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| ­­­STATE OF NORTH CAROLINA | **REQUEST FOR INFORMATION NO**. 1 |
| Office of Administrative Hearings-OAHRules Division | Due Date: March 29, 2024 |
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| ***Refer ALL Inquiries to***: Arthur Harrell    Telephone No. 984-236-1854 | Issue Date: February 23, 2024  Commodity: 42142306 |
| E-Mail: Arthur.Harrell@oah.nc.gov | Using Agency Name: OAH-Rules Division |

**DELIVERY INSTRUCTIONS:**

Sealed responses to this RFI, subject to the conditions made a part hereof, will be received until 2:00pm Eastern Time on the day of opening and then opened, for furnishing and delivering the commodity as described herein. Responses must be submitted with the Execution page signed and dated by an official authorized to bind the Vendor’s firm. Failure to return a signed response shall result in disqualification.

Attempts to submit a response via facsimile (FAX) machine, telephone or mail in response to this RFI shall NOT be accepted.

a) All File names should start with the vendor’s name first, in order to easily determine all the files to be included as part of the vendor’s response. For example, files should be named as follows: Vendor Name-your file name.

b) File contents SHALL NOT be password protected, the file formats must be in .PDF, .jpeg, or png format, and shall be capable of being copied to other sources.

c) If the vendor’s proposal contains any confidential information (as defined in Attachment B, Paragraph #18), then the vendor must provide one (1) signed, original electronic response to this RFI and one (1) redacted electronic copy.

**NOTICE TO VENDOR**

Request for Information (RFI) will be received at this office at 1711 New Hope Church Rd., Raleigh, NC 27609 **until** March 29, 2024 or via email to Arthur.harrel@oah.nc.gov on the day of opening and then opened.

**QUESTIONS**

Submit written questions to Arthur Harrell until March 8,2024. Questions may be submitted by e-mail or mail to Arthur Harrell at Arthur.Harrell@oah.nc.gov or 1711 New Hope Church Rd., Raleigh, NC 27609.

**EXECUTION**

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| --- | --- | --- |
| VENDOR NAME: | E-MAIL: | |
| STREET ADDRESS: | P.O. BOX: | ZIP: |
| CITY & STATE: | TELEPHONE NUMBER: | TOLL FREE TEL. NO: |
| TYPE OR PRINT NAME & TITLE OF PERSON SIGNING: | FAX NUMBER: | |
| AUTHORIZED SIGNATURE: | DATE: | |

# 1.0 Executive Summary

The State of North Carolina is in the process of developing plans to procure an administrative rules and code solution for the Rules Division of the Office of Administrative Hearings (OAH) that will support the following business functions:

1. Administrative Code Management – pertains to processing and managing rules filings. State of North Carolina’s rules submitted by state agencies to the Office of Administrative Hearings; includes official signed submission forms and original copies of rule text as adopted.
2. Tracking – pertains to monitoring/tracking rules filings.
3. Reporting - pertains to creating and managing reports and search functions.
4. Document Management – pertains to managing internal documents, templates, online forms. Internal refers to items created and used by OAH in support of the rules filing process. This includes items completed and/or submitted by agency filers and other staff outside of OAH who are involved in the rules filing process.
5. Electronic Content Management – pertains to external capturing, managing, accessing, integrating, measuring, and storing information. External refers to items created, published, and maintained for the general public to access. Pursuant to North Carolina General Statute 132-1 all documents in the solution are considered public record.[[1]](#endnote-1)
6. Workflow Management – pertains to configuring alerts and notifications, task assignments, business rules, data security/access.

This Request for Information (RFI) is intended to collect information and recommendations regarding: The implementation of a single solution for managing, tracking, and reporting on rule filings and publishing the Code to the agency website. To save time for staff, disparate systems need to be connected. A fully functional filing system capable of handling all filings needs to be implemented using a cloud-based solution with government security for confidentiality, integrity, and availability. Long-term system maintenance is also needed.

The Rules Division of OAH performs legal analysis and administrative and technical work in the review, compilation, production, and publication of the North Carolina Register (NCR) and the North Carolina Administrative Code (NCAC); and provides administrative support and legal counsel to the Rules Review Commission (RRC).[[2]](#endnote-2) The NCR is a compilation of proposed rules, approved rules, and other statutorily required government notices. OAH oversees the rule making process, as outlined in North Carolina General Statute Chapter 150B.[[3]](#endnote-3) The Rules Review Commission (RRC) is the executive agency created by the General Assembly in 1986 charged with reviewing and approving rules adopted by state agencies. The statutory authority for the RRC is found in two places. The authority for the RRC itself is G.S. 143B-30.1. The Commission’s substantive review procedures are set by the General Assembly and are codified in the Administrative Procedure Act, Chapter 150B, Articles 1 and 2A.[[4]](#endnote-4)

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The Division is seeking to replace and expand their current system used for filing and tracking administrative rules. The current solution, Rules Automated Tracking System (RATS), is a Pearl program with a SQL database and IIS front-end website interface. RATS tracks rules by status and generates reports which are needed to report to the legislature.

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In addition to RATS there is a partial filing system that handles some of the filings at the beginning of the process. This system is in ongoing development by a resource that will be retiring. iRATS is the internal interface of the filing system and eRATS is the external interface of the filing system.  An email account is also used to accept filings. A SharePoint site contains information on rule history.

