
GUIDELINES FOR INFORMATION TECHNOLOGY PROCUREMENT

OFFICE OF MANAGEMENT AND BUDGET

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In consultation with the Attorney General's Office

October 2021

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CHAPTER 1: GUIDELINES TO IT PROCUREMENT

These guidelines are to provide executive branch agencies with the process to be followed for the procurement of Information Technology (IT) hardware, software and services.

Unless otherwise stated, many of these IT Procurement guidelines exclude the judicial and legislative branches and institutions under the control of the state board of higher education. However, requirements for provisioning certain wide area network services [ref. [N.D.C.C. § 54-59-02](#)] and requirements for reporting on major IT projects [ref. [N.D.C.C. § 54-35-15.2](#)] apply to all branches of state government including higher education.

Please contact the OMB State Procurement Office at 701-328-2740 or infospo@nd.gov if you have any questions or suggestions for the improvement of these guidelines.

1. Definition of Information Technology

“Information technology” means the use of hardware, software, services, and supporting infrastructure to manage and deliver information using voice, data, and video. [ref. [N.D.C.C. § 54-59-01 \(3\)](#)] For examples go to: <http://www.nd.gov/itd/about-us/definition-information-technology>

2. Information Technology Procurement Assistance

IT procurement staff from the Information Technology Department (ITD) provide review, consultation and general assistance to agencies regarding IT procurements and contracting best practices. An IT procurement request for review or general assistance can be e-mailed to [ITD Procurement](#). To speak to a member of the IT procurement staff contact the [ITD Service Desk](#).

3. Agency IT Plans

IT planning is a process to establish clear objectives for IT organizations that link directly back to the enterprise’s strategic business goals. Each executive branch state agency or institution, excluding entities under the control of the state board of higher education, must submit an [agency IT plan](#) to ITD by August 15th of each even numbered year. [ref. [N.D.C.C. §54-59-11](#)]

ITD submits information regarding proposed major IT projects (\$500,000 and over) to the State Information Technology Advisory Committee (SITAC) for review and ranking. The committee’s recommended prioritization of major IT projects is submitted to the Legislative IT Committee, the Office of Management and Budget, and the Appropriations Committees of the Legislative Assembly. [ref. [N.D.C.C. §54-59-02 \(1\)](#)]

Throughout the biennium, agencies must also [involve ITD in project origination](#) as initiatives arise that were not identified within their IT plan.

4. IT Standards Verification

An agency planning to purchase information technology hardware, software, software maintenance, or services is responsible to review its IT purchases, competitive bid solicitations, and contracts to verify that the technology being procured complies with state IT standards. For assistance with this analysis, the agency may request an architectural design review to be performed by [Enterprise Architecture](#).

For any IT procurement that does not comply with state IT standards, the agency must obtain prior approval from ITD. Submit a [Request for Exemption to IT Standard](#).

5. Existing Source of Supply

ITD provides a variety of [information technology services](#), including IT infrastructure, information management, business analysis, project management, software development, and website development. Agencies can purchase ITD services without competition regardless of dollar amount. An agency can also solicit bids or proposals from ITD during a competitive solicitation process. [ref. [subsection 2\(j\) of N.D.C.C. § 54-44-4-05](#) and [N.D.A.C. § 4-12-15](#)] For more information, contact ITD at 701-328-3190 or visit its website at www.nd.gov/itd/.

5.1 Existing Source of Supply – Consolidated Services

State law requires OMB and ITD to develop policies and guidelines for consolidation of certain IT services through a delivery mechanism provided by ITD in order to create efficiencies, cost savings and improved quality of service. [ref. [N.D.C.C. § 54-59-22](#)] ITD, with advisement from its customers, has created [Service Level Agreements](#) (SLAs) to help manage and improve upon the levels of service between ITD and its customers. OMB endorses these SLAs and incorporates them here as policy and guidance for the applicable consolidated services.

