



June 7, 2017

The Honorable Autumn Burke
California State Assembly
State Capitol Building, Room 5150
Sacramento, CA 95814

RE: AB 1546 (Burke)—Public Contracts: information technology: contractor performance assessment reports: OPPOSE

Assembly Member Burke:

On behalf of the members of IT Alliance for Public Sector (ITAPS)¹ and The Computing Technology Industry Association (CompTIA)², we respectfully oppose AB 1546 (Burke), a bill requiring the Director of the Department of Technology (CDT) to develop a standardized contractor performance assessment report system to evaluate the performance of a contractor on certain technology contracts or projects.

As an industry, we are currently working with CDT to ensure that current project oversight mechanisms are adhered to, and we are working to further bolster those mechanisms to address the concerns of this legislation. While we appreciate the author's interest in driving the state towards successful IT projects, CDT already has authority to establish the required system and to do so on a timeline that makes sense for the department given the rapidly changing landscape in IT project procurements, including a new project approval process and the introduction of agile procurement processes across state government. We firmly believe that it unnecessary to legislate this issue and think it best to have the vendor community continue to work with CDT as opposed to rigidly placing this language into statute. While we understand the need for accountability by all contractors that provide goods and services to the state—whether they be providers of information technology (IT) goods and services or highway and bridge contractors—we do not believe this measure is appropriate nor necessary for the following reasons:

- As written, the bill lacks clarity in some important ways. For one thing, it lacks details on how the contractor performance assessment report will be utilized to evaluate and award future IT contracts or projects. For example, there is no time duration specified. Should there be a less than positive grade assessed against a contractor, will that negative rating (or bad grade) remain on the contractor's performance record for one year, five years -- or ten to twenty years?

¹ **The IT Alliance for Public Sector (ITAPS)**, a division of the Information Technology Industry Council (ITI), is an alliance of leading technology companies offering the latest innovations and solutions to public sector markets. With a focus on the federal, state and local levels of government, as well as on educational institutions, ITAPS advocates for improved procurement policies and practices, while identifying business development opportunities and sharing market intelligence with our industry participants.

² **CompTIA** is the voice of the world's information technology (IT) industry. As a non-profit trade association, we advance the global interests of IT professionals and IT channel organizations and enable them to be more successful with industry-leading IT certifications and IT business credentials, IT education, resources and the ability to connect with like-minded, leading IT industry experts.

- There is no two-way performance or evaluation. Any vendor performance evaluation that is focused solely on a contractor's performance will not represent a holistic view of a project's success or challenges -- and may or may not be an indication of future contract performance. There is nothing in the bill that requires the state agency's performance to also be assessed, which we believe is necessary in to to determine if a department or agency's actions contributed to nonperformance, cost overruns or delayed project implementation.
- Finally, as mentioned in the governor's 2015 veto message of the same piece of legislation, the bill is redundant of an effort already underway by the Department of Technology. The vendor community continues to work with CDT throughout the process in bolstering existing assessment mechanisms.

In closing, IT contractors are firmly committed to helping ensure that the state implements IT projects that perform well so that Californians can benefit from the innovations and efficiencies that IT vendors deliver. We are confident that CDT will establish a vendor or project tracking system that meets the main goals of this bill, and the department currently has the authority it needs in order to do so. For that reason, we cannot support this legislation as it seems unnecessary to put such details and authority in statute when such authorities already exist. For these reasons, we respectfully oppose AB 1546.

Sincerely,



Liam Crawford
Senior Manager, State and Local Technology
ITAPS



Kelly Hitt
Director, State Government Affairs California &
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CompTIA