



State of West Virginia Office of Technology Policy: **Contract Management**

Issued by the CTO

Policy No: WVOT-PO1012

Issue Date: 05/28/2010

Revised: 10/21/2021

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1.0 PURPOSE

The State of West Virginia (State) utilizes three types of contracts for services. They are as follows:

- Individual Contracts
- Temporary Services Contracts
- State-Use Contracts

The use of contractors in State agencies involves certain risks in an information technology (IT) environment, as these agencies may be subject to sanctions if individuals are incorrectly classified and are given inappropriate access to State systems. When a contract worker separates from employment with the State, it is important to ensure an orderly decommissioning of access, to maintain the protection of the State's assets.

This policy will provide the West Virginia Office of Technology (WVOT) with a standard methodology to help manage the activities surrounding the engagement and termination of contractor services in the IT environment for the State.

2.0 SCOPE

This policy applies to all departments (including agencies, boards, authorities, and commissions) within the Executive Branch of West Virginia State Government, excluding constitutional officers, the West Virginia Board of Education, the West Virginia Department of Education, and the county boards of education using contractor services. However, the WVOT recommends that all agencies, including those excluded above, follow this procedure.

3.0 POLICY

- 3.1 The WVOT will require the contractor's State manager to read and acknowledge this policy annually.
- 3.2 The WVOT will require that all vendors accept the terms of this policy when contracts are renewed.
- 3.3 Contractors must not attach or use devices on the State network that are not owned by the State or authorized by the WVOT.
- 3.4 All contractors providing IT services to the State must receive an appropriate criminal background check consistent with legislative rule and West Virginia Division of Personnel policy (see policy [WVOT-PO1001](#) – "Information Security"). Decisions to waive background checks must be acknowledged in writing by the contractor's State manager.

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- 3.4.1 Contractor providers will be responsible for the cost of any background checks associated with individuals provided to the State under contract.
- 3.4.2 All findings must be reported to the contractor's State manager.
- 3.5 All contractors providing IT services to the State must meet all State criteria in order to begin work. This includes, but may not be limited to, proof of U.S. residency status (i.e. I-9 Form), required work permits for non-residents, required certifications, WVOT-approved information security training, privacy training, etc.
- 3.6 All contractors must sign a confidentiality agreement upon hire and annually thereafter, if necessary, confirming that the contractor has read, fully comprehends, and will abide by state policies and procedures regarding privacy and information security.
- 3.7 All contracts will speak to the reimbursement of contractor expenses related to travel, and specify whether expenses are to be reimbursed separately or as part of the hourly rate.
- 3.8 Unless otherwise specified, contractors will follow State regulations for lodging, mileage, and meals during travel.
- 3.9 Every 30 days the contractor provider will confirm, in writing, to the WVOT Account Management Group that the contractor is still employed and actively engaged under the specified purchase order, by submitting a confirmation form provided as "Attachment B" to this document.
- 3.10 Contractors will not be permitted to access or develop in production environments or move production data unless authorized, in writing, by the contractor's State manager or designee.
- 3.11 All contractors will be expected to use the State's centralized e-mail system. Use of personal e-mail to conduct State business is strictly prohibited. Any exception must be approved in writing by the WVOT.
- 3.12 Contractors should have no expectation of privacy while using State-provided information resources. WVOT reserves the right to perform audits on an ad hoc basis and to review and copy all email, files, and programs, including those which may be of personal or private nature (see policy WVOT-PO1008 – "Information Security Auditing Program").
- 3.13 All contractors must adhere to rules regarding unacceptable uses of IT resources (see policy WVOT-PO1001 – "Information Security").
- 3.14 Contractors must immediately notify the WVOT Cyber Security Office (CSO) at incident@wv.gov if a security breach is discovered which has, or may have, resulted in compromise to data or WVOT assets.

