

CIOP CHAPTER 21

U.S. DEPARTMENT OF TRANSPORTATION ENTERPRISE LICENSE AGREEMENTS (ELAs)

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Section 21.1 Purpose

21.1.1 The purpose of this directive is to establish policy for the establishment and management of Enterprise License Agreements (ELAs) for software and for the subsequent purchase and management of software licenses under those agreements within the U.S. Department of Transportation (DOT), in accordance with DOT Order 1351.1, IT Directives Management.

21.1.2 This directive serves as the general ELA policy and procedure directive for and resources in accordance with applicable laws, directives, policies, regulations, standards, and guidance. This directive addresses the purpose, scope, roles, responsibilities, implementation, and compliance related to the ELA establishment and management of software for DOT information systems.

21.1.3 As appropriate, DOT and the Operating Administration (OA) Chief Information Officer (CIO) shall assign and document responsibility to specific parties and define specific actions to ensure that the system and communications directive and procedure controls are implemented.

21.1.4 DOT and the Operating Administration CIO shall consistently apply the ELA directive and procedures on a continuous basis.

21.1.5 All DOT Information Technology offices and resources with software acquisition and usage responsibility encompassed by the ELA shall document usage information, proposed new application usage and problems encountered in the implementation of the ELA policy and procedures. The resulting information shall be used to actively improve the understanding and interpretation of the ELA directive and procedures on a continuous basis, and provide the basis for ELA enhancements and modifications.

Section 21.2 Background

21.2.1 ELAs for software are negotiated at specific points in time, within the existing and forecasted technology environment and require periodic updating to reflect changes in technology and unforeseen usages. Changes in those conditions are often accelerated in a technology environment and the potential impact on software ELAs needs to be analyzed and communicated to all of the DOT Information Technology providers planning for or using those technologies and the ELA. Failure to perform these functions can result in economic disadvantage to the DOT or the incurrence of unreported liabilities for software usage. The ELA policy for a software directive is developed and used to establish guidelines and procedures for DOT to be able to accurately identify existing and planned usage within the DOT information systems environment and to ensure that the DOT requirements and usage continues to provide the DOT the economic and usage advantages consistent with the size and scope of the DOT and its OAs. The proper implementation of this directive ensures the integrity of the DOT application of its licenses and the appropriate compliance with its contractual obligations.

Section 21.3 Scope and Applicability

21.3.1 This directive applies to all DOT organizations and Operating Agencies acquiring and using software encompassed by the ELA, or operated on behalf of DOT by contractors or other government agencies, unless otherwise noted.

21.3.2 This ELA directive is to be disseminated to all DOT Information Technology offices and other appropriate management, users, vendors, third party processors, and support personnel. The DOT CIO Resource Management Office (RMO), or designated representative, will establish a record to document that those involved have read, understood, and agreed to abide by this directive.

Section 21.4 Policy

21.4.1 ELAs will be established for specifically identified software that have Department-wide applicability and would benefit the DOT economically and administratively if purchase and managed under an ELA.

21.4.2 The DOT Office of the CIO, or its designated representative, will have the responsibility for establishing and modifying ELAs as the Agency's COTR.

21.4.3 All DOT organizations and Operating Administrations will acquire the designated software encompassed by the ELA under the terms established by the ELA.

21.4.4 The DOT Office of the CIO, or its designated representative, will report ongoing usage and forecasted requirements under the ELA and communicate this information to the DOT Senior Procurement Executive (SPE) and Operating Agencies CIOs at least annually, or more frequently as appropriate to changing technological and application conditions, and workforce requirements.

21.4.5 All Information Technology offices within the Operating Agencies shall be required to report usage information, proposed new application usage and problems encountered in the implementation or interpretation of the ELA for software operated directly, or operated on behalf of DOT by contractors or other government agencies, on a bi-annual basis.

21.4.6 Each ELA will be accompanied by a licensed management portal to provide Department-wide transparency on topics such as how many licenses are available, when licenses need to be renewed, and so forth.

21.4.7 Operating Administrations may be exempted from purchasing software encompassed by the ELA if the OA can demonstrate that a more beneficial cost to the Department can be obtained outside of the parameters of the ELA, or if the OA cannot afford to participate in the ELA due to budgetary concerns. In these situations, the OA needs to negotiate with the DOT SPE for a solution that is fair and equitable; in case of disagreement, the SPE will make the final determination.

Section 21.5 Roles and Responsibilities

21.5.1 The Office of Primary Responsibility (OPR), as explained in DOT Order 1351.1, IT Directives Management, for this chapter is the DOT CIO Resource Management Office (RMO), or his/her delegated representative.

