



# Information Technology Waiver for Participating Agencies

## AUTHORITIES

Iowa Code section 8B.21(5)(a) requires the OCIO to “adopt rules allowing for participating agencies to seek a temporary or permanent waiver from any of the requirements of [Chapter 8B] concerning the acquisition, utilization, or provision of information technology.”

IAC 129—8.6 governs the process through which waivers from information technology governance requirements will be considered. Pursuant to IAC 129—8.6 and Iowa Code section 8B.21(5)(c), the OCIO must consider all elements included in this form to make a determination for a participating agency’s request for waiver.

## APPLICANT INFORMATION

<b>Participating Agency:</b>	OCIO - Office of the CIO				
<b>Contact Name:</b>	Pearson Skepnek				
<b>Address:</b>	200 E. Grand Ave.				
<b>City:</b>	Des Moines	<b>State:</b>	IA	<b>Zip:</b>	50309
<b>Phone:</b>	515-414-6107	<b>Email:</b>	pearson.skepnek@iowa.gov		
<b>Project Title:</b>	Contract Term Waiver - Broadband Strategy and Planning Services CN #5112-16				

## REQUIRED ELEMENTS

You may include attachments with this Request for Waiver in order to provide OCIO with full, thorough, and thoughtful answers and information to the following required elements:

### (1) Identify the specific policy, standard, or requirement for which your agency’s Request for Waiver is submitted.

Two contracts for Broadband Strategy and Planning Services were signed by OCIO Director von Wolfradt on October 1, 2015 after a competitive selection process (Connected Nation, Inc. & Fiberutilities Group). At the time of signing OCIO was utilizing DAS Administrative Rule 11–118.11(3) to determine contract length, and which defaults to a six year limitation on contract duration. The contracts in question each have a six year contract term.

This request is seeking waiver of the six year limitation imposed on these contracts by the then applicable DAS Administrative Rule.

**(2) Provide a statement of facts including a description of the problem or issue prompting your agency's Request for Waiver, and describe your agency's preferred solution:**

These contracts are currently being employed by the Office in service of the Empower Rural Iowa Broadband Grant Program to provide strategy and consulting services, technical mapping support, and other services as necessary to support the Program.

On March 11, 2021, President Biden signed the American Rescue Plan Act 2021. The Act provides monetary relief to State, local and tribal governments and specifically allocates funds for, amongst other things, State and local investment in broadband infrastructure and broadband services. The State expects to receive funds pursuant to the Act shortly. Upon receipt of these funds the Office on behalf of the State and local Iowa units of government intend to utilize these contracts for purposes of fulfilling the stated purposes of the Act.

Because these contracts expire September 30, 2021, the Office would not have sufficient time to rebid for these types of services and also fulfill the usage requirements attached to the funds. It is proposed that the six year contract duration requirement be waived allowing for 2 year extensions during which time the contracts may be properly used for purposes of the Act and also provide time for the Office to rebid the covered services.

**(3) Describe an alternative approach to be implemented by your agency intended to satisfy the waived policy, standard, or requirement:**

This work will be competitively bid at the end of the proposed extension. Future contracts executed by the Office will have durations that are determined pursuant to existing OCIO Administrative Rules (see 129–10.10 and 129–10.11).

**(4) Describe the business case for your agency's alternative approach:**

If these contracts are not granted an extension they will expire and the State does not currently have available contracts that provide similar services. In order to fulfill the stated aims of the Act, the State would likely have to sole source the work which, unlike the contracts in question, would not be subjected to the scrutiny of a competitive bidding process. Furthermore, these vendors have existing knowledge of the State's Broadband Grants Program and are best positioned to assist the State with the projects to be completed.

**(5) Confirm a third-party audit/report is attached that compares your agency's preferred solution to the information technology solution that can be provided by the office.**

- ☐ I have attached a third-party audit or report that compares my agency's preferred solution to the information technology solution that can be provided by the office.
- ☒ I have not attached a third-party audit or report that compares my agency's preferred solution to the information technology solution that can be provided by the office for the reasons provided below:

**(6) Identify the economic justification for your agency's Request for Waiver (i.e., a breakdown of how much your alternative approach will cost as compared to OCIO's current approach):**

The Office has established pricing via the current contracts. Pursuing similar services from a vendor with less knowledge of the State's programs could expose the State to uncertain or increased costs.

**(7) Specify the time period for which the waiver is requested and, to the extent a permanent waiver is requested, explain why a temporary waiver would be impracticable:**

Two year extension.

**(8) Please supply OCIO with any additional information, including supporting evidence or documentation, your agency feels would aid OCIO in ruling on your agency's Request for Waiver, or that would otherwise aid OCIO in determining whether granting your Request for Waiver, in whole or in part, is in the best interests of the State of Iowa.**

N/A

## **SIGNATURE**

eSigned via SeamlessDocs.com

*Pearson Skipule*

Key: 0e7359427d0a37dec61518fa0af09e78

07/14/2021

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eSigned via SeamlessDocs.com

*Pearson Skepnek*

Key: 53f04b269588ace92e260cc7cd18d019

07/14/2021

Recommend approval.

eSigned via SeamlessDocs.com

*Matt Behrens*

Key: 19fce5194ec1e90b5b037536f5616680

07/15/2021

Approved

eSigned via SeamlessDocs.com

*Annette M. Dunn*

Key: 39918f08d894d730b910aad509337b77

07/15/2021