Budget Cycle: 2021-2023 Biennium Version: AF - AGENCY FINAL REQUEST

IT Project : Rules & Regulations Electronic Solution

General Section

Contact Name: David Wilson E-mail: david.wilson@nebraska.gov Agency Priority:

Address: 1201 N. Street, Ste. 120 Telephone: 402-471-4071 NITC Priority: NITC Score:

City: Lincoln

State: Nebraska Zip: 68509

Expenditures

IT Project Costs	Total	Prior Exp	FY20 Appr/Reappr	FY22 Request	FY23 Request	Future Add
Contractual Services						
Design	0	0	0	0	0	0
Programming	0	0	0	0	0	0
Project Management	0	0	0	0	0	0
Data Conversion	0	0	0	0	0	0
Other	0	0	0	0	0	0
Subtotal Contractual Services	0	0	0	0	0	0
Telecommunications						
Data	0	0	0	0	0	0
Video	0	0	0	0	0	0
Voice	0	0	0	0	0	0
Wireless	0	0	0	0	0	0
Subtotal Telecommunications	0	0	0	0	0	0
Training						
Technical Staff	0	0	0	0	0	0
End-user Staff	0	0	0	0	0	0
Subtotal Training	0	0	0	0	0	0

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Expenditures						
IT Project Costs	Total	Prior Exp	FY20 Appr/Reappr	FY22 Request	FY23 Request	Future Add
Other Project Costs						
Personnnel Cost	15,000	0	0	15,000	0	C
Supplies & Materials	0	0	0	0	0	C
Travel	0	0	0	0	0	C
Other	0	0	0	0	0	C
Subtotal Other Project Costs	15,000	0	0	15,000	0	0
Capital Expenditures						
Hardware	0	0	0	0	0	0
Software	1,800,000	0	0	900,000	180,000	720,000
Network	28,500	0	0	4,000	4,500	20,000
Other	1,000	0	0	1,000	0	0
Subtotal Capital Expenditures	1,829,500	0	0	905,000	184,500	740,000
TOTAL PROJECT COST	1,844,500	0	0	920,000	184,500	740,000
unding						
Fund Type	Total	Prior Exp	FY20 Appr/Reappr	FY22 Request	FY23 Request	Future Add
General Fund	0	0	0	0	0	0
Cash Fund	1,844,500	0	0	920,000	184,500	740,000
Federal Fund	0	0	0	0	0	C
Revolving Fund	0	0	0	0	0	C
Other Fund	0	0	0	0	0	(
OTAL FUNDING	1,844,500	0	0	920,000	184,500	740,000
ARIANCE	0	0	0	0	0	O

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IT Project: Rules & Regulations Electronic Solution

EXECUTIVE SUMMARY:

The proposed project is to adopt an electronic solution for the drafting, promulgation, review, approval, filing, and publishing of the Nebraska Administrative Code. We are looking for an out-of-the box solution that provides a rule drafting platform, electronic submission of the necessary documents for promulgating a rule to the necessary reviewers, electronic filing with the Secretary of State, and automatic publication to the Secretary of State's website. Additionally, the system will maintain archived versions of the rules and provide enhanced search capabilities for current and superseded rules. It will also provide online notification and tracking of all proposed rules that are pending.

The proposed project is to adopt an electronic solution for the drafting, promulgation, review, approval, filing, and publishing of the Nebraska Administrative Code.

When an agency amends a rule, adopts a new rule, or repeals a current rule, they must first publish a draft of the proposed rule and hold a hearing for public comment. Then, the rule is submitted for review and approval by the Attorney General and the Governor. If approved, it is filed with the Secretary of State and becomes effective five days after filing giving it the force and effect of law. The Secretary of State must publish the rule on his or her website for the public. The proposed solution for the project would begin at the drafting stage of the rule process and continue through to the publication, distribution, and, ultimately, archiving of the rule (should it be superseded).

We are looking for an out-of-the box solution that provides a rule drafting platform, electronic submission of the necessary documents for promulgating a rule to the necessary reviewers, electronic filing with the Secretary of State, and automatic publication to the Secretary of State's website. Additionally, the system will maintain archived versions of the rules and provide enhanced search capabilities for current and superseded rules. It will also provide online notification and tracking of all proposed rules that are pending.