For an overview regarding system integrations and user roles supported by a future Records Management Solution, please review Appendix A of this document.

​Historical files are currently being scanned to comply with legislative requirements to retain and make all versions of rules available publicly. As of the end of June 2023, 73,195 files (6GB) have been scanned. There are currently two databases that contain historical data. One has been in use since April 2019, has 32 tables, is 49.94MB, and uses SQL version 15.0.4312.2. The other has been in use since 2004, has 18 tables, is 267.75MB, and uses SQL version 15.0.4312.2.

For the fiscal year 2022-2023, the estimated number of first and second filings are 4,704 each. These are Word documents that are 1-30 pages (most are about 3 pages) and 1 page pdf documents. These account for 10GB.

There are several issues with the current solution. Rules are tracked in RATS by a number but the rule itself is not attached. The filings are in a separate system. It is difficult to find the rules, as they could be in eRATS or iRATS, the shared email box, or a shared folder.

The State requests responses showing how your firm would address the items in the following sections of this RFI:

Section: 3.0, 4.0, 5.0

# 2.0 RFI Procedures

## A. Schedule

Respondents will have  four weeks  to prepare their submissions to this RFI. Responses must be received by the date, time and the location specified on the cover sheet of this RFI.

## B. Clarification Questions

Clarification questions will be accepted until October 9, 2023 as specified on the cover sheet of this RFI. All questions must be submitted in writing. An addendum containing any general clarification questions and their answers will be issued as an addendum to this RFI.

## C. Response

The State recognizes that considerable effort will be required in preparing a response to this RFI. **However,** **please note this is a request for information only, and not a request for services**. The Vendor shall bear all costs for preparing this RFI.

1. **Content and Format**

The State expects responses to each of the RFI response items identified in Sections 3.0-5.0 of this RFI. The State is not interested in brochures or “boilerplate” responses. Instead, responses should clearly define how the vendor’s suggested solution(s) would meet the State’s business requirements. Any issues or exceptions to the State’s requirements should also be identified and explained.

If available, a comprehensive, detailed equipment and software list including required for the suggested solution should be provided. While the State will require a pilot installation of any final solution adopted, the State is not interested in participating in any field trials of new equipment or software.

The response should define all services that would be required by the suggested solution. The response should also include:

* The vendor’s understanding of the project and services by addressing the State’s business requirements;
* An estimated total cost of ownership for the solution including continued compliance with emerging industry standards.
* The suggested solution’s ability to expand and evolve to serve other State's sites either inside the Raleigh area or in other county locations and also meet all of the service and performance requirements identified in this RFI.

1. **Multiple Responses**

Multiple responses will be accepted from a single vendor provided that each response is comprehensive, meets all of the state’s requirements, and is truly unique. Please place in separate envelopes and clearly mark responses as “Response #1, Response #2, etc.

# 3.0 SYSTEM/TECHNICAL REQUIREMENTS

**Note:** For an overview regarding user roles supported by a future Records Management Solution, please review Appendix A of this document.

1. Describe how the proposed solution allows an IT Administrator to audit logs for troubleshooting to maintain regulatory compliance.
2. Describe how the proposed solution provides automatic failover and recovery capabilities in the event of failures, so that the system can remain functional during troubleshooting.
3. Describe how the proposed solution allows an IT administrator to access, review and audit user activity logs and access history, to be able to monitor document changes, ensure accountability and identify any potential security breaches or unauthorized actions.
4. Describe how the proposed solution integrates with Active Directory to configure single sign-on.
5. Describe how the proposed solution allows an IT Administrator to make updates without downtime, so that there is no interruption in service.
6. Describe how the proposed solution allows changes to be made in the system in one area without making changes to the whole system, so the whole system doesn't have to be taken down or tested because of a change in one area.
7. Describe how the proposed solution allows an IT administrator to configure and add new role-based business rules, to ensure that users have proper access to be able to address and comply with new filing requirements.

**Workflow Management**

1. Describe how the proposed solution allows an IT administrator to create and utilize custom workflows without vendor input.
2. Describe how the proposed solution integrates with other systems to receive and pass data and information.
3. Describe how the proposed solution allows an IT Administrator to monitor system health and performance, to ensure the system operates properly.

**Document Management**

1. Describe how the proposed solution allows an IT administrator to configure fields, forms, templates, and reports in the solution, to respond to new needs within the Department and Legislative changes.
2. Describe how the proposed solution allows an IT administrator to configure and manage role-based security and system access, to ensure only individuals with proper access can view, edit, submit, or share documents.

# 4.0 BUSINESS/FUNCTIONAL REQUIREMENTS

**Note:** Requirements are formatted as user stories. A user story is a short description of what that requirement must accomplish and for whom. For an overview regarding user roles supported by a future Records Management Solution, please review Appendix A of this document. User stories are categorized by the business functions listed in Section 1.0.

