
Notice of Intent to Certify Sole Source

To: Interested Parties
From: Craig P. Orgeron, Ph.D.
CC: ITS Project Number 41910
Date: October 2, 2015
Re: Sole Source Certification Number 3811 for a digital evidence management and forensic image processing solution

Contact Name: Donna Hamilton
Contact Phone Number: 601-432-8114
Contact E-mail Address: Donna.Hamilton@its.ms.gov

Sole Source Certification Award Details

Regarding Information Technology Services (ITS) Sole Source Certification Number 3811 to upgrade the digital evidence management and forensic image processing solution for the Mississippi State Crime Lab, please be advised that ITS intends to award Foray Technologies as the sole source provider of ADAMS digital management system at a 5-year lifecycle cost of \$91,562.00. For an explanation regarding Mississippi state law, policy, and procedures for sole source procurements, refer to Attachment C: Sole Source Procurement Overview.

Sole Source Criteria

1. The product or services being purchased must perform a function for which no other product or source of services exist:

The Crime Lab has made a business decision to upgrade the existing MORE HITS product with the replacement, ADAMS. The Crime Lab purchased the MORE HITS product in May 2004 as part of the Lab's overall forensic solution and to fulfill the chain of custody and forensic image processing requirements for storing and managing digital evidence. The Customer's Sole Source Certification Request is included as Attachment A.

2. The purchaser must be able to show specific business objectives that can be met only through the unique product or services:

In order to maintain the current investment, interoperability, workflow, and chain of custody of the current solution, an upgrade to the successor solution,

ADAMS, is required. The Customer's Sole Source Certification Request is included as Attachment A.

- The product or services must be available only from the manufacturer and not through resellers who could submit competitive pricing for the product or services:

The Foray Technologies MORE HITS and ADAMS solutions were developed by Foray Technologies and are maintained exclusively by Foray Technologies. There are no other vendors in the U.S., Canada, Europe, or Asia who are authorized to provide development, distribution, installation, integration, training, upgrades, support, or maintain the MORE HITS or ADAMS systems. The Vendor's Sole Source Certification Request is included as Attachment B.

Schedule

Task	Date
First Advertisement Date	9/15/15
Second Advertisement Date	9/22/15
Response Deadline from Objectors	10/16/15 at 3:00P.M. Central Time
Notice of Award/No Award Posted	Not before 10/19/15

Project Detail

The Mississippi State Crime Lab implemented the MORE HITS evidence management solution in 2004. The Foray Technologies MORE HITS and ADAMS solutions were developed by Foray Technologies and are maintained exclusively by Foray Technologies. The MORE HITS product has been replaced by the ADAMS product line and is no longer supported. In order to maintain the current investment, interoperability, workflow, and chain of custody of the current solution, an upgrade to the successor solution, ADAMS, is required.

The complexities involved in the management and analysis of evidence requires specific expertise and specialized electronic applications. Converting to a new solution would require costly reengineering and time. The table below provides a comparison between the cost of upgrading to ADAMS versus the costs of implementing a new solution. With a replacement solution there would be additional cost for converting 10 years' worth of data which is unknown.

	Upgrade to ADAMS	Convert to New System
Software Licenses, Project Management, Implementation, Training	\$53,622.00	\$73,015.00
Support for 5 Years	\$37,940.00	\$37,767.00
Conversion of Data (10yrs)	not applicable	unknown
Total	\$91,562.00	\$110,782.00

As a result, the Mississippi State Crime Lab has made the business decision to upgrade MORE HITS to ADAMS.

Submission Instructions and Format of Response from Objecting Parties

Interested parties who have reason to believe that ADAMS evidence management software should not be certified as a sole source should provide information in the following format for the state to use in determining whether or not to proceed with awarding the Sole Source contract to Foray Technologies.

1.1. Interested Party Information

1.1.1 Contact Name, Phone Number and email address

1.1.2 Company Website URL, if applicable

1.2 Objection to Sole Source Certification

1.2.1 Interested parties must present specific objections to the Sole Source certification using the criteria listed above.

