

Notice of Intent to Certify Sole Source

To: Interested Parties

From: Craig P. Orgeron, Ph.D. 

CC: ITS Project Number 42248

Date: October 20, 2015

Re: Sole Source Certification Number 3831 for EMnet hardware, software, installation and licenses for the National Warning System (NAWAS) interoperability system for the Mississippi State Department of Health (MSDH)

Contact Name: Jill Chastant

Contact Phone Number: 601-432-8214

Contact E-mail Address: Jill.Chastant@its.ms.gov

Sole Source Certification Award Details

Regarding Information Technology Services (ITS) Sole Source Certification Number 3831 for EMnet hardware, software, installation and licenses for three years for the National Warning System (NAWAS) interoperability system for the Mississippi State Department of Health (MSDH), please be advised that ITS intends to award the EMnet hardware, software, installation and licenses through June 30, 2018, for the National Warning System (NAWAS) interoperability system to Communications Laboratories, Inc., DBA: COMLABS, as the sole source provider not to exceed \$108,168.00. 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:

EMnet is a secure, satellite-based voice, emergency messaging, and notification system designed for the emergency management community and other government agencies that will provide digital connectivity and enhanced connectivity to the existing National Alert Warning System (NAWAS) in Mississippi. Communication Laboratories, Inc. (COMLABS) has certified they are the sole source for NAWAS terminals and bridge equipment. They also own the rights to the proprietary signaling software used by NAWAS. 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:

The NAWAS system will provide redundant communications to the nine local Public Health District Offices, Public Health Command/Coordination Center and two alternate sites. It will be used for information sharing during normal and emergency operations. This will replace an aging satellite system that is near end of life. This product is also used by the Mississippi Emergency Management Agency (MEMA). The customer's sole source certification request is included as Attachment A.

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:

COMLABS is the sole source for all NAWAS terminals and bridge equipment. The company also owns the rights to the proprietary signaling software used by NAWAS. The vendor's sole source certification letter is included as Attachment B.

Schedule

Task	Date
First Advertisement Date	10/20/15
Second Advertisement Date	10/27/15
Response Deadline From Objectors	11/03/15, at 3:00 P.M. Central Time
Notice of Award/No Award Posted	Not before 11/04/15

Project Details

As Mississippi responds frequently to disasters, it is important for the State to maintain communications during any event with the possibility of power or equipment outages. The current satellite system that links to all Public Health Districts and participating hospitals is nearing the end of its useful life.

The National Warning System (NAWAS) is a communications system originally designed and implemented in the 1950's as a means of notifying and preparing for a nuclear attack. The system was never used for its intended purpose, but has proven invaluable to local emergency managers responding to or coping with natural disasters. NAWAS is operated and fully funded by the Federal Emergency Management Agency (FEMA). The system is used by local officials thousands of times a year for emergency management coordination and response. NAWAS has major terminals at each State EOC and State Emergency Management Facility. Many counties have also purchased NAWAS terminals to take advantage of the proprietary warning system.

The NAWAS system will provide updated, redundant interoperable communication to the nine local Public Health District Offices, Public Health Command/Coordination Center and two alternate sites, and allow these locations to be connected to the national and statewide emergency alert system. The system will provide secure messaging capabilities that are not currently available during normal and emergency operation times.

Submission Instructions and Format of Response from Objecting Parties

Interested parties who have reason to believe that the hardware, software, installation and licenses 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 Communications Laboratories, Inc., DBA: COMLABS.

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 Tuesday, November 3, 2015, at 3:00 p.m. (Central Time) to Jill Chastant at Jill.Chastant@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 Jill Chastant 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:

<p style="text-align: center;">SUBMITTED IN RESPONSE TO Sole Source Certification No. 3831-42248 Accepted until November 3, 2015 @ 3:00 p.m., ATTENTION: Jill Chastant</p>
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If you have any questions concerning the information above or if we can be of further assistance, please contact Jill Chastant at 601-432-8214 or via email at Jill.Chastant@its.ms.gov.

- Attachment A: Customer Sole Source Certification Request
- Attachment B: Vendor Correspondence
- Attachment C: Sole Source Procurement Overview



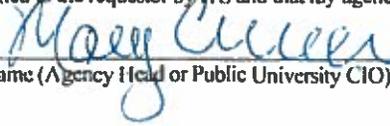
3771 Eastwood Drive
Jackson, Mississippi 39211
Phone 601-432-8000 Fax 601-713-6380

