

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact §§ 2.2-225, 2.2-1509.3, 2.2-2006, 2.2-2007, 2.2-2008, 2.2-2012, 2.2-2015,*
 3 *2.2-2017, 2.2-2020, 2.2-2021, and 58.1-1840.1 of the Code of Virginia; to amend the Code of*
 4 *Virginia by adding a section numbered 2.2-2018.1; and to repeal §§ 2.2-2018 and 2.2-2019 of the*
 5 *Code of Virginia, relating to the Commonwealth Project Management Standard; information*
 6 *technology project development, procurement, and oversight.*

7 [H 2375]

8 Approved

9 **Be it enacted by the General Assembly of Virginia:**

10 **1. That §§ 2.2-225, 2.2-1509.3, 2.2-2006, 2.2-2007, 2.2-2008, 2.2-2012, 2.2-2015, 2.2-2017, 2.2-2020,**
 11 **2.2-2021, and 58.1-1840.1 of the Code of Virginia are amended and reenacted and that the Code of**
 12 **Virginia is amended by adding a section numbered 2.2-2018.1 as follows:**

13 § 2.2-225. Position established; agencies for which responsible; additional powers.

14 The position of Secretary of Technology (the Secretary) is created. The Secretary shall be responsible
 15 to the Governor for the following agencies, councils, and boards: Information Technology Advisory
 16 Council, Innovation and Entrepreneurship Investment Authority, Virginia Information Technologies
 17 Agency, Virginia Geographic Information Network Advisory Board, and the Wireless E-911 Services
 18 Board. The Governor, by executive order, may assign any other state executive agency to the Secretary,
 19 or reassign any agency listed in this section to another Secretary.

20 Unless the Governor expressly reserves such power to himself, the Secretary may, with regard to
 21 strategy development, planning and budgeting for technology programs in the Commonwealth:

22 1. Monitor trends and advances in fundamental technologies of interest and importance to the
 23 economy of the Commonwealth and direct and approve a stakeholder-driven technology strategy
 24 development process that results in a comprehensive and coordinated view of research and development
 25 goals for industry, academia and government in the Commonwealth. This strategy shall be updated
 26 biennially and submitted to the Governor, the Speaker of the House of Delegates and the President Pro
 27 Tempore of the Senate.

28 2. Work closely with the appropriate federal research and development agencies and program
 29 managers to maximize the participation of Commonwealth industries and universities in these programs
 30 consistent with agreed strategy goals.

31 3. Direct the development of plans and programs for strengthening the technology resources of the
 32 Commonwealth's high technology industry sectors and for assisting in the strengthening and
 33 development of the Commonwealth's Regional Technology Councils.

34 4. Direct the development of plans and programs for improving access to capital for
 35 technology-based entrepreneurs.

36 5. Assist the Joint Commission on Technology and Science created pursuant to § 30-85 in its efforts
 37 to stimulate, encourage, and promote the development of technology in the Commonwealth.

38 6. Continuously monitor and analyze the technology investments and strategic initiatives of other
 39 states to ensure the Commonwealth remains competitive.

40 7. Strengthen interstate and international partnerships and relationships in the public and private
 41 sectors to bolster the Commonwealth's reputation as a global technology center.

42 8. Develop and implement strategies to accelerate and expand the commercialization of intellectual
 43 property created within the Commonwealth.

44 9. Ensure the Commonwealth remains competitive in cultivating and expanding growth industries,
 45 including life sciences, advanced materials and nanotechnology, biotechnology, and aerospace.

46 10. Monitor the trends in the availability and deployment of and access to broadband
 47 communications services, which include, but are not limited to, competitively priced, high-speed data
 48 services and Internet access services of general application, throughout the Commonwealth and
 49 advancements in communications technology for deployment potential. The Secretary shall report
 50 annually by December 1 to the Governor and General Assembly on those trends.

51 11. ~~Review and approve the procurement or termination of major information technology projects,~~
 52 ~~and contracts or amendments thereto proposed by the Chief Information Officer (CIO) pursuant to~~
 53 ~~§ 2.2-2007. Review and approve or disapprove, according to the recommendations of the Chief~~
 54 ~~Information Officer (CIO) pursuant to § 2.2-2008, the selection or termination of any Commonwealth~~
 55 ~~information technology project that has been defined or designated as a "major information technology~~
 56 ~~project" pursuant to subdivision 13 and any Commonwealth information technology project with high~~

57 risk and high complexity.

58 12. Review and approve statewide technical and data standards for information technology and
59 related systems, including the utilization of nationally recognized technical and data standards for health
60 information technology systems or software purchased by a state agency of the Commonwealth, as
61 recommended by the CIO pursuant to § 2.2-2007.

