

Notice of Intent to Certify Sole Source

To: Interested Parties

From: Craig P. Orgeron, Ph.D.

CC: ITS Project Number 44267

Date: June 12, 2018

Re: Sole Source Certification Number 4106 for Legal Files Software Maintenance for the Mississippi Department of Environmental Quality (MDEQ)

Contact Name: Jill Chastant

Contact Phone Number: 601-432-8214

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

Sole Source Certification Award Details

Regarding Information Technology Services (ITS) Sole Source Certification Number 4106 for Legal Files Software Maintenance for the Mississippi Department of Environmental Quality (MDEQ), please be advised that ITS intends to award to Legal Files Software, Inc. as the sole source provider through June 30, 2021, in an amount not to exceed \$7,769.25. 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:

Over thirty years of MDEQ legal case data currently resides within the Legal Files software. The Legal Files software contains the following features making it the necessary software for the MDEQ Legal Department:

- Access data from the devices used regularly; phones, tablets and computers;
- Standardize day-to-day operation;
- Save emails, scanned images, notes, calendars, tasks, documents and ensuring all staff is working with the most up-to-date information;
- Handle an increased workload with ease by automating routine document creation;
- Launch workflows quickly to improve staff productivity;
- Create comprehensive reports quickly, enabling better management and satisfying both internal and external reporting requirements; and

- **Customize the software to unique needs without the need for outside vendors or the Information Technology department.**

MDEQ has made the business decision to renew and purchase an additional three years of maintenance and support. 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 software is used by the Legal Department to manage, schedule, and track cases for MDEQ. The software is used to manage the data relevant to government case matters, such as the BP Oil spill, as well as other environmental matters that require legal action. 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:

Legal Files Software, Inc. is the sole producer of the commercial off-the-shelf case management system known as Legal Files and owns all source code to the application. In addition to the development, Legal Files Software, Inc. is the sole source for maintenance and support services for the case management software program called Legal Files. The vendor's sole source certification letter is included as Attachment B.

Schedule

Task	Date
First Advertisement Date	06/12/18
Second Advertisement Date	06/19/18
Response Deadline From Objectors	06/26/18, at 3:00 P.M. Central Time
Notice of Award/No Award Posted	Not before 06/27/18

Project Details

In June 2012, ITS negotiated a Software License and Maintenance Agreement on behalf of MDEQ to purchase Legal Files user licenses, and three years of maintenance and support. The State has continued to renew its licenses as a sole source, with the current Agreement expiring on June 30, 2018. MDEQ has made the business decision to renew and purchase an additional three years of maintenance and support, through June 30, 2021. The total spend to date is \$35,930.23.

Submission Instructions and Format of Response from Objecting Parties

Interested parties who have reason to believe that the Legal Files Software 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 Legal Files Software, 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 26, 2018, at 3:00 p.m. (Central Time) to Jill Chastant at 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. 4106-44267
Accepted until June 26, 2018 @ 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.

