

950 CMR 120.00: INFORMATION TECHNOLOGY PURCHASING PROCESS

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120.01: Purpose

The purpose of 950 CMR 120 *et seq.* is to provide the Registries of Deeds with uniform rules and standards governing the procurement of technology purchases to ensure consistency and compatibility between the Secretary of the Commonwealth's Office and the Registries of Deeds.

120.02: Definitions

For the purpose of 950 CMR 120, the following terms will have the meaning assigned, unless another meaning is obvious from the context of 950 CMR 120.00:

Compatible Growth - the addition of like hardware or software to an existing base or the upgrading of existing hardware or software by substituting a new or more powerful release.

Feasibility Study - An investigation:

- (a) to estimate the resources required for a proposed IT Resource acquisition, including the expenditures anticipated and the time, money and other resources to be expended for related undertakings by the Registry such as staffing and site preparation,
- (b) to verify that these resources are available to the Registry,
- (c) to provide a best estimate of the benefits expected to be derived for the acquisition, and
- (d) to determine whether the expected benefits of the proposed procurement are sufficient to warrant the expenditure of those resources.

Funds - funds include, but are not limited to, all state appropriations, proceeds from bond sales, trust funds, grants, and gifts.

Hardware - a subset of IT Resources, including any of the following:

- (a) computers that accept and store data, perform calculations and other processing steps, and produce information from that data.
- (b) all peripheral or auxiliary equipment used primarily in conjunction with a computer, whether procured with the computer or separately.
- (c) data transmission or data communications equipment.

IT - Information Technology - the use of programmable hardware and software to improve effectiveness or efficiency.

IT Resources - hardware, software, systems, or services or any combination of them, as the context permits.

Needs Analysis - a study of the objectives of a proposed procurement, in order to prepare technical specifications for the hardware, software, systems or services to be procured.

Notice of Proposed Procurement - a Registry's initial written statement to the Secretary of its intent to procure IT Resources.

Registry IT Initiative - a plan detailing the use of IT Resources for automating a business function or process or enhancing an already automated process or function.

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Registry IT Plan - a document prepared and periodically revised by a Registry to guide its use and acquisition of IT Resources in a manner consistent with the Secretary's IT Plan. Each Registry IT Plan will contain:

- (a) a brief description of the Registry's mission,
- (b) specific IT Initiatives
- (c) best estimate of cost to implement each IT Initiative, and
- (d) the name of the Registry Procurement Coordinator.

Requirements Definition - the examination of existing information flow, hardware capability and operational procedures within an organization. A Requirements Definition generally consists of four basic parts: a description of the present system and its objectives; a statement of the problem; a presentation of the feasible alternative solutions, and their strengths, weaknesses and estimated costs, and a recommendation.

Screening Conference - consultation(s) between a Registry Procurement Coordinator and a designee of the Secretary of the Commonwealth to review a Notice of Proposed Procurement, to offer advice concerning the nature and scope of the procurement appropriate to the needs described in the Notice.

Secretary - the Secretary of the Commonwealth of Massachusetts.

Secretary's IT Plan - a document prepared and periodically revised by the Secretary, containing guidelines to the Registries designed to promote consistency and coherence among the Registries in their acquisition of IT Resources.

Services - the furnishing of labor, time, or effort by private contractors not involving the sale, rental, or license of property to the Commonwealth. The term includes, but is not necessarily limited to:

- (a) the labor of individuals qualified by education, experience, or training to perform Feasibility Studies, Needs Analyses, system analyses, system design, system specification, programming, data conversion, system implementation, system testing, and other tasks relating to the planning, selection, design, development, and use of IT Resources,
- (b) the development, enhancement or maintenance of software,
- (c) the maintenance or repair of hardware, and
- (d) the use of systems, including service bureau arrangements.

Software - computer programs and procedures which control the operation and use of hardware. Software includes operating systems, compilers, assemblers, utility programs, library routines, maintenance routines and application programs, and the associated documentation. This includes commercial off-the-shelf software (COTS).

Statement of Work - a description of duties and tasks to be performed under a contract.

System - an interacting complement of IT Resources and other resources organized to perform specific processing tasks and activities and produce specific results.

