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| <b>Purchasing Use Only:</b> |        |
| Approval#:                  | 160403 |

## SOLICITATION WAIVER JUSTIFICATION AND REQUEST FORM

**ALL FIELDS ARE REQUIRED – INCOMPLETE REQUESTS WILL BE RETURNED TO THE AGENCY**

|           |   |   |              |                       |
|-----------|---|---|--------------|-----------------------|
| <b>1a</b> | <b>Agency Contact Information - Note: Approved copy will be sent to only the contact(s) listed below:</b> |   |              |                       |
|           | State Agency:   | Nevada Department of Corrections (NDOC)             |              |                       |
|           |   | Contact Name and Title                              | Phone Number | Email Address         |
|           |   | Dawn Rosenberg, Chief of Purchasing/Inmate Services | 775/887-3219 | drosenberg@doc.nv.gov |
|           |   | Janet Hardy, Contracts Manager                      | 775/887-3333 | jahardy@doc.nv.gov    |

|                            |                   |  |
|----------------------------|-------------------|--|
| <b>Vendor Information:</b> |                   |  |
| <b>1b</b>                  | Identify Vendor:  | Scroll K/Vaad Hakashrus of Denver                |
|                            | Contact Name:     | Rabbi Yisroel Rosskamm, Rabbinical Administrator |
|                            | Address:          | 1350 Vrain St., Denver, CO 80204                 |
|                            | Telephone Number: | 303/949-0673                                     |
|                            | Email Address:    | yrosskamm@scrollk.org                            |

|           |   |   |
|-----------|---|---|
| <b>1c</b> | <b>Type of Waiver Requested – Check the appropriate type:</b> |   |
|           | Sole or Single Source:  | X |
|           | Professional Service Exemption:                               |   |

|                              |                         |     |   |    |
|------------------------------|-------------------------|-----|---|----|
| <b>Contract Information:</b> |                         |     |   |    |
| <b>1d</b>                    | Is this a new Contract? | Yes | X | No |
|                              | Amendment:              |     |   |    |
|                              | CETS:                   |     |   |    |

|           |                        |             |            |                      |
|-----------|------------------------|-------------|------------|----------------------|
| <b>1e</b> | <b>Term:</b>           |             |            |                      |
|           | One (1) Time Purchase: |             |            |                      |
|           | Contract:              | Start Date: | 07/01/2016 | End Date: 06/30/2020 |

|           |                     |                |
|-----------|---------------------|----------------|
| <b>1f</b> | <b>Funding:</b>     |                |
|           | State Appropriated: | BA 3710 CAT 04 |
|           | Federal Funds:      |                |
|           | Grant Funds:        |                |
|           | Other (Explain):    |                |

|           |   |
|-----------|---|
| <b>1g</b> | <b>Total Estimated Value of this Service Contract, Amendment or Purchase:</b> |
|           | \$393,824.00  |

**Provide a description of work/services to be performed or commodity/good to be purchased:**

*As a result of a court case involving inmates being provided certified kosher food for religious purposes, the Department made a decision on good faith to proactively implement kosher kitchens in various institutions, and employ a court recommended rabbinic food certifying organization to provide the inmates with a degree of confidence in the kosher food being served to Department inmates.*

**2** *In the process of the certification of Kosher compliance, Scroll K was to implement and maintain certification for the purpose of providing a reasonable defense to further Kosher diets compliance with Kashrut.*

*Scroll K/Vaad Hakashrus of Denver currently provides rabbinical supervision of kosher food preparation, and certification of the Common Fare diet at the following NDOC facilities: Northern Nevada Correctional Center, Lovelock Correctional Center, Ely State Prison, High Desert State Prison, Southern Desert Correctional Center and Florence McCure Women's Correctional Center. Certification requires 24/7 video monitoring of the kitchens, inspections by Skroll K/Vaad Hakashrus of Denver, menu and food usage approvals.*

**What are the unique features/qualifications required for this service or good that are not available from any other vendor:**

*As a result of a court negotiated settlement (U.S. District Court – Case No. 2:11-cv-00883-GMN-PAL Howard Ackerman vs. Department of Corrections), the parties jointly agreed that Scroll K/Vaad Hakashrus, currently under contract with the Colorado Department of Corrections, met the requirements of Orthodox Kosher food law as well as having correctional experience.*

**3** *A year after the Department implemented the kosher program with Scroll K, the judge dismissed the class action as well as Ackerman's case. (The case is moving through the appeal process). The Department has successfully established a kosher certified program to provide inmates with food that meets the requirements of Kashrut and the inmates trust Rabbi Rosskamm and Scroll K. To find another rabbinical food oversight organization could possible effect the outcome of the court case appeal and may create trust issues with inmates leading to further litigation.*

**Explain why this service or good cannot be competitively bid and why this purchase is economically only available from a single source:**

*It was agreed to by both parties in the legal case that Scroll K was the best to provide the rabbinic certification of the Departments Kosher Kitchens*

**4** *For the Good of the State and the Department it would not to the State's benefit to hire a new Rabbi service should the inmate win the appeal and the Department would be forced to re-hire Scroll K for this service.*

|          |   |      |                          |     |                                     |
|----------|---|------|--------------------------|-----|-------------------------------------|
| <b>5</b> | <b>Were alternative services or commodities evaluated? Check One.</b>   | Yes: | <input type="checkbox"/> | No: | <input checked="" type="checkbox"/> |
|          | a. <i>If yes, what were they and why were they unacceptable? Please be specific with regard to features, characteristics, requirements, capabilities and compatibility.</i> |      |                          |     |                                     |
|          | b. <i>If not, why were alternatives not evaluated?</i>  |      |                          |     |                                     |