- Telecommunication and Network Equipment and Services: Purchase all [telecommunication](#) and [network](#) equipment and services through ITD, including telephones and telephone systems (other than cellular phones), automated attendant systems, call sequencers, lines, circuits, all data and video communication equipment and services, routers, switches, and data circuits. [ref. [N.D.C.C. § 54-59-05](#)] Submit an online [work request](#) to ITD.
- Electronic Mail, File and Print Server Administration, Database Administration, Application Server, and Hosting Services: Agencies, unless exempted, must obtain [hosting](#) services through a delivery system established by ITD. [ref. [N.D.C.C. § 54-59-22](#)] Submit an online [work request](#) to ITD.
- Desktop Support Services: Specific agencies must obtain centralized desktop support services from ITD. [ref. [N.D.C.C. § 54-59-22.1](#)] ITD's [desktop support service](#) includes the acquisition, management and technical support of personal computers and peripheral devices. Submit an online [work request](#) to ITD. Follow the [Desktop Support WMS Instruction Guide](#) to submit a service request to add, change, or end IT services for new, existing, and terminated employees.
- The state has invested in a website platform to improve security, reduce cost, and make it easier for agencies to comply with state and federal standards (e.g. accessibility, encryption, data privacy, etc.). The [State Website Platform](#) should be evaluated for agency fit prior to procuring a new website or website redesign.

6. IT Purchases from a State Contract

ITD approval is generally not required for equipment, software, and services that are purchased off [State Contracts](#), with the exception of equipment, software, and services

that are required to be provided by ITD [ref [N.D.C.C. § 54-59-05 \(5\)](#) and [N.D.C.C. § 54-59-22](#)] State Contracts may require additional review or action at certain dollar thresholds, so agencies must follow the instructions related to purchasing from the applicable State Contract. Contact the contract administrator listed on the contract web page with specific questions about the contract.

7. IT Procurement Review Categories

There are various review and approval requirements for IT purchases depending on the type of technology being acquired and the purchase amount. This section describes the various review and approval categories.

7.1 IT Purchases Regardless of Dollar Amount – Approvals and Waivers

- Server Equipment, Cloud, Software-As-A-Service, Managed Hosting Services: ITD must approve all purchases related to servers (applications, electronic mail, file and print, database, server storage), and for hosted services (including managed IT services/applications) outside of ITD. [ref. [N.D.C.C. § 54-59-22](#)] Submit a [Request for Exemption to IT Statutory Policy](#) to ITD Enterprise Services.
- IT purchase related to the State’s ConnectND PeopleSoft/Oracle implementation: OMB must approve all purchases of shadow systems (alternative solutions) to the State’s implementation of PeopleSoft/Oracle. Submit a [business case](#) to the PeopleSoft-Oracle [program manager](#).
- IT purchase with limitation of liability: An agency has limited authorization to agree to limit a contractor’s liability for purchases related to software, communication, or electronic equipment. [ref. [N.D.C.C. § 32-12.2-15](#)] The agency must prepare written documentation, in consultation with OMB Risk Management Division and the Attorney General’s Office, before agreeing to any liability limitation. Use the [Limitation of Liability Documentation Template](#).
- IT purchase related to Electronic Health Records: Each executive branch state agency and institution of higher education may use only an electronic health record system for use in the State’s [Health Information Exchange](#) which is certified under rules adopted by the Office of the National Coordinator for Health Information Technology. [ref. [N.D.C.C. § 54-59-31](#)]
- IT purchase related to Microfilm Equipment and Services: [ITD Records Management](#) must approve purchases for microfilm equipment and services. [ref. [N.D.C.C. § 54-46.1-05](#)]

7.2 IT Purchases under \$25,000

An agency may request a review of procurement documents relating to IT purchases under \$25,000. If an IT purchase does not require an ITD review, an agency can request a review or general assistance related to a purchase allowing agencies to leverage expertise and existing resources specific to IT purchases.

7.3 IT Purchases \$25,000 and over

A request for approval of a procurement document for any purchase of information technology hardware, software, software maintenance, or services of \$25,000 and over, must be submitted to ITD for prior approval.

IT procurements are reviewed to ensure conformance with the requesting agency's [IT plan](#) and compliance with [statewide policies and standards](#). [ref. [N.D.C.C. § 54-59-05](#), [IT Procurement Standard STD-ITD-001](#)] If not previously requested, the technology specifications may be submitted to the [Enterprise Architecture](#) process for an architectural design review. ITD also reviews procurement documents for adherence to best practices and recommendations for any changes to the documents based on best practices.

