

KIM REYNOLDS

GOVERNOR

ADAM GREGG

LT. GOVERNOR

LARRY JOHNSON, JR., DIRECTOR

Originally submitted: March 12, 2019

Resubmitted: April 17, 2019

Waiver approved

/s/ Janet E. Phipps

04/18/2019

Ms. Janet Phipps, Director
Iowa Department of Administrative Services
Hoover State Office Building
Des Moines, IA 50319

RE: REQUEST FOR A WAIVER TO IAC 118.11(3)

Dear Ms. Phipps,

The Iowa Department of Inspections and Appeals (DIA) is requesting your approval for an administrative rules waiver.

ADMINISTRATIVE RULE TO BE WAIVED: IAC11-118.16(3)

STATEMENT OF THE RULE: **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, service contracts entered into by the 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).

Contract needing this rule waiver: Maintenance, support, and hosting for USA Food Safety licensing and inspection software with Computer Aid, Inc.

Term of initial contract: March 15, 2013 to September 30, 2014

Current Contract Extension: February 1, 2018 to June 30, 2019

Reasons:

The no fee, perpetual, non-exclusive, non-transferable usage license agreement between DIA and the National Agribusiness Technology Center (NATC) for the USA Food Safety software specifies that DIA must use a certified software solution provider for maintenance services. Currently, Computer Aid, Inc. is the only "certified vendor" for the software. DIA uses this software to license and inspect food establishments, food processing plants, home bakeries and hotels, as well as to license amusement devices and social and charitable gambling operations. Iowa has invested a significant amount of US Food and Drug Administration (FDA) grant dollars to enhance this software. These enhancements are tied to food emergency response and regulatory program standards.

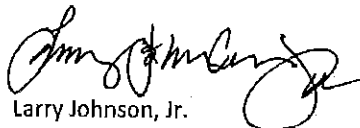
The software is essential to maintaining FDA grant funding for these essential program areas. In addition, 13 Iowa local health departments utilize this software to license and inspect food establishments, home bakeries and

hotels under a delegation agreement with DIA. Part of the delegation agreements with local health departments include requirements that the local health departments meet and maintain regulatory program standards. The software provides a framework for the local contracting health departments to meet and maintain these standards. This software is currently used by 14 state food regulatory agencies who each benefit from a community-based approach.

The FDA has recognized the importance of this software and is making an investment in the software. The FDA is currently working through a cooperative agreement with the Association of Food and Drug Officials (AFDO) to certify a new vendor using competitive bid process. Until that process is complete, Computer Aid, Inc. is still the only certified vendor. Furthermore, DIA has entered into an MOU with FDA regarding the National Food Safety Data Exchange (NSFDX). The NSFDX is a data sharing collaboration effort between several states and the FDA. The MOU is tied to the use of the USA Food Safety software. NSFDX development and software enhancements are not fully complete at this time.

We respectfully request a 12-month waiver from IAC11-118.16(3) to allow additional time for AFDO to certify a new vendor for USA Food Safety. Once that process is complete, DIA will take the appropriate action to pursue a contract with a new vendor.

Respectfully,

A handwritten signature in black ink, appearing to read "Larry Johnson, Jr.", with a stylized flourish at the end.

Larry Johnson, Jr.
Director

Department of Inspections and Appeals