



## STATE OF IOWA

TERRY E. BRANSTAD, GOVERNOR  
KIM REYNOLDS, LT. GOVERNOR

DEPARTMENT OF CORRECTIONS  
JERRY W. BARTRUFF, DIRECTOR

September 14, 2016

Director Phipps:

Pursuant to Iowa Administrative Code rule 11—118.16(2), the Iowa Department of Corrections (IDOC), hereby requests a waiver from the requirements of Iowa Administrative Code rule 11—118.11(3) regarding the maximum duration of service contracts with respect to our Software License, Customization and Maintenance agreement between the Iowa Department of Corrections and the Contractor, Advanced Technologies Group, LLC. This agreement is dated September 23, 2010.

For the reasons discussed below, IDOC submits that good cause exists for waiving the six-year requirement in the rule.

Background: The State of Iowa Department of Corrections Iowa Corrections Offender Network (ICON) utilizes the Advanced Technologies Group, LLC (ATG) product suite. Today, ICON incorporates all major aspects of corrections management for institutions statewide and for the eight district departments of correctional services including case management, electronic health records, pharmacy, banking, commissary operations, food service management, critical incident reporting, an investigative system, an intelligence system, and secure offender e-mail.

The agreement for which the waivers are requested were entered into after ICON was procured from ATG. In 1998 the Department of Corrections, in consultation with the State Auditor's Office and the Attorney General's Office, utilized the State of Iowa Department of Administrative Services' (DAS), named General Services at that time, list of technology providers approved for contracting with State of Iowa agencies. After extensive interviews and review of multiple technology platforms and solutions, Advanced Technologies Group (ATG) was selected. Over the years ATG has emerged a leader in correctional information systems; the Federal Bureau of Prisons utilizes ATG's services, and the State of Iowa currently benefits from the GSA blended rate. Our current contract expires on September 23, 2016.

Request for Waiver: With respect to the services currently provided by ATG under the Software License, Customization and Maintenance agreement, IDOC intends to review the feasibility of issuing a Request for Proposal (RFP) to replace ICON, which shall include assessment of the operational and economic impact of replacement. Depending on the outcome of this feasibility assessment, IDOC will examine whether to utilize a competitive selection process that is fair,

The mission of the Iowa Department of Corrections is:  
**To advance successful offender reentry to protect the public, staff and offenders from victimization.**

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open, and objective to contract for those services or whether sole source procurement may be justified under Iowa Administrative Code rule 11-118.7.

When considering the feasibility of issuing an RFP, we must consider the advice of our attorney general that we are legally obligated to keep prisoner time computation functions that determine statutorily mandated prison discharge dates accurate, and therefore we would need to potentially maintain time computation functions with ATG in order to safeguard the integrity of our time computation system. Our attorney general stresses that prison time computation is a vital function. Other states including Nebraska and Washington State have faced tremendous legal costs and loss of the public trust by releasing prisoners early by mistake due to programming errors that were miscalculating sentences. The State of Iowa has seven different time computation methods; thirty-three time computation events; and twenty-four time computation adjustments that must be accurate.

Therefore, in order to perform these activities while ensuring services continue to be provided during this process, IDOC seeks this waiver and in the event this request is granted, IDOC will negotiate an extension of the agreements set forth above through state fiscal year 2019.

Good Cause:

1. ICON is foundational to IDOC's ability manage the correctional system and conduct routine operations. Approval of this waiver request will ensure operations continue in good standing such that the IDOC can continue to retain maintenance and support services including technical problem resolution from ATG in the event of a system problem. Without vendor support, a system problem could result in failure to process prison admissions and releases, medical records, pharmacy prescriptions, prisoner time computations that determine statutorily mandated prison discharge dates, and other critical functions that if left unmet opens the state to legal liability and jeopardizes the public safety.
2. Approval of this waiver request will allow IDOC the opportunity to extend the agreement through state fiscal year 2019, which will provide IDOC the necessary time to review the feasibility replacing ICON to make informed long-term decisions on obtaining these services.
3. This waiver request meets the requirements of Iowa Code section 17A.9A(2) because:
  - a. Strict application of the rule will prevent IDOC from extending the current ATG agreement which would result in IDOC having no vendor to provide these services after September 23, 2016 and which could result in critical failures in the systems which process prison admissions and releases, medical records, pharmacy prescriptions, time computations that determine statutorily mandated prison discharge dates, and other critical functions;
  - b. Approval of this waiver would not prejudice the substantial legal rights of any person;

- c. The term-limit provision of rule 11-118.11(3) is not prescribed by statute or another provision of law; and
- d. Waiver of the rule will provide substantially equal protections of the public health, safety and welfare as it will ensure proper vendor support to systems which, in part, ensure all basic life care and legal obligations of the IDOC are met.

Respectfully submitted by:

  
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Jerry W. Bartruff, Director

Waiver Approval:    **Until 9/23/2018**

s/Janet E. Phipps/  
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DAS Director, Janet E. Phipps

09/20/2016  
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Date