It is the duty of the Secretary of State to compile, index, and publish the Nebraska Administrative Code, to computerize the Code to ease revision and research of the Code, to post a current copy of the existing rules on his or her website, and to distribute copies of the Code to all interested parties. These solutions will better help the Secretary of State meet these statutory duties by providing a way to maintain consistent formatting, reduce filing errors, and maintain a comprehensive digital library of all rule-making documents and records. The solutions will make the rule adoption process easier and more efficient for all parties and give the public a more thorough, easy-to-use online library of the Nebraska Administrative Code.

GOALS, OBJECTIVES, AND OUTCOMES (15 PTS):

Two major goals have been defined for this project. One is to eliminate the paper promulgation process and create a fully-electronic workflow. The second goal is to seamlessly publish the official rules online in a searchable format once approved and filed.

- 1. Describe the project, including:
 - Specific goals and objectives;
 - Expected beneficiaries of the project; and

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Expected outcomes.

Two major goals have been defined for this project. One is to eliminate the paper promulgation process and create a fully-electronic workflow. The second goal is to seamlessly publish the official rules online in a searchable format once approved and filed.

The first goal would be met by using the solutions to create a web based workflow where documents could be: (1) drafted, modified, or uploaded by an agency, (2) electronically sent to reviewers, (3) electronically routed to final approvers, (4) electronically filed, (5) automatically published online, and (6) maintained in a digital archive when superseded. This project would involve all rule-making agencies, the Governor, and the Attorney General's Office. Each agency user would be limited to a very specific set of actions which they could perform.

This will create a streamlined process which will require all agencies to promulgate rules in a consistent format. This will eliminate the current formatting inconsistencies and the cumbersome promulgation process. By using an electronic solution we can create a workflow and format that would be utilized by each agency to deliver a properly vetted, reliable, and consistent-looking document.

The second goal is addressed by using the proposed solutions to seamlessly publish the official rules online. Currently, the official stamped version is only available in paper copy. As required by Neb. Rev. Stat. § 84-906.03, we publish a copy of all current rules on our website. However, these are unofficial digital copies of the adopted rule provided by the adopting agency. These copies are not consistently formatted, not consistently dated, difficult to search via a search engine, and may not be identical to the official copy of the rules. Nebraskans and other interested parties primarily view the Code on our website via the unofficial copies. Many state agencies will link to our website to provide their constituents with a copy of their rules. As requests for and subscriptions to the official, paper copies continue to decline, having a consistent, accurate, up-to-date online library of the Code is necessary. This solution will ensure that we have one.

With this solution, we would be able to put the "official" version of the rules online. Citizens would have real-time access to rules once filed. Moving to an electronic version of the rule would allow for the document to be fully searchable online in a consistent format, with clear approval and filing date stamps.

An added benefit of moving to a fully electronic promulgation process is that we would dramatically reduce the amount of staff time used for low value activities such as date stamping each page of a filed rule. Rules are often hundreds of pages in length. We currently receive three paper copies of each rule and manually date stamp each page. We then file one copy in a current rule binder by title, file another copy in a file cabinet, send one copy back to the agency, and make a copy to file in an agency binder. We also scan a paper copy into a Microsoft Access database for archiving and research purposes. These manual, time consuming tasks would be eliminated with the proposed system.

Additionally, this solution offers the capability of having the archive of old rules online, greatly increasing the research capability of our online library of the Code. Only the current rules are published on our website right now. If a person wished to view superseded or repealed rules, they would be required to either come to our office in person or request

