# Texas Data Center Services Temporary Exemption Request

**T**exas Government Code, Chapter 2054, Subchapter L, Statewide Technology Centers, established the foundation of a shared technology infrastructure and directed DIR to coordinate a statewide program to consolidate infrastructure services. Section 2054.391 requires state agencies included in the Data Center Services (DCS) program to use such services.

DIR, in its capacity as manager of the Data Center Services program, works with agencies to promote the use of the services, and where applicable, to determine if an exemption to any component of the program is warranted.

This exemption request form addresses two types of DCS program exemptions:

* Software as a Service (SaaS), and
* Infrastructure hosting services.

All STS Customers may purchase SaaS through DCS. If the SaaS interfaces with or connects to a DCS environment, the STS Customer is required to purchase the SaaS product through DCS.

If the SaaS does not interface with a DCS environment, Customers are not required to purchase within the STS program, however, designated Customers are still required to seek DCS program exemption from the DCS infrastructure hosting requirement.

The definition of “interface with or connect to a DCS system environment” means the SaaS would need some network connection between the SaaS product and any DIR DCS environment, either DCS Private or Public Cloud. For further requirements concerning SaaS, please review the [POL-604-07 DCS SaaS PaaS Policy](https://dirsharedservices.service-now.com/sp?id=managed_docsv1&path=0df4f223dbba53404718b0f0ef9619a3).

For clarity, SaaS is defined as follows:

Software as a service (SaaS) is a software delivery model in which the agency/Customer purchases use of the software solution by subscription rather than a license. The solution is accessed by users using a thin client via a web browser, runs on infrastructure that is shared with other Customers of the vendor (multi-tenant), has no license or maintenance fee, and storage and compute is covered by the subscription or SaaS charge.

The agency/Customer does not manage, purchase, lease, or control the underlying cloud infrastructure including network, servers, operating systems, storage, or even individual application capabilities, except for limited user-specific application configuration settings.

Non-SaaS Solutions, where the vendor sells a license to the Customer and offers to “host” the software, should be addressed using DCS consolidated data center or DCS cloud infrastructure through DCS program, in compliance with State statute.

To apply for exemption of services within the Data Center Services program, submit each of the following to [STSexemptionrequest@dir.texas.gov](mailto:STSexemptionrequest@dir.texas.gov) with an internal address of:

Sally Ward

Director, STS Vendor Management

Department of Information Resources

300 W. 15th Street, Suite 1300

Austin, TX 78701

1. A cover letter in the form of an executive summary and

2. A completed Agency Certification Form with required documentation attached.

DIR will respond in writing to exemption requests within 30 calendar days of receipt of the request. If you have questions about this form, please address them to [STSexemptionrequest@dir.texas.gov](mailto:STSexemptionrequest@dir.texas.gov).

**Executive Summary**

Provide an executive summary that describes the reason(s) for this request for exemption of services from the Data Center Services program. This executive summary should be in the form of a cover letter signed by the agency’s head or designee.

**Agency Certification Form**

The affirmations and documentation required by this form assure the proposed agency alternative to the Data Center Services provided service:

* Is financially viable,
* Protects agency data,
* Is in the best interests of the State of Texas, and
* Ensures hardware and software technical currency.

# Agency Certification Form

**General Information**

|  |  |  |  |
| --- | --- | --- | --- |
| **Agency:** |  | | |
| **Agency Exemption Contact Name:** | | |  |
| **Contact Phone:** | |  | |
| **Contact Email:** | |  | |

1. **List the solution/Software product name, the vendor, and the general functions the solution performs:**
2. **Briefly describe the agency/Customer business-use the proposed alternative system will support:**
3. **Will the proposed solution be procured on a subscription basis?**  **Yes**  **No**

**If yes, what is the proposed contract term?**

1. **Will there be a separate fee for software licenses and/or**

**software maintenance?**  **Yes**  **No**

1. **Under the proposed contract, will you be paying for dedicated**

**infrastructure including hardware and software licensing used**

**only by your agency?** **Yes**  **No**

1. **What is the status of the procurement?** Choose an item.
2. **Did your solicitation include DCS Program language to request**

**the option of hosting the solution on DCS infrastructure?**  **Yes**  **No**

*Please note that DIR will only consider exemption requests for actual or proposed implementations. DIR does not grant exemptions prior to a solicitation release.* *The* [*DCS RFO Language*](https://dirsharedservices.service-now.com/sp?id=managed_docsv1&path=0df4f223dbba53404718b0f0ef9619a3) *template is available for inclusion in solicitations requesting use of DCS Shared Technology Services infrastructure.*

1. **Does the vendor offer a procurement option for hosting the**

**software in a DCS Consolidated Data Center or DCS public cloud?** **Yes**  **No**

**If yes, why are you not using that option?**

1. **Does the proposed solution meet the NIST definition of a SaaS?**  **Yes**  **No**

**If no, skip to question 13.**

1. **Does the proposed solution interface with the Texas Private**

**Cloud or Public Cloud Manager?**  **Yes**  **No**

1. **Does the proposed solution contain or process confidential**

**information?**  **Yes**  **No**

1. **Why is the agency requesting to procure a SaaS solution outside of STS?**
2. **Briefly describe the proposed solution technical environment (include processing, storage, and backup environments):**
3. **Briefly describe the proposed solution backup and disaster recovery environment:**
4. **Briefly describe who will perform system configuration, installation, and patching services for the proposed agency alternative system:**
5. **Briefly describe where the proposed solution will be physically located:**
6. **Will this system remove or exclude any existing infrastructure**

**volumes from the DCS contract?**  **Yes**  **No**

**If yes, which Resource Units? (Please be specific and comprehensive, referencing the Resource Unit from your monthly invoice)**

| **Resource Unit** | **Current Invoice Number of Units** | **Anticipated Number of Units to be Removed** |
| --- | --- | --- |
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1. **Explain why the service cannot suitably be acquired as a DCS service or be hosted on DCS infrastructure:**
2. **Describe how this exemption, if granted, is in the best interests of the State of Texas:**

**Standards and Compliance**

Initial in the left column below to affirm that the proposed alternative system:

|  |  |
| --- | --- |
|  | Meets or exceeds state security requirements in Texas Administrative Code (TAC) Chapter 202. |
|  | Meets or exceeds state accessibility requirements in TAC Chapters 206 and 213. |
|  | Is compliant with the requirements in Health and Safety Code Chapter 105.003 Collection of Data (if applicable). |
|  | Meets or exceeds the DCS standards for technical currency of hardware and software (n/n-1). |
|  | Meets or exceeds the DCS standards for hardware refresh (5-year refresh). |
|  | Provides Service Level Agreements, applicable to the system. |
|  | Provides Disaster Recovery services. |
|  | Provides backup services, in accordance with the data retention and recovery requirements of the data. |
|  | Provides for installation, configuration, and maintenance of all components of the system; including the operating system and other software components to ensure upgrades and security patching activities are performed timely. |

**Data Center Services Exemption Request Disposition**

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| --- | --- | --- |
| **Data Center Services Exemption Disposition Summary** | | |
| **Disposition Type** | **🗸** | **State Value Assessment Survey** |
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| --- | --- | --- |
| **Director, STS Vendor Management** | | |
| **Signature** | **Printed Name** | **Date** |
|  | Sally Ward |  |