



STATE OF IOWA

KIM REYNOLDS, GOVERNOR
ADAM GREGG, LT. GOVERNOR

DEPT. OF CORRECTIONS
JERRY W. BARTRUFF, DIRECTOR

December 27, 2018

Director Phipps:

Pursuant to Iowa Administrative Code rule 110-11B.16(2), the Iowa Department of Corrections (IDOC), requests a waiver extension from the requirements of Iowa Administrative Code rule 11-11B.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. IDOC was issued a 2-year waiver approval by Department of Administrative Services to end on 9/23/2018 and then granted an extension of the waiver until 12/31/2018. We are requesting the waiver to be extended to 6/30/2019.

IDOC submits that good cause to DAS to approve the current waiver be extended.

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 waiver is requested, was 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 expired on September 23, 2016 and the current waiver expires on December 31, 2018.

Request for Waiver extension:

In the last 2-years, IDOC conducted a feasibility assessment and reviewed all ICON functionality to identify key elements of the system that are considered critical vs. non-critical. The findings were used to have further discussion with DAS and the Attorney General's office in determining

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next steps and if an RFP would be issued for all or part of the systems functionality. While this was occurring, Michigan's Department of Corrections (MDOC) had issued an RFP for a complete Offender Management (OMS) system. ATG was subsequently awarded the contract for \$37,594,987.50 and a 10-year implementation plan. MDOC purchased the majority of system modules used by IDOC, except Commissary and Intelligence. In the final contract terms of the MDOC/ATG agreement, extended purchasing language is included. "This contract is extended to MiDeal members and other states (including governmental subdivisions). A current list of MiDeal members is available at www.michigan.gov/mideal. MiDeal members and other states (including governmental subdivisions) may enter into separately negotiated contracts with Contractor, and the State will have no liability to either party."

With respect to the services currently provided by ATG under the Software License, Customization and Maintenance agreement, IDOC contacted the Attorney General's office to review the MDOC/ATG contract to decide if IDOC can implement a participating addendum to the MDOC/ATG contract. The Attorney General's office reviewed the contract and subsequently requested that IDOC contact OCIO for approval of and negotiation of usage of the MDOC/ATG contract, as this is considered a major IT contract and OCIO has statutory authority that allows them to negotiate such contracts per Iowa Code 8B.24(5)(a). IDOC contacted OCIO and are awaiting a response from them in reference to how to move forward in the use of the MDOC/ATG contract by IDOC.

Good Cause to extend the waiver:

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 continue to work with the AG's office and OCIO in MDOC's OMS contract review and potentially a participating agreement with the MDOC.
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 December 31, 2018 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 11-18.1(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:


DOC Deputy Director, Daniel Craig

Waiver Approval :

/s/ Janet E. Phipps

DAS Director, Janet E. Phipps

12/27/2018

Date