Requests for IT procurement reviews may be e-mailed to [ITD Procurement](#). The request must contain 1) an explanation of how the purchase fits into the agency's IT plan or justification for departure from the plan and 2) a copy of the draft purchase document(s) (i.e. competitive solicitation, alternate procurement, purchase order, contract terms and conditions, contract amendment).

If the request is not in conformance or compliance, ITD may disapprove the request, ask the agency to modify requirements to bring the purchase into conformance or compliance, or require justification for the departure from the plan or statewide policy or standard. [ref. [N.D.C.C. § 54-59-05](#)]

- Competitive Solicitations for IT Purchase \$25,000 and over: An agency must receive approval from ITD of the competitive solicitation document prior to issuing the solicitation on the State Procurement Office website.
- Noncompetitive or Limited Competitive Purchase \$25,000 and over: An agency must receive approval from ITD and the State Procurement Office of the [alternate procurement request form](#) prior to negotiating terms and conditions of a contract or purchase order.
- IT Contract \$25,000 and over: All contracts furnished by a contractor must be reviewed for terms and conditions that are one-sided and heavily favor the contractor. The terms and conditions will need to be negotiated to ensure the state is properly protected. See the [AG Contract drafting manual](#) for recommended contract clauses and alternatives. Consult with your agency Attorney General counsel for review and recommended amendments to vendor contracts. An approval must be obtained from ITD before signing the contract.
- Purchase Order Attached Terms and Conditions \$25,000 and over: If a purchase order is being issued as a contract the solicitation must be incorporated by reference, since a purchase order does not contain adequate space for the terms and conditions. An agency must send a copy of a purchase order with the proposed terms and conditions with a request for review. An approval must be obtained before issuing the purchase order.
- Contract Administration – Proposed Amendments: Any amendments related to the purchase, when the total amount of the purchase including the original contract and any amendments is \$25,000 and over, must be reviewed and approved before an amendment is executed.
- Other Document Presented Relating to IT Purchase: A document may be presented relating to an IT purchase that was not identified as a purchase required to be reviewed by ITD. Agency may request a review of the document

to determine where it fits into the ITD procurement process. A few examples of documents include: an invoice, a purchase order, click through on a website, and other documents presented by a contractor.

Agencies wishing to purchase a solution that does not comply with statewide policies and standards must submit a [Request for Exemption to IT Standard](#) to [ITD Enterprise Architecture](#). ITD's online [Work Management System \(WMS\)](#) may be used to submit a "Generic" Service Request. Attach any associated forms, and select "Enterprise Architecture" as the Service Group.

8. Templates and Sample Procurement Documents

Procurement forms, templates and samples are available on the OMB State Procurement Website at <https://www.nd.gov/omb/agency/procurement/templates>. Use the applicable IT versions of solicitation and contract templates. Templates related to major IT projects \$500,000 and over will be provided by the State Procurement Office staff person assigned to the major IT project collaboration.

CHAPTER 2: IT PROJECT THRESHOLDS

Procurements that are conducted within the scope of an IT project may be subject to additional requirements, approvals, and oversight. The following sections describe the various IT Project thresholds and related responsibilities of the sponsoring agency.

1. All IT Projects (defined as a temporary endeavor undertaken to create a unique product, service, or result) that is **80 hours or more of work and regardless of estimated cost**: Each executive branch, state agency, or institution, excluding entities under the control of the state board of higher education must submit an [Initiative Intake Form](#) through the [State's ServiceNow Portal](#). The process will also include:
 - a. Identification of Project Manager and Project Sponsor role
 - b. An electronic project document repository utilized throughout the project
 - c. Completion of a project charter and project plan

In addition to the items listed above for IT Projects, the following dollar thresholds apply:

2. IT Projects \$100,000 and Over –
 - a. An NDIT Oversight Analyst may be assigned
 - b. Projects must be entered and maintained within ND VIEW

4. Major IT Projects \$500,000 and Over

Procurements related to major IT projects undergo a formal review and approval process. See Chapter 3 for guidelines related to major IT projects.

CHAPTER 3: GUIDELINES FOR MAJOR IT PROJECTS

These guidelines are to provide agencies information about the laws and standards to be followed for procurements related to major IT projects.