62 13. ~~Develop criteria and requirements defining "major information technology project" for purposes~~
63 ~~of § 2.2-2006. Such criteria and requirements shall include, but are not limited to, analysis of each~~
64 ~~project's risk and complexity. Develop the criteria, requirements, and process for defining a~~
65 ~~Commonwealth information technology project as a "major information technology project" for the~~
66 ~~purposes of § 2.2-2006, including the criteria, requirements, and process for designating a~~
67 ~~Commonwealth information technology project that has a cost below \$1 million as a "major information~~
68 ~~technology project."~~

69 14. ~~Designate Commonwealth information technology projects as major information technology~~
70 ~~projects according to the criteria, requirements, and process developed pursuant to subdivision 13.~~

71 15. ~~Review and approve the initiation or termination of any procurement conducted pursuant to~~
72 ~~§ 2.2-2012 with a total estimated cost over \$1 million, and contracts or amendments thereto.~~

73 16. ~~Review and approve statewide information technology project, procurement, and investment~~
74 ~~management policies and standards, as developed and recommended by the CIO pursuant to § 2.2-2007.~~

75 17. ~~Designate specific projects as enterprise information technology projects, prioritize the~~
76 ~~implementation of enterprise information technology projects, establish enterprise oversight committees~~
77 ~~to provide ongoing oversight for enterprise information technology projects.~~

78 18. ~~Review and approve the Commonwealth Project Management Standard as defined in § 2.2-2006.~~

79 19. ~~Establish Internal Agency Oversight Committees and Secretariat Oversight Committees as~~
80 ~~necessary and in accordance with § 2.2-2021.~~

81 § 2.2-1509.3. Budget bill to include appropriations for major information technology projects.

82 A. For purposes of this section, unless the context requires a different meaning:

83 "Commonwealth Project Management Standard" means the same as that term is defined in
84 § 2.2-2006.

85 "Major information technology project" means the same as that term is defined in § 2.2-2006.

86 "Major information technology project funding" means an estimate of each funding source for a
87 major information technology project for the duration of the project.

88 B. In "The Budget Bill" submitted pursuant to § 2.2-1509, the Governor shall provide for the funding
89 of major information technology projects, as specified herein. Such funding recommendations shall be
90 for major information technology projects that have or are pending project development initiation
91 approval as defined by ~~§ 2.2-2019~~ or procurement approval as defined by ~~§ 2.2-2020~~ in the
92 *Commonwealth Project Management Standard*.

93 The Governor shall include in "The Budget Bill" submitted pursuant to § 2.2-1509 a biennial
94 appropriation for major information technology projects and the following information for each such
95 project:

96 1. ~~A For major information technology projects that have been recommended for funding, a brief~~
97 ~~statement explaining the business case for the project, the CIO's ranking and recommendations on the~~
98 ~~project as required by § 2.2-2008, the priority of the project in the Recommended Technology Investment~~
99 ~~Projects Report as required by § 2.2-2007, and an explanation, if necessary, if the Governor informed~~
100 ~~the Secretary of Technology that an emergency existed as set forth in § 2.2-2008, and the anticipated~~
101 ~~duration of the project;~~

102 2. A brief explanation of the inclusion of any project in the budget bill that has not undergone
103 review and approval by the Secretary of Technology as required by § 2.2-225;

104 3. Total estimated project costs, as defined by the Commonwealth's *Commonwealth Project*
105 *Management Standards Standard*, including the amount of the agency's or institution's operating
106 appropriation, which will support the project, and long-term contract cost beyond the biennium that will
107 support the project;

108 4. ~~Costs All project costs~~ incurred to date, as defined by the Commonwealth's *Commonwealth Project*
109 *Management Standards*, which includes both the project planning cost and internal operating costs to
110 support the project *Standard*;

111 5. Recommendations or comments of the Public-Private Partnership Advisory Commission, if the
112 project is part of a proposal under the Public-Private Education Facilities and Infrastructure Act of 2002
113 (§ 56-575.1 et seq.); and

114 6. The CIO's assessment of the project and the status as of the date of the budget bill submission to
115 the General Assembly;

116 7. ~~The planned project start and end dates as defined by the Commonwealth Project Management~~
117 ~~Standard; and~~

118 8. *Projected annual operations and maintenance expenditures, including but not limited to fees,*
 119 *licenses, infrastructure, and agency and nonagency staff support costs, for information technology*
 120 *delivered by major information technology projects for the first budget biennium after project*
 121 *completion.*

122 C. The Secretary of Technology shall immediately notify each member of the Senate Finance
 123 Committee and the House Appropriations Committee of any decision to terminate in accordance with
 124 § 2.2-225 any major information technology project in the budget bill. Such communication shall include
 125 the Secretary of Technology's reason for such termination.

126 § 2.2-2006. Definitions.

127 As used in this chapter, *unless the context requires a different meaning:*

128 "*Commonwealth information technology project*" means any state agency information technology
 129 *project that is under Commonwealth governance and oversight.*

130 "*Commonwealth Project Management Standard*" means a document developed and recommended by
 131 *the Chief Information Officer (CIO) pursuant to § 2.2-2008, and approved by the Secretary pursuant to*
 132 *§ 2.2-225, that describes the methodology for conducting information technology projects, and the*
 133 *governance and oversight used to ensure project success.*

134 "Communications services" includes telecommunications services, automated data processing services,
 135 and management information systems that serve the needs of state agencies and institutions.

136 "Confidential data" means information made confidential by federal or state law that is maintained by
 137 a state agency in an electronic format.

138 "*Enterprise*" means an organization with common or unifying business interests. An enterprise may
 139 *be defined at the Commonwealth level or secretariat level for program and project integration within*
 140 *the Commonwealth, secretariats, or multiple agencies.*

141 "Information technology" means telecommunications, automated data processing, *applications,*
 142 *databases, the Internet, management information systems, and related information, equipment, goods, and*
 143 *services. The provisions of this chapter shall not be construed to hamper the pursuit of the missions of*
 144 *the institutions in instruction and research.*

145 "ITAC" means the Information Technology Advisory Council created in § 2.2-2699.5.

