

**AGENDA**  
**STATE GOVERNMENT COUNCIL**  
**1526 Building - 4<sup>th</sup> Floor - Hearing Room 4D**  
**1526 K Street**  
**Lincoln, Nebraska**  
**Thursday, October 12, 2017**  
**1:30 p.m.**

1:30 p.m. 1. Roll call; meeting notice; Open Meetings Act.

2. Public comment.

3. **Approval of minutes for August 10, 2017.\*** (*Attachment 3*)

4. Presentation: Portal services for agencies. Steven Chase. (*Attachment 4*)

5. Presentation: OCIO Service Desk. Jason Meyer.

6. CIO update; roadmap update. ([\*Link\*](#))

7. Agency reports; other business.

2:30 p.m. 8. Adjourn.

**\* Indicates an action item.**

The Council will attempt to adhere to the sequence of the published agenda, but reserves the right to adjust the order and timing of items and may elect to take action on any of the items listed.

Meeting notice was posted to the [NITC website](#) and the [Nebraska Public Meeting Calendar](#) on August 16, 2017. The agenda was posted to the NITC website on October 6, 2017.

[Nebraska Open Meetings Act](#) | [State Government Council Meeting Documents](#)

## Attachment 3

**STATE GOVERNMENT COUNCIL**  
1526 Building-4th Floor, Hearing Room 4D  
Lincoln, Nebraska  
Thursday, August 10, 2017, 1:30 p.m.  
**MINUTES**

### **MEMBERS PRESENT:**

Ed Toner, Chief Information Officer  
Terri Slone, Department of Labor  
Karen Hall, Administrative Services  
Chris Hill, Department of Health and Human Services  
Mike Fargen, Crime Commission  
Dorest Harvey, Private Sector  
Colleen Byelick, Secretary of State  
Dean Folkers, Department of Education  
Steve Rathje, Department of Natural Resources  
Keith Dey, Department of Motor Vehicles  
Jim Ohmberger, OCIO-Enterprise Computing Services  
Mike Fabry, Department of Banking  
Pam Kunzman, Nebraska State Patrol  
Jim Sheets, OCIO-Network Services  
Jennifer Rasmussen, State Court Administrator's Office  
Bill Wehling, Department of Transportation

**MEMBERS ABSENT:** Aaron Anderson, Workers' Compensation Court; Chris Ayotte, Department of Revenue; Dennis Burling, Department of Environmental Quality; Mike Calvert, Legislative Fiscal Office; Gerry Oligmueller, Budget; Ron TeBrink, Department of Correctional Services; and Rod Wagner, Library Commission

### **ROLL CALL, MEETING NOTICE & OPEN MEETINGS ACT INFORMATION**

Mr. Toner called the meeting to order at 1:30 p.m. There were 15 voting members present at the time of roll call. A quorum was present. The meeting notice was posted to the NITC website and the Nebraska Public Meeting Calendar on June 14, 2017. The agenda was posted to the NITC website on August 4, 2017.

### **PUBLIC COMMENT**

There were no public comments.

### **APPROVAL OF MINUTES FOR JUNE 8, 2017**

**Mr. Harvey moved to approve the June 8, 2017 minutes as presented. Mr. Dey seconded. Roll call vote: Slone-Yes, Hall-Yes, Byelick-Yes, Folkers-Yes, Rathje-Yes, Hill-Yes, Harvey-Yes, Dey-Yes, Ohmberger-Yes, Fabry-Yes, Kunzman-Yes, Sheets-Yes, Rasmussen-Yes, Toner-Yes, and Wehling-Yes. Results: Yes-15, No-0, Abstained-0. Motion carried.**

### **TECHNICAL STANDARDS AND GUIDELINES; RECOMMEND APPROVAL OF PROPOSAL 17-03, RELATING TO STATE GOVERNMENT WEB PAGES**

"A proposal relating to state government web pages; to amend section 4-201; to remove the requirement relating to the a header brand graphic; to review the footer requirements and adopt as guidelines; and to repeal the original section."

