

DIVISION OF TECHNOLOGY SERVICES AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jeffrey D. Stenquist

Senate Sponsor: Stephanie Pitcher

LONG TITLE

General Description:

This bill modifies provisions relating to the Division of Technology Services.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ modifies and clarifies duties of the Division of Technology Services in relation to procurement, contract management, and security assessment; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

63A-16-104, as last amended by Laws of Utah 2022, Chapter 169

63A-16-201, as last amended by Laws of Utah 2022, Chapter 169

63A-16-205, as last amended by Laws of Utah 2022, Chapter 169

63G-6a-303, as last amended by Laws of Utah 2022, Chapter 421

RENUMBERS AND AMENDS:

63G-6a-109.5, (Renumbered from 63A-16-204, as renumbered and amended by Laws of Utah 2021, Chapter 344)

30 *Be it enacted by the Legislature of the state of Utah:*

31 Section 1. Section **63A-16-104** is amended to read:

32 **63A-16-104. Duties of division.**

33 The division shall:

34 (1) lead state executive branch agency efforts to establish and reengineer the state's
35 information technology architecture with the goal of coordinating central and individual agency
36 information technology in a manner that:

- 37 (a) ensures compliance with the executive branch agency strategic plan; and
- 38 (b) ensures that cost-effective, efficient information and communication systems and
39 resources are being used by agencies to:

- 40 (i) reduce data, hardware, and software redundancy;
- 41 (ii) improve system interoperability and data accessibility between agencies; and
- 42 (iii) meet the agency's and user's business and service needs;

43 (2) coordinate an executive branch strategic plan for all agencies;
44 (3) develop and implement processes to replicate information technology best practices
45 and standards throughout the executive branch;

46 (4) ~~[at least once every odd-numbered year]~~ once every three years:

47 (a) conduct an information technology security assessment via an independent third
48 party:

49 (i) to evaluate the adequacy of the division's and the executive branch agencies' data
50 and information technology system security standards ~~[through an independent third party~~
51 ~~assessment]; and~~

52 (ii) that will be completed over a period that does not exceed two years; and

53 (b) communicate the results of the ~~[independent third party]~~ assessment described in
54 Subsection (4)(a) to the appropriate executive branch agencies and to the president of the
55 Senate and the speaker of the House of Representatives;

56 (5) ~~[oversee the expanded use and implementation of]~~ subject to Subsection
57 63G-6a-109.5(9):

58 (a) advise executive branch agencies on project and contract management principles as
59 they relate to information technology projects within the executive branch; and

60 (b) approve the acquisition of technology services and products by executive branch
61 agencies as required under Section [63G-6a-109.5](#);

62 [~~(6) serve as general contractor between the state's information technology users and~~
63 ~~private sector providers of information technology products and services;]~~

64 [(7)] (6) work toward building stronger partnering relationships with providers;

65 [(8)] (7) develop service level agreements with executive branch departments and
66 agencies to ensure quality products and services are delivered on schedule and within budget;

67 [(9)] (8) develop standards for application development including a standard
68 methodology and cost-benefit analysis that all agencies shall utilize for application
69 development activities;

70 [(10)] (9) determine and implement statewide efforts to standardize data elements;

71 [(11)] (10) coordinate with executive branch agencies to provide basic website
72 standards for agencies that address common design standards and navigation standards,
73 including:

74 (a) accessibility for individuals with disabilities in accordance with:

75 (i) the standards of 29 U.S.C. Sec. 794d; and

76 (ii) Section [63A-16-209](#);

77 (b) consistency with standardized government security standards;

78 (c) designing around user needs with data-driven analysis influencing management and
79 development decisions, using qualitative and quantitative data to determine user goals, needs,
80 and behaviors, and continual testing of the website, web-based form, web-based application, or
81 digital service to ensure that user needs are addressed;

82 (d) providing users of the website, web-based form, web-based application, or digital
83 service with the option for a more customized digital experience that allows users to complete
84 digital transactions in an efficient and accurate manner; and

85 (e) full functionality and usability on common mobile devices;

86 ~~[(12)]~~ (11) consider, when making a purchase for an information system, cloud
87 computing options, including any security benefits, privacy, data retention risks, and cost
88 savings associated with cloud computing options;

