

# Senate File 292 - Introduced

SENATE FILE \_\_\_\_\_  
BY COMMITTEE ON STATE  
GOVERNMENT

(SUCCESSOR TO SSB 1238)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act concerning the acquisition of certain goods and services  
2 provided through the department of administrative services.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
4 TLSB 1961SV 83  
5 ec/nh/14

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1 1 Section 1. Section 8A.122, subsection 3, Code 2009, is  
1 2 amended by striking the subsection.  
1 3 Sec. 2. Section 8A.201, Code 2009, is amended by adding  
1 4 the following new subsection:  
1 5 NEW SUBSECTION. 3A. "Infrastructure services" means  
1 6 server systems, including mainframe and other server  
1 7 operations, desktop support, printing, and printing  
1 8 procurement services.  
1 9 Sec. 3. Section 8A.201, subsection 4, Code 2009, is  
1 10 amended by striking the subsection and inserting in lieu  
1 11 thereof the following:  
1 12 4. "Participating agency" means any state agency.  
1 13 Sec. 4. Section 8A.204, subsection 3, Code 2009, is  
1 14 amended by adding the following new paragraph:  
1 15 NEW PARAGRAPH. h. Oversee the providing of infrastructure  
1 16 services to participating agencies by the department pursuant  
1 17 to section 8A.208. In addition, the board shall establish a  
1 18 waiver process as provided in section 8A.208.  
1 19 Sec. 5. NEW SECTION. 8A.208 INFRASTRUCTURE SERVICES.  
1 20 1. The department shall be the sole provider of  
1 21 infrastructure services for participating agencies. The  
1 22 department may procure infrastructure services in the manner  
1 23 provided in section 8A.207.  
1 24 2. The technology governance board shall oversee the  
1 25 services provided pursuant to this section. In addition, the  
1 26 technology governance board shall adopt rules allowing for a  
1 27 participating agency to seek a waiver from the requirements of  
1 28 this section. The rules shall provide that a waiver shall be  
1 29 granted only if the participating agency can show that it can  
1 30 obtain the particular infrastructure service more economically  
1 31 or that a waiver would be in the best interest of the state.  
1 32 Sec. 6. Section 8A.311, subsection 10, paragraph a, Code  
1 33 2009, is amended to read as follows:  
1 34 a. The director shall adopt rules providing that any state  
1 35 agency may, upon request and approval by the department,  
2 1 purchase directly from a vendor if the direct purchasing is ~~as~~  
2 2 ~~economical or~~ more economical than purchasing through the  
2 3 department, ~~or~~ upon a showing that direct purchasing by the  
2 4 state agency would be in the best interests of the state due  
2 5 to an immediate or emergency need. ~~The rules shall include a~~  
2 6 ~~provision permitting a state agency to purchase directly from~~  
2 7 ~~a vendor, on the agency's own authority, or if the purchase~~  
2 8 will not exceed ten thousand dollars and the purchase ~~will~~  
2 9 would contribute to the agency complying with ~~or exceeding~~ the  
2 10 targeted small business procurement goals under sections 73.15  
2 11 through 73.21.  
2 12 Sec. 7. NEW SECTION. 8A.311A CENTRALIZED PURCHASING.  
2 13 1. The department may designate goods and services of  
2 14 general use that agencies shall, and governmental subdivisions  
2 15 may, purchase pursuant to a master purchasing or service

2 16 contract negotiated by the department for that good or  
2 17 service. The department shall negotiate a master contract  
2 18 subject to the requirements of this section if the department  
2 19 determines that a high-quality good or service can be acquired  
2 20 by agencies and governmental subdivisions at lower cost  
2 21 through negotiation of a master contract.

2 22 2. The department shall negotiate a master contract  
2 23 pursuant to this section on a competitive basis, and the  
2 24 purchase of a good or service pursuant to the contract shall  
2 25 be deemed to satisfy any otherwise applicable competitive  
2 26 bidding requirements.

2 27 3. Upon negotiation of a master contract for a good or  
2 28 service pursuant to this section, an agency shall purchase the  
2 29 good or service pursuant to the service contract, and shall  
2 30 not expend money to purchase the good or service directly from  
2 31 a vendor and not through the contract, unless any of the  
2 32 following applies:

2 33 a. The department determines, upon a request by the  
2 34 agency, that the agency can satisfy the requirements for  
2 35 purchase of the good or service directly from a vendor as  
3 1 provided in section 8A.311, subsection 10, paragraph "a".

3 2 b. The agency is purchasing the good or service pursuant  
3 3 to a service contract in effect on the effective date of the  
3 4 master contract. However, the agency shall terminate the  
3 5 service contract if the contract permits the termination of  
3 6 the contract without penalty and the agency shall not renew  
3 7 the service contract beyond the term of the existing service  
3 8 contract.

#### 3 9 EXPLANATION

3 10 This bill concerns goods and services provided through the  
3 11 department of administrative services.

3 12 Code section 8A.122 is amended to eliminate the provision  
3 13 allowing the state board of regents to not be required to  
3 14 obtain any service that is provided by the department of  
3 15 administrative services without the consent of the state board  
3 16 of regents.

3 17 Code section 8A.201(4) is amended to provide that all state  
3 18 agencies are considered participating agencies for purposes of  
3 19 information technology services provided by the department of  
3 20 administrative services. Current law excludes the state board  
3 21 of regents, public broadcasting, the state department of  
3 22 transportation mobile radio network, the department of public  
3 23 safety law enforcement communications systems, the  
3 24 telecommunications and technology commission with respect to  
3 25 information technology that is unique to the Iowa  
3 26 communications network, the Iowa lottery authority, a judicial  
3 27 district department of correctional services, and the Iowa  
3 28 finance authority from the definition of a participating  
3 29 agency.

3 30 New Code section 8A.208 provides that information  
3 31 technology infrastructure services shall be provided by the  
3 32 department of administrative services. The bill defines  
3 33 infrastructure services as server systems, including mainframe  
3 34 and other server operations, desktop support, printing, and  
3 35 printing procurement services. The bill provides that the  
4 1 technology governance board shall oversee the department's  
4 2 provision of infrastructure services and requires the board to  
4 3 establish a waiver process for agencies.

4 4 Code section 8A.311(10), concerning the authority of  
4 5 agencies to obtain services directly from a vendor, is amended  
4 6 to require the agency to obtain approval from the department  
4 7 to purchase directly from a vendor. In addition, the bill  
4 8 requires that a waiver may be granted if purchasing from a  
4 9 vendor is more economical, and not just as economical.

4 10 New Code section 8A.311A provides authority to the  
4 11 department of administrative services to require agencies to  
4 12 purchase goods or services of general use as designated by the  
4 13 department pursuant to a master contract negotiated by the  
4 14 department. The new Code section also gives governmental  
4 15 subdivisions the option to purchase goods and services  
4 16 pursuant to the contract. The new Code section provides that  
4 17 the department shall negotiate master contracts for a  
4 18 particular service if the department determines that a  
4 19 high-quality good or service can be acquired by agencies and  
4 20 governmental subdivisions at lower cost through negotiation of  
4 21 a master contract. The bill provides that an agency can  
4 22 directly purchase the item from a vendor if the department  
4 23 determines that the agency satisfies the requirements for a  
4 24 direct purchase otherwise provided in Code section 8A.311(10)  
4 25 or is acquired pursuant to an existing service contract.