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copies of the old rules be sent to them.
2. Describe the measurement and assessment methods that will verify that the project outcomes have been achieved.
Upon completion of the applicable procurement processes, an agreement with the selected vendor will be drafted that will include functional requirements to be met and benefits we hope to achieve. We estimate the project will take two years to complete and be implemented. Success will be measured by meeting the functional requirements and benefits laid out in the proposal. We will get all stakeholders on board and comfortable with the system's workflow.
Extensive system testing by internal staff and internal operational beta testing by external users will be utilized to determine whether the system meets pre-determined criteria.
3. Describe the project's relationship to your agency comprehensive information technology plan.
Previously, we attempted to build our own electronic rule-making solution from the ground up using existing content management software (OnBase) developed by the OCIO and its contractor, Databank. After five years of development, the project was not successful. It continues to be a goal of this office to move the rule-making process to an entirely electronic solution and to make the online publication of the rules the official library of the Code.
We are now seeking to use an out-of-the box solution that has been implemented and proven successful in other states. This will reduce the timeline for implementation and require less dedicated time from staff to work with the developers to build a ground-up solution.
This project is included in our agency's comprehensive information technology plan. Our agency will be able to use some existing infrastructure (i.e. PCs) to utilize the system. The

PROJECT JUSTIFICATION / BUSINESS CASE (25 PTS):

developed with current technology making it easier to find programming support.

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new system will incorporate technology that has application support, maintenance, redundancy and provides a more efficient filing process for agencies and internal staff. It will be

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4. Provide the project justification in terms of tangible benefits (i.e. economic return on investment) and/or intangible benefits (e.g. additional services for customers).

The greatest benefits of a fully electronic rules solution are eliminating workflow redundancies and seamlessly publishing searchable rules online.

This technology would move our promulgation process from a silo approach with each agency using slightly different formats to a shared service electronic system where each rule would move through an identical process. Document and process integrity would be heightened because of the ability to time and date-stamp each workflow step. Gaps in the current process—such as the rule being returned to the agency after approval by the Attorney General's office—would be eliminated, creating a faster promulgation process. The entire process would be clearer and less cumbersome for the agencies. Agencies that do not promulgate rules often will need less training and re-training as the process would be simpler and standardized.

A major benefit for all citizens of the state will be the ability to have the official rules available online. The public will be able to use a keyword search to search throughout the entirety of the Code and view the stamped official version of the rule. Currently the official stamped version is only available via paper copy. To accommodate the public, our office began posting the unofficial version of rules on our website several years ago. In 2016, the Legislature mandated that the Secretary post a copy of the current rules as filed on his or her website. We receive very few requests for hard copies of rules. Today, citizens are predominately accessing rules online. The online version of rules are not official and are simply a soft copy version provided by the agencies. Often they are not dated or consistently formatted. We do not have the staff to review each version to make sure it is identical to the official paper version filed in our office. Since we are the filer of state agency rules, many other state agencies' websites link to our online version of the rules.

With a new solution, we would be able to put the "official" file stamped version of the rule online. Citizens would have real-time access to rules once filed. Additionally, it would allow for the document to be fully searchable online in a consistent format, with clear approval and filing date stamps.

Rule-making agencies would also save time and resources by moving to an electronic filing system. Currently, an agency seeking to promulgate rules must submit four copies of the proposed rule through the approval process. This is necessary to create a sufficient amount of official copies needed for the review process. Additionally, the agencies must create and submit to our office an electronic version of the rule that is used for publishing on our website. With the new solution, agencies would only be required to submit one, electronic copy of the rule through the process. Finally, if agencies desire to have an electronic copy (e.g., a Microsoft Word file) of their rule on which to make future changes, they are responsible for keeping that themselves. Agencies who do not have such a copy must create an electronic copy of their rules in order to amend them. The new solution would store a copy of the rule and make it available to the agency when they would like to amend their current rules.

Tangible benefits for our office include no longer stamping, filing, and storing multiple copies of the same rule, sending a copy of the rule to the agency after date-stamping each page, and automatically having a digital file uploaded to the official, public Code library.

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Additionally, we would eliminate the need to receive or create digital copies of the rule to post on our website and save in a back-up database. We estimate that our office supply usage, including paper, printing, and scanning costs used to process new regulations would be eliminated. Staff time could be reallocated to other higher value office needs, most likely moving towards using .5 FTE verses the current 1.0 FTE.

Finally, staff is asked to provide copies of superseded regulations that are not available online. Often people requesting these copies are doing so for research purposes. If the entire archive of the Code is made available online, that would free up staff time that would otherwise be spent retrieving copies of old rules.

