

**SOLE SOURCE FORM****1. Has this item(s) already been purchased?**☐

Yes

☒

No

**2. Has the vendor ever been an employee of the State of Iowa?**☐

Yes

☒

No

**3. What is the item, and what function does it serve?**

This request is pursuant to federal grant funding which has been awarded resulting from an application submitted in partnership by the Office of Drug Control Policy (grant administrator), the Office of the State Public Defender's Wrongful Conviction Division, the Department of Public Safety and its Division of Criminal Investigation, and the Midwest Innocence Project. Consistent with the grant application and approval, the specific request is to contract with the Midwest Innocence Project so they can access the grant funding which has been awarded so they can provide staff time to conduct case review and screening in cases involving Hair Microscopy. The MIP staff time will focus on Iowa cases for the 24-month/grant period, in order to provide essential assistance to the Wrongful Conviction Division (WCD) through MIP's long-term postconviction litigation experience and forensic review expertise, which specializes in Hair Microscopy. Specific deliverables will include assisting in the coordination of the case review, assisting in case review itself, document and record tracking, expert witness examination and vetting, litigation consultations, litigation assistance, as well as investigative support.

**4. Explain why the recommended vendor is the only one qualified to provide the requested item(s) at the exclusion of all others, i.e. what makes this vendor uniquely qualified?**

This particular vendor is uniquely qualified for a number of reasons. First and foremost, the Midwest Innocence Project has unique experience structuring a detailed hair microscopy review program. In fact, it is the only innocence project that has done so without a legislative mandate, and has served as the model for other states to conduct a similar review program. It is conducting a review in its other various states of jurisdiction (Missouri, Nebraska, Kansas, Arkansas, and Iowa). The particular staff person who would be assigned the Iowa work pursuant to the grant funding is Summer Farrar, who is a former case coordinator for the Kansas City Police Crime Lab, and therefore has unique experience and expertise relevant to carrying out this case review and investigation. The Midwest Innocence Project's focus more generally is post-conviction litigation in cases involving actual innocence. The Midwest Innocence Project has a Memorandum of Understanding with the Innocence Project of Iowa, which effectively provides for their joint operation. Consequently, all cases in Iowa are run through the Midwest Innocence Project, other than the SPD's Wrongful Conviction Division.

**5. Describe the research that has been completed to insure that no other competition exists. Provide names of vendors contacted who are unable to provide the item(s) or perform the service.**

Innocence Projects are generally known as the organizations throughout the nation which provide the particularized service of providing assisting and representing applicants for post-conviction relief who are alleging that they are actually innocent. Members of the Innocence Network, the association of Innocence Projects, are spread geographically throughout the country. As part of the Innocence Network's policies, projects which operate in the same state must have a memorandum of understanding outlining how they will each operate. In Iowa, the Midwest Innocence Project and the Innocence Project of Iowa have essentially decided to operate as one joint project. Therefore, the Midwest Innocence Project is effectively the only innocence organization (other than the SPD's Wrongful Conviction Division) which is operating in Iowa.

**6. Have you requested a contract with the vendor at any time during the past twelve months?**☐

Yes

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No

**7. How did you determine that the vendor's price was reasonable?**

The federal grant award from the U.S. Dept. of Justice provided for \$58,202 per year (plus travel expenses such as mileage, hotel, and per diem at federal rates) to obtain these services from the Midwest Innocence Project over the two-year grant period. The service and functions provided would perhaps be most similar to public defender investigators. The amount being paid for the service would be consistent with the salary paid to a high-end Investigator I or a mid-range Investigator II. The amount appears particularly reasonable in light of the specialized knowledge and processes provided by this particular entity, the Midwest Innocence Project.

## SOLE SOURCE FORM

**8. Which of the following best describes this sole source procurement? You may select more than one.**

- **One vendor is the only one qualified or eligible or is quite obviously the most qualified or eligible to provide the good.** ☒
- **The procurement is of such a specialized nature or related to a specific geographic location that only a single source, by virtue of experience, expertise, proximity, or ownership of intellectual property rights, could most satisfactorily provide the good. (Must state how.)** ☒
- **Applicable law requires, provides for, or permits use of a sole source procurement. (Must state restriction.)** ☒
- **The federal government or other provider of funds for the goods being purchased (other than the state of Iowa) has imposed clear and specific restrictions on the use of the funds in a way that restricts the procurement to only one vendor. (Must state restriction.)** ☒
- **The procurement is an information technology device that is systems software or an upgrade, or compatibility is the overriding consideration, or the procurement would prevent avoidance or termination of a warranty, or the procurement would prevent default under a contract or other obligation. (Must state how.)** ☐

**9. Explain how this procurement fits the sole source situation(s) selected above:**

- One vendor qualified/eligible: The Midwest Innocence Project is effectively the only innocence organization operating in Iowa, as described above. An innocence organization such as MIP makes sense as a partner for this grant focused on identifying and litigating post-conviction relief cases of actual innocence, as proven by DNA testing. MIP as a partner for this grant was part and parcel of the grant application itself.

-Specialized nature/specific geographic location: Again, MIP is effectively the only innocence organization operating in Iowa. There simply are not other organizations which could provide this service, especially considering their expertise. Their expertise is directly in line with the needs and purpose of the grant - identifying and litigating post-conviction relief cases of actual innocence.

-Permitted by applicable law: The State Public Defender is provided specific authority to contract with Iowa lawyers and nonprofit organizations for the provision of legal services to indigent persons. Iowa Code Sec. 13B.4.

-Federal government restrictions: In awarding the grant funding, the US Dept. of Justice - National Institute of Justice placed a number of specific special conditions on the award of the grant. Special restriction #28 specifically places limits on replacing key program personnel, and any such replacement requires approval by US DOJ.

**10. Please define financial impact of Approval:**

Approval will allow the SPD's Wrongful Conviction Division, the Department of Public Safety and its Division of Criminal Investigation, the Office of Drug Control Policy, and the Midwest Innocence Project to access the \$632,765 of federal grant funding which has already been approved by the U.S. Dept. of Justice, in a manner consistent with the grant approval. Approval will also allow the important work of the SPD's Wrongful Conviction Division to move forward expeditiously using the federal resources which have been provided. By its terms, this grant has been awarded in order to support our work identifying innocent individuals in prison, seeking to prove their innocence through DNA testing, and seeking their release from prison. To the extent Iowa is incarcerating innocent people at an average cost of approximately \$34,000 per year per inmate, providing for the most expeditious and effective work under the federal grant will save taxpayer money.

**11. Please define financial impact of Denial:**

Denial may jeopardize the ability of the partnership to gain access to the \$632,765 of federal funding which has already been approved and awarded. By the terms of the grant award, the USDOJ - National Institute of Justice must approve of any changes in key program personnel. To the extent denial of this request would prevent us from working with the Midwest Innocence Project, it risks that the USDOJ-NIJ may not approve of such change and withdraw the funding which has previously been approved as not consistent with the project as originally proposed. Further, to the extent denial would delay the work which is contemplated by the grant while a competitive bid process is conducted, it may jeopardize our ability to use all the federal funds which have been awarded during the limited two-year grant period. Additionally, the longer innocent people are in prison, the longer we are paying an average of \$34,000 per year per inmate unjustly and unnecessarily.

**Prepared By:**

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**Date:**

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