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POLICY DIRECTIVE NO. 21-01 **EFFECTIVE August 28, 2020**

Pursuant to Idaho Division of Purchasing Rule 42.09 (IDAPA 38.05.01.042.09), a determination has been made that competitive solicitation procedures are impractical, disadvantageous, and unreasonable when applied to:

Access to the exchange for the posting and retrieval of medical client confidential electronic health information, currently provided by the Idaho Health Data Exchange (IHDE)

This determination is based on my understanding of the following facts:

- The IHDE is a health and information network that provides unlimited access to the exchange for the posting and retrieval of medical client confidential electronic health information.
- IHDE was designated as "...the qualified State designated entity for purposed of receipt of state grants to promote Health Information Technology under the American Recovery and Reinvestment Act of 2009 (ARRA)" by former Governor C.L. "Burch" Otter in a letter dated July 6, 2009.
- This designation eliminates any other entity from competing for federal Health Information Technology grant funding; establishes IHDE as the sole provider of these services for the state of Idaho; and affirms the state's commitment to participate in the exchange.

As long as the facts and understanding above continue to be true, it would be impractical, disadvantageous, and unreasonable for agencies to procure access to this type of data through a competitive process.

The conditions applicable to this exemption are as follows:

1. Agencies must consult with legal counsel prior to executing a contract or any substantive contract amendments with the supplier to ensure compliance with Idaho law.
2. Agencies must provide an accounting of moneys spent pursuant to this exemption upon request of the Administrator.
3. If for any reason, including designation of other vendors as alternative qualified vendors "for purposes of receipt of state grants to "promote Health Information Technology under the American Recovery and Reinvestment Act of 2009 (ARRA)," it becomes reasonable to administer a competitive solicitation process for the services covered by this exemption, agencies

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contracting for these services must immediately notify DOP.

This exemption shall be effective until this Policy Directive is amended, rescinded or replaced.

Administrator