

Notice of Intent to Certify Sole Source

To: Interested Parties

From: Craig P. Orgeron, Ph.D. 

CC: ITS Project Number 42091

Date: October 13, 2015

Re: Sole Source Certification Number 3825 for MHP e-Citation System Manufacturer Maintenance

Contact Name: Paula Conn

Contact Phone Number: 601-432-8046

Contact E-mail Address: Paula.Conn@its.ms.gov

Sole Source Certification Award Details

Regarding Information Technology Services (ITS) Sole Source Certification Number 3825 for Delta Computer Systems, Inc. support for Mississippi Highway Patrol (MHP) e-Citation System for the Mississippi Department of Public Safety (MDPS), please be advised that ITS intends to award support of MHP e-Citation System to Delta Computer Systems Inc. as the sole source provider of support through December 31, 2017, in an amount not to exceed \$58,000.00. 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:

The e-Citation application currently in use at MDPS enables electronic generation of traffic citations (including DUIs and general affidavits) by law enforcement officers at the patrol-car with mobile transmission through an electronic clearinghouse and forwarded to local courts by electronic data interchange. This interface supports 57 court jurisdictions throughout the state that receive the electronic citations for adjudication. MDPS has made a business decision to continue using the system.

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:

In the absence of this interface, law enforcement officers are unable to submit traffic citations to the courts electronically. The inability to submit traffic citations to courts electronically will slow the prosecution process and create a bottleneck effect of having officers hand-deliver citations to the courts. This application supports 57 court jurisdictions throughout the state. Attempts to replace the existing interface could cripple the existing system and greatly slow the reporting and adjudication process of the traffic citations.

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 products or services:

The interface source code is proprietary and as such can only be sold by, supported, and modified by Delta Computer Systems, Inc.

The vendor's sole source certification letter is included as Attachment B.

Schedule

Task	Date
First Advertisement Date	October 13, 2015
Second Advertisement Date	October 20, 2015
Response Deadline From Objectors	October 27, 2015, at 3:00 P.M. Central Time
Notice of Award/No Award Posted	Not before October 28, 2015

Project Details

In August of 2006, MDPS and the Justice Court system in Mississippi began the roll-out of an electronic court system to include MHP e-Citation. The system functions within the Justice Court System in 57 counties in Mississippi. The system, supported by Delta Computer Systems, Inc., provides electronic generation of traffic citations by Mississippi Highway Patrol (MHP) Troopers at the patrol car with mobile transmission through an electronic clearinghouse. In turn, the citation is forwarded to local courts by electronic data exchange. The software is provided by Delta Computer Systems, Inc.

In September of 2010, ITS, the Mississippi Department of Public Safety (MDPS), and Delta Computer Systems, Inc. signed a Professional Services Agreement to provide support, including programming, for the MHP e-Citation System. With the success of the system, MDPS made a business decision to continue use of the system and amended the agreement in December of 2013 to continue support of the system.

Submission Instruction and Format of Response from Objecting Parties

Interested parties who have reason to believe that the manufacturer direct maintenance 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 Delta Computer Systems.

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, October 27, 2015, at 3:00 p.m. (Central Time) to Paula Conn at Paula.Conn@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 Paula Conn 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. 3825-42091
Accepted until October 27, 2015 @ 3:00 p.m.,
ATTENTION: Paula Conn**

If you have any questions concerning the information above or if we can be of further assistance, please contact Paula Conn at 601-432-8046 or via email at Paula.Conn@its.ms.gov.

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

Sole Source Certification Request

Project Title: MHP e-Citation System Maintenance **Stimulus (ARRA) Funds?** Yes No

Customer Contact Information	
Agency/Public University: Department of Public Safety Address: PO Box 958, Jackson, MS 39205-0958	Contact Person: DeWann Clark Phone: 601-933-2658 Fax: 601-933-2676 Email Address: dclark@dps.ms.gov
MAGIC Customer Number (only required from state agencies):	Division/Dept: Handmail: <input type="checkbox"/> Yes <input type="checkbox"/> No

Project Summary Narrative Description of Project (include details of original acquisition if applicable):

ITS Acquisition Approval (CP-1) should be effective through this date (Please allow time for all vendor invoices to be paid):

Cost Estimates Fiscal Year	Initial Costs	Ongoing Costs	Time Constraints Item Needed by: 12/31/2015 Funds Expire: ongoing	Anticipated Lifecycle of Products/System (i.e. estimated years of effective use): 10 years
FY16		\$29,000.00	Discuss Funding (e.g. how much of needed funding is definite; total project budget; any matching or other non-state funds)	
FY17		\$29,000.00		
Total		\$58,000.00		

Acquisition Details

Items Requested	Quantity	Description	Building Location(s)
Delta Computers	1	e-Citation Maintenance	

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:
 Electronic generation of traffic citations (including DUIs and Gas) by MHP Troopers at the patrol car with mobile transmission through an electronic clearinghouse and forwarded to local courts by electronic data interchange.

Progress to Date: What has been done related to this project, including any communication with ITS staff (data/voice/procurement/other)?
 DPS has received a quote for maintenance, as well as a sole source letter

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 e-Citation application enables electronic generation of traffic citations (including DUIs and general affidavits) by law enforcement officers at the patrol-car with mobile transmission through an electronic clearing house and forwarded to local courts by electronic data interchange. This interface supports 57 court jurisdictions throughout the State that receive the electronic citations for adjudication.

Explain why these products or services are the only ones that can meet your needs (include unique features/special functionality):
 In the absence of this interface, law enforcement officers are unable to submit traffic citations to the courts electronically. The inability to submit traffic citations to courts electronically will slow the prosecution process and create the bottleneck effect of having officers hand deliver citations to the courts. This application supports 57 court jurisdictions throughout the State. Attempts to replace the existing interface would cripple the existing system and greatly slow the reporting and adjudication process of the traffic citations.

Explain why the source is the only entity that can provide the products or services (Include other products/vendors researched or evaluated):
 In the absence of this interface, law enforcement officers are unable to submit traffic citations to the courts electronically. The inability to submit traffic citations to courts electronically will slow the prosecution process and create the bottleneck effect of having officers hand deliver citations to the courts. This application supports 57 court jurisdictions throughout the State. Attempts to replace the existing interface would cripple the existing system and greatly slow the reporting and adjudication process of the traffic citations.

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	Remit To
Vendor Name: Delta Computer Systems, Inc.	Vendor Name: Delta Computer Systems, Inc.
Vendor Address: 1085 Tommy Munro Dr., Biloxi, MS 39532	Vendor Address: 1085 Tommy Munro Dr., Biloxi, MS 39532

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 10-6-15
 Signature Date

October 1, 2015

DeWann Clark
MS Department of Public Safety
P.O. Box 958
Jackson, MS 39205-0958

Dear DeWann,

This letter is to confirm that annual maintenance for years 2016-2017 will be \$29,000. Delta Computer Systems, Inc., a Harris Computer owned company, is the software provider for 58 Justice Court jurisdictions for Mississippi. This program was developed by the programmers at Delta and as such, we are the only company who can own the code and maintain the program.

Years 2016-2017	Annual Maintenance	\$29,000/year
-----------------	--------------------	---------------

Should you have any questions, please do not hesitate to contact me.

Sincerely,



Amber Wilson
Harris/Delta Computer Systems, Inc.
1085 Tommy Munro Dr.
Biloxi, MS 39532
228-388-7688
awilson@harriscomputer.com

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.