Mr. Becker introduced the proposal. There were no questions.

**Mr. Dey moved to recommend approval of Proposal 17-03. Ms. Byelick seconded. Roll call vote: Wehling-Yes, Toner-Yes, Rasmussen-Yes, Sheets-Yes, Kunzman-Yes, Fabry-Yes, Ohmberger-Yes, Dey-Yes, Harvey-Yes, Hill-Yes, Rathje-Yes, Folkers-Yes, Byelick-Yes, Fargen-Yes, Hall-Yes, and Slone-Yes. Results: Yes-16, No-0, Abstained-0. Motion carried.**

## **RECOMMEND APPROVAL OF AMENDMENTS TO THE STATE GOVERNMENT COUNCIL CHARTER**

Mr. Becker reviewed the proposed changes to the charter. There were no questions.

**Mr. Hill moved to recommend approval of the amendments to the State Government Council Charter. Mr. Harvey seconded. Roll call vote: Slone-Yes, Hall-Yes, Byelick-Yes, Fargen-Yes, Folkers-Yes, Rathje-Yes, Hill-Yes, Harvey-Yes, Dey-Yes, Ohmberger-Yes, Fabry-Yes, Kunzman-Yes, Sheets-Yes, Rasmussen-Yes, Toner-Yes, and Wehling-Yes. Results: Yes-16, No-0, Abstained-0. Motion carried.**

## **PRESENTATION; PROJECT MANAGEMENT OFFICE**

Andy Weekly, OCIO Project Manager

The OCIO's Project Intake and Prioritization Process purpose:

- Single entry point for work requests
- Common resource pool to assign project work
- Common standards, practices, and metrics
- Project prioritization
- Project visibility
- Comprehensive long-term and detailed planning
- Enable the State of Nebraska to complete more projects on time and on budget

All resulting in costs savings for the State of Nebraska.

All project requests are captured through an enterprise project management tool (CA PPM). The State of Nebraska's CIO performs a statutory review and prioritizes all IT projects to ensure alignment with the Governor's vision. The OCIO's Project Management Office (PMO) will provide project oversight to ensure success

The OCIO has two different priority methods:

- The objective method
  - Project sponsors are asked 8 questions which assigns a point value based on each answer
    - Enterprise Service Opportunity
    - Mandate for the service
    - Cost savings to the State of Nebraska as the result of this project
    - Value provided to the customer
    - Project Funding Source
    - Staffing Availability
    - What is the size and/or complexity of the project?
    - Strategic Alignment (Consolidation, Eliminate Duplication of Effort, Security and Availability)
- Project priority range between 0 to 66 points
- The subjective method
  - The OCIO Leadership ranks each project based on agency needs and demands
  - Projects ranked in the top 20 have status reports presented to and reviewed with the OCIO Leadership every week
  - Resources are allocated based on the rankings assigned from the OCIO Leadership Team.

The OCIO Project Management Office working with agencies, including DHHS and NDOT, to discuss common issues and best practices.

Mr. Weekly entertained questions from the Council.

#### **CIO UPDATE; ROADMAP UPDATE**

The CIO Roadmap is posted on the OCIO website. Mr. Toner provided updates on the following: resource consolidation; tiered storage; security; regional site support; and service manager.

Mr. Toner thanked the agencies that have worked with the OCIO on consolidation.

#### **AGENCY REPORTS; OTHER BUSINESS**

Motor Vehicles, Keith Dey. The final selection of a vendor for VTR modernization project in underway. The project has rented a facility for staff to work on the project.

Nebraska State Patrol, Pam Kunzman. The agency finished several projects. A records management project involved taking down five old systems and replacing them with a new system. The agency is partnering with NDOT on the TRACS systems, a new crash reporting application; and with the Crime Commission on C-Citation software.

Department of Labor, Terri Slone. The unemployment insurance tax and unemployment claims applications are being replaced. This will result in over \$3 million dollars in savings. Ms. Slone also thanked the OCIO for their assistance with a recent audit.

