

Notice of Intent to Certify Sole Source

To: Interested Parties

From: Craig P. Orgeron, Ph.D. *cpo*

CC: ITS Project Number 39026

Date: February 23, 2016

Re: Sole Source Certification Number 3879 for NearPoint Migration Services for the Mississippi Department of Information Technology Services (ITS)

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 3879 for NearPoint migration services for the Mississippi Department of Information Technology Services (ITS), please be advised that ITS intends to award the purchase of migration services to Capax Discovery, LLC as the sole source provider of NearPoint Migration Services through November 30, 2016, in an amount not to exceed \$84,600.00. 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:

Capax has developed a tool specifically for NearPoint-to-Microsoft Office 365 (O365) migrations. ITS currently uses NearPoint, an email archiving solution, and desires to move the email data to O365. The data migration will be performed for five groups, four individual agencies moving to their own O365 tenant and one group of the remaining agencies moving to the shared O365 tenant. The mail stored in the archive solution needs to be migrated. 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:

ITS currently uses NearPoint, an email archiving solution, and desires to move the email data directly to O365. The mail stored in the archive solution needs to be migrated. The Capax migration will consist of active and inactive mailboxes to

O365, software maintenance and updates, environmental issue resolution and helpdesk support. 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:

Capax purchased the sole ownership rights of the NearPoint Mimosa Archive product from HP. Capax owns all rights and privileges to the application source code and the right to market and sell the software and service. Capax has no resellers available to provide this software and service. The Vendor's sole source certification letter is included as Attachment B.

4. Explain why the amount to be expended for the services is reasonable:

ITS currently uses NearPoint, an email archiving solution, and desires to move the email data to O365. The mail stored in the archive solution needs to be migrated. Services have been combined where possible to reduce the cost within the constraints of maintaining the five separate migrations.

5. Explain what your agency did to obtain the best possible price for the services:

Services were combined where possible to reduce the cost within the constraints of maintaining the five separate migrations.

Schedule

Task	Date
First Advertisement Date	02/23/16
Second Advertisement Date	03/01/16
Response Deadline From Objectors	03/08/16, at 3:00 P.M. Central Time
Notice of Award/No Award Posted	Not before 03/09/16

Project Details

NearPoint is an email archiving solution that was originally purchased in 2010, through a competitive procurement. ITS has support and maintenance through November 30, 2016. This support was purchased through Capax Discovery, LLC. ITS is converting from a Microsoft Exchange email solution to Office365, and the mail stored in the archive solution needs to be migrated to the new solution. The migration is performed directly from NearPoint to O365. This ensures the email chain of custody is maintained, guaranteed and reported, and any support issues during the extraction are resolved. The data migration will be performed for five groups, four individual agencies moving to their own O365 tenant and one group of the remaining agencies moving to the shared O365 tenant.

Submission Instructions and Format of Response from Objecting Parties

Interested parties who have reason to believe that the migration services 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 Capax Discovery, LLC.

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, March 8, 2016, 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:

**SUBMITTED IN RESPONSE TO
Sole Source Certification No. 3879-39026
Accepted until March 8, 2016 @ 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.

- 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: Data Migration from NearPoint		Stimulus (ARRA) Funds? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Customer Contact Information			
Agency/Public University: Mississippi Department of Information Technology Services Address: 3771 Ridgewood Road, Jackson, MS 39211		Contact Person: Lynn Templeton Phone: 601-432-8054 Fax: 601-713-6380 Email Address: lynn.templeton@its.ms.gov	
MAGIC Customer Number (only required from state agencies): 700000174 (ITS-Data Services)		Division/Dept: Handmail: X Yes <input type="checkbox"/> No	
Project Summary Narrative Description of Project (include details of original acquisition if applicable): NearPoint is an email archiving solution that was originally purchased in 2010. ITS has support and maintenance through November 30, 2016. This support was purchased through Capax Discovery, LLC. ITS is converting Microsoft Exchange to Office365 and the mail stored in the archive solution needs to be migrated to the new solution.			
ITS Acquisition Approval (CP-1) should be effective through this date (Please allow time for all vendor invoices to be paid):			
<i>Location</i>	<i>Costs</i>	Time Constraints Item Needed by: 06/30/16 Funds Expire:	Anticipated Lifecycle of Products/System (i.e. estimated years of effective use):
MS Dept of Mental Health (DMH)	\$19,125.00	Discuss Funding (e.g. how much of needed funding is definite; total project budget; any matching or other non-state funds)	
MS Dept of Marine Resources (DMR)	\$19,875.00		
Ellisville State School (ESS)	\$13,100.00		
MS Specialized Treatment Facility (STF)	\$14,000.00		
All other agencies, excluding above	\$18,500.00		
Total	\$84,600.00		
Acquisition Details			
Items Requested	Description	Location(s)	
NearPoint software	Migration software licensing per TB of NearPoint to O365	ITS Office Building and State Data Center	
NearPoint migration services	Fixed Fee Services	ITS Office Building and State Data Center	
Software maintenance and support	Maintenance and updates, environmental issue resolution, helpdesk support	ITS Office Building and State Data Center	
Describe platform & infrastructure (connectivity; software/hardware platforms; utilization of State Data Center resources: mainframe, eGovernment portal, payment engine, document management, hosting). The Microsoft Office 365 solution was chosen via RFP 3723 to consolidate the State's multiple stand-alone email environments into a single cloud-hosted enterprise email offering.			
Progress to Date: What has been done related to this project, including any communication with ITS staff (data/voice/procurement/other)? Project request submitted. ITS has five SOW's for NearPoint migration services for the ITS-hosted email environment, ESS, STF, DMH and DMR to Microsoft Office 365.			
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: ITS currently uses NearPoint, an email archiving solution, and desires to move the email data to O365. The mail stored in the archive solution needs to be migrated. The Capax migration will consist of active and inactive mailboxes to O365, software maintenance and updates, environmental issue resolution and helpdesk support.			
Explain why these products or services are the only ones that can meet your needs (include unique features/special functionality): Capax has developed a tool specifically for NearPoint-to-Microsoft Office 365 (O365) migrations. ITS currently uses NearPoint, an email archiving solution, and desires to move the email data to O365. The data migration will be performed for five groups, four individual agencies moving to their own O365 tenant and one group of the remaining agencies moving to the shared O365 tenant. The mail stored in the archive solution needs to be migrated.			
Explain why the source is the only entity that can provide the products or services (Include other products/vendors researched or evaluated): Capax purchased the sole ownership rights of the NearPoint Mimosa Archive product from HP. Capax owns all rights and privileges to the application source code and the right to market and sell the software and service. Capax has no resellers available to provide this software and Service.			
Explain why the amount to be expended for the services is reasonable: ITS currently uses NearPoint, an email archiving solution, and desires to move the email data to O365. The mail stored in the			

