees and all third parties (such as local governments, consultants, vendors, and contractors) that use or access any Information Technology (IT) Resource for which the SE or ITS has administrative responsibility, including systems managed or hosted by third parties on behalf of the SE or ITS.

4.0 Information Statement

4.1 Background

Although rare, data and time conversion issues in software may be a concern for certain products or systems. Although Y2K is the most notable example, in anticipation of possible future date/time conversion issues, SEs should continue including date/time warranty provisions in procurements for software, systems, enhancements, and equipment. By strategically planning for date/time problems now, it will help mitigate potential date/time conversion issues.

4.2 Sample Contract Language

Except where a date/time warranty has already been negotiated into a pre-established contract, SEs should continue to include date/time warranties in their contracts or solicitations. The form of the date/time warranty shall be substantially similar to the following language:

Date/Time Warranty

Contractor warrants that Product(s) or Services furnished pursuant to this Contract shall, when used in accordance with the terms of the Contract or any applicable 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 the Contract or Solicitation requires that specific Products or Services must perform as a package or system, this warranty shall apply to the Products as a system.

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, 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.

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 as long as the Product or Services are used by the governmental entity, or its successor, for whom the Product or Services were originally purchased. 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 Compliance

This guideline shall take effect upon publication. Compliance with ITS guidelines is non-compulsory, but strongly suggested. ITS may amend its guidelines at any time.

6.0 Definitions of Key Terms

Except for terms defined in this policy, all terms shall have the meanings found in <http://www.its.ny.gov/glossary>.

7.0 Contact Information

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

Division of Legal Affairs
Reference: NYS-G24-001
NYS Office of Information Technology Services
State Capitol, ESP, P.O. Box 2062
Albany, NY 12220
Telephone: (518) 473-5115
Email: its.sm.dla@its.ny.gov

Statewide technology policies, standards, and guidelines may be found at the following website: <https://its.ny.gov/policies>

8.0 Revision History

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

Date	Description of Change	Reviewer
04/17/1998	Issued policy	CIO/OFT
08/30/2011	Revised policy	CIO/OFT
02/07/2017	Updated policy	ITS Division of LegalAffairs
05/09/2019	Updated policy	ITS Division of LegalAffairs
11/23/2021	Updated policy	ITS Division of Legal Affairs
02/29/2024	Changed from NYS-P98-003 to NYS-G24-001	Division of Legal Affairs

9.0 Related Documents
