

**NOTICE OF FINAL RULEMAKING  
TITLE 2. ADMINISTRATION  
CHAPTER 18. GOVERNMENT INFORMATION TECHNOLOGY**

**PREAMBLE**

**1. Article, Part, or Section Affected (as applicable) Rulemaking Action**

R2-18-101	Amend
R2-18-201	Amend
R2-18-301	Amend
Article 4	Amend
R2-18-401	Amend
Article 5	New Article
R2-18-501	New Section
R2-18-502	New Section
R2-18-503	New Section

**2. Citations to the agency’s statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):**

Authorizing statute: A.R.S. §§ 18-104 (A)(12)  
Implementing statutes: A.R.S. §§ Title 18, Chapter 1

**3. Citations to all related notices published in the *Register* as specified in R1-1-409(A) that pertain to the record of the proposed rule:**

Notice of Rulemaking Docket Opening: A.A.R Volume 25, Issue 2, January 11, 2019

**4. The agency’s contact person who can answer questions about the rulemaking:**

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**5. An agency’s justification and reason why a rule should be made, amended, repealed or**

**renumbered, to include an explanation about the rulemaking:**

The Arizona Department of Administration (ADOA) is amending the rules in A.A.C. Title 2, Chapter 18 based upon a critical and comprehensive review of its rules. ADOA believes that the rulemaking will result in rules that are more clear, concise, and effective.

The benefits of these rules will be to assist agencies to interact more efficiently with the Department in developing and submitting project investment justifications (PIJ) for approval. Additionally, the rules will serve as a guide for the Department to manage the PIJ approval process in an efficient and transparent manner. The rules will also clarify the content of strategic IT plans submitted by agencies and clarify the appeal process. Finally, new rules regarding the Americans with Disabilities Act (ADA) compliance and complaints have been added to complete the rule package.

**6. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**

None.

**7. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:**

Not applicable.

**8. The summary of the economic, small business, and consumer impact:**

The Department anticipates that the primary economic impact of the rules will be derived from an efficient operation of state government business units in regard to their use of IT. Additional changes to clarify existing rules should have a beneficial economic impact on all users of the rules. The rulemaking will apply to all state agencies subject to ASET oversight, currently estimated at 100 agencies. The rulemaking will also apply to members of the public utilizing state agency IT systems.

The economic impact of the rulemaking is expected to be minimal (less than \$1,000) for all persons involved in the appeal and ADA complaint processes. Clarifying procedures for appeals and complaints make the most efficient use of staff resources while providing appropriate information in a timely fashion.

**9. A description of any changes between the proposed rulemaking, including supplemental notices, and the final rulemaking:**

Only clarifying and technical changes, none of which are substantial under the standard set forth A.R.S. 41-1025, have been made between the proposed rulemaking and the final rulemaking.

**10. An agency's summary of the public or stakeholder comments made about the rulemaking and the agency:**

The following is a high-level summary of comments/questions that were received.

**Comment** from Krishna Jhaveri (GRRC):

In the definition of telecommunications it says "without changing the form" what does that mean?

Response:

To clarify: if the message is spoken and then the message is transmitted, the message will be received as spoken and will not be transformed into another form.

Staff Note: Action taken to clarify and simplify telecommunications definition.

Changed from "Telecommunications," as used in A.R.S. § 18-101(6), means the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received. The term does not include commercial mobile radio services, pay phone services, interstate services, or cable services.

Changed to: "Telecommunications," as used in A.R.S. § 18-101(6), does not include land mobile radio services.

**Comment** from Jennifer Woods (Traversant):

With respect to contract approval, are we saying SPO could enter into vendor negotiations and award contingent on PIJ approval?

Response:

Yes. No official start date, encumbrance or expenditure of funds until PIJ approved.

**Follow-up comment** from Jennifer Woods (Traversant):

Do we have a special term that could do that?

Response:

If not it could be created. This will simplify the RFP process and remove complications with ITAC review. This will allow them to get to award contingent on PIJ approval so that ITAC can discuss.

Staff Note: Discussion clarified intent. No action needed in the rules.

**Comment** from Jennifer Woods (Traversant):

IT plans would be really interesting to read. Movement on budget to force agencies to post budget requests. Are these plans required to be posted? Is there an effort? Are they public records?

