

## Notice of Intent to Certify Sole Source

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**To:** Interested Parties

**From:** Craig P. Orgeron, Ph.D. <sup>cro</sup>

**CC:** ITS Project Number 42336

**Date:** November 24, 2015

**Re:** Sole Source Certification Number 3832 for Computer Associates (CA) Product Reinstatement and License Fees for the Mississippi Department of Information Technology Services (ITS)

**Contact Name:** Teresa Washington

**Contact Phone Number:** 601-432-8049

**Contact E-mail Address:** teresa.washington@its.ms.gov

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### Sole Source Certification Award Details

Regarding Information Technology Services (ITS) Sole Source Certification Number 3832 for CA software product reinstatement and license fees for ITS, please be advised that ITS intends to award software product reinstatement and license fees to Computer Associates, Inc. as the sole source provider of this service through March 31, 2016, in an amount not to exceed \$125,218.78. 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 State Data Center provides a z/OS mainframe environment for State agencies. The products are necessary to provide a secure and available environment for these applications and the agencies' data. The licenses for these products expired in March 2015. In order for ITS to continue providing a secure mainframe environment, the licenses need to be reinstated. 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:

**Both of these products were acquired 20 to 30 years ago. Each product was implemented, and operational procedures for the Data Center and customers were built around these products. Although other products can perform the same function, the conversion from one product to another is challenging. ITS Data Center staff is currently researching the conversion on these products. Unfortunately, the process is**

slow, and these products are needed for a longer period of time to provide the needed functions. ITS has made the business decision to continue the use of these CA products; licensing for which expired March 31, 2015. The reinstatement fees must be paid in order to continue the use of software products. ITS is conducting a competitive procurement to continue CA software licensing and support for its State Data Center infrastructure components from March 30, 2016 through March 31, 2019. ITS anticipates conducting a competitive procurement to convert to another product(s) after March 31, 2019. 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:

CA is the owner and manufacturer or licensee of these products. The contract with CA will not allow ITS to fully execute the products in the mainframe environment without reinstating the expired software products. The vendor's sole source certification letter is included as Attachment B.

**Schedule**

<b>Task</b>	<b>Date</b>
First Advertisement Date	11/24/15
Second Advertisement Date	12/1/15
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**

ITS originally procured CA software licenses and support via an RFP as recently as 2003. Since 1993, ITS has expended approximately \$19,533,919.77 for CA software licenses and support. Software product reinstatement and license fees for the two software products to be acquired via this procurement are CA-TLMS, a tape management system, and CA-TPX, a session management system with options. The licenses and support previously purchased by ITS expired March 31, 2015. ITS is now seeking to reinstate the licenses and support of these two software products and options through this procurement.

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

Interested parties who have reason to believe that the Computer Associates, Inc. reinstatement and license fees 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 Computer Associates, 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 Thursday, December 10, 2015, at 3:00 p.m. (Central Time) to Teresa Washington at [teresa.washington@its.ms.gov](mailto:teresa.washington@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 Teresa Washington 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. 3832-42336  
Accepted until December 10, 2015 @ 3:00 p.m.,  
ATTENTION: Teresa Washington**