1. Definition of Major IT Project

An IT project with a total cost of \$500,000 and over is considered a major IT project. [ref. [N.D.C.C. §54-35-15.2 \(10\)](#)] All projects with a technology component are assumed to be IT projects unless deemed otherwise by the Chief Information Officer (CIO).

The “total cost” of a project includes all costs required to fully resolve the business needs of the sponsoring agency to meet one or more areas of its mission, vision, or strategic objectives. Examples of costs include, but are not limited to:

- Efforts to charter the project
- Conducting solution selection processes, including Request for Information (RFI), Invitation for Bid (IFB), Request for Proposal (RFP), and contract negotiations
- All implementation costs including any initial hardware, licensing, maintenance, configuration, customization, professional services, or other startup investments required to conduct the project
- Project management costs
- Agency costs
- Risk related funds
- Associated closing costs.

Projects that initially have a total cost under \$500,000 may have the potential during the project life cycle to hit the major project threshold, whereupon the sponsoring agency must create an Executive Steering Committee (ESC) for the project and trigger into the collaboration process for any procurements and contract negotiations related to the project.

A major IT project may include multiple IT projects that are related and necessary for achieving the objective of the original project charter.

During a major IT project, the ESC must be kept informed when a related project is identified so that it can make a determination regarding whether the new project is within scope of the original project or should be separately chartered. If the ESC for the original project determines the new project should be separately chartered and the new project is also a major IT project, then the sponsoring agency must create an ESC for the new project.

2. Collaboration on Procurements for Major IT Projects

An executive branch agency proposing to conduct a major IT project must collaborate with ITD and OMB in consultation with the Attorney General’s Office (AG) on the procurement, contract negotiation, and contract administration of the project. [ref. [N.D.C.C. § 54-59-32](#)]

An agency is considered to be “proposing to conduct” a project if one or more of the following exist:

- The budget planning cycle identifies the project request for funding
- The agency IT plan includes the project

- SITAC ranking identifies the project
- Legislature mandates the project
- Reporting the project in accordance with [N.D.C.C. §54-59-11.1](#)
- An interim project is identified by the agency

The primary project manager initiates the collaboration by notifying the sponsoring agency, ITD, and OMB to assign staff to the collaboration process. Agency heads or a designee select the staff members who will work on the collaboration. The agencies may assign different persons with varying skill sets to be involved in the collaboration as needed.

The sponsoring agency may assign multiple people from different functional areas: the program area(s) benefiting from the project, agency IT staff, agency procurement staff, etc.

OMB will assign a staff member from the State Procurement Office to assist in the collaboration process with recommendations related to procurement strategy, review of procurement documents from the project team, and guidance on the procurement process.

ITD will assign an IT procurement staff member to assist in the collaboration process with any questions related to major IT projects, review of procurement documents from the project team, and coordination of other ITD reviews that may be required.

Consultation with the Attorney General's Office in the context of the collaboration on major IT projects involves the agencies and agency heads obtaining legal advice from the Assistant Attorney General (AAG) assigned to each agency. The advice each agency's AAG gives is advice specific to that agency.

The executive steering committee (ESC) may also request the appointment of an AAG to serve as its legal counsel in order to provide strategic legal input applicable to the project, act as a legal liaison between the ESC and the collaborating agencies, and provide overall consistency with legal advice given to other major IT projects conducted by the State.

3. Executive Steering Committee for Major IT Projects

An ESC must be appointed to oversee each major IT project. [ref. [N.D.C.C. § 54-59-32](#)] An ESC may be formed at any time after an agency is proposing to conduct a project, but must be formed prior to approving the charter. A proposed project must be chartered before any planning activities (e.g. analysis, RFP, alternate procurements) can occur.

The agency project sponsor serves as chairman of the ESC. The ESC must consist of the director OMB or a designee of the director, the CIO or a designee of the officer, the head of the agency contracting for the project or a designee, the project sponsor, and a large project oversight analyst designated by the CIO.

The ESC monitors the overall status of the project and reviews project decisions, including negotiation and execution of contracts, approval of project budgets, implementation of project schedules, assessment of project quality, and consideration of scope changes. Any project decision declared by a member of the committee to be a major project decision requires at least four affirmative votes.