**Administrative Code Management**

1. Describe how the proposed solution allows an agency filer to upload, submit, modify and withdraw documents, to be able to file a permanent rule.
2. Describe how the proposed solution allows a Rules Admin Staff Member/Publication Staff to view a filing submission in pdf and word formats, to be able to process a permanent rule filing.
3. Describe how the proposed solution allows a Rules Admin Staff Member/Publication Staff to reject a rule that doesn’t meet requirements, to ensure that filings meet Rules Division rule filing requirements.
4. Describe how the proposed solution allows a Rules Admin Staff Member/Publication Staff to generate a new register from a template with information from the filing, to complete the Register.
5. Describe how the proposed solution allows a Rules Admin Staff Member/Publication Staff to be able to view permanent rule submissions for RRC review, to be able to organize them by meeting month for RRC review.
6. Describe how the proposed solution allows a Rules Admin Staff Member/Publication Staff to view a permanent rule submission for RRC review in pdf and word formats, to be able to process a permanent rule filing.
7. Describe how the proposed solution allows a Rules Admin Staff Member/Publication Staff to reject a permanent rule submission for RRC review that doesn’t meet requirements.
8. Describe how the proposed solution allows a Rules Admin Staff Member/Publication Staff to generate a monthly list of every rule filed, to ensure that the Codifier of Rules can view the list and assign every rule to an attorney.
9. Describe how the proposed solution allows a Paralegal/Commission Counsel Staff to access their assigned rules, enabling them to document and submit a legal recommendation to the RRC.
10. Describe how the proposed solution allows an agency filer to receive questions or issues raised by the assigned attorney, so that they can review the rule and provide responses to staff attorney’s questions or opinions.
11. Describe how the proposed solution allows a Paralegal/Commission Counsel Staff to compile permanent rule filings with staff recommendations, RFCs and agency responses so that it can be published to the RRC agenda page.
12. Describe how the proposed solution allows a Paralegal/Commission Counsel Staff to compile final temporary rule filings with staff recommendations, so that it can be published to the RRC agenda page.
13. Describe how the proposed solution allows a Rules Admin Staff Member/Publication Staff to make minor edits to a permanent rule, so that they can submit a proof to the agency for approval.
14. Describe how the proposed solution allows a Paralegal/Commission Counsel Staff to attach an objection letter, so that they can issue an objection to the rule to the agency filer.
15. Describe how the proposed solution allows an agency filer to update an objected permanent rule, so that they can submit it to the RRC for review.
16. Describe how the proposed solution allows a Paralegal/Commission Counsel Staff to review resubmitted objected permanent rules, so that they can approve, object again, or request republication of a permanent rule.
17. Describe how the proposed solution allows a RRC Commissioner to attach a letter to the agency, so that they can officially return the rule.
18. Describe how the proposed solution allows the Codifier of Rules to remove rules from code so that they can delete the text from the code repository.
19. Describe how the proposed solution allows the Codifier of Rules to review objected permanent rules that agency filers do not wish to update, so that they can remove the rule from code and delete the text from the code repository.
20. Describe how the proposed solution allows a Rules Admin Staff Member/Publication Staff to document that a period of review is extended, so that they can publish a filing to the RRC agenda for the next meeting.
21. Describe how the proposed solution allows an agency filer to upload and submit documents, so that they can file a temporary rule.
22. Describe how the proposed solution allows a Rules Admin Staff Member/Publication Staff to be able to view temporary rule submissions for RRC review, enabling them to organize them by meeting month for RRC review.
23. Describe how the proposed solution allows a Paralegal/Commission Counsel Staff to be able to access my assigned rules, so that they can document and submit my legal recommendation to the RRC.
24. Describe how the proposed solution allows an agency filer to receive questions or issues raised by the assigned attorney, so that they can review the rule and provide responses to staff attorney’s opinions.
25. Describe how the proposed solution allows an agency staff member to be able to respond to a proof submission, so that they can approve or request a correction to a proof.
26. Describe how the proposed solution allows a Rules Admin Staff Member/Publication Staff to be able to make minor edits to a temporary rule, so that they can submit a proof to the agency for approval.
27. Describe how the proposed solution allows a Rules Admin Staff Member/Publication Staff to be able to receive an agency response to a proof, so that they can publish a temporary or permanent rule to the code repository.
28. Describe how the proposed solution allows an agency filer to be able to update an objected temporary rule so that they can submit it to the RRC for review.
29. Describe how the proposed solution allows a Paralegal/Commission Counsel Staff to review resubmitted objected temporary rules, so that they can approve, object again, or request republication of a permanent rule.
30. Describe how the proposed solution allows an agency filer to send a response to the RRC, notifying the RRC that they are not updating the rule.
31. Describe how the proposed solution allows a Paralegal/Commission Counsel Staff to document that a letter was issued to the agency, so that they can track the return of the rule.
32. Describe how the proposed solution allows a Paralegal/Commission Counsel Staff to upload a letter to the agency, to officially return the rule.
33. Describe how the proposed solution allows an agency filer to be able to upload and submit documents, to file an emergency rule.
34. Describe how the proposed solution allows an agency filer to update an objected emergency rule so that they can submit it to the Codifier of Rules for review.
35. Describe how the proposed solution allows an agency filer to be able to overrule the Codifier’s objection, enabling them to enter the rule into the code.
36. Describe how the proposed solution allows a Rules Admin Staff Member/Publication Staff to view and update a rule status at any time, to be able to move the process forward as appropriate for each rule.
37. Describe how the proposed solution allows a Rules Admin Staff Member/Publication Staff to attach and associate documents to a filing, to be able to keep track of material associated with a filing.
38. Describe how the proposed solution allows a Rules Admin Staff Member/Publication Staff to capture metadata, to be able to include it with rules for archiving.
39. Describe how the proposed solution allows a Rules Admin Staff Member/Publication Staff to search text within the code, to be able to modify/edit the code.
40. Describe how the proposed solution allows a Rules Admin Staff Member/Publication Staff to be able to archive rule documents, to be able to comply with legislative requirements.
41. Describe how the proposed solution provides a user-friendly and intuitive editor, to create, edit, and format content for administrative rules and the code, including features like rich text formatting, tables, strikethrough, numbering, and headings, ensuring consistency and clarity.
42. Describe how the proposed solution allows a Rules Admin Staff Member/Publication Staff to be able to create and maintain a robust centralized repository of filings, rules and the code, to be able to provide a comprehensive and up-to-date collection and comply with legislative requirements.
43. Describe how the proposed solution allows a Rules Admin Staff Member/Publication Staff to have the ability to review and provide feedback on filing drafts, track the status of the review process, and communicate with others, to be able to facilitate an efficient and collaborative code development process.
44. Describe how the proposed solution allows an agency filer, a Rules Admin Staff Member/Publication Staff, or a Paralegal/Commission Counsel Staff to work on filings simultaneously or in any order, to be able to avoid delays in filing.