146 "Major information technology project" means any ~~state agency~~ *Commonwealth* information
 147 *technology project that (i) meets the criteria and requirements developed by the Secretary of Technology*
 148 *pursuant to § 2.2-225 or (ii) has a total estimated cost of more than \$1 million or that has been*
 149 *designated a major information technology project by the Secretary pursuant to § 2.2-225.*

150 "Noncommercial telecommunications entity" means any public broadcasting station as defined in
 151 § 2.2-2427.

152 "Public telecommunications entity" means any public broadcasting station as defined in § 2.2-2427.

153 "Public telecommunications facilities" means all apparatus, equipment and material necessary for or
 154 associated in any way with public broadcasting stations or public broadcasting services as those terms
 155 are defined in § 2.2-2427, including the buildings and structures necessary to house such apparatus,
 156 equipment and material, and the necessary land for the purpose of providing public broadcasting
 157 services, but not telecommunications services.

158 "Public telecommunications services" means public broadcasting services as defined in § 2.2-2427.

159 "Secretary" means the Secretary of Technology.

160 "State agency" or "agency" means any agency, institution, board, bureau, commission, council, or
 161 instrumentality of state government in the executive branch listed in the appropriation act. However, the
 162 terms "state agency," "agency," "institution," "public body," and "public institution of higher education,"
 163 shall not include the University of Virginia Medical Center.

164 "Technology asset" means hardware and communications equipment not classified as traditional
 165 mainframe-based items, including personal computers, mobile computers, and other devices capable of
 166 storing and manipulating electronic data.

167 "Telecommunications" means any origination, transmission, emission, or reception of signs, signals,
 168 writings, images, and sounds or intelligence of any nature, by wire, radio, television, optical, or other
 169 electromagnetic systems.

170 "Telecommunications facilities" means apparatus necessary or useful in the production, distribution,
 171 or interconnection of electronic communications for state agencies or institutions including the buildings
 172 and structures necessary to house such apparatus and the necessary land.

173 § 2.2-2007. Powers of the CIO.

174 A. In addition to such other duties as the Secretary may assign, the CIO shall:

175 1. Monitor trends and advances in information technology; develop a comprehensive, ~~statewide,~~
 176 ~~two-year~~ *six-year Commonwealth* strategic plan for information technology to include: (i) specific
 177 projects that implement the plan; (ii) a plan for the acquisition, management, and use of information
 178 technology by state agencies; ~~and~~ (iii) a report of the progress of any ongoing enterprise ~~application~~

179 *information technology* projects, any factors or risks that might affect their successful completion, and
 180 any changes to their projected implementation costs and schedules; and (iv) a report on the progress
 181 made by state agencies toward accomplishing the Commonwealth strategic plan for information
 182 technology. The statewide Commonwealth strategic plan for information technology shall be updated
 183 annually and submitted to the Secretary for approval.

184 2. Direct the formulation and promulgation of policies, guidelines, standards, and specifications for
 185 the purchase, development, and maintenance of information technology for state agencies, including, but
 186 not limited to, those (i) required to support state and local government exchange, acquisition, storage,
 187 use, sharing, and distribution of geographic or base map data and related technologies, (ii) concerned
 188 with the development of electronic transactions including the use of electronic signatures as provided in
 189 § 59.1-496, and (iii) necessary to support a unified approach to information technology across the
 190 totality of state government, thereby assuring that the citizens and businesses of the Commonwealth
 191 receive the greatest possible security, value, and convenience from investments made in technology.

192 3. Direct the development of policies and procedures, in consultation with the Department of
 193 Planning and Budget, that are integrated into the Commonwealth's strategic planning and performance
 194 budgeting processes, and that state agencies and public institutions of higher education shall follow in
 195 developing information technology plans and technology-related budget requests. Such policies and
 196 procedures shall require consideration of the contribution of current and proposed technology
 197 expenditures to the support of agency and institution priority functional activities, as well as current and
 198 future operating expenses, and shall be utilized by all state agencies and public institutions of higher
 199 education in preparing budget requests.

200 4. Review budget requests for information technology from state agencies and public institutions of
 201 higher education and recommend budget priorities to the Secretary.

202 Review of such budget requests shall include, but not be limited to, all data processing or other
 203 related projects for amounts exceeding ~~\$100,000~~ \$250,000 in which the agency or institution has entered
 204 into or plans to enter into a contract, agreement or other financing agreement or such other arrangement
 205 that requires that the Commonwealth either pay for the contract by foregoing revenue collections, or
 206 allows or assigns to another party the collection on behalf of or for the Commonwealth any fees,
 207 charges, or other assessments or revenues to pay for the project. For each project, the agency or
 208 institution, with the exception of public institutions of higher education that meet the conditions
 209 prescribed in subsection B of § 23-38.88, shall provide the CIO (i) a summary of the terms, (ii) the
 210 anticipated duration, and (iii) the cost or charges to any user, whether a state agency or institution or
 211 other party not directly a party to the project arrangements. The description shall also include any terms
 212 or conditions that bind the Commonwealth or restrict the Commonwealth's operations and the methods
 213 of procurement employed to reach such terms.

