



June 18, 2019

Paul Tromblino
Interim Director – Department of Administrative Services
1007 E. Grand Avenue
Des Moines, IA 50319

REQUESTS FOR "WAIVER OR VARIANCE"

Pursuant to 11 IAC 118.16, the Department of Corrections (DOC) and the Iowa Communications Network (ICN) 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 operations, including maintenance, of the offender calling system, contracted by the DOC and administered by the ICN on behalf of the DOC.

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(8A)."

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." (emphasis added)

Pursuant to 11 IAC 118.11(3), the DOC and the ICN request approval of the following:

1. **Request.** A waiver of the "six year term limitation on service contracts" for the purpose of allowing the DOC to enter into an additional one (1) year renewal, totaling seven (7) years for the offender calling system agreement administered by the ICN.
 - a. **Justification.** The current contract was originally sourced through a formal competitive RFP process. DOC has also completed an RFI process for the purpose of determining the feasibility of pursuing new products and services associated with offender calling in a new RFP.
 - b. **Benefits.**
 - i. The renewal extension will allow DOC time to complete review of the RFI responses and determine what new products or services identified may be reasonable to include in a new RFP, which may provide additional and or revised services for the benefit of the system users.

Philip Groner, Executive Director

Grimes State Office Building, 400 E. 14th Street, Des Moines, IA 50319 Phone: 515-725-4692 Fax: 515-725-4727 www.icn.iowa.gov

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Iowa Communications Network
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Governor Kim Reynolds Lt. Governor Adam Gregg

ii. The renewal will enable the DOC and ICN to preserve critical services of offender call monitoring and recording and the related security capabilities of the system while determining the most beneficial future solution.

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

Sincerely,

Deb Evans

Deb Evans - CFO, Acting ICN Director

6/18/19

Date

Steve Dick

6/20/19

Steve Dick - DOC, Financial Manager

Date

- 1) At this time the Executive Director is out of the office on extended medical leave. During the medical leave, the CFO was made Acting Director.
- 2) DOC signature included due to ICN administering the Agreement on behalf of DOC.

Approved for the reasons provided in this request, and for no other reasons.

James M. Kurtenbach

James M. Kurtenbach, Director, DAS

16 July 2019

Date

Philip Groner, Executive Director

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