Response:

Not sure. Can look into. Internal conversations, in progress.

Staff Note: Request for information on current practices. No action needed in the rules.

**Comment** from Jennifer Woods (Traversant):

With respect to accessibility of IT Projects - what qualifies as an IT Project? Does the funding source matter?

Response:

With respect to accessibility, the statute and rule applies to “any electronic or information technology”.

Staff Note: Discussion to clarify intent. No action needed in the rules.

**Follow-up email from Jennifer Woods (Traversant) dated 2/13/19:**

**Comment:** I have a quick follow-up question. Do the new rules/ ITAC oversight apply to university technology projects? Looking at Title 18, the definition of “budget unit” my interpretation is that ITAC applies to the Board of Regents, but not ASU, NAU, UofA or the community colleges. Just wanted to confirm.

Response:

We concur with your interpretation of the statutory language.

Staff Note: Discussion to clarify statute. No action needed in the rules.

**11. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:**

None.

**a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:**

The rules do not require issuance of a regulatory permit, license or agency authorization.

**b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the**

**requirements of federal law:**

The rules are being promulgated under state law. In addition, A.R.S. Title 18, Chapter 1, Article 3 - Alternative Access to Electronic or Information Technology, refer to federal law Section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d) as amended. These rules refer to this federal law as well. The proposed state rules do not exceed federal law, but clarify how the State can demonstrate compliance with federal law.

**c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:**

None.

**12. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:**

None.

**13. Whether the rule was previously made, amended, or repealed as an emergency rule. If so, cite the notice published in the Register as specified in R1-1-409(A). Also, the agency shall state where the text was changed between the emergency and the final rulemaking packages:**

The rule was not previously made as an emergency rule.

**14. The full text of the rules follows:**

TITLE 2. ADMINISTRATION  
CHAPTER 18. GOVERNMENT INFORMATION TECHNOLOGY  
(Authority: A.R.S. § 41-3504 et seq.) ARTICLE 1. GENERAL PROVISIONS  
R2-18-101. Definitions

ARTICLE 2. INFORMATION TECHNOLOGY PROJECTS  
R2-18-201. Information Technology Project Justification and Monitoring

ARTICLE 3. INFORMATION TECHNOLOGY PLANNING  
R2-18-301. Information Technology Planning

**ARTICLE 4. APPEALS OF ~~GOVERNMENT INFORMATION TECHNOLOGY AGENCY~~  
DECISIONS**

**R2-18-401. Appeals**

**ARTICLE 5. ALTERNATIVE ACCESS TO ELECTRONIC OR INFORMATION  
TECHNOLOGY**

**R2-18-501. Accessibility Standards**

**R2-18-502. Complaints**

**R2-18-503. Complaint Review Process**

**R2-18-101. Definitions**

Unless the context requires otherwise, the following definitions apply:

“Accessibility Compliance Representative” is the budget unit’s designated representative for Section 508 compliance matters to receive, investigate and process complaints that allege the budget unit’s failure to comply with accessibility standards.

“Accessibility Standards” means the statewide accessibility standards adopted by the Department to address compliance with Section 508 in developing, procuring, maintaining or using electronic or information technology.

~~1.~~ “Appeal” means a written request filed with the Information Technology Authorization Committee (ITAC) by a budget unit challenging a decision by the Arizona Department of Administration Government Information Technology Agency (GITA) to reject the budget unit’s proposed IT Plan or project.

~~2.~~ “CEO” means chief executive officer.

“Comparable Access” means alternative means of access that allows the individual to use the information and data in accordance with applicable state and federal laws such as Title I and Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act.

~~3.~~ “Critical information technology project,” as used in A.R.S. Title 18, Chapter 1, means an IT project having ~~development total~~ costs greater than \$25,000 and requires monitoring, with monitoring frequency and duration left to the sole discretion of the Department. ~~\$1 million that GITA the Department or ITAC determines warrants monitoring because it:~~

- ~~a. Is complex,~~
- ~~b. Involves advanced technology not previously deployed in any budget unit, or~~
- ~~c. Requires technical expertise that is not available in the budget unit.~~

“Department” means the Arizona Department of Administration.

~~4.~~ “Development costs” means the sum of IT project startup costs, as defined in the PIJ instructions.

~~5.~~ “Disapprove” means reject.