214 *State agencies and institutions, with the exception of public institutions of higher education that meet*
 215 *the conditions prescribed in subsection B of § 23-38.88, shall submit to the CIO a projected biennial*
 216 *operations and maintenance budget for technology assets owned or licensed by the agency or institution,*
 217 *and submit a budget decision package for any shortfalls.*

218 5. Direct the development of policies and procedures for the effective management of information
 219 technology investments throughout their entire life cycles, including, but not limited to, ~~project~~
 220 ~~definition, identification, business case development, selection, procurement, development,~~
 221 implementation, operation, performance evaluation, and enhancement or retirement. Such policies and
 222 procedures shall include, at a minimum, the periodic review by the CIO of agency and public institution
 223 of higher education ~~major~~ Commonwealth information technology projects.

224 6. ~~The CIO shall provide~~ Provide technical guidance to the Department of General Services in the
 225 development of policies and procedures for the recycling and disposal of computers and other
 226 technology assets. Such policies and procedures shall include the expunging, in a manner as determined
 227 by the CIO, of all state confidential data and personal identifying information of citizens of the
 228 Commonwealth prior to such sale, disposal, or other transfer of computers or other technology assets.

229 6 7. Oversee and administer the Virginia Technology Infrastructure Fund created pursuant to
 230 § 2.2-2023.

231 7 8. Periodically evaluate the feasibility of outsourcing information technology resources and
 232 services, and outsource those resources and services that are feasible and beneficial to the
 233 Commonwealth.

234 8 9. Have the authority to enter into contracts, and with the approval of the Secretary of Technology
 235 for any contracts over \$1 million, with one or more other public bodies, or public agencies or
 236 institutions or localities of the several states, of the United States or its territories, or the District of
 237 Columbia for the provision of information technology services.

238 9 10. The CIO shall prepare an annual report for submission to the Secretary, the Information
 239 Technology Advisory Council, and the Joint Commission on Technology and Science on a prioritized

240 list of Recommended Technology Investment Projects (*RTIP Report*) based upon major information
 241 technology projects submitted for *business case* approval pursuant to this chapter. As part of this plan
 242 the *RTIP Report*, the CIO shall develop and regularly update a methodology for prioritizing projects
 243 based upon the allocation of points to defined criteria. The criteria and their definitions shall be
 244 presented in the plan *RTIP Report*. For each project listed *recommended for funding* in the plan *RTIP*
 245 *Report*, the CIO shall indicate the number of points and how they were awarded. For each listed project,
 246 the CIO shall also indicate report (i) the projected cost of the project for the next three biennia
 247 following project implementation all projected costs of ongoing operations and maintenance activities of
 248 the project for the next three biennia following project implementation; (ii) all projected costs of
 249 ongoing operations and maintenance activities a justification and description for each project baseline
 250 change; and (iii) whether the project fails to incorporate existing standards for the maintenance,
 251 exchange, and security of data. This report shall also include trends in current projected information
 252 technology spending by state agencies and at the enterprise level secretariats, including spending on
 253 projects, operations and maintenance, and payments to VITA. Agencies shall provide all project and cost
 254 information required to complete the *RTIP Report* to the CIO prior to May 31 immediately preceding
 255 any budget biennium in which the project appears in the Governor's budget bill.

256 ~~10~~ 11. Direct the development of policies and procedures that require VITA the Division of Project
 257 Management established pursuant to § 2.2-2016, on behalf of the CIO, to review major and recommend
 258 Commonwealth information technology projects proposed by state agencies and institutions and
 259 recommend to the Secretary whether such projects be approved or disapproved. The CIO shall
 260 disapprove major information technology projects that do not conform to the statewide strategic
 261 information technology plan or to the individual plans of state agencies or institutions of higher
 262 education. For projects that do not meet the definition of major information technology project as
 263 defined in § 2.2-2006, the CIO shall develop criteria and requirements defining whether such projects are
 264 subject to the provisions of this subdivision. Such policies and procedures shall be based on the criteria
 265 outlined within § 2.2-2017.

266 ~~11~~ 12. Oversee the Commonwealth's Provide oversight for state agency or public institution of
 267 higher education efforts to modernize the planning, development, implementation, improvement,
 268 operations and maintenance, and retirement of Commonwealth applications information technology,
 269 including oversight for the coordination and selection, development and management of enterprise-wide
 270 or multiagency applications enterprise information technology. At the discretion of the Governor, the
 271 CIO shall designate a state agency or public institution of higher education as the business sponsor
 272 responsible for implementing an enterprise information technology project, and define the
 273 responsibilities of lead agencies that implement enterprise information technology projects.

274 ~~12~~ 13. Develop and recommend to the Secretary statewide technical and data standards for
 275 information technology and related systems, including the utilization of nationally recognized technical
 276 and data standards for health information technology systems or software purchased by a state agency of
 277 the Commonwealth.

278 14. Establish Internal Agency Oversight Committees and Secretariat Oversight Committees as
 279 necessary and in accordance with § 2.2-2021.