*It was agreed to by both parties in the legal case that Scroll K was the best to provide the rabbinic certification of the Departments Kosher Kitchens.*

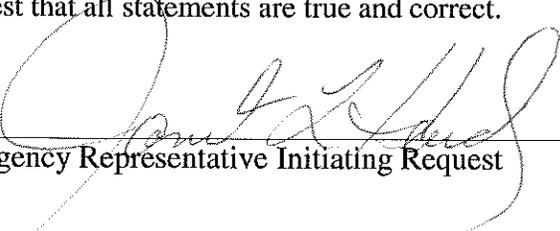
|          |   |           |              |                          |                                     |   |  |  |
|----------|---|-----------|--------------|--------------------------|-------------------------------------|---|--|--|
| <b>6</b> | <b>Has the agency purchased this service or commodity in the past? Check One. Note: If your previous purchase(s) was made via solicitation waiver(s), a copy or copies of ALL previous waivers must accompany this request.</b> |           |              | Yes:                     | <input checked="" type="checkbox"/> | No:   |  |  |
|          | a. <i>If yes, starting with the most recent contract and working backward, for the entire relationship with this vendor, or any other vendor for this service or commodity, please provide the following information:</i>       |           |              |                          |                                     |   |  |  |
|          | <i>Term<br/>Start and End Dates</i>   |           | <i>Value</i> | <i>Short Description</i> |                                     | <i>Type of<br/>Procurement<br/>(RFP, RFQ, Waiver)</i> |  |  |
|          | 7/23/2012   | 6/30/2016 | \$387,308.41 | Kosher Food Cert         |                                     | Waiver #120614  |  |  |
|          |   |           | \$           |                          |                                     |   |  |  |

|          |  |
|----------|--|
| <b>7</b> | <p><b>What are the potential consequences to the State if the waiver request is denied and the service or good is competitively bid?</b></p> <p><i>If another vendor was employed by the Department and the inmate should win the appeal, it would be costly for the Department to go back to the agreed upon Scroll K for rabbinic certification of our kitchen facilities preparing and serving kosher meals to inmates.</i></p> |
|----------|--|

|          |  |
|----------|--|
| <b>8</b> | <p><b>What efforts were made or conducted to substantiate there is no competition for the service or good and to ensure the price for this purchase is fair and reasonable?</b></p> <p><i>During the process of a court settlement, it was agreed to by both parties that Scroll K was the vendor of choice for this contract.</i></p> |
|----------|--|

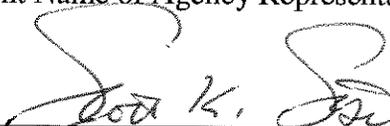
|   |  |  |  |      |                                     |     |  |
|---|--|--|--|------|-------------------------------------|-----|--|
| <b>9</b>  | <b>Will this purchase obligate the State to this vendor for future purchases? Check One.</b> |  |  | Yes: | <input checked="" type="checkbox"/> | No: |  |
|   | a. <i>If yes, please provide details regarding future obligations or needs.</i>              |  |  |      |                                     |     |  |
| <i>It is the intent of the Department to enter into a four (4) year contract with an option to renew annually thereafter. Rabbinic certification as required by the law of Kashrut will be an ongoing requirement for the Department as long as there are religious requirement regarding common fare/kosher meals for inmates.</i> |  |  |  |      |                                     |     |  |

By signing below, I know and understand the contents of this Solicitation Waiver Request and Justification and attest that all statements are true and correct.

  
Agency Representative Initiating Request

Janet Hardy, Contracts Manager  
Print Name of Agency Representative Initiating Request

04/22/2016  
Date

  
Signature of Agency Head Authorizing Request

Scott K. Sisco, Deputy Director Support Services  
Print Name of Agency Head Authorizing Request

4/21/2016  
Date

PLEASE NOTE: In an effort to avoid possible conflict with any equipment, system or process already installed or in place by the State of Nevada or to assist in our due diligence, State Purchasing may solicit a review of your request from another agency or entity. The signature below indicates another agency or entity has reviewed the information you provided. **This signature does not exempt your agency from any other processes that may be required.**

Name of agency or entity who provided information or review:

N/A

Representative Providing Review

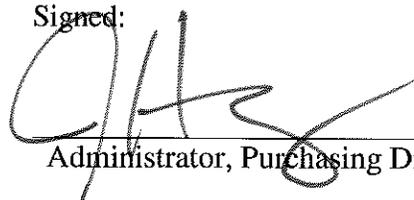
Print Name of Representative Providing Review

Date

Please consider this memo as my approval of your request. This exemption is granted pursuant to NAC 333.150(2)(a)(b)(c), NRS 333.400. This exemption may be rescinded in the event reliable information becomes available upon which the Purchasing Administrator determines that the service or good sought may in fact be contracted for in a more effective manner. Pursuant to NRS 284.173(6), contracts for services do not become effective without the prior approval of the State Board of Examiners (BOE).

If you have any questions or concerns please contact the Purchasing Division at 775-684-0170.

Signed:

  
Administrator, Purchasing Division or Designee

4-22-2016  
Date