In order for the ESC to monitor the overall status of the project and assess project quality it is critical that the ESC obtain timely information from the three agencies and staff involved in the project collaboration. The intent of the law cannot be fulfilled if agency staff withhold information and attempt to resolve issues at the agency level rather than through the collaboration process. The ESC must communicate any issues it feels are important to review and monitor. The primary project manager and project procurement officer are key staff that are relied on by ESC to in order to effectively discharge its oversight responsibilities.

3.1 Project Manager Role in ESC Monitoring and Oversight

- The project manager aids the ESC in meeting its duty to monitor and review aspects of the project and ensure best practices are adhered to.
- The project manager brings before the ESC all issues, approvals, etc., that the ESC, any of the collaborating agencies, or the project manager believe would benefit from ESC attention.
- The project manager serves as key liaison between staff assigned to the project and/or to the collaboration process and the ESC.

3.2 Project Procurement Officer Role in ESC Monitoring and Oversight

- The procurement officer aids the ESC in meeting its duty to be fully informed about the project and ensure procurement rules and best practices are followed.
- The procurement officer serves as key liaison between staff assigned to the project, the collaboration process, and the ESC on procurement issues, contract negotiation, and contract amendments.

3.3 Preparation for ESC Meetings

Issues should be addressed at the collaboration level before being presented to the ESC. This may not be possible if an issue arises suddenly. Agencies involved in the collaboration must strive to identify issues early and bring those items into the collaboration process timely.

3.4 ESC Meetings Subject to Open Records and Open Meetings Laws

Staff that are involved in scheduling, coordination, and facilitation of ESC meetings must be aware of and follow [North Dakota Open Records and Open Meetings laws](#). To post [open meeting notices](#) online, use the [Secretary of State's Public Meeting Notice system](#). Questions regarding open records and open meetings may be directed to the [Attorney General's Office](#).

4. Major IT Project Procurement - Review and Approval Process

The collaborating agencies (sponsor agency, ITD, OMB) in consultation with the Attorney General, shall approve the solicitation, contract, or agreement, and any amendments relating to the project before submission to the ESC for final approval. [ref. [N.D.C.C. § 54-59-32](#)]

Each of the three agencies and its staff assigned to the collaboration process decides whether it approves a draft document or not. The goal should be that the collaboration staff reach consensus on approving a document before submitting to the ESC. However, whether or not the collaboration staff reach full agreement on approving a document, or if approval is unclear, the matter can be brought to the ESC with an explanation of each agency's position.