280 B. Consistent with § 2.2-2012, the CIO may enter into public-private partnership contracts to finance
 281 or implement information technology programs and projects. The CIO may issue a request for
 282 information to seek out potential private partners interested in providing programs or projects pursuant to
 283 an agreement under this subsection. The compensation for such services shall be computed with
 284 reference to and paid from the increased revenue or cost savings attributable to the successful
 285 implementation of the program or project for the period specified in the contract. The CIO shall be
 286 responsible for reviewing and approving the programs and projects and the terms of contracts for same
 287 under this subsection. The CIO shall determine annually the total amount of increased revenue or cost
 288 savings attributable to the successful implementation of a program or project under this subsection and
 289 such amount shall be deposited in the Virginia Technology Infrastructure Fund created in § 2.2-2023.
 290 The CIO is authorized to use moneys deposited in the Fund to pay private partners pursuant to the terms
 291 of contracts under this subsection. All moneys in excess of that required to be paid to private partners,
 292 as determined by the CIO, shall be reported to the Comptroller and retained in the Fund. The CIO shall
 293 prepare an annual report to the Governor, the Secretary, and General Assembly on all contracts under
 294 this subsection, describing each information technology program or project, its progress, revenue impact,
 295 and such other information as may be relevant.

296 C. The CIO shall strive to follow acceptable technology investment methods, such as Information
 297 Technology Investment Management (ITIM) principles developed by the United States Government
 298 Accountability Office, develop and recommend to the Secretary a technology investment management
 299 standard based on acceptable technology investment methods to ensure that all state agency or public
 300 institution of higher education technology expenditures are an integral part of the Commonwealth's

301 performance management system, *produce value for the agency and the Commonwealth*, and are aligned
 302 with (i) agency strategic ~~business objectives plans~~, (ii) the Governor's policy objectives, and (iii) the
 303 long-term objectives of the Council on Virginia's Future.

304 D. Subject to review and approval by the Secretary, the CIO shall have the authority to enter into
 305 and amend contracts for the provision of information technology services.

306 § 2.2-2008. Additional duties of the CIO relating to project management.

307 The CIO shall have the following duties relating to the management of information technology
 308 projects:

309 1. ~~Develop an approval process for proposed major and recommend to the Secretary a~~
 310 ~~Commonwealth Project Management Standard for information technology projects by state agencies to~~
 311 ~~ensure or public institutions of higher education that establishes a methodology for the initiation,~~
 312 ~~planning, execution, and closeout of information technology projects and related procurements. Such~~
 313 ~~methodology shall include the establishment of appropriate oversight for information technology~~
 314 ~~projects. The basis for the governance and oversight of information technology projects shall include,~~
 315 ~~but not necessarily be limited to, an assessment of the project's risk and complexity. The Commonwealth~~
 316 ~~Project Management Standard shall require that all such projects conform to the statewide information~~
 317 ~~management Commonwealth strategic plan and the for information management technology developed~~
 318 ~~and approved pursuant to § 2.2-2007 and the strategic plans of agencies and public institutions of~~
 319 ~~higher education. All executive branch agencies and public institutions of higher education shall conform~~
 320 ~~to the requirements of the Commonwealth Project Management Standard.~~

321 2. ~~Establish a methodology for conceiving, planning, scheduling and providing appropriate oversight~~
 322 ~~for information technology projects including a process for approving the planning, development and~~
 323 ~~procurement of information technology projects. Such methodology shall include guidelines for the~~
 324 ~~establishment of appropriate oversight for information technology projects.~~

325 3. ~~Establish minimum qualifications and training standards for project managers.~~

326 4. ~~Provide the Secretary with a recommendation and rank of all procurement solicitations involving~~
 327 ~~major information technology projects.~~

328 5. ~~Direct the development of any statewide or multiagency enterprise project.~~

329 6. ~~Develop and update a project management methodology to be used by agencies in the~~
 330 ~~development of information technology.~~

331 7. ~~Establish an information clearinghouse that identifies best practices and new developments and~~
 332 ~~contains detailed information regarding the Commonwealth's previous experiences with the development~~
 333 ~~of major information technology projects.~~

334 8. ~~Determine, prior to proceeding with the development of a major information technology project~~
 335 ~~pursuant to § 2.2-2019 or the procurement of any major information technology project pursuant to~~
 336 ~~§ 2.2-2020, that the Disapprove any agency or public institution of higher education request to initiate a~~
 337 ~~major information technology project or related procurement if funding for such project has not been~~
 338 ~~included in the budget bill in accordance with § 2.2-1509.3. The provisions of this subdivision shall not~~
 339 ~~apply upon a determination by the Governor that an emergency exists and a major information~~
 340 ~~technology project is necessary to address the emergency.~~

341 5. ~~Review and approve or disapprove the selection or termination of any Commonwealth information~~
 342 ~~technology project that has not been defined or designated as a major information technology project~~
 343 ~~pursuant to § 2.2-225 or that does not have high risk and high complexity. For any Commonwealth~~
 344 ~~information technology projects defined or designated as major information technology projects, or that~~
 345 ~~have high risk and high complexity, the CIO shall recommend approval or disapproval to the Secretary~~
 346 ~~pursuant to § 2.2-225.~~

347 6. ~~Disapprove or recommend for disapproval by the Secretary any Commonwealth information~~
 348 ~~technology projects that do not conform to the Commonwealth strategic plan for information technology~~
 349 ~~developed and approved pursuant to § 2.2-2007 or to the strategic plans of state agencies or public~~
 350 ~~institutions of higher learning.~~

351 § 2.2-2012. Procurement of information technology and telecommunications goods and services;
 352 computer equipment to be based on performance-based specifications.