“Expenditure and Activity Report” means a standard project status summary that is used by a budget unit to report progress and costs on IT projects.

~~6.~~ “GITA” means GOVERNMENT INFORMATION TECHNOLOGY AGENCY.

~~7.~~ “Incomplete IT Plan or PIJ” means an IT Plan or PIJ that is missing information, sections, or approvals, as determined by GITA.

~~8.~~ “Information technology plan” or “(IT Plan)”, as used in A.R.S. Title 18, Chapter 1, means a documented strategy for ~~IT~~ information technology resources and practices to support business direction over a specific period of time.

~~9.~~ “Information technology project or “IT Project,” as used in A.R.S. Title 18, Chapter 1, means a series of activities, events, and investments to develop and implement a new or enhanced IT ~~system~~ over a prescribed period of time.

~~10.~~ “IT” means information technology.

11: "ITAC" means Information Technology Authorization Committee, which is established under A.R.S. §18-121.

12: "Major information technology project," as used in A.R.S. Title 18, Chapter 1, means an IT project that has development total costs greater than \$1 million. ~~and:~~

- ~~d. Is necessary to the state or budget unit mission;~~
- ~~e. Is necessary to protect health, welfare, or safety of the public;~~
- ~~f. Is necessary for homeland security;~~
- ~~g. Is legally mandated;~~
- ~~h. Is necessary to improve government efficiency and effectiveness;~~
- ~~i. Involves a political subdivision; or~~
- ~~j. Involves multiple budget units.~~

13: "PIJ" means project investment justification ~~document.~~

14: "Priority category," as used in A.R.S. Title 18, Chapter 1, means a grouping of approved GITA projects by GITA-defined criteria.

15: "PIJ Project investment justification template" means a standard set of forms and reporting formats to be prepared by a budget unit and submitted to the Department GITA to describe an IT project and to identify resources, technologies, ~~values,~~ benefits, costs, goals, risks, financials, ~~quality assurance issues associated with the project and other key factors~~ and to establish a specific time period milestones for development and implementation of the project.

16: "Project status report" means a standard project status summary that is used by a budget unit to report progress on IT projects.

17: "Quality assurance ~~plan~~," as used in A.R.S. Title 18, Chapter 1, means a budget unit's process of evaluating IT overall program or project goals, objectives, and activities to promote successful implementation, and tasks on a regular basis to provide the confidence that the IT program or project will produce the desired outcomes

"Section 508" means Section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d), as amended



~~18. “Standards” as used in A.R.S. Title 18, Chapter 1 means requirements associated with development, maintenance, use, and access to IT based on generalized industry benchmarks and best practices, relating to technical, coordination and security components of information technology adopted by GITA for the purpose of developing and maintaining statewide coordinated use of, and access to, information technology resources.~~

~~“Telecommunications,” as used in A.R.S. § 18-101(6), does not include land mobile radio services.~~

~~19. “Temporarily suspend the expenditure of monies,” as used in A.R.S. Title 18, Chapter 1, means an order from the Department GITA to a budget unit to immediately cease expenditures of monies and related project activities, for a specific IT project if GITA determines that the IT project is at risk of failing to achieve the intended results, or does not comply with A.R.S. Title 18, Chapter 1 requirements.~~

~~20. “Total project costs” or “total costs,” as used in A.R.S. Title 18, Chapter 1, means the IT development and implementation costs associated with an information technology project series of activities, events, and investments to develop and implement a new or enhanced IT system.~~

## ARTICLE 2. INFORMATION TECHNOLOGY PROJECTS

### **R2-18-201. Information Technology Project Justification and Monitoring**

A. If an IT project requires Department or ITAC ~~GITA~~ approval, under A.R.S. Title 41, Chapter 23 and Title 18 Chapter 1, a budget unit shall not commit or spend funds on the project and shall not enter into a project ~~specific related~~ contract or vendor agreement until the budget unit receives written Department or ITAC ~~GITA~~ approval or unless the contract or vendor agreement is contingent upon receipt of such approval.

