

## CHAPTER 345

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**GOVERNMENT - STATE**

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**SENATE BILL 06-063**

BY SENATOR(S) Teck, Groff, Hanna, Evans, Fitz-Gerald, May R., Owen, Shaffer, Taylor, Tupa, and Boyd;  
also REPRESENTATIVE(S) Weissmann, Liston, Marshall, Berens, Carroll M., Coleman, Frangas, Garcia, Larson, Madden,  
McFadyen, McGihon, Penry, and White.

**AN ACT**

**CONCERNING THE PROCUREMENT OF INFORMATION TECHNOLOGY SYSTEMS, AND MAKING AN APPROPRIATION THEREFOR.**

*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1.** 24-37.5-102, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to read:

**24-37.5-102. Definitions.** As used in this article, unless the context otherwise requires:

(3.5) "INFORMATION TECHNOLOGY" MEANS THE APPLICATION OF ELECTRONIC INFORMATION PROCESSING HARDWARE, SOFTWARE, OR TELECOMMUNICATIONS TO SUPPORT STATE GOVERNMENT BUSINESS PROCESSES.

(3.7) "MAJOR AUTOMATION SYSTEM DEVELOPMENT PROJECT" MEANS A PROJECT OF STATE GOVERNMENT THAT HAS A SIGNIFICANT INFORMATION TECHNOLOGY COMPONENT, INCLUDING, WITHOUT LIMITATION, THE REPLACEMENT OF AN EXISTING TECHNOLOGICAL SYSTEM. FOR PURPOSES OF THIS SUBSECTION (3.7), "SIGNIFICANT" MEANS A PROJECT FOR WHICH THE TOTAL ESTIMATED DEVELOPMENT COST IS NOT LESS THAN FIVE MILLION DOLLARS, THE PROJECT DEVELOPMENT OR ACQUISITION IS A MULTI-YEAR EFFORT, THE PROJECT HAS A CRITICAL LEVEL OF RISK AS DETERMINED BY AN ASSESSMENT PERFORMED BY THE OFFICE, OR THE PROJECT REQUIRES FREQUENT OR CONSISTENT COORDINATION BETWEEN OR AMONG INFORMATION TECHNOLOGY PROJECT MANAGEMENT STAFF AND AGENCY ADMINISTRATIVE OR PROGRAM STAFF.

(4.3) "PROJECT MANAGEMENT ANALYST" MEANS A PERSON WHO IS TRAINED AND

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

EXPERIENCED IN GATHERING PROJECT MANAGEMENT-RELATED INFORMATION AND IN THE ANALYSIS OF PROJECT MANAGEMENT-RELATED INFORMATION. SUCH INFORMATION MAY INCLUDE, WITHOUT LIMITATION, INFORMATION RELATED TO MAJOR AUTOMATION SYSTEM DEVELOPMENT PROJECT SCHEDULING, COST, AND PERFORMANCE. A PROJECT MANAGEMENT ANALYST SHALL BE ABLE TO DEVELOP RECOMMENDATIONS FOR APPROPRIATE CORRECTIVE AND PREVENTATIVE MANAGEMENT ACTION REGARDING MAJOR AUTOMATION SYSTEM DEVELOPMENT PROJECTS.

(4.7) "PROJECT MANAGER" MEANS A PERSON WHO IS TRAINED AND EXPERIENCED IN THE LEADERSHIP AND MANAGEMENT OF MAJOR AUTOMATION SYSTEM DEVELOPMENT PROJECTS FROM THE COMMENCEMENT OF SUCH PROJECTS THROUGH THEIR COMPLETION.

**SECTION 2.** 24-37.5-105, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to read:

**24-37.5-105. Office - responsibilities.** (4) (a) THE OFFICE SHALL ESTABLISH POLICIES AND PROCEDURES FOR ACCEPTABLE PROJECT PLANS AND FEASIBILITY STUDIES.

