

# **HUD OCIO FEDERAL INFORMATION TECHNOLOGY ACQUISITION REFORM ACT (FITARA) GUIDANCE**

**As of December 10, 2020**

## **BACKGROUND**

The Office of the Chief Information Officer (OCIO) in coordination with the Deputy Secretary and the Office of the Chief Procurement Officer (OCPO) has established policy and guidance to ensure the Department of Housing and Urban Development implements the National Defense Authorization Act legislation, in particular, Subtitle D (Sections 831-837) – Federal Information Technology Acquisition Reform Act (FITARA). <http://www.gpo.gov/fdsys/pkg/BILLS-113hr3979enr/pdf/BILLS-113hr3979enr.pdf>

FITARA mandates specific authorities for Agency Chief Information Officers, which build upon the responsibilities outlined in the Clinger-Cohen Act of 1996.

Signed on December 14, 2014, the FITARA legislation outlines the roles, responsibilities, and expectations for the Chief Information Officer (CIO) for all covered Departments within the Federal Government. Among others, Section 831 (Chief Information Officer Authority Enhancements) requires the CIO to review and approve contracts and other agreements for all Information Technology (IT) related acquisitions.

Additional guidance was provided under OMB Memorandum, Management and Oversight of Federal Information Technology, M-15-14, dated June 10, 2015. This memorandum provided FITARA implementation guidance to Agencies to allow them to develop their individual Agency instructions and processes.

## **PURPOSE**

**The purpose of this HUD OCIO FITARA guidance is to:**

- 1) Publish OCIO/HUD policy to initiate acquisition review compliance with FITARA.**
- 2) Provide guidance to HUD Program Areas regarding the procurement of IT products and services.**
- 3) Provide OCIO procedures to authorize OCPO Contracting Officers to initiate procurement of IT products and services as defined in this guidance.**

This guidance is provided with the understanding that guidance is continually being developed by the Office of Management and Budget (OMB) and this guidance is subject to change pursuant to receipt of any additional guidance.

## **OCIO Review and Approval of IT Related Procurements**

The CIO is required under FITARA to review and approve all IT related acquisitions. This includes acquisition by contract, task order, Inter Agency Agreement (IAA), or Purchase by any other means such as Purchase Orders. Requirements defined as Information Technology or including Information Technology and total Information Technology value is at \$250,000 or above shall be submitted to the OCIO for review and approval. If the requirement is approved for procurement, the approval shall be considered OCIO clearance and verification of compliance with FITARA requirements and will authorize OCPO to proceed with the procurement. During the Annual Strategic Acquisition Planning (ASAP) process, program offices will identify all Annual Procurement Plans (APPs) that include any IT component by checking the FITARA box. If the FITARA box has been checked, then a FITARA Memo will be required. The Contracting Officer will invite an OCIO representative, normally the Customer Relationship Coordinator (CRC) to all OCIO Integrated Acquisition Team (IAT) meetings and all Program Office (IAT) meeting that meet the review criteria stated above.

OCIO review should be facilitated in the planning process through the Customer Relationship Coordinator (CRC). The CRC should be consulted during the program office requirement determination process. The CRC representative should coordinate with the OCIO Subject Matter Experts to help the program determine the best overall solution. If an acquisition solution is required, the CRC shall facilitate meetings with the OCIO SMEs and the customer to identify IT requirements for inclusion in the package for formal submission. This should prevent the submission of incomplete packages and facilitate the development of an optimal solution.

When a Program Office develops an IT requirement which will be satisfied through an acquisition, the Program Office shall prepare a requisition and submit the documents listed below - to OCIO for review and shall check the FITARA box in ARC PRISM indicating that the procurement has an Information Technology component. This also includes unplanned actions that were not included in the ASAP process.

Documents to be submitted to OCIO for review and clearance:

1. Memo Request for CIO approval
2. Statement of Work (SOW)/Performance Work Statement (PWS)/Statement of Objectives (SOO; and/or Commercial Item Quote)
3. Independent Government Cost Estimate (IGCE) that includes estimate with a breakdown of the IT portion dollar value

The CIO will be the approving authority; however, the Deputy Chief Information Officer (DCIO) has been delegated approval authority.

Additional OCIO personnel may be utilized to provide subject matter expertise (SME) to determine if the requirement should be approved; however, this utilization shall be minimized to limit competition sensitive information to as few individuals as necessary to properly review and the proper non-disclosure documents should be obtained and provided to the contracting officer. Contractor personnel shall not be utilized to review requirements unless the appropriate non-disclosure certifications have been properly obtained and advance approval is obtained

from the Contracting Officer.

The OCIO central point of contact will be the Principal Deputy CIO.

Upon completion of the review, OCIO will provide a decision to the requesting program office and OCPO.

OCPO shall not process an IT acquisition as defined in this guidance without approval from OCIO.

#### OCPO REQUEST FOR OCIO REVIEW

If the Contracting Officer (CO) reviews a non-FITARA designated requisition and has reason to believe the requirement does contain an IT component, the CO will require the program office to obtain a decision from OCIO.