
Notice of Intent to Certify Sole Source

To: Interested Parties
From: Craig P. Orgeron, Ph.D.
CC: ITS Project Number 41810
Date: August 18, 2015
Re: Sole Source Notice Number 3803 for InspectTech Licensing from Bentley Systems for the Mississippi Department of Transportation (MDOT)
Contact Name: Patti Irgens
Contact Phone Number: 601-432-8223
Contact E-mail Address: Patti.Irgens@its.ms.gov

Sole Source Certification Award Details

Regarding Information Technology Services (ITS) Sole Source Certification Number 3803 for InspectTech software licensing for the Mississippi Department of Transportation, please be advised that ITS intends to award licensing of InspectTech to Bentley Systems, Inc. as the sole source provider of licensing through June 30, 2018. The total not-to-exceed three-year lifecycle cost of the project is \$652,035.00. For an explanation regarding Mississippi state law, policies, 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:

Bentley InspectTech software is an existing software application used by MDOT to inspect State, County and Local bridges in Mississippi. MDOT'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:

This software allows MDOT to comply fully with government and industry regulations, including those from FHWA, FTA, and FRA. The system helps users meet new requirements in MAP-21 across multiple transportation modes. InspectTech integrates with a variety of other Bentley software programs for easy data exchange. MDOT'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:

Bentley has certified they are the only supplier and provider of the InspectTech software. The vendor's sole source certification letter is included as Attachment B.

Schedule

Task	Date
First Advertisement Date	8/18/15
Second Advertisement Date	8/25/15
Response Deadline From Objectors	9/1/15, at 3:00P.M. Central Time
Notice of Award/No Award Posted	Not before 9/2/15

Project Details

RFP Number 2770-32673 was issued in 2000 for a Bentley Select Contract. In December 2000, the ITS Board, based upon the recommendation from staffs of ITS and MDOT, awarded to Bentley Systems, Inc at a cost of \$1,504,480.00 for the continuation of Bentley Software beginning January 1, 2001.

MDOT has used Bentley products since the late 1980's. MDOT has made the business decision to continue to use the existing Bentley software, licenses and maintenance. With this addition, the total cost of the project to date is \$10,476,949.46.

Submission Instructions and Format of Response from Objecting Parties

Interested parties who have reason to believe that the InspectTech software licensing 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 Bentley Systems, Inc.

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, September 1, 2015, at 3:00 p.m. (Central Time) to Patti Irgens at Patti.Irgens@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 Patti Irgens 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. 3803-41810 Accepted until September 1, 2015 @ 3:00 p.m., ATTENTION: Patti Irgens</p>
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If you have any questions concerning the information above or if we can be of further assistance, please contact Patti Irgens at 601-432-8223 or via email at Patti.Irgens@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: Bentley InspectTech		Stimulus (ARRA) Funds? Yes No <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	
Customer Contact Information			
Agency/Public University: Transportation, Department of Address: 401 North West Street, Jackson, MS 39201		Contact Person: Bo Dickerson Phone: 601-359-7483 Fax: Email Address: bdickerson@mdot.ms.gov	
MAGIC Customer Number (only required from state agencies):		Division/Dept: Handmail: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Project Summary Narrative Description of Project (include details of original acquisition if applicable): 3 year license renewal for Bentley InspectTech software to run through June 30, 2018. These licenses will be used by MDOT and State Aid Road to inspect the State highway bridges and county and local bridges throughout the state.			
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: 08/30/2015 Item Needed by: Funds Expire:
FY 16		\$210,253.00	Anticipated Lifecycle of Products/System (i.e. estimated years of effective use): Discuss Funding (e.g. how much of needed funding is definite; total project budget; any matching or other non state funds):
FY 17		\$216,560.00	
FY 18		\$225,222.00	
Total		\$652,035.00	
Acquisition Details			
Items Requested	Quantity	Description	Building Location(s)
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: This software allows MDOT to comply fully with government and industry regulations, including those from FHWA, FTA, and FRA. The system helps users meet new requirements in MAP-21 across multiple transportation modes. InspectTech integrates with a variety of other Bentley software programs for easy data exchange.			
Explain why these products or services are the only ones that can meet your needs (include unique features/special functionality): Bentley InspectTech software is an existing software application used by MDOT to inspect State, County and Local bridges in Mississippi.			
Explain why the source is the only entity that can provide the products or services (Include other products/vendors researched or evaluated): Bentley is the only supplier and provider of this particular software.			
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 attached: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
MAGIC Vendor Code(s) Vendor must be in MAGIC before a CP-1 can be issued.			
Place Order To Vendor Name: Vendor Address:		Remit To Vendor Name: Vendor Address:	

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.

Executive Director

Name (Agency Head or Public University CIO)/Title

[Signature] 7/23/15
 Signature Date



BENTLEY SYSTEMS, INCORPORATED
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www.bentley.com

June 12, 2015

Mike A. Roberts, CPPO, CPPB, CMPA
IS Procurement Manager
Mississippi Department of Transportation
Information Systems Division
401 North West Street
Jackson, MS 39201

Dear Mr. Roberts:

Bentley Systems, Incorporated ("Bentley") is pleased to provide the Mississippi Department of Transportation information about the proprietary nature of Bentley software.

Bentley supplies the InspectTech License family of computer-aided design, engineering and manufacturing software, which includes InspectTech Collector, InspectTech Manager, and others. In conjunction with software, Bentley provides a comprehensive software support program through its Bentley SELECT Program. Software and documentation developed at the Bentley's expense are proprietary and confidential. Bentley shall be considered the prime contractor and shall assume the responsibility for maintenance of all Bentley supplied software.

Bentley is the only supplier and provider of this particular software. No other vendors can perform the specific functions required by the Mississippi Department of Transportation as stated in Bentley's published specifications.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Glenn McCracken', is written over a faint, larger version of the signature.

Glenn McCracken
Legal Contract Administrator
Bentley Systems, Incorporated

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

Attachment C: **Sole Source Procurement Overview**

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.