

State of Nevada
Department of Administration

Purchasing Division

515 E. Musser Street, Suite 300
Carson City, NV 89701



Brian Sandoval
Governor

Patrick Cates
Director

Jeffrey Haag
Administrator

Purchasing Use Only:

Approval#: **180905**

SOLICITATION WAIVER JUSTIFICATION AND REQUEST FORM

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

1a	Agency Contact Information - Note: Approved copy will be sent to only the contact(s) listed below:		
	State Agency: <i>Division of Health Care Financing and Policy (DHCFP)</i>		
	<i>Contact Name and Title</i>	<i>Phone Number</i>	<i>Email Address</i>
	<i>Ellen M. Crecelius</i>	<i>775-684-3668</i>	<i>ellen.crecelius@dhcfp.nv.gov</i>
	<i>Ian Knight</i>	<i>775-684-3704</i>	<i>i.knight@dhcfp.nv.gov</i>

1b	Vendor Information:	
	Identify Vendor:	<i>Captions Unlimited of Nevada, Inc.</i>
	Contact Name:	<i>Denise Phipps</i>
	Address:	<i>PO Box 20905</i>
	Telephone Number:	<i>(775) 746-3534</i>
	Email Address:	<i>denise@captionsunlimited.com</i>

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

1d	Contract Information:			
	Is this a new Contract?	Yes <i>X</i>		No
	Amendment:	#		
	CETS:	#		

1e	Term:			
	One (1) Time Purchase:			
	Contract:	Start Date:	<i>11/01/2018</i>	End Date:

1f	Funding:	
	State Appropriated:	<i>50</i>
	Federal Funds:	<i>50</i>
	Grant Funds:	
	Other (Explain):	

1g	Total Estimated Value of this Service Contract, Amendment or Purchase:
	<i>\$41,725</i>

2	<p>Provide a description of work/services to be performed or commodity/good to be purchased:</p> <p>Real-time captioning services are provided as a reasonable accommodation for DHCFP staff who are hearing impaired, additionally real-time captioning services are used to provide a record of meetings and meeting actions.</p>
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3	<p>What are the unique features/qualifications required for this service or good that are not available from any other vendor:</p> <p><i>Pursuant to NRS 656A.84 and 656A.400 unique qualifications include:</i></p> <p>NRS 656A.400 Application; registration.</p> <ol style="list-style-type: none"> 1. A person who wishes to engage in the practice of realtime captioning in this State must submit to the Division: <ol style="list-style-type: none"> (a) Proof that the applicant is at least 18 years of age; (b) An application in the form prescribed by the Division; (c) Proof that the applicant has complied with the requirements for education, training, experience and certification required for the practice of realtime captioning as prescribed by a regulation of the Division pursuant to <u>NRS 656A.084</u>; and (d) Any other information or evidence the Division may require to determine whether the applicant has complied with the requirements to engage in the practice of realtime captioning. 2. The Division shall register each applicant who complies with the provisions of this section and issue to the applicant proof of registration. <p>(Added to NRS by <u>2005, 965</u>; A <u>2007, 166</u>; <u>2009, 2404</u>)</p>
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4	<p>Explain why this service or good cannot be competitively bid and why this purchase is economically only available from a single source:</p> <p>A real-time captioning service is a specialty service, similar to court stenography, and is the simultaneous process through which spoken-word English becomes readable English. A highly skilled captioner, with the aid of cutting-edge computer software, listens and takes down all spoken communication in steno shorthand. The computer software then reinterprets the captioner's shorthand into readable English, which it displays on a computer monitor, television screen, video or overhead projector, or other type of audiovisual device. The communication is instantaneous and fluid.</p> <p>Real-time captioning is used primarily by people who are deaf and hard of hearing to facilitate communication. Though in many instances people who are deaf and hard of hearing will require a sign language interpreter, real-time captioning is often the preferred option of late-deafened individuals and persons who do not use sign language as their primary mode of communication. For these people, real-time captioning is the most effective and reasonable accommodation.</p> <p>From researching various sources, real-time captioning services within the local area (Reno/Carson City) are limited to only this vendor. Since 2002, DHCFP has had an ongoing contract with Captions Unlimited. In that time, Captions Unlimited has developed unique expertise regarding Division of Health Care Financing and Policy programs, staff, acronyms and their context, professional English usage, and the like. For example, all Captions Unlimited employees, through the use of an extensive macro dictionary, are able to differentiate between similar acronyms, such as HIFA and HIPAA, often intermingled in the same conversation, and record each usage correctly.</p>
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5	Were alternative services or commodities evaluated? Check One.		Yes:		No:	<input checked="" type="checkbox"/>
	a. <i>If yes</i> , what were they and why were they unacceptable? Please be specific with regard to features, characteristics, requirements, capabilities and compatibility.					
	b. <i>If not</i> , why were alternatives not evaluated?					
A real-time captioning service is the reasonable accommodation that is needed for DHCFP staff. An informal telephone survey of other divisions referred us to Captions Unlimited as their preferred vendor.						

6	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 <u>ALL</u> previous waivers <u>MUST</u> accompany this request.				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>							
	Term Start and End Dates		Value	Short Description	Type of Procurement (RFP#, RFQ#, Waiver #)			
	11/1/2018	6/30/2018	\$41,725	Captioning Services	Waiver			
	07/01/2014	06/30/2018	\$173,370	Captioning Services	Waiver			
	07/01/2010	06/30/2014	\$195,789	Captioning Services	Waiver			
	08/08/2006	06/60/2010	\$95,000	Captioning Services	Waiver			
		\$						

7	What are the potential consequences to the State if the waiver request is denied and the service or good is competitively bid?
	Vendors outside of the State of Nevada may not meet the standards as required by NRS 656A.084 and 656A.400. If a vendor outside of the local area were to be selected, they may not be able to provide real-time captioning services on-site as needed. Due to the local vendor's limited availability, failure to secure a sole source contract could result in the inability of DHCFP to provide the reasonable accommodations necessary for key employees to perform the duties and responsibilities of their positions. This sole source request is scheduled to concede with the state of Nevada Purchasing MSA vendor scheduled to begin July 1, 2019.

8	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?
	Reviewed of listings of local yellow pages, Internet search, and current MSA contracts was conducted. Of the caption services provided for the hearing impaired, only a few of vendors provide real-time captioning services, other than Captions Unlimited and there were no other local vendors. It is necessary for this vendor to be available on-site for some meetings and during legislative sessions, as well as remotely for more ordinary meetings, videoconferences, or teleconferences.


	Will this purchase obligate the State to this vendor for future purchases? <u>Before selecting your answer, please review information included on Page 2, Section 9 of the instructions.</u>	Yes:		No:	<i>X</i>
9	a. <i>If yes, please provide details regarding future obligations or needs.</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

Ellen Crecelius
Print Name of Agency Representative Initiating Request

9/18/18
Date


Signature of Agency Head Authorizing Request

Marta Jensen
Print Name of Agency Head Authorizing Request

9/20/18
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:

Representative Providing Review

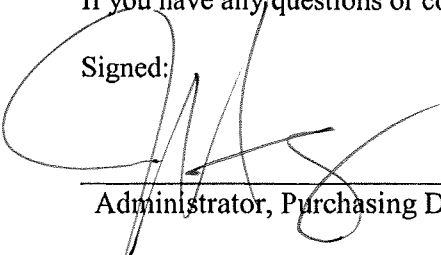
Print Name of Representative Providing Review

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

9-27-2018
Date