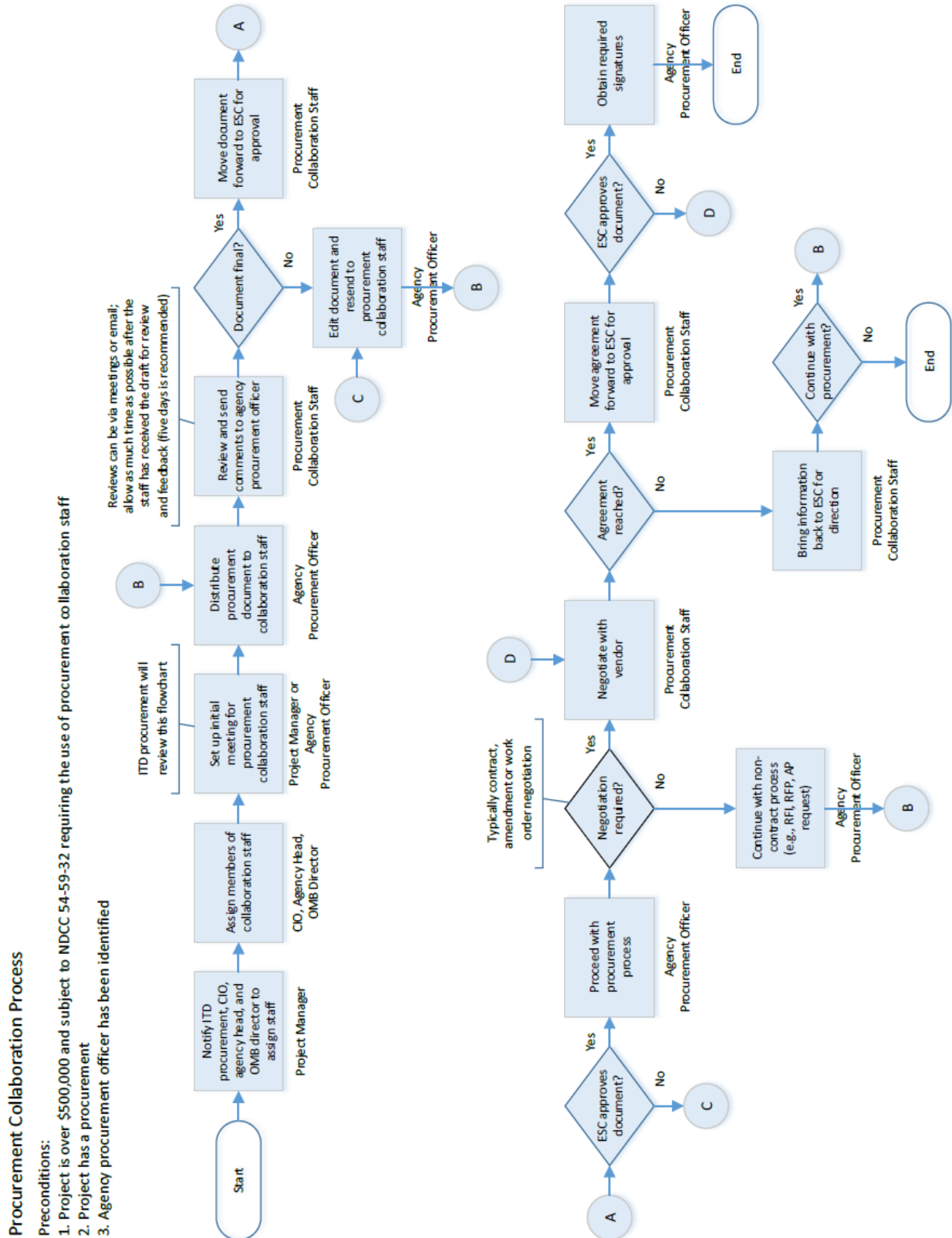
The project manager and procurement officer for the project play key roles in facilitating the collaboration and must coordinate closely to ensure that a proper collaboration takes place including:

- Timely communication/notification to agency heads, collaboration staff, and ESC.
- Scheduling collaboration meetings and timely distribution of draft documents.
- Documenting decisions made and ensuring necessary follow-up of action items.
- Obtaining approvals and proper sign off on documents.

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4.2 Collaboration Process Diagram

The following [process diagram](#) has been developed to assist in the collaboration process:



5. Signatures on Contracts and Amendments for Major IT Projects

An agreement or contract, including an amendment, revision, or scope change, for a major IT project may not be entered unless signed by the head of the contracting agency or a designee and CIO or a designee. [ref. [N.D.C.C. §54-59-32](#)]

After the collaboration process has finalized a document, the ESC must approve the document, whereupon the project procurement officer will obtain the required signatures.

6. Qualifications of Procurement Officer for Major IT Projects

The procurement officer for a major IT project must meet minimum qualifications established by ITD and OMB. [ref. [N.D.C.C. §54-59-32](#)] OMB and ITD have established the following qualifications for the procurement officer for a major IT project:

- Must complete Levels 1-2-3 Procurement Training.
- Must have been the procurement officer for a minimum of five Level 3 formal Request for Proposals, as verified by the State Procurement Office.
- Must receive a special delegation of purchase authority from the OMB State Procurement Office. Delegation will be granted for a specific major IT procurement for the duration of the project. This delegation may be revoked at the discretion of OMB.
- Must receive specialized training from ITD and OMB on procurement and project management related to major IT projects.
- Must coordinate all procurement, negotiation and contract administration activities with the primary project manager.
- Must coordinate with the designated State Procurement Office representative assigned to the procurement collaboration process.
- Must ensure the requirements of N.D.C.C. section [54-59-32](#) and all applicable ITD and OMB guidelines are met.
- The procurement officer must ensure that all issues related to the procurement and project are brought to the attention of the primary project manager and staff assigned to the procurement collaboration process, as required under N.D.C.C. section [54-59-32](#).
- The State Procurement Manager is responsible for determining if an individual is qualified to be the procurement officer for a major IT project, and may approve any exceptions to these requirements.

