



STATE PROCUREMENT OFFICE
NOTICE & REQUEST FOR SOLE SOURCE

TO: Chief Procurement Officer

FROM: Department of Health
Name of Requesting Department

Pursuant to HRS §103D-306 and HAR chapter 3-122, Subchapter 9, the Department requests sole source approval to purchase the following:

1. Describe the goods, services, or construction to be procured.
The service to be procured is training for the Support Intensity Scale (SIS) assessment from the American Association on Intellectual and Developmental Disabilities (AAIDD). SIS is an assessment instrument specific to persons with intellectual and developmental disabilities – the population served by the Developmental Disabilities Division (DDD). AAIDD is the exclusive copyright holder and publisher of the SIS instrument and the copyrights for all SIS training materials. SIS specifically examines the support (resource and strategies) that are necessary to effectively support individuals to live, as much as possible, independently in the community. SIS is a standardized, norm-based assessment tool wherein scores are derived comparing the individual's score with the scores of other people with disabilities. DDD needs to procure annual SIS certification training for the DDD staff who administer the SIS assessments during the development of individualized service plans and budgets for DDD participants.

2. Vendor/Contractor/Service Provider Name: American Association on Intellectual and Developmental Disabilities	3. Amount of Request: \$95,400.00
4. Term of contract (shall not exceed 12 months), if applicable: From: <u>2-May-16</u> To: <u>1-May-17</u>	5. Prior SPO-001, Sole Source (SS) No.: SS 14 0395

6. Describe in detail the following:

a. The unique features, characteristics, or capabilities of the goods, service or construction.
The SIS assessment and SIS training are unique because AAIDD holds the copyright and is the sole publisher. In addition, SIS is unique because it provides a reliable framework to quantify the support needs of people with disabilities; the instrument has a .87 inter-rater reliability coefficient, which puts the tool in an "excellent range" of reliability in assessment instruments. The SIS directly measures the type of support, frequency of support, and intensity of supports required by an individual to participate in 57 distinct aspects of life in their communities 23 major behavioral and medical support needs are also considered. This makes it unique among tools that lend itself to a framework needed to make decisions with people served by DDD about service plans, service packages, and service budgets.

b. How the unique features, characteristics or capabilities of the goods, service or construction are essential for the department
Given ongoing needs for DDD to provide services that are cost effective and reflect the actual need of individuals in order to provide safe and effective care, DDD staff must be trained and certified that they are reliably assessing each participant's needs, and to rationally translate those needs to individualized service plans and budgets. Using the SIS provides quality controls that reduces the variability among assessors and avoids the error in inferring support needs statistically or by using expert judgment only. In this way participants with similar scores will eventually have similar budgets. Maintaining a trained DDD SIS assessment staff will help DDD to minimize individual subjectivity when establishing budgets that will allow DDD to more fairly allocate limited state resources among its participants.

7. Describe the efforts and results in determining that this is the only vendor/contractor/service provider who can provide the goods, services or construction.

AAIDD is the copyright holder and publisher of the Supports Intensity Scale (SIS) used by DDD to assess the needs of the participants in DDD programs. Attached to this SPO Form 001 is a letter from AAIDD dated March 7, 2016 that verifies and cites the serial numbers of the copyrights for the SIS assessment tools and for the SIS training materials.

Please note that DDD has submitted a SPO Form 016 ("Report of Procurement Violation") to report to the SPO that last year, when the DDD procurement positions were vacant, DDD inadvertently did not submit SPO Form 001 ("Notice & Request for Sole Source") when the AAIDD contract was extended for another year (contract effective dates 3/1/15 to 2/28/16). Therefore, the most recent Sole Source determination for this AAIDD contract is: SS 14 0395.

8. Alternate source. Describe the other possible sources for the goods, services, or construction that were investigated but did not meet the department's needs.

Compliance with copyright law requires that DDD only procure SIS training from AAIDD since the SIS training materials are copyrighted by AAIDD.

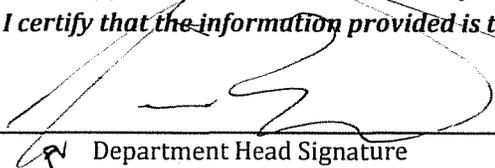
9. Identify the primary responsible staff person(s) conducting and managing this procurement. (Appropriate delegated procurement authority and completion of mandatory training required.)

