

**Fwd: 3rd IPERS Waiver request**

1 message

Meyer, Allen <allen.meyer@iowa.gov>
 To: DAS Waiver Variance Response <daswaivervarianceresponse@iowa.gov>
 Cc: Tami Wienczek <tami.wienczek@iowa.gov>

Mon, Mar 1, 2021 at 9:47 AM

Tami,

The attached waiver request was originally denied, because they requested a permanent waiver. It is already posted to the site as denied. It was approved for the alternate option of a 10 year extension of the existing waiver. It is coming up on 60 days since Paul Trombino approved it. Sorry I did not get it to you sooner.

Respectfully,

Al Meyer

**Allen L. Meyer, Chief Procurement Officer**

Iowa Department of Administrative Services
 Division of Financial Management
 Office: 515-725-2272 | Mobile: 515-829-9301

allen.meyer@iowa.gov<https://das.iowa.gov>

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Attachments area

----- Forwarded message -----

From: **Trombino, Paul** <Paul.Trombino@governor.iowa.gov>
 Date: Wed, Jan 6, 2021 at 8:12 AM
 Subject: Re: 3rd IPERS Waiver request
 To: Meyer, Allen <allen.meyer@iowa.gov>
 Cc: Nathan Reckman <nathan.reckman@iowa.gov>, Heuton, Dave [DAS] <Dave.Heuton@iowa.gov>

Al,

I concur/approve of the 10-yr extension. Thank you.

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From: **Meyer, Allen** <allen.meyer@iowa.gov>
 Date: Tue, Oct 27, 2020 at 10:30 AM
 Subject: Fwd: 3rd IPERS Waiver request
 To: Paul Trombino <paul.trombino@iowa.gov>
 Cc: Dave Heuton <dave.heuton@iowa.gov>, Nathan Reckman <nathan.reckman@iowa.gov>

Paul,

I am resubmitting the third waiver request from IPERS. The request was seeking a permanent waiver from 11 IAC 118.11(1) and 11 IAC 118.11(3) for its investment management service contracts and agreements only. In the alternative, IPERS requested a waiver of said rules for an additional ten years.

Here are the rules they are requesting to have waived.

11—118.11(8A) Duration of service contracts.

118.11(1) Each service contract signed by a state agency shall have a specific starting and ending date.

118.11(2) State agencies shall not sign self-renewing service contracts that do not have a specific ending date.

118.11(3) A service contract should be competitively selected on a regular basis so that a state agency obtains the best value for the funds spent; avoids inefficiencies, waste or duplication; and may take advantage of new innovations, ideas and technology. A service contract, including all optional renewals, shall not exceed a term of six years; however, information technology service contracts entered into by the department or office of chief information officer may have a term length not to exceed ten years. Service contracts shall not exceed the term lengths set forth herein unless the state agency obtains a waiver of this provision pursuant to rule 11—118.16(8A).

[ARC 0952C, IAB 8/21/13, effective 9/25/13; ARC 2036C, IAB 6/10/15, effective 7/15/15; ARC 4182C, IAB 12/19/18, effective 1/23/19]

With respect to their first choice, i.e. permanent waiver, we do not believe there is authority to permanently waive a rule. They do present a compelling argument as to the benefit of allowing the contracts to be awarded for a longer period than six years. The basis is similar to the logic applied in allowing IT service contracts to go out to ten years or more. Since IPERS already provided an alternative request for a ten-year extension of their existing waiver, we recommend approving the request for a ten-year extension of the existing waiver.

Reply to all on this request if you approve of extending the current waiver for an additional 10 years.

Also, have you had an opportunity to consider the second waiver request response I sent you last week?

Respectfully,

Al Meyer



Allen L. Meyer

Chief Procurement Officer

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Attachments area

 **Correspondence to DAS for waiver 3.pdf**
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