7. Qualifications of Primary Project Manager for Major IT Projects

The primary project manager for a major IT project must meet minimum qualifications established by ITD and OMB. [ref. [N.D.C.C. §54-59-32](#)]

- For major IT projects with a budget between \$500,000 and \$1 million, the project manager must demonstrate past experience managing at least one project of similar size, scale and complexity, or multiple projects of a lesser size, scale and complexity.
- For major IT projects with a budget over \$1 million that requires only one state project manager and one vendor project manager, the state project manager is required to have previously managed an IT project which has spanned a 12-month timeline, been subject to [STD009-05](#), and had complexities requiring coordination of work between multiple entities. The project manager must hold the project management professional credential (PMP) and have sufficient experience in North Dakota project management practices or similar methodologies.

- For major IT projects with a budget over \$1 million with multiple project managers (beyond a single state and single vendor project manager scenario), the primary project manager must have previously managed or co-managed an IT project budgeted for at least \$1 million, which must have spanned at least a 12-month timeline, been subject to [STD009-05](#), and had complexities requiring coordination of work between multiple entities. The primary project manager must hold the project management professional credential (PMP) and have sufficient experience in North Dakota project management practices or similar methodologies.
- The CIO is responsible for determining if a project manager meets the qualifications necessary to manage a specific size IT project.
- Upon review of minimum qualifications, additional information may be required to determine the individual's qualifications specific to the project to be managed.

8. Business Process Modeling for Major IT Projects

Business Process Modeling is used to understand the structure, policies, and operations of an agency, and to recommend solutions that enable the agency to achieve its goals. Business process modeling activities can include business process modeling, organizational change activities, and gathering and documenting requirements. The ESC for a major IT project may require certain business analysis activities be completed as an initial step in the project.

9. Project Oversight and Quality Assurance

All major IT projects of an executive branch agency require project management oversight to be performed by ITD. The ITD oversight analyst assigned to the project receives and reviews project information from the agency and facilitates the required reporting to the [State Information Technology Advisory Committee](#) (SITAC) and the [Legislative Information Technology Committee](#) (LITC). The sponsoring agency is required to present project startup and closeout reports and ITD is required to present quarterly status reports to the IT Committee. [ref. [N.D.C.C. § 54-59-05 \(7\)](#), and [Project Management Standard STD-009-05](#)]

9.1 State Information Technology Advisory Committee (SITAC)

[SITAC](#) receives and reviews information and status reports for major IT projects from each executive, legislative, and judicial branch agency. The sponsoring agency is required to notify SITAC of any budget or schedule variances of twenty percent or more including corrective actions being taken.[ref. [N.D.C.C. § 54-59-23](#)]

9.2 Legislative Information Technology Committee

The [Legislative IT Committee](#) receives and reviews information for major IT projects from each executive, legislative, and judicial branch agency including a project startup report, budget and schedule variances, and a project closeout report. If the IT Committee determines that the project is at risk of failing to achieve its intended results, the committee may recommend to OMB the suspension of the expenditure of moneys appropriated for the project. [ref. [N.D.C.C. § 54-35-15.2](#)]

10. Contract Administration

During the course of the major IT project, there may arise situations that make it necessary and/or desirable to modify the terms of the contract. All proposed changes must be reviewed using the collaboration process and approved by the ESC.

- Use a [Contract Amendment](#) template when making changes to the terms and conditions of the Technology Contract.
- Use a Change Request template (COMING SOON) when making changes to the contract regarding the work to be performed as described in the exhibits attached to the Technology Contract, such as Scope of Work and Compensation. Change Requests document changes to Cost, Scope, Schedule, and Quality (CSSQ).
- Change requests and contract amendments must be reviewed and approved by collaboration staff in consultation with the Attorney General before submission to the ESC.
- The ESC may establish thresholds below which the collaboration staff may approve the change request, and the change request may be signed by the Agency Head and CIO designees (normally, the agency sponsor and ITD project manager).

If contract changes become necessary after project close-out, a determination must be made using these guidelines to ensure that the proper IT procurement review and approvals are obtained. If the proposed contract changes are the result of what are essentially new project activities, then a determination must be made regarding which project thresholds apply. If the major IT project threshold has been met, then an ESC and collaboration must be reconvened.