(b) PRIOR TO THE APPROVAL OR DISBURSEMENT OF ANY MONEYS, INCLUDING FROM FEDERAL, STATE, OR CASH FUNDS, FOR ANY MAJOR AUTOMATION SYSTEM DEVELOPMENT PROJECT, THE OFFICE SHALL CERTIFY TO THE STATE CONTROLLER THAT THE PROJECT IS IN COMPLIANCE WITH BEST PRACTICES ADOPTED BY THE STATE CONCERNING THE MANAGEMENT OF AN INFORMATION TECHNOLOGY PROJECT. SUCH BEST PRACTICES SHALL INCLUDE THE ASSIGNMENT OF PROJECT MANAGERS AND PROJECT MANAGEMENT ANALYSTS TO MANAGE THE STATE'S RESOURCES AND RESPONSIBILITIES FOR THE DEVELOPMENT OF MAJOR AUTOMATED SYSTEMS. THE OFFICE SHALL DEVELOP POLICIES REGARDING BEST PRACTICES AND THE VERIFICATION OF PROJECT MANAGERS AND PROJECT MANAGEMENT ANALYSTS.

(5) (a) THE DEPARTMENT OF PERSONNEL, IN COLLABORATION WITH THE OFFICE, SHALL CREATE A JOB CATEGORY AND DEFINED SKILL SETS WITHIN THE STATE PERSONNEL SYSTEM FOR INDIVIDUALS EMPLOYED AS MAJOR AUTOMATION SYSTEM DEVELOPMENT PROJECT MANAGERS AND MAJOR AUTOMATION SYSTEM DEVELOPMENT PROJECT MANAGEMENT ANALYSTS. THE QUALIFICATIONS FOR PROJECT MANAGERS AND PROJECT MANAGEMENT ANALYSTS SHALL INCLUDE, AT A MINIMUM, AND WITHOUT LIMITATION, CERTIFICATION BY THE PROJECT MANAGEMENT INSTITUTE, CERTIFICATION FROM ANOTHER EQUIVALENT STANDARDS ORGANIZATION, OR RELEVANT EXPERIENCE WITH SIGNIFICANT MAJOR AUTOMATION SYSTEM DEVELOPMENT PROJECTS. THE OFFICE SHALL ESTABLISH A TEAM OF PROJECT MANAGERS AND PROJECT MANAGEMENT ANALYSTS WHO SHALL:

(I) SATISFY ANY TRAINING AND EXPERIENCE REQUIREMENTS AS ESTABLISHED BY THE DEPARTMENT OF PERSONNEL; AND

(II) BE ASSIGNED BY THE OFFICE, IN COLLABORATION WITH STATE AGENCIES, TO WORK WITH ANY SUCH AGENCIES ON A MAJOR AUTOMATION SYSTEM DEVELOPMENT PROJECT UNLESS THE AGENCY'S PROJECT MANAGER OR PROJECT MANAGEMENT ANALYST SATISFIES THE CRITERIA SPECIFIED IN THIS PARAGRAPH (a).

(b) STATE AGENCIES THAT USE THE SERVICES SPECIFIED IN SUBPARAGRAPH (II) OF PARAGRAPH (a) OF THIS SUBSECTION (5) SHALL BE RESPONSIBLE FOR REIMBURSING THE OFFICE FOR THE PERSONNEL COSTS ASSOCIATED WITH THE PROJECT MANAGEMENT AND PROJECT MANAGEMENT ANALYST FUNCTION. THE BUDGET OF EACH MAJOR AUTOMATION SYSTEM DEVELOPMENT PROJECT SHALL INCLUDE FUNDING FOR AT LEAST ONE PROJECT MANAGER AND ONE PROJECT MANAGEMENT ANALYST. THE EXECUTIVE DIRECTOR OF ANY STATE AGENCY THAT EMPLOYS ANY PERSON WHO POSSESSES THE QUALIFICATIONS NECESSARY TO BE A PROJECT MANAGER OR PROJECT MANAGEMENT ANALYST MAY REQUEST A REVIEW AND VERIFICATION THAT ANY SUCH PERSON IS IN COMPLIANCE WITH ANY PERSONNEL QUALIFICATIONS GOVERNING SUCH POSITION AS ADOPTED BY THE DEPARTMENT OF PERSONNEL CONCERNING THE MANAGEMENT OF AN INFORMATION TECHNOLOGY PROJECT AND MAY USE ANY SUCH QUALIFIED STAFF PERSON FOR PROJECT MANAGEMENT AND PROJECT MANAGEMENT ANALYST SERVICES. CONSISTENT WITH EXISTING RULES GOVERNING THE STATE PERSONNEL SYSTEM, NO STATE AGENCY SHALL BE PRECLUDED FROM HIRING A CONTRACT EMPLOYEE AS A FULL-TIME PROJECT MANAGER OR PROJECT MANAGEMENT ANALYST IF THE PERSON SATISFIES THE QUALIFICATIONS SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (5).