**Tracking**

1. Describe how the proposed solution allows a Rules Admin Staff Member/Publication Staff to see an audit trail of a permanent, temporary, and emergency rules, to be able to know all activity associated with a rule.
2. Describe how the proposed solution allows the Codifier of Rules to see an audit trail of a permanent, temporary, and emergency rules, to be able to know all activity associated with a rule.
3. Describe how the proposed solution allows a Rules Admin Staff Member/Publication Staff to be able to access previous versions of code, to be able to publish them to the website.
4. Describe how the proposed solution allows the Codifier of Rules to be able to access previous versions of code, to be able to respond to questions or assist the general public.
5. Describe how the proposed solution allows a rules admin staff member, Paralegal/Commission Counsel Staff, or a RRC Commissioner to be able to track RRC and Agency filings with date stamps, to be able to keep track of versions of rules.
6. Describe how the proposed solution allows a Rules Admin Staff Member/Publication Staff to be able to determine a rule’s status at appropriate points in the process, to be able to know status of a rule.
7. Describe how the proposed solution allows a Rules Admin Staff Member/Publication Staff to version control documents, to be able to know what the most up-to-date version is and ensure document version integrity is maintained.
8. Describe how the proposed solution allows a Rules Admin Staff Member/Publication Staff to see a filing status in real time, to be able to ensure they have the most up-to-date version of a filing.

**Reporting/Searching**

1. Describe how the proposed solution allows a Rules Admin Staff Member/Publication Staff to create custom/filtered statistical reports from rules data (rule type, time period, status, assigned attorney, etc.), to be able to fulfill information requests.
2. Describe how the proposed solution allows a Rules Admin Staff Member/Publication Staff to be able to run an ad hoc report, to be able to provide information about rules as needed.
3. Describe how the proposed solution allows a Rules Admin Staff Member/Publication Staff to configure a custom dashboard, to be able to prioritize my tasks and view critical information at a glance.
4. Describe how the proposed solution allows a Rules Admin Staff Member/Publication Staff to be able to run a bi-monthly approved temporary rules report, to be able to post it to the Register.
5. Describe how the proposed solution allows a Rules Admin Staff Member/Publication Staff to be able to run a bi-monthly approved permanent rules report, to be able to post it to the Register.
6. Describe how the proposed solution allows a Rules Admin Staff Member/Publication Staff to be able to run a bi-monthly approved emergency rules report, to be able to post it to the Register.
7. Describe how the proposed solution allows an IT administrator to define report fields and values, to be able to configure the reports needed for to analyze specific data.
8. Describe how the proposed solution allows an IT administrator to add, import, edit and delete report fields, to be able to control the data that is presented in desired reports.
9. Describe how the proposed solution allows the Codifier of Rules to be able to run a monthly report of expiring temporary and emergency rules, to be able to check rules and statutory authority for exceptions and remove expired rules from the Code repository.
10. Describe how the proposed solution allows a Rules Admin Staff Member/Publication Staff to be able to run a fiscal year summary report, to be able to submit it to the Legislature upon request.
11. Describe how the proposed solution allows a Rules Admin Staff Member/Publication Staff or Paralegal/Commission Counsel Staff to be able to run a monthly follow-up matters report, to be able to add pending rules to the RRC agenda.
12. Describe how the proposed solution allows a Rules Admin Staff Member/Publication Staff to be able to run a list of agency filers, to be able to publish it to the website for the public to know who to contact with rules questions.
13. Describe how the proposed solution allows the Codifier of Rules to receive notification that agency filer has changed, to be able to review and approve the change.
14. Describe how the proposed solution allows the Codifier of Rules to be able to upload notifications that the agency filer has changed, to be able to have record of the approved change.
15. Describe how the proposed solution allows a Rules Admin Staff Member/Publication Staff to be able to receive notification that the Codifier of Rules has approved agency filer updates, to be able to publish updates to the website.
16. Describe how the proposed solution allows a Paralegal/Commission Counsel Staff to be able to generate a periodic review report, to be able to submit it to agency filers.
17. Describe how the proposed solution allows an agency filer to be able to receive notification that a periodic review report has been submitted.
18. Describe how the proposed solution allows an agency filer to be able to download a periodic review report, to be able to post it for a 60-day comment period.
19. Describe how the proposed solution allows an agency filer to be able to file a final report, to be able to submit the periodic review to the RRC for review.