#### **ADJOURNMENT**

**Ms. Byelick moved to adjourn. Mr. Rathje seconded. All were in favor. Motion carried.**

The meeting was adjourned at 2:35 p.m.

The meeting minutes were taken by Lori Lopez Urdiales and reviewed by Rick Becker of the Office of the CIO.

## Portal Services for Agencies

What are they and why you should care?

This presentation will answer the following questions:

- What is the Portal and who is Portal Manager?
- What services are available for state and local agencies through the portal manager?
- Why Portal services may be advantageous to agencies?
- What is the process to get Portal Services and, more importantly, getting a fee approved?
- What are the rights and liabilities in securing portal services.

## What is the Portal?

The Portal is created by the Records Management Act, Neb. Rev. Stat. §§12-1201 et. seq.

Neb. Rev. Stat. §84-1202(14): The Portal means the state's centralized electronic information system by which public records or electronic information and services are provided using electronic access.

## Why was it created?

Under Neb. Rev. Stat. §84-1201(5) through (9), the Legislature declares that:

- The Legislature has oversight responsibility for the process of collecting, sharing, disseminating, and providing access, including electronic access, to public records and establishing fees for disseminating and providing access;
- Several state agencies, individually and collectively, are providing electronic access to public records through various means, including the portal;
- New technology has allowed state agencies to offer electronic information and services through various means, including the portal;
- As technology becomes available, state and local agencies should continue to explore providing electronic information and services to individuals, businesses, and other entities; and
- There is a need for a uniform policy regarding the management, operation, and oversight of systems providing electronic access to public records or electronic information and services.

## What is the Portal or Network Manager?

Under Neb. Rev. Stat. §84-1202(16), the network manager means an individual, a private entity, a state agency, or any other governmental subdivision responsible for providing the infrastructure and services needed to implement and operate the portal and for directing and supervising the day-to-day operations and expansion of the portal.

Neb. Rev. Stat. §84-1205 states:

(1) The board may employ or contract with a network manager. A network manager may be an individual, a private entity, a state agency, or another governmental subdivision. The board shall prepare criteria and specifications for the network manager in consultation with the Department of Administrative Services. Such criteria shall include procedures for submission of proposals by an individual, a private entity, a state agency, or another governmental subdivision. Selection of the network manager shall comply with all applicable procedures of the department. The board may negotiate and enter into a contract with the selected network manager which provides the duties, responsibilities, and compensation of the network manager.

(2) The network manager shall provide the infrastructure and services needed to implement and operate the portal and shall direct and supervise the day-to-day operations and expansion of the portal. The network manager shall (a) attend meetings of the board, (b) keep a record of all portal operations, which shall be the property of the board, (c) maintain and be the custodian of all financial and operational records, and (d) annually update and revise the business plan for the portal in consultation with and under the direction of the board.

## Who is the current portal (or network manager) and what is the Master Contract?

The Current Portal Manager: Nebraska Interactive LLC and the Current agreement was signed in April, 2016. The term of the agreement is for three years with two one-year options.

Sometimes the portal manager is known as Nebraska.gov. However (Part IV, Section E) Nebraska.gov "is the registered name of the State of Nebraska's home page for internet access to government information and services (the Portal). The Portal is an information and communication system created to provide equal electronic access for the citizens and businesses across Nebraska, to state, county, local government, and other public information. As a State of Nebraska information service, the Portal operates under the authority of the State and all Portal operations, including policies, services, and regulations that are governed by the State.

Furthermore, the State of Nebraska has registered the following domain names as the state's official home page: 1. [www.nol.org](http://www.nol.org), 2. [www.ne.gov](http://www.ne.gov), and 3. [www.nebraska.gov](http://www.nebraska.gov).

