

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill Number: SB 559

50th Legislature, 1st Session, 2011

Tracking Number: .185464.2SA

Short Title: Sunshine Portal Access to State Contracts

Sponsor(s): Senator Sander Rue

Analyst: Ally Hudson

Date: March 10, 2011

Bill Summary:

SB 559 amends the *Sunshine Portal Transparency Act* to require state agencies to provide access to all state contracts.

Fiscal Impact:

SB 559 does not contain an appropriation.

Fiscal Issues:

According to an analysis by the Department of Information Technology (DoIT):

- SB 559 will require significant modification to the Sunshine Portal's web application including administrative and technical efforts;
- a significant portion of the cost will derive from the education data feeds and associated development efforts to extract, transform, load, and render data on the Sunshine Portal;
- a minimum external cost of \$100,000 is anticipated to implement the new functionality; and
- thus far, total expenditures and obligations on the Sunshine Portal are \$343,154 contractual plus associated staff time and resources.

According to the General Services Department (GSD) analysis:

- Several agencies issue their own contracts that, as a result, are not captured by the state's central accounting and procurement system.
- Consequently, a strategy would have to be considered and implemented to facilitate the importation of data from these agencies into the Sunshine Portal. Doing so may require external contractual resources to develop the methodology and interface.
- However, the GSD analysis continues, if SB 559 were to pass:
 - the department's contract database would no longer be required;
 - the technical support from GSD and the Department of Finance and Administration (DFA) that are currently required to support the website and refresh the data would no longer be essential; and
 - this efficiency would save the state money in the area of labor costs.

Substantive Issues:

According to the DoIT analysis, the Sunshine Portal currently includes information on all purchase orders issued to all vendors. Because contracts are associated with purchase orders, contract information is available at the purchase order level. Moreover, the DoIT analysis continues:

- the department might be required to negotiate, manage, and maintain contracts associated with the Sunshine Portal;
- in addition to one-time costs for the development of new requirements, there will be modifications to accommodate the new functions for ongoing costs of the system;
- DoIT will need to establish business process criteria with the State Purchasing Department stakeholders; and
- personnel and staff will need to be identified and assigned to ensure reliable performance.

The GSD analysis clarifies that there is no central data repository for all state contracts. Moreover:

- the state's financial and procurement system does not contain all state contracts because some of the state entities do not utilize the system; and
- this circumstance may cause potential conflict with the data that are presented to the public by preventing GSD from being able to guarantee that all contracts are being captured and presented to them.

Technical Issues:

The DoIT analysis suggests that SB 559 define the term *contract*.

Additionally, the GSD analysis suggests that, to prevent the potential misrepresentation of data, SB 559 sunset the provisions of Section 13-1-97.1 because the Sunshine Portal maintains the same information as the database established in that section of law.

Related Bills:

SB 327a *Certain Public School Info on Sunshine Portal*

HB 379 *Real Time Sunshine Portal Updates*

HB 436a *Public School Info on Sunshine Portal*

HB 521 *MRGCD Info in Sunshine Portal*