archive solution needs to be migrated. Services have been combined where possible to reduce the cost within the constraints of maintaining the five separate migrations. ITS currently owns the NearPoint licenses and does not have resources that can perform these services, since Capax has the exclusive rights to development of the source code and the exclusive right to market and sell this software and service.

Explain what your agency did to obtain the best possible price for the services:

Services were combined where possible to reduce the cost within the constraints of maintaining the five separate migrations.

Vendor's Certification of Sole Source attached: Yes No Vendor's proposal submitted: Yes No

MAGIC Vendor Code(s) Vendor must be in MAGIC before a CP-1 can be issued.

Place Order To

Vendor Name: Capax Discovery, LLC
Vendor Address: 590 Headquarters Plaza, East Tower, 5th
Morristown, NJ 07960

Remit To

Vendor Name: Capax Discovery, LLC
Vendor Address: P. O. Box 490
Buffalo, NY 14231-0490

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.

Craig P. Orgeron, Executive Director
Name (Agency Head or Public University CIO)/Title

[Signature] 2/22/14
Signature Date



17 February 2016

To Whom It May Concern:

This letter is to confirm that Capax Discovery's NearPoint Support & Maintenance, the ("Service"), is a sole source of Service, provided exclusively by Capax. This Service provides technical support, enhancements, and upgrades as outlined in the Software Support and Maintenance agreement for the customer's installation of, and license for NearPoint. This Service must be purchased directly by institutions from Capax at the address below. Capax currently has no resellers available at this time to provide this software and Service. There are no agents or dealers authorized to represent this Service.

Additionally, in July of 2014, Capax purchased from HP the exclusive rights to development of the source code and the exclusive right to market and sell this Software and Service.

There is no other like Service available for purchase that would serve the same purpose or function.

If you desire additional information, please call (973)401-0660 or visit our website at www.CapaxDiscovery.com.

Thank you for your interest in our NearPoint Support & Maintenance service.

Sincerely,

A handwritten signature in blue ink that reads "Steven Williams".

Steven Williams
Executive Vice President



Morristown, New Jersey, – July 29, 2014 – Capax Global and Hewlett-Packard (HP) entered into an agreement whereby Capax acquired all rights to provide future development and support of Enterprise Archive Solution (“EAS”), NearPoint and Autonomy Message Manager-formerly CA Message Manager – (“CAMM”) archive solutions.

Capax Global has attained deployment and distribution license rights to EAS, NearPoint and CAMM. Capax will continue to provide primary technical support for these archive solutions, plus the ability to create and distribute new software releases, patches, and updates to the products.

Capax Global / HP Highlights:

- Capax Global will continue to provide technical support for all EAS and NearPoint customers. Over the past 6 years Capax support has a 95% satisfaction index.
- Capax will support CAMM customers.
- Capax will extend support and development for EAS, NearPoint, and support CAMM beyond the HP August 2015 End of Life (EOL) date
- Capax will renew all technical support and maintenance contracts going forward.
- Capax will be releasing EAS for Microsoft Exchange 2013.
- Capax will provide new EAS, NearPoint, and CAMM software licenses to customers requiring additional licenses.

There will be no interruption of technical support during the transition. EAS, NearPoint, and CAMM customers not already direct customers of Capax will receive a new Capax Support and Maintenance contract within 60 days of current contract expiring.

Customers can contact Peter Oleinick, Senior Director, at 973-630-7641 or poleinick@capaxglobal.com with any questions about the transition process.

Capax Global is an HP Platinum partner that provides HP consulting and professional, support, and managed application hosting for many HP Autonomy Enterprise solutions.

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.