120.03: Existing State Technology Standards

The Information Technology Division (ITD), within the Executive Office of Administration and Finance (EOA&F), has published standards for a variety of hardware and software products. Unless the Secretary determines otherwise, all IT resources acquired by registries of deeds shall conform with the ITD standards. These standards are subject to revision. Where a standard has been revised, the most current revision shall apply. The Commonwealth's ITD Web site contains the standards governing the acquisition of:

- (1) personal Computer Workstations,
- (2) local Area Networks,

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- (3) notebook Computers,
- (4) word Processing and Spreadsheet Software,
- (5) logical Network Architecture Guidelines,
- (6) network Management Architecture Guidelines,
- (8) enterprise Network Standards and Guidelines,
- (9) wiring Standards and Guidelines, and
- (10) database Access (SQL).

120.04: Indexing Standards

The Massachusetts Registers and Assistant Registers of Deeds Association has published Deed Indexing Standards for the Commonwealth of Massachusetts which govern the creation of the Indexes required by M.G.L. c. 36. Unless otherwise noted, all Indexes created by Massachusetts Registries of Deeds shall conform with these Deed Indexing Standards. These standards are subject to revision. Where a standard has been revised, the most current revision shall apply.

120.05: Submission and Approval Process

- (1) To implement a process that ensures that all technology purchases by Registries of Deeds are compatible with each other, it is imperative that all acquisitions be coordinated through a central control point. This "control point" shall be the Director of the Secretary's Automated Systems Division. The Director will establish a top-down Secretary IT planning process. The Secretary's ITD Plan will address a framework for all Registry of Deeds hardware, software and telecommunications standards conforming, where practicable, to existing State Information Technology Division (ITD) hardware, software and telecommunications standards.
- (2) Once the Secretary's IT Plan has been drafted, approved and released, each Registry of Deeds will prepare a Registry ITD Plan that is in consonance with Secretary's Plan and submit it for review to the Director of the Secretary's Automated Systems Division.
- (3) Each Registry IT Plan will contain and describe the IT initiatives that it intends to undertake to improve the efficiency and/or effectiveness of their operation. The Director of the Secretary's Automated Systems Division will review each Registry plan and approve, reject and or return it for additional information. Once the Director of the Secretary's Automated Systems Division has approved the Registry's IT Plan, individual technology acquisition requests will be reviewed by said Director on the basis of the Registry's plan and its conformance with the Secretary's IT Plan.

The following sections describe this process.

(a) Registry Information Technology Plans - Every Registry shall prepare a Registry IT Plan, which is comprised of, but not limited to, a set of its IT initiatives covering a period at least equal to the remainder of the current fiscal year and the succeeding fiscal year. The Registry will submit the plan in a format and by a date established by the Director of the Secretary's Automated Systems Division. The Registries will revise their plan as often as necessary to keep it current, to conform it to the applicable Secretary's IT Plan, and to maintain the required period of coverage. The Secretary will establish procedures to coordinate the preparation and revision of Registry IT Plans.

Each Registry will deliver its Registry IT Plan and all revisions to the Secretary. Each Registry IT Plan will be subject to review by the Director of the Secretary's Automated Systems Division, and others as appropriate. The Secretary may delay action on any pending request until the Registry IT Plan of the requesting Registry is complete and current.

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(b) Registry Information Technology Initiatives - IT Initiatives are planning tools. As such, they may be long-term in focus. They are not limited to the remainder of the current fiscal year and the succeeding fiscal year. And they need not be specific about exact funding sources for the prospective IT Resources.

Each Registry will deliver to the Secretary their IT Initiatives as they are developed. Each initiative will contain a plan to improve the efficiency and/or effectiveness of its operation. For example, an initiative could describe a project to automate a business function or to enhance an already automated process or function, in order for the Registry to improve the achievement of its mission.

(c) Secretary Information Technology Plan - The Director of the Secretary's Automated Systems Division will prepare a Secretary IT Plan covering a period at least equal to the remainder of the current fiscal year and the succeeding fiscal year. The Secretary IT Plan will address hardware, software and telecommunications standards conforming, where practicable, to existing State Information Technology Division (ITD) hardware, software and telecommunications standards. The Director of the Secretary's Automated Systems Division will revise the plan as necessary to keep it current and to maintain the required period of coverage.

120.06: Authorization to Procure

Prior to acquiring any information technology assets, the requesting Registry of Deeds shall comply with the following procedure:

(1) Procurement Coordinator - The individual in charge of a Registry initiating a procurement of IT Resources will designate an employee of the Registry to serve as the Procurement Coordinator concerning that procurement. The Procurement Coordinator will coordinate the Registry's interactions with the Secretary for that procurement.