## What is the purpose of the Portal Manager under the Master Contract?

The purpose of the Portal and a resulting Contract is summarized in Section IV, Part A of the master contract:

1. Expanding Online Government Services to citizens and businesses by:
  - (a) increasing accessibility to, and collection of, public information and other useful information and services through various means, including electronic means, and
  - (b) promoting economic development by increasing ease of access to, and collection of, public information and other useful information, and by promoting the sharing of information.
2. Self-Funding Models: Providing services without increasing the tax burden on the citizens of Nebraska, through use of private capital and management and appropriate payment for the same.
3. Security and Compliance: To assist the State of Nebraska in achieving the goals related to electronic access to public information and services enumerated in the e-government strategic plan of the Nebraska Information Technology Commission (NITC).

## What are the services to be provided?

Under Part IV, Section E, the current Contractor offers subscription services for users who want to access selected information that has commercial value. Currently, a subscriber to the Portal pays an annual fee; which is waived for state agency subscribers. Subscribers with extremely large amounts of data can take advantage of high-speed electronic batch processing. Subscribers requesting these services transmit files to the Contractor electronically. These files are then processed and sent back to the subscriber where the processed file can be downloaded at the subscriber's convenience. Batch programming is in place to check files for errors, improve turnaround time, and reduce administrative costs. The subscriber is billed monthly, instead of by transaction, further reducing administrative costs.

Certain state records, such as driver's license records, Uniform Commercial Code (UCC) records, and corporate records, are assessed a transaction or record search fee. All fees are approved by the State. The fees are clearly identified on the Portal menu.

Depending on the need, the role of the Contractor includes training, technical assistance, website development, application development, and integration with Partner-owned databases.

As the Contractor for the State of Nebraska's official site, the Contractor does not develop the content for the site. The job of the Contractor is to provide the easiest, most convenient way for citizens to arrive at information and services offered and maintained by the Partners. The Contractor is involved in development of many interactive services, but they remain under the control and direction of the sponsoring Partner. Content on Partner websites remains the Partner's responsibility.



## What are the services to be provided (cont.)?

All of the data used by the current Contractor for the Portal is stored by the Partner as the database of record. In a small number of applications, Partners upload current information to their respective online applications offered through the Contractor. Users update this information and the updated information is returned to the Partner on a scheduled basis.

All users can access the Portal 24 hours a day, 7 days a week. Each subscriber receives a user manual and access to toll free technical support. Different levels of customer support are available 24 hours a day, 7 days a week.

The current Contractor offers a number of customer service and help desk options for both Partner and users of Contractor services, including providing adequate full-time staff whose primary responsibility is to address user and Partner support issues. The Contractor customer service help desk includes a toll-free number for users to call for support assistance during regular business hours, 8:00 A.M. to 6:00 P.M. Central Time. Contact information is provided on all online application pages. The Contractor customer service representatives field all payment inquiries from all users.

Contractor also offers online live help 24 hours a day. This service allows users to contact a live help representative online at any time of the day or night. The service is staffed by the current Contractor's representatives during regular business hours with afterhours support provided in cooperation with the Nebraska Office of the Chief Information Officer (OCIO). Contractor staff monitors and responds to users via a number of contact media options, including in-person service. The Contractor also provides after hours technical service, and all services are proactively monitored 24/7.

Contractor customer support representatives also respond to online survey comments, webmaster questions, and idea box submissions which are posted by online users. The support staff answers or directs the e-mail to the appropriate Partner or Contractor staff member.

## What is the Scope of Work?

Under Part IV, Section I of the master contract, the network manager should :

1. Maintain the primary State of Nebraska web Portal, consisting of a home page, second and third level pages, links to a wide range of state, local, and federal government information and services, and site-wide search capability, both fee and non-fee applications, including but not limited to;
2. Administrative systems support for various accounts: billing, accounts receivable, and accounts payable, including online and electronic payment processing capabilities;
3. Provide enhanced search engine capabilities and organization to navigate and search the Portal that allows users to easily find services and content.
4. Provide hardware, software, and networks necessary to support all users:
5. Maintain the Portal websites, including the primary and secondary portals.
6. Maintain software applications in production.
7. Support agency, county, and association websites,;
8. Respond to requests for technical, customer, and user support.
9. Administrate of the technical infrastructure.
10. Marketing and Project Management.