5. Describe other solutions that were evaluated, including their strengths and weaknesses, and why they were rejected. Explain the implications of doing nothing and why this option is not acceptable.

We attempted to build a custom, ground up solution beginning in 2012. We believed that we could build a solution that would be fully customized to our needs, the needs of the agencies and other stakeholders, and utilize the state's chosen content management system: OnBase. We spent a significant amount of time and money working with the developer over a period of five years to develop the solution but the project was not successful. The chosen platform was not able to meet the needs of our office or other stakeholders. Additionally, the rule promulgation and publication process is complicated and attempting to build a solution on our own proved too difficult for the developers.

In order to not repeat this error, we are choosing a system that has already been developed and successfully implemented in other states.

The current system creates redundancies where none are needed, relies on software and systems that are aging out of their usefulness, forces the use of resources that could otherwise be reserved for other higher value tasks, allows for errors or mistakes at many different points along the workflow, and does not provide the public with the best, most useful version of the Code available.

Agencies are already creating electronic versions of the rules they are promulgating. The current system forces them to print off four copies of a document. This could be hundreds of pages of paper that they must use in order to file their rule. When the rule is finally approved, they must still send an electronic copy to our office for its unofficial publication on our website. We are asking agencies to take an electronic record, make four paper copies, and submit them through the process but still submit an electronic copy of the rule to complete the process.

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Our office creates an electronic copy of the official rule and stores it in an Access database that is over fifteen years old. If we do not adopt a new rule filing system, we will likely need to update our electronic database for the rules that we currently have.

Additionally, the new solution requires each step of the drafting, reviewing, filing, and publication process to be logically and systematically connected with one another in a way that would ensure the process maintains integrity. Instead of submitting four copies of paper regulations that are routed in an ad hoc fashion to the various agencies, the rule process would be a single, designed process from start to finish with an auditable history.

As stated above, the online Code currently is not an official version and is prone to errors but is the one used almost exclusively by the public. The new solution would give the public access to the most up-to-date and accurate version of the Code available. When almost all citizens of the state are using our online library as their access to the Code, making sure that library is as accurate and up to date as possible is important.

Finally, as the public is primarily accessing the Code through our website, it is important to make the online library as user friendly as possible. Currently, with limited control over the files that are given to us for publication, we cannot ensure that every file uploaded to the website for publication is searchable and easily-readable by the web browser. Regulations that have not been updated in decades are only available as images that are not searchable at all. The new solution would ensure that the entire Code is published in an easily-searchable format and allow for anyone with access to the online library the ability to easily search our current and past regulations.

6. If the project is the result of a state or federal mandate, please specify the mandate being addressed.

This project is not the result of a state or federal mandate. However, statutory duties of the Secretary of State include:

- 1. Posting a current copy of the existing rules and regulations as filed on his or her web site. Neb. Rev. Stat. § 84-906.03(3).
- 2. Causing the Code to be computerized to facilitate agencies in revision of their rules and regulations and provide research capabilities. Neb. Rev. Stat. § 84-906.03(2).
- 3. Maintaining a docket of pending regulations. Neb. Rev. Stat. § 84-906.04
- 4. Issuing instructions to all state agencies setting the format for all submitted regulations. Neb. Rev. Stat. § 84-902

While the current regulation promulgation and publication system allows us to meet these duties, a fully electronic system would greatly enhance our capabilities to meet these

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requirements and give to the agencies and public a more useful publication of the Code and pending regulation docket.

TECHNICAL IMPACT (20 PTS):

7. Describe how the project enhances, changes or replaces present technology systems, or implements a new technology system. Describe the technical elements of the project, including hardware, software, and communications requirements. Describe the strengths and weaknesses of the proposed solution.

Using an electronic solution for promulgating rules would be a completely new workflow and incorporate new technology. Currently, our agency uses a Microsoft Access Database to track Rules and Regulations metadata along with a Windows path to physically store the rules documents. This system is not sustainable as it relies on a database created over fifteen years ago and lacks any workflow or tracking of regulations. With the age of the database there are concerns that it will have compatibility issues or problems working with newer versions of Microsoft Office. There is no plan to replace the database until a new system is in place. The documents are still available in the network location but identifying them would be difficult without the database. Our current process is caught between the 20th- and 21st-centuries—a hybrid between paper and electronic systems when agencies are increasingly moving away from paper processes.

