
Notice of Intent to Certify Sole Source

To: Interested Parties
From: Craig P. Orgeron, Ph.D.
Date: June 7, 2016
Subject: Sole Source Certification Number 3925 to provide Respondus and Respondus LockDown Browser for Mississippi Community College Board
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 3925 for Respondus and Respondus LockDown Browser for the Mississippi Community College Board (MCCB), please be advised that ITS intends to award Respondus, Inc. as the sole source provider of Respondus products at a 3-year lifecycle cost of \$141,842.00 through July 31, 2019. 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:

MCCB purchased Respondus and Respondus LockDown Browser in 2008 via a sole source procurement and has made a business decision to continue using the products. Respondus provides a low-cost solution for creating and managing online exams, with support for printing exams, importing exam content from other sources (i.e. Word), and integrations with publisher test banks. The Respondus Test Bank Network integration, that includes over 7,500 textbooks and millions of test questions, is unique to the Respondus 4.0 exam authoring tool. The LockDown Browser application is tightly integrated with multiple learning management systems and supports iOS devices, whereas other similar locked browser applications do not. Other “locked browser” solutions are limited to a specific LMS, or must be used with proprietary testing platforms. 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:

Respondus 4.0 supports the creation and management of assessments that can be both printed or published to multiple learning management systems. It also supports the importing of Word documents and other external files, which is a critical feature for faculty to adopt online testing. Respondus 4.0 includes integration with the Respondus Test Bank Network, a unique partnership between Respondus and more than 30 leading publishers in higher education. Respondus 4.0 users that adopt a participating textbook have access to thousands of publisher test banks in a format that works with Respondus. This tool makes working with publisher content fast, easy and seamless for instructors.

LockDown Browser is a custom browser that locks down the testing environment within the online course, preventing students from accessing other digital resources during online exams. LockDown Browser will not allow students to print, copy, open other applications or files, or access other websites during online tests. LockDown Browser supports Windows, Mac and iOS.

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:

Respondus, Inc. has certified that it is the sole distributor of Respondus products. The Vendor’s sole source certification letter is included as Attachment B.

Schedule

Task	Date
First Advertisement Date	06/07/16
Second Advertisement Date	06/14/16
Response Deadline from Objectors	06/21/16 at 3:00 P.M. Central Time
Notice of Award/No Award Posted	Not before 06/22/16

Project Detail

MCCB purchased Respondus and Respondus LockDown Browser in 2008 via a sole source procurement. A Software License and Maintenance Agreement was executed August 19, 2008, for a total 3-year lifecycle cost of \$140,632.35.00. Since that time, maintenance has been paid annually. The total spent to date beyond the initial purchase is \$226,197.00.

Submission Instructions and Format of Response from Objecting Parties

Interested parties who have reason to believe that Respondus 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 Respondus.

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, June 21, 2016, 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:

<p>SUBMITTED IN RESPONSE TO Sole Source Certification No. 3925-42804 Accepted until June 21, 2016 @ 3:00 p.m. Attention: Donna Hamilton</p>