**Electronic Content Management**

1. Describe how the proposed solution allows an agency filer to be able to update their contact information, so that it can be published to the website for the general public to access.
2. Describe how the proposed solution allows a Rules Admin Staff Member/Publication Staff to be able to generate a list of agency filer contact information, so that it can be provided to the paralegal/commission counsel staff to publish to the OAH website.
3. Describe how the proposed solution allows Paralegal/Commission Counsel Staff to be able to publish agency filer contact information, so that it is available for the general public to access on the OAH website.

**Document Management**

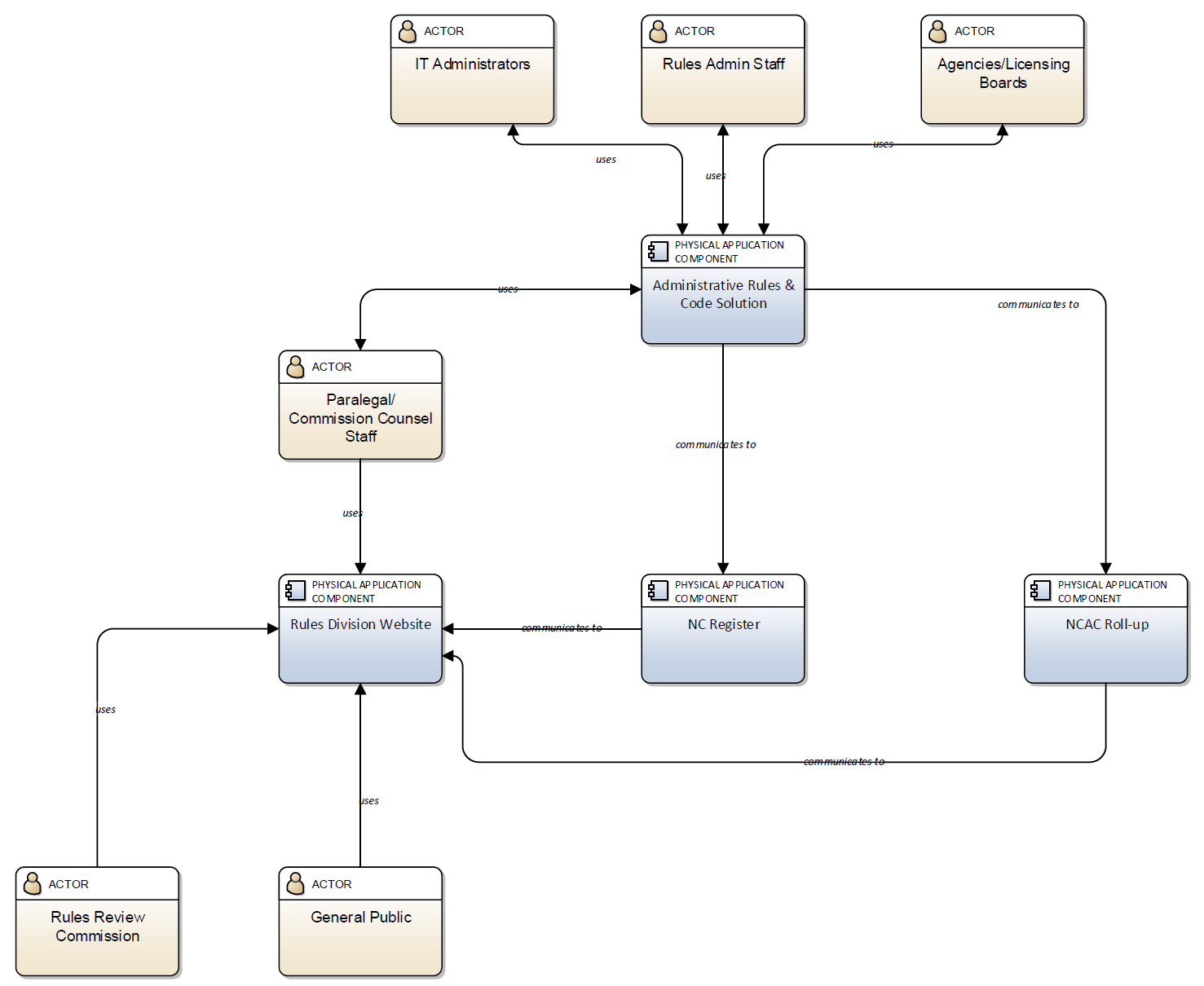
1. Describe how the proposed solution allows a Rules Admin Staff Member/Publication Staff to attach a unique identifier comprised of a citation number and a date for every document, to be able to organize documents associated with a filing.
2. Describe how the proposed solution allows a Rules Admin Staff Member/Publication Staff to upload/save documents in a variety of formats (e.g., Word, PDF, zip, etc.), to be able to ensure documents can be stored appropriately.
3. Describe how the proposed solution allows a Rules Admin Staff Member/Publication Staff to transform paper files into digital records, to be able to save time in retrieval and share documents more efficiently.
4. Describe how the proposed solution allows a Rules Admin Staff Member/Publication Staff to scan a hard copy document (multi page and double-sided documents), to be able to attach a "soft" copy of the document to a filing.

# 5.0 PRICING SCHEDULE REQUIREMENTS

**Please note this is a request for information only, and not a request for services**.  The OAH is planning to use responses to establish the budget for any anticipated RFP.