1.2.2 A statement regarding the Interested Party's capabilities as related to this Sole Source Certification Request.

1.3 Comments will be accepted at any time prior to Friday, October 16, 2015, at 3:00 p.m. (Central Time) to Donna Hamilton at Donna.Hamilton@its.ms.gov or at the Mississippi Department of Information Technology Services, 3771 Eastwood Drive, Jackson, Mississippi 39211. Responses may be delivered by hand, via regular mail, overnight delivery, e-mail, or by fax. Fax number is (601) 713-6380. ITS WILL NOT BE RESPONSIBLE FOR DELAYS IN THE DELIVERY OF RESPONSES. It is solely the responsibility of the Interested Parties that responses reach ITS on time. Interested Parties may contact Donna Hamilton to verify the receipt of their Responses. Responses received after the deadline will be rejected.

1.4. Interested Party responses should include the following information:

SUBMITTED IN RESPONSE TO
Sole Source Certification No. 3811-41910
Accepted until October 16, 2015 @ 3:00 p.m.
Attention: Donna Hamilton

If you have any questions concerning the information above or if we can be of further assistance, please contact Donna Hamilton at 601-432-8114 or via email at Donna.Hamilton@its.ms.gov.

Attachment A: Customer Sole Source Certification Request

Attachment B: Vendor Correspondence

Attachment C: Sole Source Procurement Overview

Sole Source Certification Request

Project Title: Upgrade of Evidence Management System		Stimulus (ARRA) Funds? Yes No X		
Customer Contact Information				
Agency/Public University: Crime Lab Address: 1700 E. Woodrow Wilson Jackson, MS 39211		Contact Person: Sam Howell Phone: 601-987-1631 Fax: Email Address: showell@mcj.state.ms.us		
MAGIC Customer Number (only required from state agencies): 700000195		Division/Dept: Handmail: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Project Summary Narrative Description of Project (include details of original acquisition if applicable): The MS State Crime Lab is in need of an upgrade to its evidence management system. The requested upgrade is integral to the current equipment is needed to ensure uniformity and compatibility. The upgrade will allow for processing of larger image file formats and increase the archival capabilities for evidentiary purposes. The upgrade will also involve a conversion of the existing data to the new environment.				
ITS Acquisition Approval (CP-1) should be effective through this date (Please allow time for all vendor invoices to be paid):				
Cost Estimates <i>Fiscal Year</i>	Initial Costs	Ongoing Costs	Time Constraints Item Needed by: Funds Expire:	Anticipated Lifecycle of Products/System (i.e. estimated years of effective use):
FY2016	\$53,622.00		Discuss Funding (e.g. how much of needed funding is definite; total project budget; any matching or other non state funds)	
FY2017		\$9,485.00		
FY2018		\$9,485.00		
FY2019		\$9,485.00		
FY2020		\$9,485.00		
Total	\$53,622.00	\$37,940.00		
Acquisition Details				
Items Requested	Quantity	Description	Building Location(s)	
ADAMS Software				
Describe platform & infrastructure (connectivity; software/hardware platforms; utilization of State Data Center resources: mainframe, eGovernment portal, payment engine, document management, hosting). For equipment or hosting outside the State Data Center, attach justification:				
Progress to Date: What has been done related to this project, including any communication with ITS staff (data/voice/procurement/other)?				
Sole Source Certification Note: Certification must be renewed for each revision or continuation of previous Sole Source Approvals.				
Specific business requirements to be met by the requested products or services: The MORE HITS software provides case management including forensics analysis, chain of custody, evidence management, and forensic image processing.				
Explain why these products or services are the only ones that can meet your needs (include unique features/special functionality): In order to maintain the current investment, interoperability, workflow, and chain of custody of the current solution, an upgrade to the successor solution, ADAMS, is required.				
Explain why the source is the only entity that can provide the products or services (Include other products/vendors researched or evaluated): The Foray Technologies MORE HITS and ADAMS solutions were developed by Foray Technologies and are maintained exclusively by Foray Technologies. There are no other vendors in the U.S., Canada, Europe, or Asia who are authorized to provide development, distribution, installation, integration, and training, upgrades, support, or maintain the MORE HITS or ADAMS systems.				
Explain why the amount to be expended for the services is reasonable:				
Explain what your agency did to obtain the best possible price for the services:				
Vendor's Certification of Sole Source attached: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			Vendor's proposal submitted: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
MAGIC Vendor Code(s) Vendor must be in MAGIC before a CP-1 can be issued.				
Place Order To Vendor Name: Foray Technologies Vendor Address: 3911 5 th Ave., Suite 300 San Diego, CA 92103		Remit To Vendor Name: Foray Technologies Vendor Address: 3911 5 th Ave., Suite 300 San Diego, CA 92103		