## What is the Nebraska State Records Board?

Under Neb. Rev. Stat. §84-1204(1) The State Records Board is hereby established. The board shall:

- (a) Advise and assist the administrator in the performance of his or her duties under the Records Management Act;
- (b) Provide electronic access to public records or electronic information and services through the portal;
- (c) Develop and maintain the portal for providing electronic access to public records or electronic information and services;
- (d) Provide appropriate oversight of a network manager;
- (e) Approve reasonable fees for electronic access to public records or electronic information and services pursuant to sections 84-1205.02 and 84-1205.03;
- (f) Have the authority to enter into or renegotiate agreements regarding the management of the portal in order to provide individuals, businesses, and other entities with electronic access to public records or electronic information and services;
- (g) Explore ways and means of reducing the costs of agencies to manage record retention, expanding the amount and type of public records or electronic information and services provided through the portal, and, when appropriate, implement changes necessary to effect such purposes;
- (h) Explore new technologies as a means of improving access to public records or electronic information and services by individuals, businesses, and other entities and, if appropriate, implement the new technologies;
- (i) Explore options of expanding the portal and its services to individuals, businesses, and other entities;
- (j) Have the authority to grant funds to a state or local agency for the development of programs and technology to improve electronic access to public records or electronic information and services consistent with the act; and
- (k) Perform such other functions and duties as the act requires.

## How is the NSRB financed?

Under §84-1205 (3) The board shall finance the operation and maintenance of the portal from revenue generated pursuant to sections 52-1316, 60-483, and 84-1205.02 and subsection (d) of section 9-525, Uniform Commercial Code.

(In other words, the NSRB is financed from revenue from projects charging a portal fee.)

## Who are the Board members?

The Secretary of State is hereby designated the State Records Administrator according to Neb. Rev. Stat. §84-1203.

In addition to the administrator, the board shall consist of Neb. Rev. Stat. §84-1204(2):

- (a) The Governor or his or her designee;
- (b) The Attorney General or his or her designee;
- (c) The Auditor of Public Accounts or his or her designee;
- (d) The State Treasurer or his or her designee;
- (e) The Director of Administrative Services or his or her designee;
- (f) Three representatives appointed by the Governor to be broadly representative of banking, insurance, and law groups; and
- (g) Three representatives appointed by the Governor to be broadly representative of libraries, the general public, and professional members of the Nebraska news media.

The administrator shall be chairperson of the board. Upon call by the administrator, the board shall convene periodically in accordance with its rules and regulations or upon call by the administrator – Neb. Rev. state §84-1205(3)

## Do all services for a state agency need to go before the Nebraska State Records Board?

Under § 84-1205.03(1), [a]ny state agency other than the courts or the Legislature desiring to enter into an agreement with a private vendor or the network manager to provide electronic access to public records or electronic information and services for a fee shall make a written request for approval of such fee to the board. The request shall include

- (a) a copy of the contract under consideration if the electronic access is to be provided through a contractual arrangement,
- (b) the public records or electronic information and services which are the subject of the contract or proposed fee,
- (c) the anticipated or actual timeline for implementation, and
- (d) any security provisions for the protection of confidential or sensitive records.

The board shall take action on such fee request in accordance with § 84-1205.02 and after a public hearing held at its next regularly scheduled meeting that is at least thirty days after receipt of the request. The board may request a presentation or such other information as it deems necessary from the requesting state agency.

A state agency under § 84-1205.03(2) other than the courts or the Legislature may charge a fee for electronic access to public records without the board's approval for a one-time sale in a unique format. The purchaser may object to the fee in writing to the board, and the one-time fee shall then be subject to approval by the board according to the procedures and guidelines established in §§ 84-1205 to 84-1205.03.