89 ~~[(13)]~~ (12) develop systems and methodologies to review, evaluate, and prioritize
90 existing information technology projects within the executive branch and report to the governor
91 and the Government Operations Interim Committee in accordance with Section [63A-16-201](#) on
92 a semiannual basis regarding the status of information technology projects;

93 ~~[(14)]~~ (13) assist the Governor's Office of Planning and Budget with the development
94 of information technology budgets for agencies;

95 ~~[(15)]~~ (14) ensure that any training or certification required of a public official or
96 public employee, as those terms are defined in Section [63G-22-102](#), complies with Title 63G,
97 Chapter 22, State Training and Certification Requirements, if the training or certification is
98 required:

99 (a) under this chapter;

100 (b) by the department; or

101 (c) by the division;

102 ~~[(16)]~~ (15) provide support to executive branch agencies for the information
103 technology assets and functions that are unique to the agency and are mission critical functions
104 of the agency;

105 ~~[(17)]~~ (16) provide in-house information technology staff support to executive branch
106 agencies;

107 ~~[(18)]~~ (17) establish a committee composed of agency user groups to coordinate
108 division services with agency needs;

109 ~~[(19)]~~ (18) assist executive branch agencies in complying with the requirements of any
110 rule made by the chief information officer;

111 ~~[(20)]~~ (19) develop and implement an effective enterprise architecture governance
112 model for the executive branch;

113 ~~[(21)]~~ (20) provide oversight of information technology projects that impact statewide

- 114 information technology services, assets, or functions of state government to:
- 115 (a) control costs;
 - 116 (b) ensure business value to a project;
 - 117 (c) maximize resources;
 - 118 (d) ensure the uniform application of best practices; and
 - 119 (e) avoid duplication of resources;
- 120 ~~[(22)]~~ (21) develop a method of accountability to agencies for services provided by the
- 121 department through service agreements with the agencies;
- 122 ~~[(23)]~~ (22) serve as a project manager for enterprise architecture, including
- 123 management of applications, standards, and procurement of enterprise architecture;
- 124 ~~[(24)]~~ (23) coordinate the development and implementation of advanced state
- 125 telecommunication systems;
- 126 ~~[(25)]~~ (24) provide services, including technical assistance:
- 127 (a) to executive branch agencies and subscribers to the services; and
 - 128 (b) related to information technology or telecommunications;
- 129 ~~[(26)]~~ (25) establish telecommunication system specifications and standards for use by:
- 130 (a) one or more executive branch agencies; or
 - 131 (b) one or more entities that subscribe to the telecommunication systems in accordance
- 132 with Section [63A-16-302](#);
- 133 ~~[(27)]~~ (26) coordinate state telecommunication planning, in cooperation with:
- 134 (a) state telecommunication users;
 - 135 (b) executive branch agencies; and
 - 136 (c) other subscribers to the state's telecommunication systems;
- 137 ~~[(28)]~~ (27) cooperate with the federal government, other state entities, counties, and
- 138 municipalities in the development, implementation, and maintenance of:
- 139 (a) (i) governmental information technology; or
 - 140 (ii) governmental telecommunication systems; and
 - 141 (b) (i) as part of a cooperative organization; or

142 (ii) through means other than a cooperative organization;

143 [~~29~~] (28) establish, operate, manage, and maintain:

144 (a) one or more state data centers; and

145 (b) one or more regional computer centers;

146 [~~30~~] (29) design, implement, and manage all state-owned, leased, or rented land,
147 mobile, or radio telecommunication systems that are used in the delivery of services for state
148 government or the state's political subdivisions;

149 [~~31~~] (30) in accordance with the executive branch strategic plan, implement
150 minimum standards to be used by the division for purposes of compatibility of procedures,
151 programming languages, codes, and media that facilitate the exchange of information within
152 and among telecommunication systems;

153 [~~32~~] (31) establish standards for the information technology needs of a collection of
154 executive branch agencies or programs that share common characteristics relative to the types
155 of stakeholders the agencies or programs serve, including:

156 (a) project management;

157 (b) application development; and

158 (c) subject to Subsections (5) and 63G-6a-109.5(9), procurement;

159 [~~33~~] (32) provide oversight of information technology standards that impact multiple
160 executive branch agency information technology services, assets, or functions to:

161 (a) control costs;

162 (b) ensure business value to a project;

163 (c) maximize resources;

164 (d) ensure the uniform application of best practices; and

165 (e) avoid duplication of resources; and

166 [~~34~~] (33) establish a system of accountability to user agencies through the use of
167 service agreements.

