

State of Nevada
Department of Administration

Purchasing Division

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



Steve Sisolak
Governor

Deonne E. Contine
Director

Kevin D. Doty
Acting Administrator

Purchasing Use Only:	
Approval#:	190902

SOLICITATION WAIVER JUSTIFICATION AND REQUEST FORM

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

Agency Contact Information - Note: Approved copy will be sent to only the contact(s) listed below:			
State Agency:		<i>Department of Agriculture</i>	
1a	<i>Contact Name and Title</i>	<i>Phone Number</i>	<i>Email Address</i>
	<i>Andre Urruty, NDA Fiscal Administrator</i>	<i>775-353-3602</i>	<i>a.urruty@agri.nv.gov</i>

Vendor Information:	
Identify Vendor:	<i>MH Miles Company, CPA, PC</i>
Contact Name:	<i>Cherese Myree, CFE</i>
Address:	<i>1945 Mason Mill Rd, Suite 200, Decatur, GA 30033</i>
Telephone Number:	<i>678-488-2899</i>
Email Address:	<i>cmyree@mh-m-cpa.com</i>

1c Type of Waiver Requested – Check the appropriate type:	
Sole or Single Source:	<input checked="" type="checkbox"/>
Professional Service Exemption:	<input type="checkbox"/>

Contract Information:					
1d	Is this a new Contract?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
	Amendment:	#			
	CETS:	#			

1e Term:					
One (1) Time Purchase:	<input checked="" type="checkbox"/>				
Contract:	Start Date:	<i>September 2019</i>	End Date:	<i>October 31, 2019</i>	

1f Funding:	
State Appropriated:	<input type="checkbox"/>
Federal Funds:	<input checked="" type="checkbox"/>
Grant Funds:	<input type="checkbox"/>
Other (Explain):	<i>Child and Adult Care Food Program (CACFP) Audit Funds</i>

1g	Total Estimated Value of this Service Contract, Amendment or Purchase:
	<i>\$40,250</i>

2 Provide a description of work/services to be performed or commodity/good to be purchased:
Utilize a specialized vendor to develop and deliver CACFP staff development training on program audits, administrative and financial reviews for program regulation compliance, and consult and revise audit tools. The CACFP unit has all new staff and requires professional training to complete audit and administrative review responsibilities as part of our federal compliance. Per the following regulation, CACFP Audit funds have rigid restrictions and limited and specific uses, one of which includes our request for audit training; this request has been approved by USDA-Food and Nutrition Services (FNS), Western Region Office (WRO).

- 7 CFR Part 226 – Child and Adult Care Food Program (CACFP),
 - Subpart C – State Agency Provisions
 - § 226.8 – Audits.

3 What are the unique features/qualifications required for this service or good that are not available from any other vendor:
MH Miles Company, CPA PC is a CPA/accounting firm that specializes in providing auditing, consulting, investigation, and training specifically for CACFP, including providing consulting and training services for government agencies administering CACFP. The vendor provides CACFP training workshops and professional development at industry conferences and on-site consulting with state agencies on topics related to programmatic and financial compliance. The vendor also recently contracted with USDA to deliver the first nationwide CACFP fundamentals training program sponsored by USDA for State Agencies. They are an expert in the field with impeccable qualifications.

4 Explain why this service or good cannot be competitively bid and why this purchase is economically only available from a single source:
As mentioned in #2, NDA has specific audit funds to be spent on this and there are limited activities the funds can be used for, including that they can only be used for the CACFP audit process— including staff training and consulting-- travel to audits, and monitoring and compliance activities. The vendor specializes in this federal program, and audit activities, and is trusted and contracted by the federal government for program activities. Not only does vendor provide auditing and consulting services for CACFP program audits, they also provide training on this topic as well as assist with compliance. We are looking specifically for audit training and there is no other vendor that can provide the specific topics that we require, has training based on CACFP experience, and has a proven track record of success.

Additionally, these funds required a special request and were awarded late in the year (end of June) with little time to spend; NDA also has multiple activities we applied for to complete as part of the spending plan. While every effort was being made to facilitate a solicitation, in reality, there is simply not enough time to complete the process and prevent loss/return of the federal funding to USDA at this point.

5	Were alternative services or commodities evaluated? Check One.				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>							

NDA spoke with other state agencies that administer CACFP and could not find other vendors, nor does USDA use any other training and consulting vendor for CACFP. As we have specific federal program compliance requirements, we are confident this is the best decision to train and educate program staff on this critical responsibility and oversight.

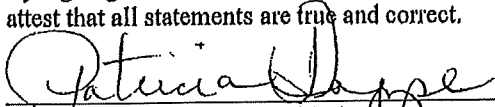
6	Has the agency purchased this service or commodity in the past? Check One. Note: If your previous purchase(s) was made via solicitation waiver(s), a copy or copies of ALL previous waivers MUST accompany this request.			Yes:		No:	X
	a. <i>If yes, starting with the most recent contract and working backward, for the entire relationship with this vendor, or any other vendor for this service or commodity, please provide the following information:</i>						
		<i>Term Start and End Dates</i>	<i>Value</i>	<i>Short Description</i>	<i>Type of Procurement (RFP#, RFQ#, Waiver #)</i>		
			\$				
			\$				
			\$				

7 **What are the potential consequences to the State if the waiver request is denied and the service or good is competitively bid?**
NDA will lose the additional audit funds that USDA approved and awarded for this activity as they must be encumbered by September 30, 2019 or revert to USDA. It is to the benefit of the state to effectively use these funds because of the detrimental effect on the state returning the funds may have; returning funds may also place future funding from USDA at risk for the state. NDA does not want to see this, and therefore we are asking State Purchasing's assistance to prevent this from happening. Additionally, because NDA is also scheduling with a vendor that provides training, we may not be able to complete training by the required date—no later than October—if we lose the dates currently being held. Last, with all new CACFP staff, continuing to not have professional training will extend the learning curve and increase the length of time needed to complete sponsor audits and compliance reviews. NDA is required to complete a certain number of sponsor audits in a year and these must occur, for the most part, during the school year, so there is limited time available.

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?**
NDA contacted other state agencies that administer CACFP and could not find other recommended vendors. Because USDA utilizes this vendor for their CACFP, and we have specific federal program compliance requirements that must be met, we are confident this is the best decision and the best use of our funds.

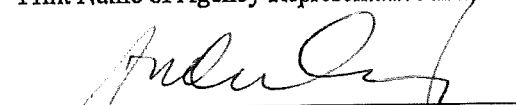
9	Will this purchase obligate the State to this vendor for future purchases? <u>Before selecting your answer, please review information included on Page 2, Section 9 of the instructions.</u>			Yes:		No:	X
	a. <i>If yes, please provide details regarding future obligations or needs.</i>						

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

Patricia Hoppe 8-29-19
Print Name of Agency Representative Initiating Request Date



Signature of Agency Head Authorizing Request 9/3/19

ANDRE URDUY 9/3/19
Print Name of Agency Head Authorizing Request 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:

Kevin D. Doty 9/4/19

Administrator, Purchasing Division or Designee Date