(c) THE OFFICE SHALL ESTABLISH AND IMPLEMENT A TRAINING PLAN FOR ALL PERSONS EMPLOYED BY THE STATE AS OF THE EFFECTIVE DATE OF THIS SUBSECTION (5) WHO PROVIDE SERVICES OR FUNCTIONS DESCRIBED IN THE JOB DESCRIPTIONS PROVIDED BY THE DEPARTMENT OF PERSONNEL FOR PROJECT MANAGERS AND PROJECT MANAGEMENT ANALYSTS. ANY EMPLOYEE WHO RECEIVES SUCH TRAINING AND WHO POSSESSES SUFFICIENT RELEVANT EXPERIENCE MAY BE CERTIFIED BY THE OFFICE AS A PROJECT MANAGER OR A PROJECT MANAGEMENT ANALYST. THE OFFICE, IN COLLABORATION WITH THE DEPARTMENT, MAY ALSO REQUIRE, AS PART OF THE VERIFICATION PROCESS CREATED PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (5), ANY REFRESHER TRAINING THAT IT DEEMS NECESSARY FOR PROJECT MANAGERS AND PROJECT MANAGEMENT ANALYSTS TO STAY CURRENT WITH TRENDS AFFECTING THE MANAGEMENT OF INFORMATION TECHNOLOGY PROJECTS.

(d) STATE AGENCIES SHALL REIMBURSE THE OFFICE FOR THE COSTS OF PROVIDING THE TRAINING REQUIRED BY PARAGRAPH (c) OF THIS SUBSECTION (5).

(6) NOT LATER THAN FEBRUARY 1, 2007, AND NO LATER THAN FEBRUARY 1 OF EACH CALENDAR YEAR THEREAFTER, THE OFFICE SHALL SUBMIT A PLAN TO THE COMMISSION ON INFORMATION MANAGEMENT CREATED IN SECTION 24-37.5-201 (2) (a), THE JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY, THE BUSINESS, LABOR, AND TECHNOLOGY COMMITTEE OF THE SENATE AND THE BUSINESS AFFAIRS AND LABOR COMMITTEE OF THE HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, AND EACH LEGISLATIVE COMMITTEE OF REFERENCE OF THE SENATE AND THE HOUSE OF REPRESENTATIVES WITH OVERSIGHT OVER A STATE AGENCY THAT HAS COMMENCED A MAJOR AUTOMATION SYSTEM DEVELOPMENT PROJECT. THE PLAN SHALL DESCRIBE THE COMPLIANCE BY THE OFFICE WITH THE REQUIREMENTS OF SUBSECTIONS (4) AND (5) OF THIS SECTION IN CONNECTION WITH MAJOR AUTOMATION SYSTEM DEVELOPMENT PROJECTS. IN THE PLAN, THE OFFICE SHALL ALSO DESCRIBE ANY SIGNIFICANT AUTOMATION SYSTEM DEVELOPMENT PROJECTS CURRENTLY IN PROGRESS AND THE EXTENT TO WHICH THE PROJECTS IDENTIFIED ARE MEETING THE REQUIREMENTS OF SUBSECTIONS (4) AND (5) OF THIS SECTION FOR THE PRIOR CALENDAR YEAR.

(7) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT, TO THE EXTENT POSSIBLE, AFTER THE 2007-08 STATE FISCAL YEAR, THE COSTS OF IMPLEMENTING SENATE BILL 06-063, AS ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-FIFTH GENERAL ASSEMBLY, SHALL BE INCLUDED WITHIN THE COSTS OF MAJOR AUTOMATION SYSTEM DEVELOPMENT PROJECTS.

**SECTION 3. Appropriation.** In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the office of the governor, for allocation to the office of innovation and technology, for the project management team, for the fiscal year beginning July 1, 2006, the sum of two hundred forty-nine thousand two hundred eighty-one dollars (\$249,281) and 3.0 FTE, or so much thereof as may be necessary, for the implementation of this act.

**SECTION 4. Applicability.** This act shall apply to major automation system development projects commencing on or after the effective date of this act, and shall apply to major automation system development project managers and analysts hired on or after the effective date of this act.

**SECTION 5. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 6, 2006