353 A. Information technology and telecommunications goods and services of every description shall be
 354 procured by (i) VITA for its own benefit or on behalf of other state agencies and institutions or (ii) such
 355 other agencies or institutions to the extent authorized by VITA. Such procurements shall be made in
 356 accordance with the Virginia Public Procurement Act (§ 2.2-4300 et seq.), regulations that implement the
 357 electronic and information technology accessibility standards of the Rehabilitation Act of 1973 (29
 358 U.S.C. § 794d), as amended, and any regulations as may be prescribed by VITA. In no case shall such
 359 procurements exceed the requirements of the regulations that implement the electronic and information
 360 technology accessibility standards of the Rehabilitation Act of 1973, as amended.

361 The CIO shall disapprove any procurement that does not conform to the statewide Commonwealth

362 *strategic plan for information technology plan developed and approved pursuant to § 2.2-2007 or to the*
 363 *individual strategic plans of state agencies or public institutions of higher education.*

364 B. All statewide contracts and agreements made and entered into by VITA for the purchase of
 365 communications services, telecommunications facilities, and information technology goods and services
 366 shall provide for the inclusion of counties, cities, and towns in such contracts and agreements.
 367 Notwithstanding the provisions of § 2.2-4301, VITA may enter into multiple vendor contracts for the
 368 referenced services, facilities, and goods and services.

369 C. ~~The Department~~ VITA may establish contracts for the purchase of personal computers and related
 370 devices by licensed teachers employed in a full-time teaching capacity in Virginia public schools or in
 371 state educational facilities for use outside the classroom. The computers and related devices shall not be
 372 purchased with public funds, but shall be paid for and owned by teachers individually provided that no
 373 more than one such computer and related device per year shall be so purchased.

374 D. If VITA, or any agency or institution authorized by VITA, elects to procure personal computers
 375 and related peripheral equipment pursuant to any type of blanket purchasing arrangement under which
 376 public bodies, as defined in § 2.2-4301, may purchase such goods from any vendor following
 377 competitive procurement but without the conduct of an individual procurement by or for the using
 378 agency or institution, it shall establish performance-based specifications for the selection of equipment.
 379 Establishment of such contracts shall emphasize performance criteria including price, quality, and
 380 delivery without regard to "brand name." All vendors meeting the Commonwealth's performance
 381 requirements shall be afforded the opportunity to compete for such contracts.

382 E. This section shall not be construed or applied so as to infringe upon, in any manner, the
 383 responsibilities for accounting systems assigned to the Comptroller under § 2.2-803.

384 F. The CIO of VITA shall, on or before October 1, 2009, and every two years thereafter, solicit from
 385 each state agency and public institution of higher education a list of procurements that were competed
 386 with the private sector that appear on the Commonwealth Competition Council's commercial activities
 387 list and were, until that time, being performed by each state agency and public institution of higher
 388 education during the previous two years, and the outcome of that competition. The CIO shall make the
 389 lists available to the public on VITA's website.

390 § 2.2-2015. Authority of CIO to modify or suspend information technology projects; project
 391 termination.

392 The CIO may direct the modification or suspension of any ~~major~~ *Commonwealth* information
 393 technology project that, as the result of a periodic review authorized by subdivision A 5 of § 2.2-2007,
 394 has not met the performance measures agreed to by the CIO and the sponsoring *state* agency or public
 395 institution of higher education, or if he otherwise deems such action appropriate and consistent with the
 396 terms of any affected contracts.

397 The CIO may ~~recommend to the Secretary~~ *direct* the termination of ~~such any~~ *Commonwealth*
 398 *information technology project that has not been defined or designated a major information technology*
 399 *project, or does not have high risk and high complexity and that, as the result of a periodic review*
 400 *authorized by subdivision A 5 of § 2.2-2007, has not met the performance measures agreed to by the*
 401 *CIO and the sponsoring state agency or public institution of higher education, or if he otherwise deems*
 402 *such action appropriate and consistent with the terms of any affected contracts.*

403 *The CIO may recommend to the Secretary pursuant to § 2.2-225 the termination of any major*
 404 *information technology project, or any information technology project with high risk and high*
 405 *complexity that, as the result of a periodic review authorized by subdivision A 5 of § 2.2-2007, has not*
 406 *met the performance measures agreed to by the CIO and the sponsoring state agency or public*
 407 *institution of higher education, or if he otherwise deems such action appropriate and consistent with the*
 408 *terms of any affected contracts.*

409 Nothing in this section shall be construed to supersede the responsibility of a board of visitors for the
 410 management and operation of a public institution of higher education.

411 The provisions of this section shall not apply to research projects, research initiatives or instructional
 412 programs at public institutions of higher education. However, technology investments in research
 413 projects, research initiatives or instructional programs at such institutions estimated to cost \$1 million or
 414 more of general fund appropriations may be reviewed as provided in subdivision A 5 of § 2.2-2007 if
 415 ~~the projects are deemed mission-critical by the institution or of statewide application by the CIO.~~ The
 416 CIO and the Secretary of Education, in consultation with public institutions of higher education, shall
 417 develop and provide to such institution criteria to be used in determining whether projects are
 418 mission-critical.

