



DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of the Chief Information Officer

Washington, D.C. 20201

Date of Issuance: December 2016

Subject: OCIO Federal IT Acquisition Reform Act (FITARA) Approval Guidance

Effective: Immediately

Purpose: The purpose of this guidance is to define the Office of Chief Information Officer (OCIO) roles and responsibilities as it relates to the acquisition review process specific to the Department of Health and Human Services (HHS) Federal Information Technology Acquisition Reform Act (FITARA) plan. This process will ensure HHS's compliance with key provisions of the FITARA implemented by Congress through the National Defense Authorization Act (NDAA) on December 19, 2014. Section 831 of this mandate states that agencies may not enter into a contract or other agreement for IT products or services unless the contract or agreement is reviewed and approved by the HHS Chief Information Officer (CIO) OR delegated approver.

In accordance with the HHS FITARA Implementation Plan, the HHS responsibility resides primarily with The Secretary, The Chief Information Officer (CIO), and the Departments Leadership which includes: the Deputy Secretary, Chief Financial Officer (CFO), Chief Acquisition Officer (CAO), and the Chief Human Capitol Officer.

- A. IT Acquisition Reviews Conducted by the OCIO/Office of Strategy, Policy and Governance (OSPG)/Enterprise IT Finance and Acquisitions (EITFA)/Vendor Management Office (VMO)/ IT Acquisition Review (ITAR) - The CIO has delegated *IT Acquisition* review and approval responsibility to the director of OSPG; ITAR is under the leadership of the Director of OSPG. IT Acquisition thresholds that must meet this requirement are defined in sections I and II below.
- B. Acquisition Reviews conducted by the Assistance Secretary for Financial Resources/Office of Grants and Acquisition Policy and Accountability/Division of Acquisition (ASFR/OGAPA/DA). The CAO has delegated *ALL acquisition* review and approval responsibility to the Senior Procurement Executive (SPE); OGAPA-DA is under the leadership of the SPE. Acquisition thresholds that must meet this requirement are defined in section III below.

OGAPA and OCIO Joint FITARA Reviews:

1.1 Roles and Responsibilities:

Acquisition Strategy Review Board (ASRB): For FITARA reviews of Acquisition Strategies (AS) above the FITARA threshold, the CIO is a critical partner and voting member. AS final approval is

provided by the SPE. The Entry Point for Acquisition Strategy approval request remains with OGAPA/DA.

1.2 Applicability:

All HHS OpDivs/StaffDivs seeking to purchase goods or services. These acquisitions can either be IT acquisitions or other acquisitions containing IT components.

1.3 Scope:

Provide a streamlined and concurrent IT review and approval process which involves recommendations for alignment with FITARA. The intent is to strengthen the governance structure and processes currently in place to allow the CIO and SPE (as delegated) to readily identify and execute opportunity for more effective and efficient departmental or enterprise-level IT capabilities or resources.

The DA (on behalf of the SPE), in conjunction with the VMO (on behalf of the HHS CIO) will review and provide recommendations for the following:

- Acquisition Strategies (AS) for IT investments over \$20 million annually/\$100 million over 5 years.
- Acquisition Plans (AP) for contracts that *significantly* (i.e. change in scope, IT requirements or outcome) vary from an approved Acquisition Strategy for IT investments over \$20 million annually/\$100 million over 5 years. *FITARA IPT to define “significantly”*.

For additional information and OCIO/OSPG/VMO standard operating procedures please see the “Information Technology Acquisition Review (ITAR) Process for HHS Enterprise Acquisition Strategies” or contact ITAR@hhs.gov.

Department OCIO and IT Acquisition Reviews

1.4 Roles and Responsibilities:

The OSPG/VMO/ITAR is the approver for *all* OCIO Acquisitions, and IT Acquisitions under the HHS Office of the Secretary (OS) StaffDivs.

1.5 Applicability:

All IT Acquisitions within the HHS Office of the Chief Information Officer (internal to Department OCIO offices only) and OS StaffDivs that are valued at \$150,000 or more.

1.6 Scope:

Provide Department reviews which involve recommendations for alignment with Federal Information Technology (IT) regulations; HHS IT policies, guidance, and procedures; and obtain Department CIO approval. To satisfy legal requirements, VMO (on behalf of the HHS CIO) will review all acquisitions and other actions that contain IT valued at \$150,000 or more.

Reviews are based on the Office of Management and Budget’s (OMB) guidance and definition of Information Technology (IT). For full details of IT’s definition please see [OMB’s FITARA Section 831\(a\) Guidance](#)

For additional information and standard operating procedures please see the “Information Technology Acquisitions Review Process for HHS Enterprise Acquisition Strategies” or contact ITAR@hhs.gov.

OGAPA Reviews (Informational only)

1.7 Applicability:

HHS acquisition workforce and other staff contributing to the acquisition lifecycle.

1.8 Scope:

Provide OGAPA/DA reviews which involve recommendations for alignment with Federal regulations; HHS policies, guidance, and procedures; and obtain Senior Procurement Executive (SPE) approval. Documents requiring review and approval are as follows:

- Business Cases (BC) (in accordance with OMB Memo dated September 29, 2011, Development, Review and Approval of Business Cases for Certain Interagency and Agency-Specific Acquisitions)
- Acquisition Strategies (AS) that require SPE approval - *greater than or equal to \$20M total program/project lifecycle*
- Acquisition Plans (AP) that require SPE approval - *greater than or equal to \$50M total program/project lifecycle*
- Determination and Findings Justification (D&F) that require SPE approval

For additional information and standard operating procedures please contact OGAPA@hhs.gov.

OCIO approval authority for Major IT Investments below the FITARA threshold

Notwithstanding the FITARA threshold, StaffDivs and OpDivs that do not have a CIO and are pursuing a Major IT investment, as defined by OMB Circular A-11 Sections 53 and 300, are subject to Department CIO review and approval.

All OpDivs/StaffDivs that have a CIO and have been given delegated authority per the HHS FITARA Plan, are responsible for implementing an internal review, approval, and reporting process for all major acquisitions under IT investments below the FITARA threshold. NOTE – For information on whether your OpDiv/StaffDiv has FITARA delegation, please contact your CIO representative or itar@hhs.gov