If you have any questions concerning the information above or if we can be of further assistance, please contact Teresa Washington at 601-432-8049 or via email at [teresa.washington@its.ms.gov](mailto:teresa.washington@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: CA Product Reinstatement</b>			<b>Stimulus (ARRA) Funds? Yes    No <input checked="" type="checkbox"/></b>	
<b>Customer Contact Information</b>				
<b>Agency/Public University: Information Technology Services</b> Address: 3771 Eastwood Drive Jackson, MS 39211			<b>Contact Person: Lynn Templeton</b> Phone: 601-432-8054 Fax: 601-713-6380 Email Address: lynn.templeton@its.ms.gov	
<b>MAGIC Customer Number (only required from state agencies): 700000174 (ITS-Data Services)</b>			<b>Division/Dept: 0131</b> <b>Handmail: <input checked="" type="checkbox"/> Yes   <input type="checkbox"/> No</b>	
<b>Project Summary Narrative Description of Project (include details of original acquisition if applicable):</b> Two products are involved, CA-TLMS and CA-TPX. CA-TLMS is a tape management system that insures that datasets on tape are protected while active. The software insures availability of tape resource when needed. A tape management system is a required z/OS component when a Data Center has a large tape volume inventory. CA-TPX is a session management system that provides convenient and secure access to multiple applications for users of the mainframe environment. Both products were acquired many years ago and integrated into the operational environment of the Data Center. Although, the ITS staff is now involved in a project to evaluate all products running on the z/OS mainframe platform, these CA products are still needed until new products can be procured and implemented.				
<b>ITS Acquisition Approval (CP-I) should be effective through this date (Please allow time for all vendor invoices to be paid): 03/31/2016</b>				
<b>Cost Estimates</b>	<b>Initial Costs</b>	<b>Ongoing Costs</b>	<b>Time Constraints</b>	<b>Anticipated Lifecycle of Products/System (i.e. estimated years of effective use): 1 year</b>
<i>Fiscal Year</i>			Item Needed by: 09/30/2015 Funds Expire: 03/15/2016	
2016		\$125,218.78	<b>Discuss Funding (e.g. how much of needed funding is definite; total project budget; any matching or other non-state funds)</b> All funding is definite and would come from ITS funds	
<b>Total</b>		<b>\$125,218.78</b>		
<b>Acquisition Details</b>				
<b>Items Requested</b>	<b>Quantity</b>	<b>Description</b>	<b>Building Location(s)</b>	
Mainframe CA Software includes: Tape Management and Session Management Systems with options for Basic Package, Data Compression, Mailbox, and Automated Conversation Language/Extended	5	Reinstatement of Licenses and Support	3771 Eastwood Drive	
<b>Describe platform &amp; 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:</b> Products are mainframe z/OS operational products used by and for the customer agencies of the State Data Center.				
<b>Progress to Date:</b> What has been done related to this project, including any communication with ITS staff (data/voice/procurement/other)? ITS Data Services staff is in the process of streamlining the z/OS products that support the operations of the Data Center mainframe environment. These specific products could potentially be replaced by less expensive and/or more robust products. However, the conversion process is technically complex, and these CA products will be needed until conversion is complete.				
<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 State Data Center provides a z/OS mainframe environment for State agencies. ITS charges these agencies based on usage. The products are necessary to provide a secure and available environment for these applications and the agencies' data. The licenses for these products expired in March 2015. In order for ITS to continue providing a secure mainframe environment, the licenses need to be reinstated.				
<b>Explain why these products or services are the only ones that can meet your needs (include unique features/special functionality):</b> Both of these products were acquired 20 to 30 years ago. Each product was implemented, and operational procedures for the Data Center and customers were built around these products. Although other products can perform the same function, the conversion from one product to another is challenging. ITS Data Center staff is currently researching the conversion on these products. Unfortunately, the process is slow, and these products are needed for a longer period of time to provide the needed functions. ITS has made the business decision to				





One CA Plaza  
Islandia, NY 11749

September 18, 2015

Issued to:  
Mississippi Department of Information  
3771 Eastwood Drive  
Jackson,MS 39211

RE: Sourcing Information Letter

To Whom it May Concern,

You requested information on sourcing options for license/capacity renewal of mainframe software products, as well as software maintenance and technical support for those products.

CA is the owner and manufacturer or licensee of the proprietary software products indicated below. New releases for the products are developed exclusively by CA employees, its licensors and contractors. Only CA employees, its licensors and contractors have access to the source code of these proprietary products (other than typical industry source code escrow arrangements). Typically resellers do not have access to the CA source code.

Public sector customers can obtain most distributed and mainframe product licenses from CA's authorized resale partners, as well as maintenance for distributed products. Mainframe maintenance renewals, including extensions of licensed mainframe capacity (which can include increases), are available only on a direct basis from CA unless specific authorization has been provided. For this opportunity, no such authorization has been provided.

SKU	Product name
TPXACL002	CA TPX SESSION MGMT ACLE OPT
TPXADC002	CA TPX DATA COMPRESSION OPT
TPXBA5002	CA TPX SESSION MGMT BASIC PKG
TPXMBO002	CA TPX SESSION MGMT MAILBOX OP
TLMBAS002	TLMS TAPE MGM

If you have any further questions regarding the above please contact the Global Service Center at 1-800-CALL-CAI option 4.

Thank you for your inquiry.

Sincerely,

Priscilla Sanginario  
Manager, Customer Care

## 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.