## What services for Courts and Legislature should come before the Board?

Under 84-1205.03(3), Courts or the Legislature providing electronic access to public records or electronic information and services for a fee shall make a written report. The report shall be filed with Board by the State Court Administrator for the courts and the chairperson of the Executive Board of the Legislative Council for the Legislature. The report shall include:

- (a) a copy of the contract under consideration if the electronic access is to be provided through a contractual arrangement,
- (b) the public records or electronic information and services which are the subject of the contract or proposed fee,
- (c) the anticipated or actual timeline for implementation, and
- (d) any security provisions for the protection of confidential or sensitive records.

The Board may request a presentation or such other information as it deems necessary. The courts and the Legislature shall take into consideration any recommendation made by the Board with respect to such fees.

Courts and the Legislature may charge a fee under 84-1205.03(4) for electronic access to public records for a one-time sale in a unique format without providing a report to the board as required under subsection (3) of this section.

## How are projects approved?

- The NSRB is an organization where its meetings fall under the Open Meetings Act, Neb. Rev. Stat. §84-1407 et. seq. so any decision must be made at an open and public meeting with a public vote.
- Proposed projects reviewed by the NSRB are new projects and items derived from previously agreed forms (templates).
- Any new self-funded project that requires a fee that has not been previously approved by a vote of the NSRB.
- Projects based on self-funded models made from previously-approved templates do not need to be approved by a vote of the NSRB *as long as the language in the template is not modified.*
- The NSRB also approves fees charged by the portal manager for other work (such as website design) through the contract and as pre-approved templates before the NSRB.

### What else can be done to insure a project being approved by the NSRB?

- Details on the project should be summarized and presented to the Executive Director 30 days prior to the next meeting
- NI LLC and the agency should be able to answer these questions:
  - What is the agency's project?
  - What is the agency's current process that the project is replacing?
  - How will the project help or improve the agency?
  - Can the agency and NI LLC justify the rate charged?
- Have the appropriate people (technical and operational) available to appear before the NSRB.

### What agreements do not need to be approved by NSRB vote?

- The Electronic Government Service Level Agreement (EGSLA)
- Addenda to the EGSLA
  - Payport
  - Event Registration
  - Real Estate Tax Payments
  - Gov2Go addendum
  - Payment Processing (Business and Citizen)
- Statements of Work based on a template and not requiring a public fee

## What are EGSLAs?

The Electronic Government Service Level Agreement (EGSLA) is a standard contract pre-approved by the Nebraska State Records Board. Any modifications to the agreement must be approved by a quorum vote of the NSRB.

- Allows the portal manager to provide services outlined in the master contract to a state or local entity.
- Provides for electronic services for payment processing. This includes
  - Interface and database development
  - Swipe hardware
  - Cost and computer systems
  - Online Card Security – Compliance with Payment Card Industry Data Security Standard Program (PCI-DSS)
  - Payment of Fees – State Selected / Manager Selected.
    - State Selected processor versus Manager selected
    - Credit Card Chargebacks, refunds, and service fees – portal manager responsible
    - Subscription services – provided by manager
  - Management records held by portal manager.
- Specific language for Gov2Go application and retention of data (2017).

## What are Addenda to the EGSLAs?

Any addenda to the master contract or EGSLA is required to be approved by a quorum of the members. There are two pre-approved is an addendum to the EGSLA that is based on a template approved by the NSRB. Any modifications to the addendum must be approved by the NSRB.

- Payport or Instant Access – This addendum states preapproved rates for service for electronic payment systems. These include electronic check, credit card or PIN Debit card. 2.) Agreement states type of processor or integrated hardware to be used and the number of devices needed.
- Event Registration – This addendum is to create an online system to schedule and pay for an event offered by the entity.
- Real Estate Tax Payments - This addendum allow entities to accept real estate tax payments electronically
- Gov2Go – Provisions to participate in the Gov2Go project
- Payment Processing – Provides Payment Processing services.

## Can an agency secure a full payment processing system without having to appear before the NSRB?

On September 13, 2017, the NSRB approved the Business and Citizen Payment Processing Addendum for agencies and NI LLC.