1. A budget unit shall submit a PIJ describing the value to the public and the state for the IT project, consistent with the approved budget unit IT Plan submitted to the Department ~~GITA~~ under R2-18-301. The budget unit shall use the current PIJ template and submit the completed PIJ to the Department ~~GITA~~.
2. If the PIJ is incomplete, the Department ~~GITA~~ shall identify deficiencies and either request additional information or return the PIJ to the budget unit for completion and resubmission.
3. The Department or ITAC ~~GITA~~ shall use the following general criteria to review each completed PIJ within its authority:

- a. Whether the proposed solution addresses the stated problem or situation;
- b. Whether the budget unit is competent to carry out the project successfully;
- c. Whether sufficient sponsorship and support by budget unit leadership exists;
- d. Whether cost estimates provided are accurate;
- ~~e. Whether the proposed solution is compatible with other budget unit solutions;~~
- ~~f. How likely unintended consequences are;~~
- ~~g. e. Whether the proposed project aligns with the budget unit's Strategic IT Plan plan is reasonable; and~~
- ~~h. f. Whether the proposed solution complies with statewide IT standards.~~

4. Based on the review the Department or ITAC shall take one of the following actions

- a. Approve
- b. Conditionally approve
- c. Disapprove.

~~4. 5. The Department GITA shall inform the budget unit CEO of its the review decision in writing.~~

~~5. 6. If the Department GITA or ITAC conditionally approves the IT project, it shall identify the conditions that the budget unit shall satisfy to proceed with the project. Unless otherwise stated in the Department's GITA's communication to the budget unit CEO, the budget unit may begin the IT project, with Department GITA monitoring, while the identified conditions are in the process of being satisfied by the budget unit.~~

~~6. 7. If the Department or ITAC GITA disapproves the IT project, the budget unit shall not begin the IT project, nor commit or spend any funds nor and shall not enter into any project-related specific contract or vendor agreement.~~

~~7. A budget unit may appeal GITA's the decision to disapprove an IT project in accordance with Article 4 of this Chapter.~~

~~B. If an IT project is within the jurisdiction of ITAC, in accordance with A.R.S. Title 18, Chapter 1, GITA shall process a budget unit's PIJ and recommend to ITAC approval, conditional approval, or disapproval of the IT project.~~

~~C. GITA shall determine if an IT project is critical or major. For critical or major IT projects, GITA shall monitor project progress.~~

~~D. B. If the Department GITA determines that an IT project is at risk of failing to achieve its intended results or does not comply with A.R.S. Title 18, Chapter 1, the Department GITA shall:~~

- ~~1. Temporarily suspend the expenditure of monies and related activities for the IT project, or,~~

2.—recommend to ITAC that ITAC temporarily suspend the expenditure of monies and related activities for the IT project.

~~E. C. Any temporary suspension under subsection (B) shall only be lifted by the Department or ITAC, as applicable, once the cause for the suspension has been adequately rectified as determined in the sole discretion of the Department or ITAC.~~

### ARTICLE 3. INFORMATION TECHNOLOGY PLANNING

#### R2-18-301. Information Technology Planning

A. Under A.R.S. Title 18, Chapter 1, each budget unit shall annually develop and submit to the Department ~~GITA~~ an IT Plan containing goals, challenges objectives, and plans ~~performance measures~~, on or before September 1 of each year.

~~B. If an IT Plan is incomplete, GITA shall identify deficiencies and return the IT Plan to the budget unit for completion and resubmission to GITA.~~

~~C. B. The Department~~ ~~GITA~~ shall review the proposed, ~~complete~~, budget unit IT Plan to determine the degree of change from previous plans and whether:

1. Outcomes Performance measures are measurable,
2. Quality assurance plan is ~~measures are~~ included,
3. Disaster recovery plan is included.
- ~~3. Exposed gaps are addressed, and~~
- ~~4. IT goals and business goals align.~~
4. IT goals align with statewide IT standards.

~~D. C. The Department~~ ~~GITA~~ shall either approve or disapprove the IT Plan and shall notify the budget unit ~~CEO~~ of its decision. An approved budget unit IT Plan remains in effect until the end of the fiscal year for which it is submitted, ~~or until it is modified or replaced according to subsection (D F).~~

E. A budget unit may appeal a ~~GITA~~ decision to disapprove a budget unit IT Plan to ITAC, in accordance with Article 4 of this Chapter.

