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## Notice of Intent to Certify Sole Source

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**To:** Interested Parties

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

**CC:** ITS Project Number 42801

**Date:** June 7, 2016

**Re:** Sole Source Certification Number 3926 for SAS Software License Renewal for the University of Mississippi Medical Center (UMMC)

**Contact Name:** Jill Chastant

**Contact Phone Number:** 601-432-8214

**Contact E-mail Address:** Jill.Chastant@its.ms.gov

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### Sole Source Certification Award Details

Regarding Information Technology Services (ITS) Sole Source Certification Number 3926 for SAS Software License Renewal for the University of Mississippi Medical Center (UMMC), please be advised that ITS intends to award the purchase of SAS Software License Renewal to SAS Institute, Inc. through June 30, 2017, as the sole source provider of SAS Software License Renewal in an amount not to exceed \$30,930.00. 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:

**SAS software provides advanced statistical procedures not available in other statistical packages. UMMC contracts with the National Institutes of Health and the National Heart, Lung and Blood Institute; both require the use of SAS. 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:

**The SAS software provides validated processes for data management in regards to submissions to regulatory and funding agencies such as the Food and Drug**

**Administration and the National Institutes of Health. 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:

**SAS Institute, Inc. (SAS) is the sole manufacturer and publisher of SAS Software and is the sole and exclusive distributor of SAS Software. SAS is the sole source for the renewal of the software currently licensed by UMMC. 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 Details

The SAS software was acquired in the late 1980s through a competitive procurement by UMMC. This software is used campus-wide by numerous departments to satisfy mission objectives required by state and federal grants. In 2013, a Master Agreement was executed for eighty (80) individual licenses. In 2015, UMMC moved to an Enterprise Solution for fifty (50) of the individual licenses. This software license renewal is for thirty (30) standalone workstation licenses. At the end of this one-year renewal, UMMC hopes to have moved the final thirty (30) individual licenses to the Enterprise Solution and will renegotiate a new Contract at that time and recertify as sole source if needed. Since the inception of the Master Agreement in 2013, UMMC has spent \$235,066.00.

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

Interested parties who have reason to believe that the SAS Software License Renewal 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 SAS Institute, 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, June 21, 2016, at 3:00 p.m. (Central Time) to Jill Chastant at [Jill.Chastant@its.ms.gov](mailto: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. 3926-42801**  
**Accepted until June 21, 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](mailto: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