*Point of contact (Place asterisk after name of person to contact for additional information).

Name	Division/Agency	Phone Number	E-mail Address
Vanessa Lau*	DDD	587-6043	vanessa.lau@doh.hawaii.gov
Wendy Bullard	DDD	586-5841	wendy.bullard@doh.hawaii.gov

Department shall ensure adherence to applicable administrative and statutory requirements, including HAR chapter 3-122, Subchapter 15, Cost or Pricing Data if required.

**All requirements/approvals and internal controls for this expenditure is the responsibility of the department.
I certify that the information provided is to the best of my knowledge, true and correct.**



Department Head Signature

APR 15 2016

Date

For Chief Procurement Officer Use Only

Date Notice Posted: 4/18/2016

Submit written objection to this notice to issue a sole source contract within seven calendar days or as otherwise allowed from date notice posted to:

state.procurement.office@hawaii.gov

Chief Procurement Officer (CPO) Comments:

Approval is granted for the period 5/2/2016 to 5/1/2017 and is based on department's representation that AAIDD is the copyright holder and publisher of the Supports Intensity Scale (SIS) assessment tool and the SIS is the only tool available that addresses an assessment for individuals with intellectual and related development disabilities. This approval is for the solicitation process only. HRS section 103D-310(c) and HAR section 3-122-112 shall apply (i.e., vendor is required to show proof of compliance and may use the Hawaii Compliance Express) and the award is required to be posted on the Awards Reporting System. Proof of compliance and the awards posting are required to be documented in the procurement/contract file.

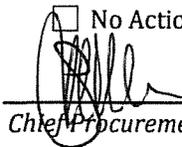
Department is also reminded that sole source contracts in excess of \$100,000 require certified cost or pricing data pursuant to HAR Chapter 3-122, subchapter 15 and are required to be documented in the procurement/contract file.

If there are any questions, please contact Bonnie Kahakui at 587-4702, or bonnie.a.kahakui@hawaii.gov.

Approved

Disapproved

No Action Required



Chief Procurement Officer Signature

4/28/16

Date



American Association
on Intellectual and
Developmental Disabilities

March 7, 2016

Hawaii Department of Health
Developmental Disabilities Division
1250 Punchbowl Street,
Honolulu, HI 96813

Dear Sir/Madam:

The American Association on Intellectual and Developmental Disabilities (AAIDD) is the executive copyright holder and publisher of the Supports Intensity Scale® (Serial No. 78/858,378). In addition, AAIDD is the only copyright holder and publisher of SISOnline® (Serial No. 78/858,376), a web-based electronic scoring application of the Supports Intensity Scale (SIS®). As such, AAIDD is the sole source provider of the Supports Intensity Scale; SISOnline; SIS Venture which is a software created and designed for a laptop computer that uploads SIS assessment data to SISOnline; and related SIS training services.

AAIDD is the exclusive owner of all copyright interest in and to all Supports Intensity Scale (“SIS”) content, including without limitation all SIS training materials, interview or assessment forms, all SIS manuals, all SIS forms, and updates to any of such items (collectively the “AAIDD Copyrighted SIS Materials”). AAIDD has the exclusive right to create any and all derivative works from any of such AAIDD Copyrighted SIS Materials.

In addition, AAIDD is the copyright holder of the Supports Intensity Scale-Adult Version™ (Registration Number: TXu 1-928-159), effective November 06, 2014, Supports Intensity Scale-Children’s Version™ (Registration Number: TXu 1-944-385), effective February 06, 2015. This registration includes the title of work: Supports Intensity Scale-Adult Version (SIS-A™), Supports Intensity Scale-Children’s Version(SIS-C™), and the content title: SIS-A User’s Manual and SIS-A Interview and Profile Form, SIS-C User’s Manual and SIS-C Interview and Profile Form.

Respectfully,

A handwritten signature in black ink, appearing to read "Margaret A. Nygren".

Margaret A. Nygren, EdD
Executive Director & CEO
American Association on Intellectual and Developmental Disabilities (AAIDD)
501 Third Street, NW, Suite 200
Washington DC 20001
voice: 202-387-1968
fax: 202-387-2193

Knowledge Support Empowerment

SS16-044SK