By my signature, I certify that, to the best of my professional knowledge: the requested product or services are a sole source as outlined in the ITS Procurement Handbook, Rule 207.2:013-030 Procurement Types: Sole Source, and as outlined in Mississippi Code annotated Section 31-7-13. In addition, I acknowledge that there is a charge for ITS procurement services associated with this request which will be billed to the requestor by ITS and that my agency/public university is responsible for these charges/costs.

ALBERT SANTA CRUZ *Comm.*
 Name (Agency Head or Public University CIO)/Title

[Signature] 9/30/15
 Signature Date

Attachment B



May 7, 2015

Director Sam Howell
Mississippi State Crime Lab
215 Allen Stuart Drive
Pearl, MS

Dear Director Howell,

I would like to make you aware of the following sole source justification for upgrading the Mississippi State Crime Lab's initial MORE HITS® investment to the ADAMS™ solution, and for continuing to obtain products and services through Foray Technologies.

The existing MORE HITS solution at the Mississippi State Crime Lab is an integral part of the Lab's overall forensic solution and is essential in fulfilling the chain of custody and forensic image processing requirements for storing and managing digital evidence.

The Foray Technologies ADAMS solution is a comprehensive digital evidence management and forensic image processing solution that is the successor to the MORE HITS product line in use at the Mississippi State Crime Lab.

The following provides Sole Source Justification for the ADAMS Upgrade to the existing MORE HITS solution at the Mississippi State Crime Lab:

- The MORE HITS® product line has not been sold or distributed since December 31, 2006 and has not been supported since January 1, 2009. This product line has been replaced by the ADAMS product line.
- Because the ADAMS product line has replaced the MORE HITS product line, this upgrade to ADAMS will allow the Mississippi State Crime Lab to maintain the interoperability, workflow and chain of custody of the existing solution without disruption since all of the existing MORE HITS data collected by the Mississippi State Crime Lab will be converted onto the ADAMS platform.
- Because the Mississippi State Crime Lab has already standardized on the MORE HITS platform for the processing and management of their digital evidence, introducing another brand of software that is not part of the approved baseline or that cannot convert or integrate the existing MORE HITS data would require a costly reengineering effort by the Mississippi State Crime Lab.
- Both the MORE HITS and ADAMS software platforms are designed to support the case load for large image file formats and archival capabilities for evidentiary purposes. 3rd party software vendors do not have the required expertise to support our specific software applications, nor do they have the required knowledge, experience or resources to deal with the complexities of integrating and converting our specialized applications.
- Additionally, to consider another manufacturers' product for the forensic solution would result in additional costs to the Mississippi State Crime Lab because the Mississippi State Crime Lab would have to purchase additional equipment, software, warranties, maintenance, integration and training of personnel.
- And finally, the Foray Technologies ADAMS solution is developed by Foray Technologies and is maintained exclusively by Foray Technologies. There are no other vendors in the U.S., Canada, Europe or Asia who are authorized to provide

3911 5th Ave, Suite 300 • San Diego, CA 92103
(619) 858-1360 • (fax) (619) 858-1366 • www.foray.com

Director Sam Howell
Mississippi State Crime Lab
May 7, 2015

development, distribution, installation, integration and training, upgrades, support for,
or maintain the MORE HITS and ADAMS systems.