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: Legal Files Software Maintenance		Stimulus (ARRA) Funds? Yes <input type="checkbox"/> No X <input checked="" type="checkbox"/>	
Customer Contact Information			
Agency/Public University: Mississippi Department of Environmental Quality Address: 515 E. Amite Street Jackson, MS 39201		Contact Person: Lisa Vaughan Phone: 601-961-5039 Fax: Email Address: lvaughan@mdeq.ms.gov	
MAGIC Customer Number (only required from state agencies): 7000000151		Division/Dept: DIS Handmail: X Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Project Summary Narrative Description of Project (include details of original acquisition if applicable): In June 2012, ITS negotiated a Software License and Maintenance Agreement on behalf of MDEQ to purchase Legal Files user licenses, and three years of maintenance and support. The State has continued to renew its licenses as a sole source, with the current Agreement expiring on June 30, 2018. MDEQ has made the business decision to renew and purchase an additional three years of maintenance and support, through June 30, 2021. The total spend to date is \$35,930.23.			
ITS Acquisition Approval (CP-1) should be effective through this date (Please allow time for all vendor invoices to be paid): 06/30/2021			
Cost Estimates <i>Fiscal Year</i>	Initial Costs	Years 2 and 3	Time Constraints Item Needed by: 06/30/2018 Funds Expire: 06/30/2021
2019		\$2,506.25	Anticipated Lifecycle of Products/System (i.e. estimated years of effective use): 3 years Discuss Funding (e.g. how much of needed funding is definite; total project budget; any matching or other non-state funds) This agreement will be funded by agency indirect funds.
2020		\$2,631.50	
2021		\$2,631.50	
Total		\$7,769.25	
Acquisition Details			
Items Requested		Quantity	Description
Maintenance and support services		1	3 year term
Building Location(s) 515 E. Amite			
Describe platform & infrastructure (connectivity; software/hardware platforms; utilization of State Data Center resources: mainframe, eGovernment portal, payment engine, document management, hosting). This software resides on a physical server in the MDEQ server room.			
Progress to Date: What has been done related to this project, including any communication with ITS staff (data/voice/procurement/other)? A quote and sole source letter have been obtained from the vendor.			
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 software is used by the Legal Department to manage, schedule, and track cases for MDEQ. The software is used to manage the data relevant to government case matters, such as the BP Oil spill, as well as other environmental matters that require legal action.			
Explain why these products or services are the only ones that can meet your needs (include unique features/special functionality): Over thirty years of MDEQ legal case data currently resides within the Legal Files software. The Legal Files software contains the following features making it the necessary software for the MDEQ Legal department: •Access data from the devices used regularly; phones, tablets and computers; •Standardize day-to-day operation; •Save emails, scanned images, notes, calendars, tasks, documents and ensuring all staff is working with the most up-to-date information; •Handle an increased workload with ease by automating routine document creation; •Launch workflows quickly to improve staff productivity; •Create comprehensive reports quickly, enabling better management and satisfying both internal and external reporting requirements; and •Customize the software to unique needs without the need for outside vendors or the Information Technology department. MDEQ has made the business decision to renew and purchase an additional three years of maintenance and support.			
Explain why the source is the only entity that can provide the products or services (Include other products/vendors researched or evaluated): Legal Files Software, Inc. is the sole producer of the commercial off the shelf case management system known as Legal Files and owns all source code to the application. In addition to the development, Legal Files Software, Inc. is the sole source for maintenance and support services for the case management software program called Legal Files.			

Attachment A

Vendor's Certification of Sole Source attached: X Yes <input type="checkbox"/> No		Vendor's proposal submitted: X Yes <input type="checkbox"/> No	
MAGIC Vendor Code(s) Vendor must be in MAGIC before a CP-1 can be issued.			
Place Order To		Remit To	
Vendor Name: Legal Files Software, Inc.		Vendor Name: Legal Files Software, Inc.	
Vendor Address: 801 South Durkin Drive		Vendor Address: 801 South Durkin Drive	
Springfield, IL 62704		Springfield, IL 62704	

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.

Jim Jones CIO
Name (Agency Head or Public University CIO)/Title

6/12/18
Signature Date



April 27, 2018

Ms. Lisa Vaughan
Chief Information Officer
Mississippi Department of Environmental Quality
515 E. Amite St.
Jackson, MS 39202

Dear Ms. Vaughan:

This is in response to your request regarding a sole source letter for the software or any service relating to Legal Files. Legal Files Software, Inc. is the sole producer of the commercial off the shelf case management system known as Legal Files and owns all source code to the application. In addition to the development Legal Files Software, Inc., is the sole source for our maintenance and support services for our case management software program called Legal Files.

If you have any questions or need additional information, just give me a call or email me at (800) 500-0537 Ext. 247 or Gordon.Hack@LegalFiles.com.

A handwritten signature in blue ink, appearing to read "Gordon Hack", is positioned above the printed name.

Gordon Hack
Director of Sales

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.