Our agency will not require any hardware. Since multiple agencies are involved in the promulgation process using a centralized technology to which all agencies can have access provides a great level of efficiency. We envision the new system will be hosted in the State of Nebraska's Active Directory Domain (STN).

The strengths of the solution are (1) it was implemented in other states and proven to be effective, (2) it will modernize the rule drafting, promulgation, filing, and publication processes, (3) it will upgrade the public access to the Code allowing for better viewing, searching, and researching capabilities, and (4) it will create efficiency in our office and in every rule-making agency throughout the entire process.

As we will be selecting an out-of-the box solution that has been proven to work in other states, we will not have the long, difficult development process we experienced when we attempted to build the project from the ground up. We can instead focus on making the adjustments to the solution that our rule process requires and the transition from our current system to the new system.

Moving to a fully electronic system would modernize the rule-making process for all parties. Agencies are forced to print copies of the rules they draft electronically and submit hard copies for approval. The reviewing agencies must route four copies of the rule to each other rather than sending digital files through a shared system. Our office must then stamp and file the paper copies but must receive an electronic copy of the paper rule to file in our database. Additionally, we must post an electronic copy on our website for the public to view

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We are not currently able to maximize the benefits of having an online public library as the library hosted on our website is not fully searchable, is not automatically updated when new rules are filed, and only contains current rules—making research of superseded rules difficult for the public.

Finally, as stated above, the new solution would eliminate many redundant steps in our office and for the rule-making agencies.

The biggest weakness of the new solution will be the training of stakeholders on the new system and converting our current official Code to a fully digital system. In our previous attempt at building our own system, a major roadblock was attempting to convert all of the paper rules to accurate digital files for the electronic solution. Ensuring that each rule was in a format that was acceptable, properly indexed, and contained the accurate text of the adopted rule was time-consuming and labor-intensive. At least one solution provider offers the service of converting the records to a fully digital library and has successfully done so for one other state.

To address this weakness, we plan to add temporary staff in the months before the solution is adopted to begin the conversion process.

Another weakness of the new solution will be the increased cost associated with adopting and maintaining the system.

- 8. Address the following issues with respect to the proposed technology:
 - Describe the reliability, security and scalability (future needs for growth or adaptation) of the technology.
 - Address conformity with applicable NITC technical standards and guidelines (available at http://nitc.ne.gov/standards/) and generally accepted industry standards.
 - Address the compatibility with existing institutional and/or statewide infrastructure.

The new system will comply with NITC standards and guidelines as well as adapt to the statewide infrastructure. Compliance with NITC standards will be a contractual requirement. The software for the system must utilize updated and supported technology and services available for each product. By upgrading the database we are drastically improving the reliability and will have functionality to set permissions based on individual(s), group access or roles. A redundancy plan will be established and the system will be on a scheduled backup plan. The system must be fully functional with all components operating 99.9 percent of the scheduled production hours. The system will be subjected to penetration testing, intrusion testing and vulnerability scans for both internal and external systems. The results of these scans will be reviewed and a mitigation plan created if vulnerabilities or weaknesses are found. We envision the new system will utilize the State of Nebraska's Active Directory Domain (STN).

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Additionally, as the solutions that are being considered have been implemented in other states, their reliability has been demonstrated under real-world use.

PRELIMINARY PLAN FOR IMPLEMENTATION (10 PTS):

10. List the major milestones and/or deliverables and provide a timeline for completing each.

Milestones:

TREEMINARY FEAT ON IMPERIOR (10.1.10).
9. Describe the preliminary plans for implementing the project. Identify project sponsor(s) and examine stakeholder acceptance. Describe the project team, including their roles, responsibilities, and experience.
We have seen informal demonstrations from two potential solution providers. Each offers a solution that has already been developed and implemented in other states. Once a solution provider is chosen through an appropriate procurement process, we would work with them to develop an implementation plan tailored to their specific solution and our needs.
Stakeholders' acceptance will be gathered by ensuring the new software is simplified, time-saving, and user friendly. Additionally, the speed, accuracy, and ease of rule promulgation will be increased, reducing the time, errors, and effort stakeholders experience with the current process.
The project sponsor is the Secretary of State, Robert B. Evnen. Stakeholders are the Agencies, Boards and Commissions of the State of Nebraska and the citizens and businesses of the State. Special approving stakeholders would be the Attorney General's Office and Governor's Policy Research Office.
SOS Project Team Members are: David Wilson, Licensing Director/Associate General Counsel, Colleen Byelick, Chief Deputy/General Counsel, and Chad Sump, IT Manager.
Solution Provider Team Members are still to be determined.

