

Part 3 Information Technology Rate Committee

63F-1-301 Cost based services -- Fees -- Rate committee.

- (1) The chief information officer shall:
 - (a) at the lowest practical cost, manage the delivery of efficient and cost-effective information technology and telecommunication services for:
 - (i) all executive branch agencies; and
 - (ii) entities that subscribe to the services in accordance with Section 63F-1-303; and
 - (b) provide priority service to public safety agencies.
- (2)
 - (a) In accordance with this Subsection (2), the chief information officer shall prescribe a schedule of fees for all services rendered by the department to:
 - (i) an executive branch entity; or
 - (ii) an entity that subscribes to services rendered by the department in accordance with Section 63F-1-303.
 - (b) Each fee included in the schedule of fees required by Subsection (2)(a):
 - (i) shall be equitable;
 - (ii) should be based upon a zero based, full cost accounting of activities necessary to provide each service for which a fee is established; and
 - (iii) for each service multiplied by the projected consumption of the service recovers no more or less than the full cost of each service.
 - (c) Before charging a fee for its services to an executive branch agency or to a subscriber of services other than an executive branch agency, the chief information officer shall:
 - (i) submit the proposed rates, fees, and cost analysis to the Rate Committee established in Section 63F-1-302; and
 - (ii) obtain the approval of the Legislature as required by Section 63J-1-410.
 - (d) The chief information officer shall conduct a market analysis by July 1, 2006, and periodically thereafter, of proposed rates and fees, which analysis shall include a comparison of the department's rates with the fees of other public or private sector providers where comparable services and rates are reasonably available.

Amended by Chapter 183, 2009 General Session

63F-1-302 Information Technology Rate Committee -- Membership -- Duties.

- (1)
 - (a) There is created an Information Technology Rate Committee, which shall consist of the executive directors, or the executive director's designee, of seven executive branch agencies that use services and pay rates to one of the department internal service funds, appointed by the governor for a two-year term.
 - (b)
 - (i) Of the seven executive agencies represented on the rate committee under Subsection (1)(a), only one of the following may be represented on the committee, if at all, at any one time:
 - (A) the Governor's Office of Management and Budget;
 - (B) the Division of Finance; or
 - (C) the Department of Administrative Services.
 - (ii) The department may not have a representative on the rate committee.

- (c)
 - (i) The committee shall elect a chair from its members.
 - (ii) Members of the committee who are state government employees and who do not receive salary, per diem, or expenses from their agency for their service on the committee shall receive no compensation, benefits, per diem, or expenses for the member's service on the committee.
 - (d) The department shall provide staff services to the committee.
- (2)
- (a) Any internal service funds managed by the department shall submit to the committee a proposed rate and fee schedule for services rendered by the department to an executive branch agency or an entity that subscribes to services rendered by the department.
 - (b) The committee shall:
 - (i) conduct meetings in accordance with Title 52, Chapter 4, Open and Public Meetings Act;
 - (ii) meet at least once each calendar year to:
 - (A) discuss the service performance of each internal service fund;
 - (B) review the proposed rate and fee schedules;
 - (C) determine whether each proposed fee is based on cost recovery as required by Subsection 63F-1-301(2)(b);
 - (D) at the rate committee's discretion, approve, increase, or decrease the rate and fee schedules described in Subsection (2)(b)(ii)(B); and
 - (E) discuss any prior or potential adjustments to the service level received by state agencies that pay rates to an internal service fund;
 - (iii) recommend a proposed rate and fee schedule for each internal service fund to:
 - (A) the Governor's Office of Management and Budget; and
 - (B) the Office of Legislative Fiscal Analyst for review by the Legislature in accordance with Section 63J-1-410, which requires the Legislature to approve the internal service fund agency's rates, fees, and budget in an appropriations act; and
 - (iv) in accordance with Section 63J-1-410, review and approve, increase or decrease an interim rate, fee, or amount when an internal service fund agency begins a new service or introduces a new product between annual general sessions of the Legislature, which rate, fee, or amount shall be submitted to the Legislature at the next annual general session.
 - (c) The committee may, in accordance with Subsection 63J-1-410(4), decrease a rate, fee, or amount that has been approved by the Legislature.

Amended by Chapter 287, 2016 General Session

63F-1-303 Executive branch agencies -- Subscription by institutions.

- (1) An executive branch agency in accordance with its agency information technology plan approved by the chief information officer shall:
 - (a) subscribe to the information technology services provided by the department; or
 - (b) contract with one or more alternate private providers of information technology services if the chief information officer determines that the purchase of the services from a private provider will:
 - (i) result in:
 - (A) cost savings;
 - (B) increased efficiency; or
 - (C) improved quality of services; and
 - (ii) not impair the interoperability of the state's information technology services.

- (2) An institution of higher education may subscribe to the services provided by the department if:
 - (a) the president of the institution recommends that the institution subscribe to the services of the department; and
 - (b) the Board of Regents determines that subscription to the services of the department will result in cost savings or increased efficiency to the institution.
- (3) The following may subscribe to information technology services by requesting that the services be provided from the department:
 - (a) the legislative branch;
 - (b) the judicial branch;
 - (c) the State Board of Education;
 - (d) a political subdivision of the state;
 - (e) an agency of the federal government;
 - (f) an independent entity as defined in Section 63E-1-102; and
 - (g) an elective constitutional officer of the executive department as defined in Subsection 63F-1-102(6)(b).

Amended by Chapter 369, 2012 General Session