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## Notice of Intent to Certify Sole Source

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**To:** Interested Parties  
**From:** Craig P. Orgeron, Ph.D. *cro*  
**CC:** ITS Project Number 42311  
**Date:** November 24, 2015  
**Re:** Sole Source Certification Number 3855 for software support and maintenance for CJIS Validations Software for the Mississippi Department of Public Safety, Criminal Information Center (MDPS-CIC)  
**Contact Name:** Jill Chastant  
**Contact Phone Number:** 601-432-8214  
**Contact E-mail Address:** Jill.Chastant@its.ms.gov

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### Sole Source Certification Award Details

Regarding Information Technology Services (ITS) Sole Source Certification Number 3855 for software support and maintenance for CJIS Validations Software for the Mississippi Department of Public Safety, Criminal Information Center (MDPS-CIC), please be advised that ITS intends to award the software support and maintenance to Peak Performance Solutions, as the sole source provider of CJIS Validations Software support and maintenance through July 31, 2018, in an amount not to exceed \$67,500.00. 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:

**CJIS Validations Software was purchased by MDPS-CIC in 2010 as a sole source. This software has proven reliable and is being actively utilized by state, county and local agencies that are subject to the Federal Bureau of Investigations (FBI) audit for the National Crime Information Center (NCIC) usage. Ongoing support and maintenance is needed to allow for updates and upgrades. CJIS Validations software and programming code is proprietary software developed and supported by Peak Performance Solutions. 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 NCIC record validation software is used to deliver CJIS Validations records to agencies electronically. This electronic delivery of records saves on postage, printing and time. The support includes telephone and email support, software support via VPN connection, updates, bug fixes, periodic server and software checkups and periodic database updates. MDPS-CIC has made a business decision to continue to use the software. 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:

CJIS Validations software and programming code is proprietary software developed and supported by Peak Performance Solutions. Peak Performance Solutions has no resellers that can perform maintenance on the software. The vendor's sole source certification letter is included as Attachment B.

**Schedule**

Task	Date
First Advertisement Date	11/24/15
Second Advertisement Date	12/01/15
Response Deadline From Objectors	12/10/15, at 3:00 P.M. Central Time
Notice of Award/No Award Posted	Not before 12/11/15

**Project Details**

CJIS Validations Software was purchased by MDPS-CIC in 2010 as a sole source. This software has proven reliable and is being actively utilized by state, county and local agencies that are subject to the Federal Bureau of Investigations (FBI) audit for the National Crime Information Center (NCIC) usage.

**Submission Instructions and Format of Response from Objecting Parties**

Interested parties who have reason to believe that the software support and maintenance of CJIS Validations 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 Peak Performance Solutions.

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 Thursday, December 10, 2015, at 3:00 p.m. (Central Time) to Jill Chastant at [Jill.Chastant@its.ms.gov](mailto: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:

**SUBMITTED IN RESPONSE TO**  
**Sole Source Certification No. 3855-42311**  
**Accepted until December 10, 2015 @ 3:00 p.m.,**  
**ATTENTION: Jill Chastant**

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](mailto: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

<b>Project Title: CJIS Validations Annual Support</b>			<b>Stimulus (ARRA) Funds? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></b>	
<b>Customer Contact Information</b>				
Agency/Public University: Criminal Information Center Address: 3891 Highway 468 West, Pearl, MS 39208			Contact Person: DeWann Clark Phone: 601-933-2676 Fax: Email Address: dclark@dps.ms.gov	
MAGIC Customer Number (only required from state agencies): 7000000197 (DPS-Div of Safety Patrol)			Division/Dept: CIC/MIS Handmail: X Yes <input type="checkbox"/> No	
<b>Project Summary Narrative Description of Project</b> (include details of original acquisition if applicable):  NCIC record validation software needed to deliver CJIS Validation records to agencies electronically. The electronic delivery of records saves on postage, printing and time.				
ITS Acquisition Approval (CP-1) should be effective through this date (Please allow time for all vendor invoices to be paid):				
<b>Cost Estimates</b> <i>Fiscal Year</i>	<i>Initial Costs</i>	<i>Ongoing Costs</i>	<b>Time Constraints</b> Item Needed by: 7/31/18 Funds Expire:	<b>Anticipated Lifecycle of Products/System</b> (i.e. estimated years of effective use): 3 years
FY16	\$22,500.00		<b>Discuss Funding</b> (e.g. how much of needed funding is definite; total project budget; any matching or other non-state funds)	
FY17		\$22,500.00		
FY18		\$22,500.00		
<b>Total</b>		<b>\$67,500.00</b>		
<b>Acquisition Details</b>				
<b>Items Requested</b>				
CJIS Validations Annual Support includes:				
Telephone and Email Support				
Software Support via VPN Connection				
Provide Software Updates and Bus Fixes				
Periodic Server and Software Checkups				
Periodic Database Updates				
<b>Describe platform &amp; infrastructure</b> (connectivity; software/hardware platforms; utilization of State Data Center resources: mainframe, eGovernment portal, payment engine, document management, hosting). Software support and maintenance.				
<b>Progress to Date:</b> What has been done related to this project, including any communication with ITS staff (data/voice/procurement/other)? A quote and sole source letter has been obtained from the vendor.				
<b>Sole Source Certification</b> Note: Certification must be renewed for each revision or continuation of previous Sole Source Approvals.				
<b>Specific business requirements to be met by the requested products or services:</b> The NCIC record validation software is used to deliver CJIS Validations records to agencies electronically. This electronic delivery of records saves on postage, printing and time.				
<b>Explain why these products or services are the only ones that can meet your needs</b> (include unique features/special functionality): CJIS Validations Software was purchased by CIC in 2010 as a sole source. This software has proven reliable and is being actively utilized by state, county and local agencies that are subject to the Federal Bureau of Investigations (FBI) audit for the National Crime Information Center (NCIC) usage.				
<b>Explain why the source is the only entity that can provide the products or services</b> (Include other products/vendors researched or evaluated): CJIS Validations software and programming code is proprietary software developed and supported by Peak Performance Solutions. Peak Performance does not have any resellers that can perform maintenance on the software.				
<b>Explain why the amount to be expended for the services is reasonable:</b> N/A				
<b>Explain what your agency did to obtain the best possible price for the services:</b> N/A				
Vendor's Certification of Sole Source attached: X Yes <input type="checkbox"/> No			Vendor's proposal submitted: X 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: JDI Ventures, Inc.  
DBA Peak Performance Solutions  
Vendor Address: 3015 Shannon Lakes North #304  
Tallahassee, FL 32309

Vendor Name: JDI Ventures, Inc.  
DBA Peak Performance Solutions  
Vendor Address: 3015 Shannon Lakes North #304

Tallahassee, FL 32309  
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.

*Clay Johnston / MIS Director*  
Name (Agency Head or Public University CIO)/Title

*Clay Johnston 11-19-15*  
Signature Date



**PEAK PERFORMANCE SOLUTIONS**

[www.peakps.com](http://www.peakps.com)

November 10, 2015

Ms. DeWann Clark  
MJIC  
3891 Highway 468 West  
Pearl, MS 39208

Dear DeWann,

This letter is to inform you that Peak Performance Solutions is the sole source for the CJIS Validations support. The CJIS Validations solution is proprietary software developed and supported by Peak Performance Solutions. Peak Performance does not have any resellers that can perform maintenance on our software.

Thanks and let me know if you have any questions.

Sincerely,

James L. Yearty

3023 Shannon Lakes North #102  
Tallahassee, FL 32309  
(850)668-9518 Fax (850)668-1637

## **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](http://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.