168 Section 2. Section **63A-16-201** is amended to read:

169 **63A-16-201. Chief information officer -- Appointment -- Powers -- Reporting.**

- 170 (1) The director of the division shall serve as the state's chief information officer.
- 171 (2) The chief information officer shall:
- 172 (a) advise the governor on information technology policy; and
- 173 (b) perform those duties given the chief information officer by statute.
- 174 (3) (a) The chief information officer shall report annually to:
- 175 (i) the governor; and
- 176 (ii) the Government Operations Interim Committee.
- 177 (b) The report required under Subsection (3)(a) shall:
- 178 (i) summarize the state's current and projected use of information technology;
- 179 (ii) summarize the executive branch strategic plan including a description of major
- 180 changes in the executive branch strategic plan;
- 181 (iii) provide a brief description of each state agency's information technology plan;
- 182 (iv) include the status of information technology projects described in Subsection
- 183 ~~[63A-16-104(11)]~~ [63A-16-104\(10\)](#);
- 184 (v) include the performance report described in Section [63A-16-211](#); and
- 185 (vi) include the expenditure of the funds provided for electronic technology,
- 186 equipment, and hardware.

Section 3. Section **63A-16-205** is amended to read:

63A-16-205. Rulemaking -- Policies.

- 189 (1) (a) Except as provided in Subsection (2), the chief information officer shall, by rule
- 190 made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act:
- 191 (i) ~~[provide]~~ establish standards that impose requirements on executive branch
- 192 agencies ~~[that (A) are]~~ related to the security of the statewide area network; ~~[and]~~
- 193 ~~[(B)]~~ (ii) establish standards for when an agency must obtain approval before obtaining
- 194 items ~~[listed]~~ described in Subsection ~~[63A-16-204(1)]~~ [63G-6a-109.5\(2\)](#);
- 195 ~~[(ii)]~~ (iii) specify the detail and format required in an agency information technology
- 196 plan submitted in accordance with Section [63A-16-203](#);
- 197 ~~[(iii)]~~ (iv) ~~[provide for]~~ establish standards related to the privacy policies of websites

198 operated by or on behalf of an executive branch agency;

199 [(iv)] (v) [~~provide~~] subject to Subsection 63G-6a-109.5(9), establish standards for the

200 acquisition, licensing, and sale of computer software;

201 [(v)] (vi) specify the requirements for the project plan and business case analysis

202 required [~~by Section 63A-16-204~~] under Section 63G-6a-109.5;

203 [(vi)] (vii) provide for project oversight of agency technology projects when required

204 [~~by Section 63A-16-204~~] under Section 63G-6a-109.5;

205 [(vii)] (viii) establish, in accordance with Subsection [~~63A-16-204(2)~~]

206 63G-6a-109.5(3), the implementation of the needs assessment for information technology

207 purchases;

208 [(viii)] (ix) establish telecommunications standards and specifications in accordance

209 with Subsection [~~63A-16-104(26)~~] 63G-6a-109.5(25); and

210 [(ix)] (x) establish standards for accessibility of information technology by individuals

211 with disabilities in accordance with Section 63A-16-209.

212 (b) The rulemaking authority granted by [~~this~~] Subsection (1)(a) is in addition to any

213 other rulemaking authority granted under this chapter.

214 (2) (a) Notwithstanding Title 63G, Chapter 3, Utah Administrative Rulemaking Act,

215 and subject to Subsection (2)(b), the chief information officer may adopt a policy that outlines

216 procedures to be followed by the chief information officer in facilitating the implementation of

217 this title by executive branch agencies if the policy:

218 (i) is consistent with the executive branch strategic plan; and

219 (ii) is not required to be made by rule under Subsection (1) or Section 63G-3-201.

220 (b) (i) A policy adopted by the chief information officer under Subsection (2)(a) may

221 not take effect until 30 days after the day on which the chief information officer submits the

222 policy to:

223 (A) the governor; and

224 (B) all cabinet level officials.

225 (ii) During the 30-day period described in Subsection (2)(b)(i), cabinet level officials

226 may review and comment on a policy submitted under Subsection (2)(b)(i).