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- 3.15 The contractor's State manager is required to complete a standard Contractor Information Form (see "Attachment A"). This form will be retained at the contracting agency.
- 3.16 When a contractor is terminated, the following steps must be taken:
 - 3.16.1 The contractor's State manager must notify the WVOT Service Desk to request that all access to State resources be disabled immediately (see procedure WVOT-PR1010 – "Account Management").
 - 3.16.2 The contractor's State manager must complete a "Separation Checklist" to ensure that all items issued at the beginning of the engagement, such as access cards, equipment, critical documents, and other pertinent items, have been returned to the WVOT, by matching with the "Equipment Issued" form.
- 3.17 ITECH Contracts
 - 3.17.1 4.17.1 Agencies will complete a Statement of Work (SOW) explaining the basic education, certification, training, and skill sets required. This will be posted to the WVOT Bulletin Board for five to ten business days. Project-based requests are good for up to 24 months and a maximum of \$2,000,000. Contractors must notify the agency if they have previously worked for other State agencies.
 - 3.17.2 4.17.2 Agencies requiring Chief Technology Officer (CTO) approval for procurement must contact the WVOT Contract Manager before proceeding with any IT contractor request.
 - 3.17.3 4.17.3 If a contractor is hired outside of the prevailing ITECH contract, specific provisions in addition to this policy must be followed. These provisions can be obtained from the Scope of Work section of RFP or RFQ documents.
- 3.18 All contractors will demonstrate that they have received training in information security practices relevant to State policies and procedures, correct use of information resources, and other administrative controls. The contractor's State manager will maintain documentation of this training, which must not be completed on State time or at State expense.
- 3.19 WVOT information resources are designated for authorized purposes. Only minimal personal use of State-provided IT resources is allowed, and should not interfere with the legitimate business of the State.
- 3.20 The State reserves the right to filter Internet site availability, and monitor and review use as required for legal, audit, or legitimate authorized State operational or management purposes (see policy WVOT-PO1001 – "Information Security").

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- 3.21 All access to computing resources will be granted on a need-to-use basis following the principle of least privilege.
- 3.22 Access badges will be provided to contractors at the discretion of the contractor's State manager. Badges must be visibly displayed and color-coded to indicate contractor status.
- 3.23 The performance standards for the contractor must be articulated in the contract and the contractor should demonstrate a complete understanding of the requirements. A process must be established to validate each of these standards.
- 3.24 The contractor's State manager should hold regularly scheduled meetings with the contractor in order to effectively measure whether the contractual objectives are being met. Periodic reviews should be completed to ensure contractor adherence to standards and compliance with project processes and schedules.
- 3.25 Evidence of skill or performance deficiencies should be documented and communicated to the contractor provider, and steps should be taken to resolve or terminate the contract.

4.0 RELEVANT MATERIALS/DOCUMENTS

This policy is consistent with the following federal and state authorities:

- 45 Code of Federal Regulations (CFR) §§ 164.308-316
- Freedom of Information Act
- Gramm-Leach Bliley Act (GLBA)
- Health Insurance Portability and Accountability Privacy Rule
- NIST SP 800-14 and NIST SP 800-53
- State Health Privacy Laws
- WV Code § 5A-6-4a
- WV Executive Order No. 7-03
- WVOT Policies Issued by the Chief Technology Officer (CTO),
www.technology.wv.gov/security/Pages/policies-issued-by-the-cto.aspx

5.0 ENFORCEMENT & AUTHORITY

Any employee found to have violated this policy may be subject to disciplinary action up to and including dismissal. Disciplinary action will be administered by the employing agency and may be based upon recommendations of the WVOT and the **West Virginia Division of Personnel**. Please review the **WVOT Policy and Procedure Policy #1000** to review additional provisions concerning enforcement and policy authority.

6.0 POLICY-SPECIFIC DEFINITIONS

- 6.1 Contractor – Anyone who has a contract with the State or one of its entities.

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- 6.2 Individual Contracts – Contracts with individuals for the purpose of providing a specific product or service to the State.
- 6.3 Information Technology (IT) – The technology involved with the transmission and storage of information. This includes the development, installation, implementation, and management of computer systems and applications.
- 6.4 ITECH Contractors – A list of pre-approved vendors used by the State, who compete for individual staffing needs based upon criteria developed by the agency and the WVOT.
- 6.5 Temporary Services Contracts – Contracts with temporary service agencies, which offer clerical or secretarial assistance.
- 6.6 State-Use Contracts – Contracts with specific outside companies to provide custodial services to State agencies.

7.0 CHANGE LOG HISTORY

- January 30, 2015 – Added Section 7.0, Change Log History; Reorganized sections; Cleaned up Related Documents/Materials; Made Policy-Specific Definitions;
- 09/01/2016 - Policy reviewed, no edits made.
- 10/20/2017 – Policy reviewed. Minor corrections made.