Sole Source Certification Request

Project Title: NAWAS System		Stimulus (ARRA) Funds? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Customer Contact Information			
Agency/Public University: MS State Department of Health Address: 570 East Woodrow Wilson, Jackson, MS 39215		Contact Person: Wayne Vaughn Phone: 601-933-7187 Fax: 601-933-6874 Email Address: wayne.vaughn@msdh.ms.gov	
MAGIC Customer Number (only required from state agencies): 7000000105		Division/Dept: Handmail: X Yes <input type="checkbox"/> No	
Project Summary Narrative Description of Project (include details of original acquisition if applicable): The NAWAS system will provide redundant communication to the nine local Public Health District Offices, Public Health Command, Coordination Center and two COOP sites. This will replace an aging satellite system that is near end of life. This project and funds have been approved through the Department of Health and Human Services, Centers for Disease Control and Prevention and the Coordinating Office for Terrorism Preparedness and Emergency Response.			
ITS Acquisition Approval (CP-1) should be effective through this date (Please allow time for all vendor invoices to be paid): 11/30/18			
Cost Estimates <i>Fiscal Year</i>	Initial Costs	Years 2 and 3	Time Constraints Item Needed by: 08/15/2015 Funds Expire: 06/30/18
Equipment	\$47,982.00		Anticipated Lifecycle of Products/System (i.e. estimated years of effective use): 3 years Discuss Funding (e.g. how much of needed funding is definite; total project budget; any matching or other non-state funds) Funding for this project will be provided through Hospital Preparedness Program (HPP) and Public Health Emergency (PHEP) Cooperative Agreements and PHEP Supplemental for Ebola Preparedness and Response Activities.
License	\$13,350.00	\$28,080.00	
Installation	\$18,756.00		
Total	\$80,088.00	\$108,168.00	
Acquisition Details			
Items Requested	Quantity	Description	Building Location(s)
EMnet Voice Manager-EMphone, VSAT, Messaging, Emergency Backup Line	12	Package includes one EMphone with EMnet Voice Manager Network	Nine Public Health District Offices, OEPR-MEMA, PHCC (Central), Airport Warehouse
EMnet Voice Manager-Package USB terminal, Backup Line	3	Package includes one EMnet Voice Manager software and USB PTT Terminal	Mobile
EMnet License	15	Three (3) years EMnet VSAT license	
Describe platform & infrastructure (connectivity; software/hardware platforms; utilization of State Data Center resources: mainframe, eGovernment portal, payment engine, document management, hosting). The National Warning System (NAWAS) is a special party line type telephone system that provides voice communications capability suited for disseminating and sharing Homeland Security mission information between federal, state, local government, law enforcement and military organizations. COMLABS is the sole source for all NAWAS terminals and bridge equipment. The company also owns the rights to the proprietary signaling software used by NAWAS.			
Progress to Date: What has been done related to this project, including any communication with ITS staff (data/voice/procurement/other)? A quote has been obtained from the vendor. The Health Department has consulted with MEMA on the implementation of the system to integrate with the existing statewide system now in operation.			
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 NAWAS system will provide redundant communications to the nine local Public Health District Offices, Public Health Command/Coordination Center and two COOP sites. It will be used for information sharing capability during normal and emergency operations. This product is also used by the Mississippi Emergency Management Agency (MEMA). This will replace an aging satellite system that is near end of life.			
Explain why these products or services are the only ones that can meet your needs (include unique features/special functionality): EMnet is a secure, satellite-based voice, emergency messaging, and notification system designed for the emergency management community and other government agencies that will provide digital connectivity and enhanced connectivity to the existing National Alert Warning System (NAWAS) in Mississippi. Communication Laboratories, Inc. (COMLABS) has certified they are the sole source for NAWAS terminals and bridge equipment. They also own the rights to the proprietary signaling software used by NAWAS.			
Explain why the source is the only entity that can provide the products or services (Include other products/vendors researched or			

evaluated): COMLABS is the sole source for all NAWAS terminals and bridge equipment. The company also owns the rights to the proprietary software used by NAWAS.	
Explain why the amount to be expended for the services is reasonable: N/A	
Explain what your agency did to obtain the best possible price for the services: N/A	
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	Remit To
Vendor Name: Communications Laboratories, Inc.	Vendor Name: Communications Laboratories, Inc.
Vendor Address: 750 North Drive Melbourne, FL 32934	Vendor Address: 750 North Drive Melbourne, FL 32934

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.


Name (Agency Head or Public University CIO)/Title

MARY CARRIER 10/16/15
Signature Date



October 2, 2015

To Whom It May Concern,

Thank you for your interest in the services of Communications Laboratories, Inc. This letter is intended to provide rationale for a non-competitive award and to verify that Communication Laboratories, Inc. (Comlabs) is the sole source vendor and holder of all proprietary rights for the Emergency Management Network (EMnet).

EMnet is a secure satellite-based emergency messaging and notification system designed for the emergency management community and government agencies. There are currently over 2,100 sites in the United States and Canada that exist on the network today. These sites include all levels of emergency management from DHS/FEMA Operations Center (FOC) and U.S. Military to local fire departments, hospitals and schools. EMnet provides direct access to all of these endpoints on a highly redundant satellite network that can work independently from terrestrial IP networks. EMnet software also provides the ability to monitor weather, civil and law enforcement EAS messages on a single system. Units deployed in a remote location can monitor all inbound hazards via satellite to maintain maximum situational awareness. Satellite access to EMnet data stream is included with Comlabs EMnet VSAT service at no additional cost. Communications Laboratories, Inc. is the sole-source provider of the EMnet data stream.

The National Warning System (NAWAS) is a special purpose party-line type system that provides voice communications capability suited for disseminating and sharing homeland security mission information with Federal, state, local government, law enforcement and military organizations. Communications Laboratories, Inc. is the only company that provides terminal and bridge equipment for NAWAS; and the company has sole-source access and proprietary rights to the signaling software used by NAWAS.

Sincerely,

COMMUNICATIONS LABORATORIES, INC.

A handwritten signature in black ink, appearing to read "Roland Lussier", is positioned above the typed name.

Roland Lussier
President and CEO



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.

Attachment C: Sole Source Procurement Overview

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.