**Request for Temporary Exemption from**

**Texas Data Center Services**

**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, unless otherwise approved by the Executive Director and Governor.

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.

DIR has determined that the use of Software as a Service (SaaS) as a managed service is consistent with the state strategic plan and the DCS framework; however, if an agency is contemplating a SaaS solution outside the DCS program, an approved exemption is required. Because technology is constantly changing, all exemptions are temporary and will be periodically re-evaluated to determine if DCS Program services can be used.

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

datacenterservices@dir.texas.gov with an internal address of:

Sally Ward

Director, Planning and Governance

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 datacenterservices@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:**

**List the solution/Software product name, the vendor, and the general functions the solution performs:**

**Briefly describe the agency/customer business use the proposed alternative system will support:**

**Will the proposed solution be procured on a subscription basis? (Y/N)** \_\_\_\_\_\_\_\_

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

**Will there be a separate fee for software licenses and/or SW maintenance? (Y/N)** \_\_\_\_\_\_\_

**Under the proposed contract, will you be paying for dedicated infrastructure including hardware and software licensing used only by your agency? (Y/N)** \_\_\_\_\_\_\_

**What is the status of the procurement, and did your RFO include DCS Program language to request the option of hosting the solution on DCS infrastructure?**  [DCS Portal Home](https://www.dcs.state.tx.us/) > [Enterprise Documents](https://www.dcs.state.tx.us/EnterpriseDocs) > [DCS Governance](https://www.dcs.state.tx.us/EnterpriseDocs/Organizational%20Overview/Forms/AllItems.aspx?View=%7b9883FE11-17D5-45EE-A7C8-ADA5D46B5211%7d) > Enterprise Policies > RFO DCS2 Language

**Does the vendor offer a procurement option for hosting the software in a DCS Consolidated Data Center or DCS public cloud? If yes, why are you not using that option?**

**Briefly describe the proposed solution technical environment (include processing, storage, and backup environments):**

**Briefly describe the proposed solution backup and disaster recovery environment:**

**Briefly describe who will perform system configuration, installation, and patching services for the proposed agency alternative system:**

**Briefly describe where the proposed solution will be physically located:**

**Will this system remove or exclude any existing infrastructure volumes from the DCS contract? (Y/N)**

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

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| --- | --- | --- |
| **Resource Unit** | **Current Invoice Number of Units** | **Anticipated Number of Units to be Removed** |
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**Explain why the service cannot suitably be acquired as a DCS service or be hosted on DCS infrastructure:**

**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 (ifapplicable). |
|  | 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 insure upgrades and security patching activities are performed timely. |

**Data Center Services Temporary Exemption Request Disposition**

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| **Data Center Services Exemption Disposition Summary** |
| **Disposition Type** |  | **State Value Assessment Summary** |
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| --- |
| **Director, Planning and Governance** |
| **Signature** | **Printed Name** | **Date** |
|  | Sally Ward |  |