419 § 2.2-2017. Powers and duties of the Division.

420 The Division shall have the power and duty to:

421 1. Implement the approval process for information technology projects developed in accordance with
 422 ~~§ 2.2-2008~~ *the Commonwealth Project Management Standard;*

423 2. Assist the *Secretary and the CIO* in the development and implementation of a project management
 424 methodology policies, standards, guidelines and methodologies to be used in the development of and
 425 implementation of information technology projects for information technology projects in accordance
 426 with this article;

427 3. Provide ongoing assistance and support to state agencies and public institutions of higher
 428 education in the development of information technology projects;

429 4. Establish a program providing cost-effective training to agency project managers;

430 5. Review information management and information technology plans submitted by agencies and
 431 public institutions of higher education and recommend to the CIO the approval of such plans and any
 432 amendments thereto;

433 6. Monitor the implementation of information management and information technology plans and
 434 periodically report its findings to the CIO;

435 7. Assign project management specialists to review Review and recommend information technology
 436 proposals projects based on criteria developed by the Division based on pursuant to § 2.2-2007 that
 437 assess the (i) degree to which the project is consistent with the Commonwealth's overall strategic plan;
 438 (ii) technical feasibility of the project; (iii) benefits to the Commonwealth of the project, including
 439 customer service improvements; (iv) risks associated with the project; (v) continued funding
 440 requirements; and (vi) past performance by the agency on other projects; and

441 8. Provide oversight for state agency information technology projects; and

442 9. Report on a quarterly basis to the CIO, the Secretary, the Governor, the Information Technology
 443 Advisory Council, the Joint Legislative Audit and Review Commission, the Auditor of Public Accounts,
 444 the House Appropriations Committee, the Senate Finance Committee, and the Joint Commission on
 445 Technology and Science the status and performance of each major information technology project and
 446 related procurement conducted by any state agency or institution.

447 § 2.2-2018.1. Project and procurement investment business case approval.

448 A. In accordance with policies and standards approved by the Secretary pursuant to § 2.2-225, state
 449 agencies and public institutions of higher education shall obtain CIO approval prior to the initiation of
 450 any Commonwealth information technology project or procurement with a total estimated cost below \$1
 451 million, or Secretary approval for any Commonwealth information technology project or procurement
 452 with a total estimated cost of \$1 million or more. When selecting an information technology investment,
 453 state agencies and public institutions of higher education shall submit to the Division an investment
 454 business case, outlining the business value of the investment, the proposed technology solution, if known,
 455 and an explanation of how the project will support the agency strategic plan, the agency's secretariat's
 456 strategic plan, and the Commonwealth strategic plan for information technology developed and
 457 approved pursuant to § 2.2-2007. The Division may require the submission of additional information if
 458 needed to adequately review any such proposal.

459 B. The Division shall review each investment business case submitted in accordance with this section
 460 and recommend its approval or rejection to the CIO pursuant to the policies and procedures developed
 461 in § 2.2-2007.

462 C. In accordance with policies and standards outlined in the Commonwealth Project Management
 463 Standard, the CIO shall review the business case for any Commonwealth information technology project
 464 or procurement and approve or disapprove, or recommend approval or disapproval to the Secretary
 465 pursuant to § 2.2-225.

466 § 2.2-2020. Procurement approval for information technology projects.

467 Upon approval of the CIO of the project development proposal involving a major information
 468 technology project that requires the procurement of goods or services, the The agency shall submit a
 469 copy of any Invitation for Bid (IFB) or Request for Proposal (RFP) to the Division. The project
 470 management specialist Division shall review the IFB or RFP and recommend its approval or rejection to
 471 the Secretary CIO. The agency shall submit a copy of any proposed contract or final contract to the
 472 Division. The Division shall review the proposed contract or final contract and recommend its approval
 473 or rejection to the CIO. A project shall be granted project initiation approval as provided by the
 474 Commonwealth Project Management Standard before the award of any contract. The Secretary, pursuant
 475 to § 2.2-225, shall have the final authority to approve the IFB or RFP prior to its release and shall
 476 approve the proposed contract for the award of the project.

477 § 2.2-2021. Project oversight committees.

478 A. Whenever an agency has received approval from the Secretary to proceed with the development
 479 and acquisition of the project charter has been approved for a major information technology project, an
 480 enterprise information technology project, or for an information technology project with high risk and
 481 high complexity, the Secretary shall establish an internal agency oversight committee shall be established
 482 by the CIO Internal Agency Oversight Committee (IAOC). Whenever the project charter has been
 483 approved for any other Commonwealth information technology project, the CIO shall establish an

484 IAOC. The internal agency oversight committee shall provide ongoing oversight for IAOC shall
 485 represent all business or functional stakeholders of the project and including stakeholders in other
 486 agencies, assure that all stakeholders have the opportunity to work together toward a mutually
 487 beneficial integrated solution, have the authority to approve or reject any changes in the project's scope,
 488 schedule, or budget, provide oversight and direction to the project, and review and approve the schedule
 489 baseline and all project documentation. The CIO shall ensure that the project has in place adequate
 490 project management and oversight structures for addressing major issues that could affect the project's
 491 scope, schedule or budget and shall address issues that cannot be resolved by the internal agency
 492 oversight committee.