227 (3) (a) Notwithstanding Subsection (1) or (2) or Title 63G, Chapter 3, Utah
228 Administrative Rulemaking Act, without following the procedures of Subsection (1) or (2), the
229 chief information officer may adopt a security procedure to be followed by executive branch
230 agencies to protect the statewide area network if:

231 (i) broad communication of the security procedure would create a significant potential
232 for increasing the vulnerability of the statewide area network to breach or attack; and

233 (ii) after consultation with the chief information officer, the governor agrees that broad
234 communication of the security procedure would create a significant potential increase in the
235 vulnerability of the statewide area network to breach or attack.

236 (b) A security procedure described in Subsection (3)(a) is classified as a protected
237 record under Title 63G, Chapter 2, Government Records Access and Management Act.

238 (c) The chief information officer shall provide a copy of the security procedure as a
239 protected record to:

240 (i) the chief justice of the Utah Supreme Court for the judicial branch;

241 (ii) the speaker of the House of Representatives and the president of the Senate for the
242 legislative branch;

243 (iii) the chair of the Utah Board of Higher Education; and

244 (iv) the chair of the State Board of Education.

245 Section 4. Section **63G-6a-109.5**, which is renumbered from Section 63A-16-204 is
246 renumbered and amended to read:

247 ~~[63A-16-204].~~ **63G-6a-109.5. Approval of acquisitions of information**
248 **technology.**

249 (1) As used in this section:

250 (a) "Chief information officer" means the director of the Division of Technology
251 Services, created in Section [63A-16-103](#).

252 (b) "Department" means the Department of Government Operations, created in Section
253 [63A-1-104](#).

254 ~~[(1)]~~ (2) (a) In accordance with Subsection ~~[(2)]~~ (3), the chief information officer shall
255 approve the acquisition by an executive branch agency of:

256 (i) information technology equipment;

257 (ii) telecommunications equipment;

258 (iii) software;

259 (iv) services related to the items ~~[listed]~~ described in Subsections ~~[(1)(a)(i)]~~ (2)(a)(i)

260 through (iii); and

261 (v) data acquisition.

262 (b) The chief information officer may negotiate the purchase, lease, or rental of private
263 or public information technology or telecommunication services or facilities in accordance with
264 this section.

265 (c) Where practical, efficient, and economically beneficial, the chief information
266 officer shall use existing private and public information technology or telecommunication
267 resources.

268 (d) In accordance with Section 63A-16-206, the chief information officer may
269 recommend coordination of acquisitions between two or more executive branch agencies if the
270 coordination is in the best interests of the state.

271 ~~[(d)]~~ (e) ~~[Notwithstanding another provision of this section, an]~~ An acquisition
272 ~~[authorized by]~~ approved under this section shall comply with rules made by the applicable
273 rulemaking authority under ~~[Title 63G,]~~ Chapter 6a, Utah Procurement Code.

274 ~~[(2)]~~ (3) Before ~~[negotiating]~~ a conducting procurement unit negotiates a purchase,
275 lease, or rental under Subsection ~~[(1)]~~ (2) for an amount that exceeds the value established by
276 the chief information officer by rule made in accordance with Section 63A-16-205, the chief
277 information officer shall:

278 (a) conduct an analysis of the needs of executive branch agencies and subscribers of
279 services and the ability of the proposed information technology or telecommunications services
280 or supplies to meet those needs; and

281 (b) for purchases, leases, or rentals not covered by an existing statewide contract,

282 certify in writing to the chief procurement officer in the Division of Purchasing and General
283 Services that:

- 284 (i) the analysis required in Subsection ~~[(2)(a)]~~ (3)(a) was completed; and
- 285 (ii) based on the analysis, the proposed purchase, lease, rental, or master contract of
286 services, products, or supplies is practical, efficient, and economically beneficial to the state
287 and the executive branch agency or subscriber of services.

288 ~~[(3)]~~ (4) ~~[In approving an acquisition described in Subsections (1) and (2), the]~~ The
289 chief information officer shall approve an acquisition described in Subsection (2) or (3) if the
290 acquisition complies with:

291 ~~[(a) establish by administrative rule, in accordance with Section 63A-16-205, standards~~
292 ~~under which an agency must obtain approval from the chief information officer before~~
293 ~~acquiring the items listed in Subsections (1) and (2);]~~

294 ~~[(b) for those acquisitions requiring approval, determine whether the acquisition is in~~
295 ~~compliance with:]~~

296 (a) the applicable rules and policies described in Section 63A-16-205;

297 ~~[(i)]~~ (b) the executive branch strategic plan;

298 ~~[(ii)]~~ (c) the applicable agency information technology plan;

299 ~~[(iii)]~~ (d) the budget for the executive branch agency or department as adopted by the
300 Legislature;

301 ~~[(iv)]~~ (e) ~~[Title 63G,]~~ Chapter 6a, Utah Procurement Code; and

302 ~~[(v)]~~ (f) the information technology accessibility standards described in Section
303 63A-16-209~~;~~ and.