1. Provide an estimated pricing schedule for the solution to include storage, installation, training, implementation, maintenance, hosting, support, etc. for Year 1-3 and subsequent years. Include any pricing models, licensing, subscription and modular breakdown of cost or options. Include any discount related to Federal/State government price leveraging.
2. Describe the training, customer support, and maintenance assistance provided with this solution.
3. Provide an estimated implementation time frame for the solution.
4. Describe the security capabilities of the solution to prevent unauthorized access to information. What type of 3rd party attestation certifications are performed for the solution application and the application provider?
5. Describe the solution’s features to develop a consolidated solution allowing efficient rules tracking.
6. Describe the solution’s ability to allow multiple systems, products, or components exchange and use information effectively.
7. Describe the solution’s reliability under normal operation. Include the solution’s ability to be operational and accessible when required.
8. Describe the solution’s ability to function as intended despite hardware or software faults. Can the system recover data and re-establish the desired state after an interruption or failure?
9. Describe the method by which historical data can be converted for use in the solution.
10. Describe the solution’s ability to be used by people with a wide range of characteristics and capabilities.
11. Provide background information about your company and the solution, including: a listing of institutions currently using your product and whether we may contact them; How long you have been in business?
12. Describe any functionality or features your product provides that was not listed in this document.

**Appendix A – Context Diagram**



**Appendix B – Context Diagram Description Table**

| # | System | Relationship | Actor | Description |
| --- | --- | --- | --- | --- |
| 1 | Administrative Rules & Code Solution | to/from | Agencies/Licensing Boards | Documents (forms 0300, 0700, and 0600) are entered and submitted by e-filers. Additional supporting files that are uploaded are checked for document type (must be word or pdf), the file size (must be less than 25MB) and the associated data (required fields are complete, dates on comment periods & public hearing, etc). The submission is either accepted or the e-filer receives an error message.    Once an Agency has adopted a proposed rule, they submit a new form (400, 500 or 600) to OAH to advance the rule filing to the review/approval process with the Rules Review Commission.  Rules Admin Staff generate acceptance or rejection notifications that are sent to e-filers via the system.  Agencies will provide responses to Rules Review Commission staff attorneys by uploading word or pdf document of written responses.  Agencies will submit spreadsheets containing rule classifications for the periodic review of existing rules process on a decennial basis. |
| 2 | Administrative Rules & Code Solution | to/from | Rules Admin Staff | Rules Admin Staff create and maintain e-filer database with the contact information of those who are able to file.  A Rules Admin Staff member either reviews the pending document and accepts it, modifies the associated data and accepts it, or rejects the document with a reject reason.    Rules Admin Staff generate the Register from filings. (Currently completed in Word)  Rules Admin Staff review and accept final rules to be published to the NCAC.  Rules Admin Staff generate reports from the system and track rules as they move through the rulemaking process. |
| 3 | Administrative Rules & Code Solution | to/from | IT Administrators | IT Administrators manage system access. As the first level of tech support for users, users contact IT and IT reports issues requiring a higher level of support to developers/vendor. |
| 4 | Administrative Rules & Code Solution | to/from | Paralegal/Commission Counsel Staff | The Rules Review Commission paralegal and attorneys review filings for the Rules Review Commission. Rules Review Commission attorneys upload Word documents to system showing legal opinion after reviewing rules.  The Paralegal pulls filings from the system and uploads them to the Rules Review Commission agenda site. |
| **5** | Administrative Rules & Code Solution | to | NC Register | Rules Admin Staff generate the NC Register from the system using a template.  The NC Register is posted to the website twice a month by Rules Admin Staff. |
| 6 | Administrative Rules & Code Solution | to | NCAC Roll-up | Rules Admin Staff generate updates to the NCAC rollup. The existing NCAC rollup and website update process will be replaced by system. |
| **7** | NCAC Roll-up | to | Rules Division Website | Final versions of rules display online as the official North Carolina Administrative Code. The existing process of posting online will be replaced by the system. |
| **8** | NC Register | to | Rules Division Website | Once the proposed version of a rule has been accepted, notice is published in the NC Register (form 300) or on the OAH website (form 700) in pdf format by Rules Admin Staff to solicit public comment and feedback. |
| **9** | Rules Division Website | from | Paralegal/Commission Counsel Staff | The paralegal uploads filings, staff attorney documents, and agency responses to the Rules Review Commission agenda on the website. |
| **10** | Rules Division Website | to | Rules Review Commission | The Rules Review Commission Commissioners access materials via the website only. They do not log in to the system. |
| **11** | Rules Division Website | to | General Public | The General Public accesses the NC Register, NCAC, and the Rules Review Commission agenda via the website. They do not log in to the system. |