493 B. Whenever a statewide or multiagency project has received approval from the Secretary, the
 494 primary project oversight shall be conducted by a committee composed of representatives from agencies
 495 impacted by the project, which shall be established by the CIO.

496 B. Whenever the project charter has been approved for a major information technology project, an
 497 enterprise information technology project, or for an information technology project with high risk and
 498 high complexity, the Secretary shall establish a Secretariat Oversight Committee (SOC). Whenever the
 499 project charter has been approved for any other Commonwealth information technology project, the CIO
 500 shall establish an SOC. The SOC shall represent all business or functional stakeholders of the project
 501 including stakeholders in other secretariats, validate the proposed project business case, review and
 502 make recommendations on changes in the project's scope, schedule or budget, and review Independent
 503 Verification and Validation reports and recommend corrective actions if needed.

504 § 58.1-1840.1. Virginia Tax Amnesty Program established.

505 A. There is hereby established the Virginia Tax Amnesty Program. It is the intent of this program to
 506 improve voluntary compliance with the tax laws and to increase and to accelerate collections of certain
 507 taxes owed to the Commonwealth.

508 B. The Virginia Tax Amnesty Program shall be administered by the Department of Taxation, and any
 509 person, individual, corporation, estate, trust or partnership required to file a return or to pay any tax
 510 administered or collected by the Department of Taxation shall be eligible to participate, subject to the
 511 requirements set forth below and guidelines established by the Tax Commissioner.

512 C. The Tax Commissioner shall establish guidelines and rules for the procedures for participation and
 513 any other rules that are deemed necessary by the Tax Commissioner. The guidelines and rules issued by
 514 the Tax Commissioner regarding the Virginia Tax Amnesty Program shall be exempt from the
 515 Administrative Process Act (§ 2.2-4000 et seq.).

516 D. The Virginia Tax Amnesty Program shall have the following features:

517 1. The program shall be conducted during the period July 1, 2009, through June 30, 2010, and shall
 518 not last less than 60 nor more than 75 days. The exact dates of the program shall be established by the
 519 Tax Commissioner.

520 2. All civil or criminal penalties assessed or assessable, as provided in this title, including the
 521 addition to tax under §§ 58.1-492 and 58.1-504, and one-half of the interest assessed or assessable, as
 522 provided in this title, which are the result of nonpayment, underpayment, nonreporting or underreporting
 523 of tax liabilities, shall be waived upon receipt of the payment of the amount of taxes and interest owed,
 524 with the following exceptions:

525 a. No person, individual, corporation, estate, trust or partnership currently under investigation or
 526 prosecution for filing a fraudulent return or failing to file a return with the intent to evade tax shall
 527 qualify to participate.

528 b. No person, individual, corporation, estate, trust or partnership shall be eligible to participate in the
 529 program with respect to any assessment outstanding for which the date of assessment is less than 90
 530 days prior to the first day of the program or with respect to any liability arising from the failure to file a
 531 return for which the due date of the return is less than 90 days prior to the first day of the program.

532 c. No person, individual, corporation, estate, or trust shall be eligible to participate in the program
 533 with respect to any tax liability from the income taxes imposed by §§ 58.1-320, 58.1-360 and 58.1-400,
 534 if the tax liability is attributable to taxable years beginning on and after January 1, 2008.

535 E. For the purpose of computing the outstanding balance due because of the nonpayment,
 536 underpayment, nonreporting or underreporting of any tax liability that has not been assessed prior to the
 537 first day of the program, the rate of interest specified for omitted taxes and assessments under § 58.1-15
 538 shall not be applicable. The Tax Commissioner shall, instead, establish one interest rate to be used for
 539 each taxable year that approximates the average "underpayment rate" specified under § 58.1-15 for the
 540 five-year period immediately preceding the program.

541 F. 1. If any taxpayer eligible for amnesty under this section and under the rules and guidelines
 542 established by the Tax Commissioner retains any outstanding balance after the close of the Virginia Tax
 543 Amnesty Program because of the nonpayment, underpayment, nonreporting or underreporting of any tax
 544 liability eligible for relief under the Virginia Tax Amnesty Program, then such balance shall be subject

545 to a 20 percent penalty on the unpaid tax. This penalty is in addition to all other penalties that may
546 apply to the taxpayer.

547 2. Any taxpayer who defaults upon any agreement to pay tax and interest arising out of a grant of
548 amnesty is subject to reinstatement of the penalty and interest forgiven and the imposition of the penalty
549 under this section as though the taxpayer retained the original outstanding balance at the close of the
550 Virginia Tax Amnesty Program.

551 G. For the purpose of implementing the Virginia Tax Amnesty Program, the Department is exempt
552 from §§ 2.2-2015 and ~~2.2-2018~~ 2.2-2018.1 through 2.2-2021 pertaining to the Virginia Information
553 Technologies Agency's project management and procurement oversight.

554 **2. That §§ 2.2-2018 and 2.2-2019 of the Code of Virginia are repealed.**

555 **3. That the provisions of this Act shall not apply to a public institution of higher education that**
556 **has a valid (i) management agreement with the Commonwealth pursuant to subsection D of**
557 **§ 23-38.88 or (ii) a memorandum of understanding with the Secretary of Technology pursuant to**
558 **§ 23-38.90.**