304 ~~[(c) in accordance with Section 63A-16-206, require coordination of acquisitions~~
305 ~~between two or more executive branch agencies if it is in the best interests of the state.]~~

306 ~~[(4)]~~ (5) Each executive branch agency shall provide the chief information officer with
307 complete access to all information technology records, documents, and reports:

308 (a) at the request of the chief information officer; and

309 (b) related to the executive branch agency's acquisition of ~~[any item listed]~~ an item

310 described in Subsection ~~[(1)]~~ (2).

311 ~~[(5)]~~ (6) (a) In accordance with administrative rules established by the ~~[department]~~
312 chief information officer under Section 63A-16-205, an executive branch agency and the
313 department may not initiate a new technology project unless the technology project is described
314 in a formal project plan and a business case analysis is approved by the chief information
315 officer and the highest ranking executive branch agency official.

316 (b) The project plan and business case analysis required ~~[by]~~ under this Subsection
317 ~~[(5)]~~ (6) shall include:

318 (i) a statement of work to be done and existing work to be modified or displaced;

319 (ii) the total cost of the system development and conversion effort, including system
320 analysis and programming costs, establishment of master files, testing, documentation, special
321 equipment cost₂, and all other costs, including overhead;

322 (iii) the savings or added operating costs that will result after conversion;

323 (iv) a description of the other advantages or reasons that justify the work;

324 (v) the source of funding of the work, including ongoing costs;

325 (vi) a description of the project's consistency with budget submissions and planning
326 components of budgets; and

327 (vii) a statement regarding whether the work is within the scope of projects or
328 initiatives envisioned when the current fiscal year budget was approved.

329 (c) The chief information officer shall determine the required form of the project plan
330 and business case analysis described in this Subsection ~~[(5)]~~ (6).

331 ~~[(6)]~~ (7) ~~[The]~~ Subject to Subsection (9), the chief information officer and the Division
332 of Purchasing and General Services within the department shall work cooperatively to establish
333 procedures under which the chief information officer shall monitor and approve acquisitions
334 ~~[as provided in]~~ under this section.

335 (8) In addition to the requirement that the chief information officer approve the
336 acquisitions described in Subsections (2) and (3), the Division of Technology Services shall,
337 subject to Subsection (9), assist and support executive branch agencies in the acquisition of all

338 technology services and products.

339 (9) In relation to the acquisition of technology services or products:

340 (a) the requirement of approval by the chief information officer, as described in this
341 section, and the assistance and support of the Division of Technology Services described in
342 Subsection (8), do not make the chief information officer, the department, or the Division of
343 Technology Services responsible to manage the contract or fund the procurement;

344 (b) contract management is the responsibility of the conducting procurement unit; and

345 (c) funding of the procurement is the responsibility of the executive branch agency
346 acquiring the technology services or products.

347 Section 5. Section **63G-6a-303** is amended to read:

348 **63G-6a-303. Role, duties, and authority of chief procurement officer.**

349 (1) The chief procurement officer:

350 (a) is the director of the division;

351 (b) serves as the central procurement officer of the state;

352 (c) serves as a voting member of the board; and

353 (d) serves as the protest officer for a protest relating to a procurement of an executive
354 branch procurement, except an executive branch procurement unit designated under Subsection
355 **63G-6a-103**(38)(b), (c), (d), or (e) as an independent procurement unit, or a state cooperative
356 contract procurement, unless the chief procurement officer designates another to serve as
357 protest officer, as authorized in this chapter.

