Part I Chapter 33
Digital Services Acquisition

1. **Purpose.**

   a. **Approach**. Digital service acquisitions require a procurement approach that allows for flexibility to build effective and user-centric digital services due to the nature of technology changes and evolving user needs. Digital Service solicitations should be built to allow for the enactment of the principles outlined in this chapter, in collaboration with the Department of General Services (DGS) and the Office of Administration Office of Information Technology (OA-OIT).

   b. **Flexibility in Technical Requirements**. Procurements for digital services shall strive to streamline the number of technical requirements so that only those requirements that are necessary for the digital service to function viably and securely within the Commonwealth's technical environment are included in the procurement. Requirements will be reviewed and evaluated continually through discovery exercise to ensure that the requirements keep current with user needs.

   c. **Continuous Software Design and Development**: Whenever strategically in the Commonwealth's interest, procurements for digital services shall be procured in smaller pieces to ensure continuous delivery of working products.

2. **Responsibilities**. DGS and OA-OIT shall collaborate with using agencies to perform continuous research, from pre-solicitation through the evaluation period, of the best possible vendors, terms and conditions, technical solutions, and market price to ensure the Commonwealth is procuring the best tools with the best terms.

3. **Definitions.**

   a. **Digital services** refer to government services delivered to users through websites, emails, and mobile applications; the software used by users to access services and staff to administer them; and all current and future digital technology.

   b. **User-centered design** means an interdisciplinary methodology of putting people, including those who will use or be impacted by what one creates, at the center of any process, product, service, and experience to solve challenging problems.

   c. **User research** refers to the discipline of learning about users' behavior, needs, and motivations by talking to them, observing how they interact with tools and processes, and by using other data-driven strategies.

   d. **User stories** is a description or statement of functionality or value written from the perspective of the user in non-technical language.

4. **Solicitation Development.**

    a. User-Centered Research and Design Deployment:

       i. **User Research**: User research components shall be included and promoted in digital service procurements to ensure that end-user needs are incorporated into the design, development, and purchase of digital services.

       ii. **Rapid User-Centered Design Deployment**: Digital services shall incorporate accessibility, security, and usability testing throughout the acquisition, design, and development processes, with all work performed based on user needs identified through user research performed throughout the entire project lifecycle.

       iii. **Mission-Driven Vendor Engagement**: Detailed project missions and challenges statements shall be included in digital service procurement to inform vendors of the purpose of the digital service and user needs.

       iv. **Accessibility**: Evaluation criteria shall include assessments to ensure accessible use and best practices for persons with disabilities and persons with limited English proficiency.

5. **Proof of Concept Exercises and Demonstrations.** When appropriate, proof of concept exercises and demonstrations may be implemented as part of the technical evaluation process in best value procurements (i.e., Requests for Proposals and Request for Quotes) for commercial off-the-shelf software and software as a service, incorporating front-end users into the procurement evaluation process and having them test software prior to the purchase.

6. **Fair and Reasonable Price Construct Utilizing Project-Specific Invitations to Qualify (ITQ) Contracts.** If the using agency determines that it is in the best interests of the Commonwealth to establish a project-specific ITQ for a digital services procurement, the issuing office may utilize and establish a budget or rate card with approval from DGS and OA-OIT in the Request for Quotes (RFQ).

    a. Any supplier submitting a quote in response to an RFQ with a budget or rates equal to or less than the established budget or rate card shall be determined to have a submitted a "fair and reasonable" cost.

    b. Evaluation of quotes for digital service procurements RFQs will consist of the technical score and whether or not the cost has been determined to be fair and reasonable. Quotes with costs that are not determined to be fair and reasonable may be considered non-responsive and not considered for award.

7. **Code and Tests.** When a vendor is awarded a contract to develop custom software for the Commonwealth, the contract shall ensure that the Commonwealth owns all intellectual property created by the vendor and that all work products are delivered to the Commonwealth at a contractually agreed-upon schedule throughout the development process. It is recommended that work products be delivered to the Commonwealth at least once per month.