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

cc: ITS Project File 42804



Sole Source Certification Request

Project Title: Respondus		Stimulus (ARRA) Funds? Yes No X																				
Customer Contact Information																						
Agency/Public University: MS Community College Board Address: E&R Center, Room 519 Jackson, MS 39211		Contact Person: Krista LeBrun, Ph.D. Phone: 601-432-6106 Fax: 601-432-6363 Email Address: klebrun@mccb.edu																				
MAGIC Customer Number (only required from state agencies): 700000104		Division/Dept: eLearning Handmail: <input type="checkbox"/> Yes X No																				
<p>Project Summary <i>Narrative Description of Project</i> (include details of original acquisition if applicable): A contract for this product has been in place many years and is a critical component of the MSVCC. Course integrity is a key area of concern for the MSVCC. Respondus Lockdown Browser allows a safeguard in the online testing process by ensuring that students are unable to use any other software package during testing. This helps assure that students cannot use other electronic resources while taking exams and other assessments in the online environment. Respondus 4.0 allows instructors the ability to create assessments and other useful resources so that students can be better prepared to complete assessments. Tests created using Respondus are easily integrated into the Canvas LMS.</p>																						
<p>ITS Acquisition Approval (CP-1) should be effective through this date (Please allow time for all vendor invoices to be paid):</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Cost Estimates Fiscal Year</th> <th>Initial Costs</th> <th>Ongoing Costs</th> <th>Time Constraints Item Needed by: 7/31/2016 Funds Expire:</th> <th>Anticipated Lifecycle of Products/System (i.e. estimated years of effective use): 3 years</th> </tr> </thead> <tbody> <tr> <td>2017</td> <td></td> <td>\$45,665.00</td> <td rowspan="4"> Discuss Funding (e.g. how much of needed funding is definite; total project budget; any matching or other non state funds) Paid for through MSVCC assessment fees to the colleges. </td> <td rowspan="4"></td> </tr> <tr> <td>2018</td> <td></td> <td>\$47,262.00</td> </tr> <tr> <td>2019</td> <td></td> <td>\$48,915.00</td> </tr> <tr> <td>Total</td> <td></td> <td>\$141,842.00</td> </tr> </tbody> </table>				Cost Estimates Fiscal Year	Initial Costs	Ongoing Costs	Time Constraints Item Needed by: 7/31/2016 Funds Expire:	Anticipated Lifecycle of Products/System (i.e. estimated years of effective use): 3 years	2017		\$45,665.00	Discuss Funding (e.g. how much of needed funding is definite; total project budget; any matching or other non state funds) Paid for through MSVCC assessment fees to the colleges.		2018		\$47,262.00	2019		\$48,915.00	Total		\$141,842.00
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Acquisition Details																						
Items Requested	Quantity	Description	Building Location(s)																			
Respondus 4.0		Test Security System																				
Respondus LockDown Browser		Test Generator																				
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: Web-based application.																						
Progress to Date: What has been done related to this project, including any communication with ITS staff (data/voice/procurement/other)?																						
<p>Sole Source Certification Note: Certification must be renewed for each revision or continuation of previous Sole Source Approvals.</p> <p>Specific business requirements to be met by the requested products or services: A low-cost solution for creating and managing online exams, with support for printing exams, importing exam content from other sources (i.e. Word), and integrations with publisher test banks.</p> <p>Explain why these products or services are the only ones that can meet your needs (include unique features/special functionality): Respondus 4.0: This application supports the creation and management of assessments that can be both printed or published to multiple learning management systems. It also supports the importing of Word documents and other external files, which is a critical feature for faculty to adopt online testing. Respondus 4.0 includes an integration with the Respondus Test Bank Network, a unique partnership between Respondus and more than 30 leading publishers in higher education. Respondus 4.0 users that adopt a participating textbook have access to thousands of publisher test banks in a format that works with Respondus. This tool makes working with publisher content fast, easy and seamless for instructors. LockDown Browser: This is a custom browser that locks down the testing environment within the online course, preventing students from accessing other digital resources during online exam. LockDown Browser will not allow students to print, copy, open other applications or files, or access other websites during online tests. LockDown Browser supports Windows, Mac and iOS.</p> <p>Explain why the source is the only entity that can provide the products or services (Include other products/vendors researched or evaluated): No other single vendor offers both applications. Licensing from one vendor allows the System to negotiate best available pricing and have one contact for all institutions for support & training resources. The Respondus Test</p>																						

Bank Network integration, which includes over 7500 textbooks and millions of test questions, is unique to the Respondus 4.0 exam authoring tool. The LockDown Browser application is tightly integrated with multiple learning management systems, making it easy for both instructors and students to use. LockDown Browser supports iOS devices, whereas other similar locked browser applications do not. Other "locked browser" solutions are limited to specific LMS, or must be used with proprietary testing platforms.

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: 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: Respondus, Inc.
Vendor Address: P.O. Box 3247

Remit To

Vendor Name: Respondus, Inc.
Vendor Address: P.O. Box 3247

Redmond, WA 98073-3247

Redmond, WA 98073-3247

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.

Andrea Mayfield - MeCB Executive
Name (Agency Head or Public University CIO)/Title Director

Andrea Mayfield 6-3-
Signature Date

Respondus[®]

April 12, 2016

To Whom It May Concern:

Respondus, Inc. is the sole distributor/source in North America of Respondus 4.0, StudyMate Author, Respondus LockDown Browser, Respondus Monitor and StudyMate Class.

Our Federal Tax ID number is 91-2050620.

Respondus does not sell tangible personal property or services that are subject to the state and local sales and use taxes, except as may be applicable to residents of Washington State.

If you require further information, please contact us.

Sincerely,



David J. Smetters
President

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.