358 (2) Except as otherwise provided in this chapter, the chief procurement officer shall:

359 (a) develop procurement policies and procedures supporting ethical procurement
360 practices, fair and open competition among vendors, and transparency within the state's
361 procurement process;

362 (b) administer the state's cooperative purchasing program, including state cooperative
363 contracts and associated administrative fees;

364 (c) enter into an agreement with a public entity for services provided by the division, if
365 the agreement is in the best interest of the state;

366 (d) ensure the division's compliance with any applicable law, rule, or policy, including
367 a law, rule, or policy applicable to the division's role as an issuing procurement unit or
368 conducting procurement unit, or as the state's central procurement organization;

369 (e) manage the division's electronic procurement system;

370 (f) oversee the recruitment, training, career development, certification requirements,
371 and performance evaluation of the division's procurement personnel;

372 (g) make procurement training available to procurement units and persons who do
373 business with procurement units;

374 (h) provide exemplary customer service and continually improve the division's
375 procurement operations;

376 (i) exercise all other authority, fulfill all other duties and responsibilities, and perform
377 all other functions authorized under this chapter; and

378 (j) ensure that any training described in this Subsection (2) complies with [~~Title 63G,~~]
379 Chapter 22, State Training and Certification Requirements.

380 (3) With respect to a procurement or contract over which the chief procurement officer
381 has authority under this chapter, the chief procurement officer, except as otherwise provided in
382 this chapter:

383 (a) shall:

384 (i) manage and supervise a procurement to ensure to the extent practicable that
385 taxpayers receive the best value;

386 (ii) prepare and issue standard specifications for procurement items;

387 (iii) review contracts, coordinate contract compliance, conduct contract audits, and
388 approve change orders;

389 (iv) in accordance with Section [~~63A-16-204~~] [63G-6a-109.5](#), coordinate with the
390 Division of Technology Services, created in Section [63A-16-103](#), with respect to the
391 procurement of information technology services by an executive branch procurement unit;

392 (v) correct, amend, or cancel a procurement at any stage of the procurement process if
393 the procurement is out of compliance with this chapter or a board rule;

394 (vi) after consultation with the attorney general's office, correct, amend, or cancel a
395 contract at any time during the term of the contract if:

396 (A) the contract is out of compliance with this chapter or a board rule; and
397 (B) the chief procurement officer determines that correcting, amending, or canceling
398 the contract is in the best interest of the state; and

399 (vii) make a reasonable attempt to resolve a contract dispute, in coordination with the
400 attorney general's office; and

401 (b) may:

402 (i) delegate limited purchasing authority to a state agency, with appropriate oversight
403 and control to ensure compliance with this chapter;

404 (ii) delegate duties and authority to an employee of the division, as the chief
405 procurement officer considers appropriate;

406 (iii) negotiate and settle contract overcharges, undercharges, and claims, in accordance
407 with the law and after consultation with the attorney general's office;

408 (iv) authorize a procurement unit to make a procurement pursuant to a regional
409 solicitation, as defined in Subsection [63G-6a-2105\(7\)](#), even if the procurement item is also
410 offered under a state cooperative contract, if the chief procurement officer determines that the
411 procurement pursuant to a regional solicitation is in the best interest of the acquiring
412 procurement unit; and

413 (v) remove an individual from the procurement process or contract administration for:

414 (A) having a conflict of interest or the appearance of a conflict of interest with a person
415 responding to a solicitation or with a contractor;

416 (B) having a bias or the appearance of bias for or against a person responding to a
417 solicitation or for or against a contractor;

418 (C) making an inconsistent or unexplainable score for a solicitation response;

419 (D) having inappropriate contact or communication with a person responding to a
420 solicitation;

421 (E) socializing inappropriately with a person responding to a solicitation or with a

422 contractor;

423 (F) engaging in any other action or having any other association that causes the chief
424 procurement officer to conclude that the individual cannot fairly evaluate a solicitation
425 response or administer a contract; or

426 (G) any other violation of a law, rule, or policy.

427 (4) The chief procurement officer may not delegate to an individual outside the
428 division the chief procurement officer's authority over a procurement described in Subsection
429 (3)(a)(iv).

430 (5) The chief procurement officer has final authority to determine whether an executive
431 branch procurement unit's anticipated expenditure of public funds, anticipated agreement to
432 expend public funds, or provision of a benefit constitutes a procurement that is subject to this
433 chapter.

434 (6) Except as otherwise provided in this chapter, the chief procurement officer shall
435 review, monitor, and audit the procurement activities and delegated procurement authority of
436 an executive branch procurement unit, except to the extent that an executive branch
437 procurement unit is designated under Subsection [63G-6a-103](#)(38)(b), (c), (d), or (e) as an
438 independent procurement unit, to ensure compliance with this chapter, rules made by the
439 applicable rulemaking authority, and division policies.