**Appendix C – List of User Roles and System Integrations**

|  |  |  |
| --- | --- | --- |
| **Actor** | **# of Users** | **Actor Description** |
| **People Actors** | | |
| Rules Admin Staff Member/Publication Staff | 3-4 | OAH Staff who create and maintain e-filer database information, enter rule filings on behalf of Agencies and process pending documents.  Can include the Codifier of Rules. |
| Codifier of Rules | 1 | The person appointed by the Chief Administrative Law Judge of the Office of Administrative Hearings pursuant to G.S. 7A-760(b). |
| Paralegal/Commission Counsel Staff | 5 (4 attorneys & 1 paralegal) | Commission Staff who access/review documents filed in system, upload documents to system. |
| IT administrator | 2 | OAH Staff who contact developers and report issues with the program; manage system access; first level of tech support for users. |
| General Public | All citizens/mostly attorneys in NC | External users who access final versions of the Code online.     There were 891 clicks on the link to the Code from the OAH website in a month, so that’s around 10,500 per year. However, most users go directly to the Code site and do not link through the OAH site, so the number is really much higher. |
| Agency Filer | <200 | Designated agency and licensing board rule making coordinators to submit agency administrative rule changes through e-filing. |
| Agency Staff Member | varies with filings | Subject matter experts within the agencies that assist with information for filings. |
| RRC Commissioner | 10 commissioners not working directly in the system | Members of the Rules Review Commission that review rules (second level); established in statute (150B part 2 & 150B part 3; 150B part 4). |
| **System Integrations** | | |
| NC Register |  | Accepted rules have a notice published in the NC Register (Form 300) to solicit public comment and feedback; permanent rules. The solution will need to allow publishing to website directly or provide a file. |
| Rules Division Website |  | Accepted rules have a notice published on the OAH Website (Form 700) to solicit public comment and feedback; temporary rules (defined in statute). The solution will need to allow publishing to website directly or provide a file. |
| NCAC Roll-up |  | Folder that holds the Code that gets displayed on the website. The solution will need to allow publishing to website directly or provide a file. This can be eliminated if solution allows publishing to websites directly. |

**Appendix D – Glossary**

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| **Term** | **Description** |
| **North Carolina Administrative Code (Code)** | The Codifier of Rules must compile all rules into a Code known as the North Carolina Administrative Code. The format and indexing of the Code must conform as nearly as practical to the format and indexing of the North Carolina General Statutes. The Codifier must publish printed copies of the Code and may publish the Code in other forms. The Codifier may authorize and license the private indexing, marketing, sales, reproduction, and distribution of the Code. The Codifier must keep superseded rules.[[5]](#endnote-5) |
| **North Carolina Register (NCR)** | The North Carolina Register is published twice monthly and contains information relating to agency rulemaking, executive orders, contested case decisions, and other notices required by or affecting Chapter 150B of the General Statutes. All proposed administrative rules and notices of public hearings filed under G.S. 150B-21.2 are published in the Register.  Each Volume, beginning with Volume 12, covers one State fiscal year. The State fiscal year is not a traditional calendar year and runs from July 1 to June 30 of the following year. The PDF format is searchable.  Archived volumes 1 to 14 of the NC Register have been digitized by the Kathrine R. Everett Law Library, University of North Carolina at Chapel Hill. These volumes have been provided to OAH courtesy of the Kathrine R. Everett Law Library, UNC and the State Library of North Carolina.[[6]](#endnote-6) |
| **Objection letter** | Any letter or other written correspondence from the public pursuant to G.S. 150B-21.3(b2) objecting to a rule and requesting review of the rule by the General Assembly filed with the Rules Review Commission while the rule is under review by the Rules Review Commission or by 5:00pm the day after its approval by the RRC. [26 NCAC 05 .0101(2)][[7]](#endnote-7) |
| **Office of Administrative Hearings (OAH)** | The Office of Administrative Hearings (OAH) is an independent quasi-judicial agency that was established to provide a source of independent Administrative Law Judges (ALJ) to preside in administrative law contested cases. It was created to ensure that the functions of rulemaking, investigation, advocacy and adjudication are not combined in the administrative process. As a consequence of this policy, North Carolina operates under what is referred to as the "central panel" system of administrative adjudication. This simply means that the thirteen Administrative Law Judges, who are employed by OAH, operate under the central panel system rather than at the purview of the agency. North Carolina became the thirteenth jurisdiction to adopt a central panel system (1985).  Besides administrative hearings, there are two other major functions of OAH. The first deals with the procedure which governs rulemaking in North Carolina. Article 2A of the Administrative Procedure Act (Chapter 150B) provides for a uniform procedure for the adoption of rules, both permanent and temporary, and authorizes OAH to publish the North Carolina Register (Register) and the North Carolina Administrative Code (Code). Except for minor exemptions found in G.S. 150B-1(d), all State agencies are required to follow this uniform procedure for conducting public rulemaking hearings, for adopting proposed rules and for filing the adopted rules for codification. The public is notified of agency rulemaking hearings through a notice published in the North Carolina Register. This notice provides a means for interested parties to be present and debate the merits of a proposed rule before adoption by the agency. After the formal adoption, review by the Rules Review Commission and Joint Legislative Administrative Procedure Oversight Committee (unless a bill is enacted by the General Assembly specifically disapproving a proposed rule), the rule is then filed for codification in the North Carolina Administrative Code. All of the rules adopted by State agencies are published in the Administrative Code. Both the Register and the Code are available to subscribers.  The other major function of OAH is found under the provisions of Chapter 7A of the North Carolina General Statutes where in the Office of Administrative Hearings is designated as a 706 deferral agency of the Equal Employment Opportunity Commission. Pursuant to Chapter 7A, the Civil Rights Division of OAH is charged with the investigation of alleged acts of unlawful employment practice for all charges filed by State and local government employees covered under the State Personnel Act, Chapter 126 of the General Statutes. The Director of this Division is also assigned the duty to confer, conciliate or resolve the civil rights charges filed with OAH. In the event that these informal procedures do not produce a settlement for meritorious charges, OAH's Administrative Law Judges are empowered to grant full relief through a contested case hearing process. [[8]](#endnote-8) |
| **Rule** | Any agency regulation, standard, or statement of general applicability that implements or interprets an enactment of the General Assembly or Congress or a regulation adopted by a federal agency or that describes the procedure or practice requirements of an agency. The term includes the establishment of a fee and the amendment or repeal of a prior rule. [[9]](#endnote-9) |
| **Rule Types:**   * **Emergency Rules** * **Permanent Rules** * **Temporary Rules** | Under emergency conditions, agencies may adopt emergency rules pursuant to G.S. 150B-21.1A. Within 48 hours of submission to OAH, the Codifier of Rules must review the agency′s written statement of findings of need for the emergency rule. If the Codifier determines that the findings meet the criteria in G.S. 150B-21.1A, the rule is entered into the NCAC on the 6th business day following approval. If the Codifier determines that the findings do not meet the criteria, the rule is returned to the agency. The agency may supplement its findings and resubmit the emergency rule for an additional review, or the agency may decide that it will remain with its initial position. The Codifier, thereafter, will enter the rule into the NCAC on the 6th business day following notification from the agency. An agency adopting an emergency rule must begin rulemaking procedures on a temporary rule at the same time the emergency rule is filed with Codifier. The emergency rule expires on the earliest of the following dates: the date specified in the rule; the effective date of the temporary rule adopted to replace the emergency rule, if the Commission approves the temporary rule; the date the Commission returns to an agency a temporary rule the agency adopted to replace the emergency rule; or 60 days from the date the emergency rule was published in the North Carolina Register, unless the temporary rule adopted to replace the emergency rule has been submitted to the Commission.[[10]](#endnote-10)  An agency intending to adopt, amend, or repeal a rule must publish a notice of text in the North Carolina Register. The notice must include the text of the proposed rule, a short explanation of the reason for the proposed rule, a citation to the law that gives the agency the authority to adopt the rule, the proposed effective date of the rule, the date, time, and place of any public hearing schedule on the rule or instructions on how a person may demand a public hearing on a proposed rule if the notice does not schedule a public hearing on the proposed rule, the period of time during which and the person to whom written comments may be submitted on the proposed rule, if a fiscal note has been prepared for the rule, a statement that a copy of the fiscal note can be obtained from the agency, and the procedure by which a person can object to a proposed rule and the requirements for subjecting a proposed rule to the legislative review process.[[11]](#endnote-11)  Under certain conditions, an agency may adopt a temporary rule pursuant to G.S. 150B-21.1 when it finds that adherence to the normal notice and hearing requirements would be contrary to the public interest and that the immediate adoption of the rule is necessary or required.[[12]](#endnote-12) |
| **Rules Review Commission (RRC)** | The Rules Review Commission (RRC) is the executive agency created by the General Assembly in 1986 and is charged with reviewing and approving rules adopted by state agencies. The statutory authority for the RRC is G.S. 143B-30.1 and following.  The RRC consists of ten commissioners appointed by the General Assembly, five on the recommendation of the President Pro Tempore and five on the recommendation of the Speaker of the House. As set out in G.S. 143B-30.1(c) the Commission meets at least once a month and must have six members for a quorum.  The Commission's review procedures are set by the General Assembly and are codified in the Administrative Procedure Act, G.S. Chapter 150B. G.S. 150B-21.9 requires the Commission to determine whether rules are (1) within the authority delegated to the agency by the General Assembly, (2) clear and unambiguous, (3) reasonably necessary, and (4) adopted in compliance with the APA. Additionally, the Commission has its own rules in 26 NCAC Chapter 05.[[13]](#endnote-13) |