- The Addendum is offered by the portal manager to provide payment services and to ensure Payment Card Industry PCI compliance. This would include restructuring web pages and system as part of the agreement.
- The two agreements are based on the volume of potential payments to be processed.
  - Citizen for high volume, smaller payment amount,
  - Business is for low volume, high payment amount,

## What rights does the agency have to ensure work is properly done by the Portal Manager?

Under Part III, Section DD of the master contract, the final inspection and approval of all work required under the contract shall be performed by the designated State officials.

The State or its authorized representatives shall have the right to enter any premises where the contractor or subcontractor duties under the contract are being performed, and to inspect, monitor or otherwise evaluate the work being performed.

All inspections and evaluations shall be at reasonable times and in a manner that will not unreasonably delay work.

## What political subdivisions are concerned under the master contract?

Under Part III, Section EEE, the contractor may extend the contract to political sub-divisions conditioned upon the honoring of the prices charged to the State.

Terms and conditions of the Contract must be met by political sub-divisions.

Under no circumstances shall the State be contractually obligated or liable for any purchases by political sub-divisions or other public entities not authorized by Neb. Rev. Stat. §81-145, listed as “all officers of the state, departments, bureaus, boards, commissions, councils, and institutions receiving legislative appropriations.”

## Are there any confidentiality requirements?

According to Part III, Section OO of the master agreement, all materials and information provided by the State or acquired by the contractor on behalf of the State shall be regarded as confidential information. All materials and information provided by the State or acquired by the contractor on behalf of the State shall be handled in accordance with federal and state law, and ethical standards. The contractor must ensure the confidentiality of such materials or information. Should said confidentiality be breached by a contractor; contractor shall notify the State immediately of said breach and take immediate corrective action. The Contractor shall treat, and shall require that its agents, employees, affiliates, parent company, and subcontractors treat such materials or information as confidential, as required by Federal and State Law and sign general and specific confidentiality and privacy statements to protect confidential data.

It is incumbent upon the contractor to inform its officers and employees of the penalties for improper disclosure imposed by the Privacy Act of 1974, 5 U.S.C. 552a. Specifically, 5 U.S.C. 552a (i)(1), which is made applicable to contractors by 5 U.S.C. 552a (m)(1), provides that any officer or employee of a contractor, who by virtue of his/her employment or official position has possession of or access to agency records which contain individually identifiable information, the disclosure of which is prohibited by the Privacy Act or regulations established thereunder, and who knowing that disclosure of the specific material is prohibited, willfully discloses the material in any manner to any person or agency not entitled to receive it, shall be guilty of a misdemeanor and fined not more than \$5,000.



## What happens if the portal manager fails to perform any part of the master contract?

Part III, Section DD of the master contract states if there is a loss of the functionality of one (1) or more hosted services provided by Contractor ("Applications") on the Portal, Contractor shall immediately restore the functionality of the Application(s) on the Portal within two (2) hours during peak usage periods which are 7:00am to 7:00pm Central Time each day, except state recognized holidays, and within three (3) hours during off peak periods, 7:00pm to 7:00am Central Time each day and all holidays observed by the State of Nebraska.

In the event the loss of functionality of any Application(s) is attributable to a defect in the system or the Application(s) due to the acts or negligence of Contractor, Contractor shall pay a penalty of two thousand dollars (\$2,000) per hour for each hour an Application is not fully functional after the time periods set out above; if, however the State determines such non-functionality is caused by reasons other than the acts or negligence of Contractor, Contractor shall not be subject to this penalty.

The penalty shall not exceed the sum of Twenty Thousand Dollars (\$20,000) per occurrence and not per application. Loss of functionality might occur in several applications due to one error in code; any penalty would be determined by the length of time required to return all functionality rather than the number of applications affected. Ex: During peak hours, 5 applications become unavailable and full functionality is restored after 4 hours, the penalty would be \$4,000 (Penalty begins after the allowed 2 hours for restoration of functionality, so 2 hours beyond those allowed at \$2000 per hour).

## Questions?

Contact:

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