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The Project will take the entire FY 2	022 and may carry into FY 2023.			
July to December 2021:				
Begin acquisition process arClean up current rules to en	nd select a vendor sure digital records of the official rules are available			
January to December 2022:				
 Begin implementation and to Work with agencies to train s 				
11. Describe the training and staff	development requirements.			
	uld involve training and staff development covering a must would have to be trained on the system as well as how			eretary of State, Attorney General, an
Other rule-making agencies would h	nave to be trained on how to use the new system, includ	ing the formatting requ	irements that will be develo	pped.
12. Describe the ongoing support	requirements.			

needs are met and conform to NITC and Secretary of State standards. Key staffing will be identified for ongoing tasks that will be available for the duration of the warranty period to provide software and database support. The system will be supported and warrantied after final acceptance.

Ongoing support will be noted in the contract and will define being hosted either via the vendor or OCIO to ensure hardware, redundancy, back-up, retention, and disaster recovery

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RISK ASSESSMENT (10 PTS):

13. Describe possible barriers and risks related to the project and the relative importance of each.

Possible barriers include:

- Failure of agreement by agencies of the electronic workflow that should be applied. The process must be affirmed by the two approving agencies: Governor's Policy Research Office and the Office of the Attorney General. Receiving rule-making agencies', boards' and commissions' buy- in early on in the process will be very important to move the project forward.
- Processing and migration 3,000 different rules into an electronic format is a significant task to complete. Some of the existing records need to be reformatted before they can be placed into the new system.
- Implementation of the software will require good communication and coordination, staying on track, eliminating scope creep and adhering to set timelines for delivery.
- Changes in internal staff could slow or delay the project as new staff will need to be trained and brought up to date.
- New statutes or rules may change defined requirements.
- Any system issues, defects or errors that do not meet the Secretary of State's expectations will need to be addressed as minor or substantial fixes.
- Vendor resources don't meet expectations. The timeline for the project is dependent on key vendor staff devoting sufficient time and resources to the project.
- Vendor could misunderstand requirements or deliver components not requested. Must ensure the vendor fully understands processes and requirements so time can be allocated appropriately.
- Additional and unforeseen expenses could push the project over budget.
- 14. Identify strategies which have been developed to minimize risks.

Risks will be minimized by presenting well-defined criteria, expectations, timelines, and deliverables to the chosen solution provider. Staff will be involved in the development, testing, and implementation to ensure that expectations are met and issues are identified and addressed in a timely manner. The chosen project will adhere to NITC Technology standards and best practices.

The selection of the solution providers will be made by identifying the vendor best equipped to meet our needs and goals.

In our previous attempt to build our own electronic solution, we learned where many of the difficulties in developing such a solution are and we gained an understanding of how to

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better develop and implement a solution.

FINANCIAL ANALYSIS AND BUDGET (20 PTS):

15. Financial Information. The "Financial" information tab in the Nebraska Budget Request and Reporting System (NBRRS) is used to enter the financial information for this project (NOTE: For each IT Project Proposal created in the NBRRS, the submitting agency must prepare an "IT Issue" in the NBRRS to request funding for the project.)

This project will be funded through Cash Funds. A comparable system provided to a different state from one of the vendors was for \$813,000. This state's contract also included \$164,000 for annual maintenance. Our request is based upon these rates including a ten percent increase to ensure sufficient appropriations for the actual costs. Additional costs were also included for server migration and ongoing OCIO hosting fees. Lastly, \$15,000 was added for temporary employee costs to do document cleanup prior to beginning the new system implementation.

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