1. https://www.ncleg.net/enactedlegislation/statutes/html/bychapter/chapter\_132.html [↑](#endnote-ref-1)
2. https://www.oah.nc.gov/rules-division [↑](#endnote-ref-2)
3. https://www.ncleg.net/enactedlegislation/statutes/html/bychapter/chapter\_150b.html [↑](#endnote-ref-3)
4. https://www.ncleg.net/enactedlegislation/statutes/html/bychapter/chapter\_143b.html [↑](#endnote-ref-4)
5. https://www.ncleg.net/enactedlegislation/statutes/html/bychapter/chapter\_150b.html [↑](#endnote-ref-5)
6. **https://www.oah.nc.gov/rules-division/north-carolina-register** [↑](#endnote-ref-6)
7. https://www.oah.nc.gov/documents/rules/glossary-terms-used-rulemaking/open [↑](#endnote-ref-7)
8. https://www.oah.nc.gov/about/welcome-oah [↑](#endnote-ref-8)
9. https://www.oah.nc.gov/documents/rules/glossary-terms-used-rulemaking/open [↑](#endnote-ref-9)
10. https://www.oah.nc.gov/rules-division/participating-rulemaking-process/emergency-rules [↑](#endnote-ref-10)
11. https://www.oah.nc.gov/rules-division/participating-rulemaking-process/adoption-permanent-rules [↑](#endnote-ref-11)
12. https://www.oah.nc.gov/rules-division/participating-rulemaking-process/temporary-rules [↑](#endnote-ref-12)
13. https://www.oah.nc.gov/rules-division/rules-review-commission/about-rules-review-commission [↑](#endnote-ref-13)