



STATE OF IOWA

KIM REYNOLDS, GOVERNOR
ADAM GREGG, LT. GOVERNOR

DEPARTMENT OF CORRECTIONS
BETH A. SKINNER, PhD, DIRECTOR

November 16, 2021

Adam Steen
Director - Department of Administrative Services
1305 E Walnut St
Des Moines, IA 50319

Approved on the basis of the justification provided below.


Adam Steen

REQUEST FOR "WAIVER OR VARIANCE"

Pursuant to 11 IAC 118.16, the Department of Corrections requests a waiver to 11 IAC 118.11 (3), with respect to the 6- year limitation, including all optional renewals, on the duration of a service contract related to the release cards for the Department of Corrections, contracted by Department of Administrative Services Central Procurement.

11 IAC 118.11 (3) specifically provides:


"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 unless the state agency obtains a waiver of this provision pursuant to rule 11-118.16(BA)."

The six-year duration limitation established by 11 IAC 118.11 (3) was intended to reinforce the competitive bidding requirements established in chapter 11 by requiring agencies to renew contracts on a somewhat regular basis, including engaging in competitive selection processes that test the marketplace. The rules further authorize the DAS Director to waive the requirements of this rule for good cause. Rule 11 IAC 118.16(3) specifically recognizes that the six-year limitation may not be appropriate in all circumstances and provides an example of good cause when "showing that a requirement or provision of a rule should be waived because the requirement or provision would likely result in an unintended, undesirable, or adverse consequence or outcome."

Central Procurement is in the process of issuing a solicitation to replace the current contract but it will not be completed by the expiration date. The service is critical upon incarcerated individuals release.

1. *Request.* A waiver of the "six year term limitation on service contracts" for the purpose of allowing Central Procurement to negotiate a 3 month extension of the current contract, to allow time for a solicitation and negotiation of acceptable terms and conditions.
 - a. *Justification.* The current contract was originally sourced through a formal competitive RFP process. DAS Central Procurement is in the process of completing a competitive solicitation for the new contract.
 - b. *Benefit.* The renewal extension will allow continuity of a critical service until a competitive solicitation may be completed.

Thank you in advance for your consideration of this request. Please do not hesitate to contact me if you need any additional information.


Steve Dick – Financial Manager, Iowa Department of Corrections

11/16/2021
Date

The mission of the Iowa Department of Corrections is:
Creating Opportunities for Safer Communities

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