<b>Project Title: SAS Institute Software License Renewal</b>		<b>Stimulus (ARRA) Funds? <u>Yes</u> <u>No X</u></b>	
<b>Customer Contact Information</b>			
<b>Agency/Institution:</b> UMMC-University of Mississippi Medical Center <b>Address:</b> 2500 North State Street, Jackson, MS 39216		<b>Contact Person:</b> Cindy Freeman <b>Phone:</b> 601-815-6574 <b>Fax:</b> <b>Email Address:</b> cgfreeman@umc.edu	
<b>MAGIC Customer Number</b> (only required from state agencies): <b>5000000052 (UMC-Information Systems-12006)</b>		<b>Division/Dept:</b> <b>Handmail:</b> X Yes <input type="checkbox"/> No	
<b>Project Summary Narrative Description of Project</b> (include details of original acquisition if applicable): The SAS software was acquired in the late 1980s through a competitive procurement by UMMC. This software is used campus-wide by numerous departments to satisfy mission objectives required by state and federal grants. In 2013, a Master Agreement was executed for eighty (80) individual licenses. In 2015, UMMC moved to an Enterprise Solution for fifty (50) of the individual licenses. This software license renewal is for thirty (30) standalone workstation licenses. At the end of this one-year renewal, UMMC hopes to have moved the final thirty (30) individual licenses to the Enterprise Solution and will renegotiate a new Contract at that time and recertify as sole source if needed. Since the inception of the Master Agreement in 2013, UMMC has spent to date \$235,066.00.			
<b>ITS Acquisition Approval (CP-1) should be effective through this date</b> (Please allow time for all vendor invoices to be paid): 06/30/2017			
<b>Cost Estimates Fiscal Year</b>	<b>Initial Costs</b>	<b>Ongoing Costs</b>	<b>Time Constraints</b> Item Needed by: 06/30/16 Funds Expire: 06/30/16
2016	\$30,930.00		<b>Anticipated Lifecycle of Products/System</b> (i.e. estimated years of effective use): 1 year  <b>Discuss Funding</b> (e.g. how much of needed funding is definite; total project budget; any matching or other non-state funds) 100% budgeted funds
<b>Total</b>		<b>\$30,930.00</b>	
<b>Acquisition Details</b>			
<b>Items Requested</b>	<b>Installs</b>	<b>Location(s)</b>	
<b>BASE LICENSES</b>			
SAS Analytics Pro	30	University of Mississippi Medical Center	
SAS/LAB	30	University of Mississippi Medical Center	
SAS/INSIGHT	30	University of Mississippi Medical Center	
SAS/TML	30	University of Mississippi Medical Center	
SAS/ACCESS Interface to PC Files	30	University of Mississippi Medical Center	
<b>MODULES (included w/base license)</b>			
SAS/ETS	10	University of Mississippi Medical Center	
SAS/GIS	10	University of Mississippi Medical Center	
SAS/OR	10	University of Mississippi Medical Center	
SAS/QC	10	University of Mississippi Medical Center	
SAS/Secure Windows	10	University of Mississippi Medical Center	
SAS/SHARE	10	University of Mississippi Medical Center	
SAS/ACCESS Interface to DB2	10	University of Mississippi Medical Center	
SAS/ACCESS Interface to MySQL	10	University of Mississippi Medical Center	
SAS/ACCESS Interface to Oracle	10	University of Mississippi Medical Center	
SAS/ACCESS Interface to SYBASE	10	University of Mississippi Medical Center	
SAS/ACCESS Interface to ODBC	10	University of Mississippi Medical Center	
<b>Describe platform &amp; infrastructure</b> (connectivity; software/hardware platforms; utilization of State Data Center resources: mainframe, eGovernment portal, payment engine, document management, hosting). These thirty (30) individual licenses are loaded directly onto desktops at UMMC.			
<b>Progress to Date:</b> What has been done related to this project, including any communication with ITS staff (data/voice/procurement/other)? Obtained quote from vendor for renewal. Project submitted to ITS.			
<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> SAS software provides validated data management processes for submission to regulatory and funding agencies such as the Food and Drug Administration and the National Institutes of Health.			
<b>Explain why these products or services are the only ones that can meet your needs</b> (include unique features/special functionality):			



**SAS INSTITUTE INC.  
CERTIFICATE OF ORIGIN  
AND  
SOLE SOURCE CERTIFICATE**

SAS Institute Inc., SAS Campus Drive, Cary, North Carolina, U.S.A., 27513 is the sole manufacturer and publisher of certain commercial software ("SAS Software"). SAS Software originates from the United States of America and SAS Institute Inc. is the owner or licensee of the intellectual property rights in SAS Software.

SAS is the sole and exclusive distributor of SAS Software for the benefit of commercial customers located in the United States.

Notwithstanding the foregoing, the following exceptions apply:

- (a) SAS subsidiaries located outside of the United States may enter into multi-national transactions which may include sites located in the United States.
- (b) SAS may appoint certain third parties to market SAS Software in the United States to potential customers that are identified to and approved by the Subsidiary, but licenses with all such customers must be directly SAS.

This certificate does not apply to JMP, IDEaS, VSTI, Assetlink, aiMatch products or to any other software products or technologies which are acquired by SAS after the signature date of this certificate.

This certificate is valid through December 31, 2016.

**SAS Institute Inc.**

  
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 Karen L. Day, Asst. Corporate Secretary

**STATE OF NORTH CAROLINA  
COUNTY OF WAKE**

Sworn to and subscribed before me this  
the 19th day of August, 2015.

  
 \_\_\_\_\_  
 Notary Public

Donna M. Alfieri  
(printed name)



My commission expires: March 8, 2019

Igi11.01.0100/Jun12

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500KP0030.1(19AUG2015)

## **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

## **Attachment C: Sole Source Procurement Overview**

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.