(2) Notice of Proposed Procurement - The Procurement Coordinator will notify the Secretary that the Registry intends to procure IT Resources. This notification will be in the form of a Notice of Proposed Procurement in a form to be determined by the Director of the Secretary's Automated Systems Division. The Notice of Proposed Procurement will:

- (a) identify the Registry and the name and address to which the goods and services are to be delivered;
- (b) state the name, address, telephone number and title of the Procurement Coordinator;
- (c) describe the IT Resources the Registry intends to obtain;
- (d) identify the IT Initiative that the procurement will implement;
- (e) identify the procurement method and form of contract the Registry expects to make with a selected vendor;
- (f) summarize the Registry needs which the procurement is expected to satisfy; and
- (g) state the method of vendor selection. If the method to be requested is noncompetitive, the Registry Procurement Coordinator should identify its choice of vendor.

(3) Screening Conference - The Director of the Secretary's Automated Systems Division will confer with the Registry Procurement Coordinator to review the Notice of Proposed Procurement. The Director of the Secretary's Automated Systems Division will offer advice concerning the nature and scope of the procurement described in the Notice and offer assistance in the acquisition of the IT Resource(s). At the request of the Registry, other officers or employees may participate in the conference. The Director of the Secretary's Automated Systems Division may adjourn and reconvene the conference, if necessary to accommodate their participation or to complete the work described in 950 CMR 120.06.

- (a) At or following the Screening Conference, the Director of the Secretary's Automated Systems Division may request:
1. any additional supporting documents required from the Registry,
 2. the justification supporting a Registry's request to select a vendor by method other than a competitive process.

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(b) The Director of the Secretary's Automated Systems Division will consider the nature, scope and importance of the IT Resource requested, in determining what supporting documents are necessary for it to review the request and justify its approval. Examples of the kinds of supporting documents the Director may require are:

1. portions of the Registry IT Plan, with any updates or revisions necessary to reconcile the plan with the Request
2. a Feasibility Study report.
3. a Requirements Definition report,
4. a confirmation that the estimated funds are available for the request, and
5. the staff to effectively support the planned acquisition are available.

(4) Preparation And Submission of Acquisition Request. The Registry Procurement Coordinator will complete an acquisition request in a form to be determined by the Director of the Secretary's Automated Systems Division. The Procurement Coordinator will coordinate the preparation of the supporting documents. The acquisition request form will

- (a) state whether funds sufficient to cover the estimated amounts to be paid to the contractor in the fiscal year in which the contract term is to begin are available; and
- (b) identify the Registry IT initiative that the proposed procurement would implement.

The Director of the Secretary's Automated Systems Division will review the acquisition request. Based on this review, the Secretary may approve, reject or return the request, requiring additional information or supporting documentation. The Director of the Secretary's Automated Systems Division review will take into consideration the following factors:

- (c) the requested IT resource will provide a technically feasible solution to the problems that gave rise to the request;
- (d) the proposed IT resource is a cost-effective solution among the feasible alternatives;
- (e) the request is consonant with the Secretary's IT Plan and the Registry IT Plan;
- (f) the Registry has the capability to implement and support/maintain the IT resource; and
- (g) a method of procurement is available.

(5) Information Technology Acquisition - Once the request is approved by the Director of the Secretary's Automated Systems Division it will be forward to any other approval authorities that are required. Once all approvals are obtained, the appropriate procurement documents will be prepared. The specifications will be prepared by Registry initiating the request. Assistance will be provided by the Director of the Secretary's Automated Systems Division. The method of acquisition must be approved by the Director of Administration and Fiscal within the Secretary's Office.

120.07: Post Acquisition Review

To ensure compliance with this process and procedures, the Director of the Secretary's Automated Systems Division may perform a post acquisition review of any IT Resource acquisition.

120.08: Appellate Procedure

In the event that a Registry of Deeds is aggrieved by a decision of the Director of the Secretary's Automated Systems Division, the aggrieved Registry shall have the right to a hearing before the Secretary's Information Technology Review Board which shall consist of three members named by the Secretary. This panel shall meet with a representative of the aggrieved Registry of Deeds and the Director of the Secretary's Automated Systems Division. The review board will determine whether the decision is in the best interest of the Office of the Secretary, including but not limited to the Registries of Deeds, and shall have the power to uphold, reverse, or modify any decision of the Director of the Secretary's Automated Systems Division.

REGULATORY AUTHORITY

950 CMR 120.00: M.G.L. c. 36, § 40.