21.5.2 The CIO RMO, or his/her delegated representative, shall:

- Act as COTR for the ELA, provide technical assistance to the Contracting Officer (CO) in negotiating and modifying appropriate economic and other terms for the benefit of the DOT and its OAs

- Update this directive and related procedures as needed to ensure it meets DOT mission requirements and complies with applicable policies, procedures, laws, and guidelines.
- Ensure proper training of key DOT staff in the implementation of this directive and procedures.
- Ensure that all policies and procedures are properly complied with.

21.5.3 The DOT Senior Procurement Executive, or his/her delegated representative, shall:

- Review and recommend economic terms and conditions for the proposed ELA or its modification;
- Lead the negotiations and complete the terms and conditions of the ELA agreements.
- Review software procurement contracts for compliance with ELA agreements, and software vendor terms and conditions are adhered to.

21.5.4 The DOT Chief Information Security Officer (CISO), or his/her delegated representative, shall:

- Validate compliance with the procedures contained in this directive by conducting discovery scans to determine what software is loaded on each server and workstation.

21.5.5 Each Operating Administration CIO shall:

- Implement the requirements of this directive and related procedures within their assigned area of management control.
- Monitor software maintenance contracts for compliance with ELA agreements.
- Assign and document responsibility to specific parties and define specific actions to ensure that the ELA directive and procedure controls are implemented.
- Ensure key staff responsible for the acquisition of software and reporting usage information, proposed new application usage and problems encountered with the ELA are properly trained.

- Provide subject matter expertise and representation as appropriate to assist with economic and usage analyses of the software and to assist with ELA negotiations.

21.5.6 Each Operating Administration Information System Security Officer (ISSO) shall:

- Ensure that vulnerabilities associated with the software encompassed by the ELA are reported to the DOT CISO.
- Validate compliance with procedures contained in this directive to ensure software acquisition and usage conforms to the terms of ELA.
- Annually validate compliance with the reporting requirements contained within this directive to ensure that all usage of the software under the ELA is accurately reported.
- Report non-compliance circumstances to the DOT CISO and the Office of Primary Responsibility, or his/her designated representative, within 30 days of discovery.

21.5.7 System Owners shall:

- Implement the requirements of this directive and related procedures within their area of control.
- Ensure the proper training of key staff in the implementation of this directive.
- Ensure that all software encompassed by the ELA is acquired and reported under the terms of the ELA.
- Analyze and report the proposed new application usage and problems encountered with the ELA.

Section 21.6 Dates

21.6.1 This chapter is effective the date it is signed.

21.6.2 On an annual basis, the DOT CIO and SPE validate compliance with procedures contained in this directive.

21.6.3 The DOT RMO and OA Information Technology office shall bring their operations in compliance with this directive within 90 days, or as otherwise directed, after the publication of a new or updated ELA.

21.6.4 OA ISSOs will validate compliance with the procedures contained within this directive to ensure that the terms and conditions of the ELA are implemented properly in all DOT systems annually.

Section 21.7 Cancellations

21.7.1 This directive supersedes all earlier communications specific to this topic.

Section 21.8 Compliance

21.8.1 DOT information systems determined to be non-compliant with this directive, and either failing to implement acquisition and reporting procedures, or implementing an inappropriate acquisition contract, shall be required to generate and submit a plan of action and milestone (POA&M) to correctly implement the acquisition and reporting process, and to correct the terms of their contracts to be in compliance with the ELA.

21.8.2 DOT Information Technology offices and other system owners that do not comply with this directive on a continuing basis shall be subject to administrative review, termination, administrative action, and/or potential legal prosecution.

Section 21.9 Waivers

Requests for exception to this directive shall be directed to the DOT SPE, or his/her designated representative, who has the authority to unilaterally make a final determination.

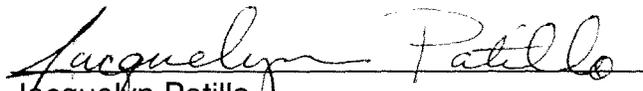
Section 21.10 Audit Procedures

21.10.1 The DOT CISO will review information system POA&Ms monthly.

21.10.2 Each OA CIO and ISSO, and System Owners shall be prepared to support verification and validation of user and system accounts against systems of record for approved users and systems.

21.10.3 Because of the dynamic nature of the DOT information systems and infrastructure environments, this directive shall be reviewed annually to ensure that it is current and updated as required. It is the responsibility of the ISSO to facilitate the review of this directive. Senior management, system administrators, and system stakeholders shall also participate in the review.

Section 21.11 Approval


Jacquelyn Patillo
Acting DOT Chief Information Officer


Date