I hope that this information is useful to you. Please call me at (619)858-1360, Ext 513 if you
have any further questions or if you require any additional information.

Sincerely,

A handwritten signature in cursive script that reads "Michal Temple".

Michal Temple
Western Region Sales Representative

Attachment C: Sole Source Procurement Overview

The acquisition of information technology for all state agencies and institutions of higher learning (IHLs) is within the scope of the ITS law, found in Mississippi Code Section 25-53-1, et seq., and the policies and procedures established in accordance with this statute, found in the ITS Procurement Handbook posted on the ITS website (www.its.ms.gov).

ITS enabling legislation requires that information technology hardware, software and services be acquired in a manner that insures the maximum of competition among all manufacturers and suppliers of such equipment and services. Accordingly, ITS promotes full and open competition through the issuance of open specifications and the objective evaluation of Interested Party proposals to determine the lowest and best offering to meet an agency's or public university's business requirements. True competition protects the integrity and credibility of purchasing in the public sector and is essential in providing best value and adequate contractual protection for the purchasing entity. In certain limited situations, information technology acquisitions may be sole-sourced.

ITS utilizes the provisions of Public Purchasing Law for Sole Source and Emergency procurements of information technology. Mississippi Public Purchasing Law (Mississippi Code Section 31-7-13) specifies that noncompetitive items available from one source only be exempted from bid requirements (sole sourced). ITS statute, in Section 25-53-5 (p), permits ITS to utilize provisions in Public Purchasing Law or regulations, when applicable.

Per Public Purchasing law, acquisitions must meet the following criteria to be authorized as sole source:

1. The product or services being purchased must perform a function for which no other product or source of services exists,
2. The purchaser must be able to show specific business objectives that can be met only through the unique product or services, AND
3. The product or services must be available only from the manufacturer and NOT through resellers who could submit competitive pricing for the product or services. The vendor's correspondence regarding this criterion for this project is included as Attachment B.

By policy as documented in the ITS Procurement Handbook, acquisitions of IT services must include the following information to be authorized as sole source:

1. An explanation about why the amount to be expended is reasonable, and
2. An explanation regarding the efforts by the purchaser to obtain the best possible price.

For state agencies, approval of all technology purchases with a lifecycle cost of \$5,000 or less, including sole source purchases, has been delegated to the agency. The ITS Procurement Limits Policies for Agencies (a section in the ITS Procurement Handbook) require a minimum of two competitive written bids or proposals for technology purchases with a lifecycle cost over \$5,000 but not over \$50,000 (not over \$25,000 for projects funded by the American Recovery and Reinvestment Act). Since, for single source items, the procuring agency will be unable to obtain two written bids, ITS must certify all sole source acquisitions of information technology with a lifecycle cost greater than \$5,000.

Institutions of Higher Learning (IHLs) or public universities have been delegated the authority to certify sole source procurements up to \$250,000 lifecycle cost under the ITS Procurement Limits Policies for IHLs (a section in the ITS Procurement Handbook). For the certification of sole source procurements delegated to the CIOs at public universities, the public university must follow ITS' Sole Source Procedure, including advertisement of the intent to award as sole source. Institutions certifying a sole source purchase must ensure the criteria listed above are met and documented in writing by the institution and the Interested Party prior to certifying a product or service as sole source. Sole source documentation must be reviewed and approved by the IHL's CIO for any sole-source certification above \$5,000. All sole source documentation should be retained in the public university's procurement file. Sole source requests above \$250,000 lifecycle cost require ITS approval.

Other than the delegations outlined above, all sole source technology procurements must be certified by ITS. The customer's Sole Source Certification Request for this project is included as Attachment A.

ITS thoroughly reviews Sole Source Certification Requests, determining if competing products and/or services exist. If so, ITS conducts a competitive procurement. If ITS' review confirms the sole source, then a Sole Source advertisement is issued, giving other Interested Parties an opportunity to identify competing products and/or services. Based upon the results of the Sole Source advertisement, ITS will either certify the request as a sole source or conduct a competitive procurement.