REQUEST FOR SPECIAL PROCUREMENT No. 1115-19

PART A. Requesting Agency must complete Items 1 through 13.

1. Requesting Agency Name: DAS Procurement Services (DAS PS) on behalf of the Oregon Commission for the Blind (OCB)

2. Date of Request: March 28, 2019

3. Agency 5-digit Number: 58500

4. Agency Contact Name: Keri Ashford

5. Phone: (503) 378-4680

6. Type of Request: Contract-Specific Special Procurement

7. Time Period Requested: From: May 1, 2019 To: December 31, 2024

8. Total Estimated Cost: $1,500,000

9. Title: Supplies and/or Services to be Acquired:

   OCB Vocational Rehabilitation (VR) Case Management System

10. Request, Background and Proposed Contracting Procedure:

    a. Request:

       DAS PS on behalf of OCB requests approval of this Special Procurement (SP) for direct award of a contract to Alliance Enterprises, Inc. (Alliance) for migration services from System 7 (OCB’s current VR case management application) to AWARE (OCB’s new VR case management application).

    b. Background:

       OCB provides VR services to Oregonians who are legally blind or have conditions that are leading to legal blindness. In order to serve its clients, OCB purchased Alliance’s VR case management application, AWARE, to track all services provided. All OCB employees will use this application to perform their work, and data pulled from the application will be used to generate required, annual Federal reports. The majority of OCB’s funding is Federal and in order to continue to receive Federal monies and to justify the receipt of current monies, timely and accurate Federal reports must be submitted. OCB cannot afford to have its case management application down for any period of time.

       The information kept on clients includes social security numbers, income level, education and training, work history and goals, and historical and current medical information (stored, but not generated by OCB). Many of OCB’s clients receive a variety of services through multiple programs within the agency throughout their entire life, from young adulthood as their eye condition progresses and changes. Different parts of OCB are funded through different Federal programs each of which have their own requirements and restrictions.
Client records are a core part of OCB’s work and necessary to better serve its clients. OCB currently uses Libera, Inc.’s (Libera) System 7 VR case management application to electronically store and share client data and produce mandatory Federal reports.

Libera provided notice to its clients that after December 31, 2017, it would discontinue maintenance, support and future upgrades to System 7. Libera and Alliance formed a partnership in which Libera agreed to vacate the marketplace with respect to offering System 7 or any other VR case management application, but would provide migration services for System 7 clients to transition to AWARE and then provide help desk support for AWARE.

As such, Special Procurement 892-16, 893-16 and 894-16 were issued.

**Special Procurement 892-16:**
Purpose: Direct award of a contract to Alliance for its vocational rehabilitation case management application (AWARE) and application maintenance and support for an initial period of 10 years.
Notice #: DASPS-2726-16, issued December 22, 2016
No protests were received
Direct award of contract #DASPS-1650-17 for AWARE software license
Direct award of contract #7707 for AWARE software maintenance and support

**Special Procurement 893-16:**
Purpose: Direct award of contract to Libera for help desk services for AWARE for an initial period of 10 years
Notice: DASPS-2725-16, issued December 22, 2016
No protests received
Direct award of contract #7691

**Special Procurement 894-16**
Purpose: Direct award of contract to Libera for migration services from System 7 to AWARE
Notice: DASPS-2724-16, issued December 22, 2016
No protests received
Direct award of contract #7691

**Current Need:**
Libera and Alliance’s partnership was dissolved. Libera can no longer provide transition services to AWARE or help desk support for AWARE.

OCB needs migration services to transition from System 7 to AWARE. These services include project management services, infrastructure assessment and recommendations, gap analyses, system build-out and training, pilot operations and data conversion services, as well as putting the new software into production.

Alliance has successfully migrated other states’ agencies similar to OCB that serve clients who are blind or have conditions leading to legal blindness from System 7 clients to AWARE.
c. Proposed Procedure:
Issue a public notice through the Oregon Procurement Information Network (ORPIN) to serve as advertisement and notice to the supplier community that DAS PS on behalf of OCB intends to directly negotiate a contract with Alliance for the services described above. In no protests are received and sustained, DAS PS will proceed with award of the contract.

11. Justification for use of Special Procurement: Describe the circumstances that justify the use of a Special Procurement. Attach relevant documentation.

- Due to the dissolution of the partnership between Libera and Alliance, Libera is no longer authorized to provide migration services to AWARE.
- Alliance has direct knowledge of both System 7 and AWARE, which is critical to the successful migration from System 7 to AWARE.
- Having Alliance provide the migration services increases the likelihood of a smooth transition.