F. Modification of an approved budget unit IT Plan.

~~1. A budget unit may submit a modified, amended, or revised IT Plan to GITA for approval. An approved budget unit IT Plan shall remain in effect until a replacement IT Plan is approved by GITA or until the end of the fiscal year for which it is written.~~

2. ~~GITA shall review a proposed modification of a budget unit IT Plan, in accordance with subsections (B) and (C).~~

**ARTICLE 4. APPEALS OF GOVERNMENT  
INFORMATION TECHNOLOGY AGENCY DECISIONS**

**R2-18-401. Appeals to ITAC**

- A. A budget unit, which appeals a decision by the Department ~~GITA~~ regarding the disapproval of a budget unit IT Plan or a budget unit IT project, shall file a written appeal with ITAC within 30 days from receipt of notice of the Department ~~GITA~~ decision being appealed.
- B. An appeal shall include:
1. The decision being appealed,
  2. The specific facts on which the appeal is based,
  3. The associated errors in the Department's ~~GITA's~~ decision, and
  4. The action requested of ITAC.
- C. An appealed decision shall remain in effect during the appeal. An appealing budget unit shall not resume or initiate any project activity or expense unless instructed otherwise by the Director of the Department ~~GITA~~. ITAC shall inform a Budget Unit regarding its decision on any appeal within 90 days of receipt of the appeal and if ITAC does not do so, the appeal will be considered denied.

**ARTICLE 5. ALTERNATIVE ACCESS TO ELECTRONIC OR INFORMATION  
TECHNOLOGY**

**R2-18-501. Accessibility Standards**

- A. The Department shall prescribe electronic or information technology accessibility standards as authorized by A.R.S. § 18-104 and § 18-105. Electronic or information technology products covered by these standards shall comply with all applicable provisions. The Arizona Strategic Enterprise Technology (ASET) Office of the Department shall maintain the accessibility standards and make them available to the public.
- B. Each budget unit shall designate an Accessibility Compliance Representative and ensure that their products comply with accessibility standards, unless an undue burden would be imposed on the budget unit. When a budget unit determines compliance with these standards imposes an undue

burden, budget units shall provide individuals with disabilities the information and data involved that allows the individual comparable access.

- C. Each budget unit shall evaluate the accessibility of any proposed electronic or information technology system prior to the expenditure of State funds. The budget unit shall include the results of the accessibility evaluation in a written report maintained with the solution documentation. If applicable, the report shall include a declaration that the budget unit has determined that an undue burden or exception exists along with an explanation of the undue burden and how it was determined.

### **R2-18-502. Complaints**

- A. Any individual may file a complaint alleging that a budget unit does not comply with accessibility standards in regard to its electronic or information technology with the the Accessibility Compliance Representative of the budget unit. The written complaint must:
1. State the name and contact information for the complainant;
  2. Identify the electronic or information technology in question; and
  3. Describe the non-conformance with the accessibility standards in sufficient detail as to enable a review.
- B. Upon receipt of a complaint, the Accessibility Compliance Representative will review the complaint to respond to and make a good faith effort to resolve any complaint by determining whether the electronic or information technology listed in the complaint is subject to accessibility standards. The representative will conduct a review within sixty (60) days from receipt of the written complaint.
- C. Upon completion of the review, the budget unit shall provide written notice of the results of the review to the complainant and Department of Administration, which shall include at least one of the following:
1. Documentation that the technology conforms to all applicable accessibility standards;
  2. A documented explanation that any non-conformance with accessibility standards was exempted due to an undue burden; or
  3. An agreement in part or in whole with the written complaint that includes a plan with reasonable timelines for conforming to applicable accessibility standards.

### **R2-18-503. Complaint Review Process**

- A. If a complainant is not satisfied with the complaint response issued by a budget unit, the complaint and the budget unit response can be filed within thirty (30) days of issuance with the Director of the Department.
- B. The Director of the Department's representative(s) shall evaluate the complaint and budget unit response and may gather additional information as necessary to render an independent decision within sixty (60) days of receipt of the complaint.
  - 1. If it is determined the technology does not comply with accessibility standards, a written notice shall be sent to the budget unit, with a copy to complainant, of such findings and a requirement for a plan of resolution to be sent within sixty (60) days to the Department and the complainant.
  - 2. If it is determined the technology does comply with accessibility standards or that an undue burden does exist and is therefore exempt from compliance, a written notice shall be sent to complainant, with a copy to the budget unit, of such findings.