12. Findings to Satisfy the Required Standards: This proposed special procurement:

- (a) will be unlikely to encourage favoritism in the awarding of public contracts or to substantially diminish competition for public contracts because:

  - Due to the dissolution of the partnership between Libera and Alliance, Libera is no longer authorized to migrate the data into AWARE.
  - Alliance is the most knowledgeable company regarding its software and how to migrate data from System 7 to AWARE successfully, having done so numerous times for other states’ agencies similar to OCB that serve clients who are blind or have conditions leading to legal blindness.
  - If the agency were to conduct a competitive solicitation Alliance would likely be the most competitive due to the specialized expertise needed to migrate from System 7 to its AWARE software and system.

and

- (b)(i) will result in substantial cost savings to the contracting agency or to the public because:

or

- (b)(ii) will otherwise substantially promote the public interest in a manner that could not practicably be realized by complying with the requirements of ORS 279B.055, 279B.060, 279B.065, or 279B.070, or any rules adopted thereunder because:

  - Award of a contract to Alliance greatly diminishes the chance of corruption or loss of client data that would be disastrous, expensive, and highly disruptive to the work of OCB on behalf of its clients.
  - System 7, OCB’s current case management application, contains all the OCB electronic data for every client OCB serves that must be successfully migrated to AWARE.
  - Every service delivery program within OCB uses System 7 to share client information.
- OCB has multiple, mandatory Federal reports that must be produced every year. Essential data from these client records is needed to produce those reports. Failure to do so puts continued Federal funding at risk.
- For the reasons stated above, this procurement method is the best and most efficient way and is necessary to fulfill OCB’s mission.

13. **Optional Signature:** The signature of the Agency Head or designee (e.g., Designated Procurement Officer) is not required on the Request submitted through ORPIN. Agency may also elect to attach a signed Request as a pdf file through ORPIN or submit a signed hard-copy Request.

Electronically in ORPIN

Name

Date
PART B. The Department of Administrative Services completes Part B.

STATUTORY AND RULE AUTHORITY:
ORS 279B.085(2) states the Director of the Department of Administrative Services may approve a special procurement if the Director finds that a written request submitted under ORS 279B.085(4) demonstrates that the use of a special procurement as described in the request, or an alternative procedure prescribed by the Director will:
(a) Be unlikely to encourage favoritism in the awarding of public contracts or to substantially diminish competition for public contracts; and
(b) (A) Result in substantial cost savings to the contracting agency or to the public; or
(B) Otherwise substantially promote the public interest in a manner that could not practicably be realized by complying with requirements that are applicable under ORS 279B.055, 279B.060, 279B.065 or 279B.070 or under any rules adopted thereunder.

OAR 125-246-0170 delegates the authority of the Director of the Department of Administrative Services to approve special procurements to the State Chief Procurement Officer. OAR 125-247-0285 through 125-247-0288 implement ORS 279B.085.

OAR 125-247-0700(2) Protests and Judicial Review of Special Procurements designates the State Chief Procurement Officer as the Contract Review Authority.

FINDINGS: The findings are accepted, adopted, and incorporated by reference herein.

CONDITIONS OF APPROVAL:

1. Notice Period. The Authorized Agency (DAS PS) shall post the Public Notice on ORPIN. The Special Procurement may not be used until after the completion of the seven (7) day notice period required pursuant to OAR 125-247-0287(4), and either:
a. No Written protests are received by the Contract Review Authority, State Chief Procurement Officer, from an Affected Person in response to the notice, or
b. If any protest is received during the notice period, then not until:
   i. the State Chief Procurement Officer or delegate issues a written disposition of the protest in accordance with ORS 279B.400 and OAR 125-247-0700 and OAR 137-047-0700, and
   ii. confirms in writing the first possible date of use of the Special Procurement.

2. ORS 279A.165 Requirements. Authorized Agency shall comply with the requirements of ORS 279A.165 and OAR 125-247-0287(12) regarding a report about this Special Procurement. Agency shall use a form and follow the instructions provided by the State Chief Procurement Officer or delegate.

3. Authorized Agency shall comply with all DOJ and OSCIO conditions and requirements prior to execution of the contract or an amendment.

APPROVED:

Debbie Dennis, State Chief Procurement Officer,
Department of Administrative Services

4-18-19