

## Notice of Intent to Certify Sole Source

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**To:** Interested Parties

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

**CC:** ITS Project Number 44737

**Date:** November 27, 2018

**Re:** Sole Source Certification Number 4150 for Expert AutoStats Software Updates for the Mississippi Department of Public Safety (DPS)

**Contact Name:** Jamekia Hilliard

**Contact Phone Number:** 601-432-8219

**Contact E-mail Address:** Jamekia.Hilliard@its.ms.gov

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### Sole Source Certification Award Details

Regarding Information Technology Services (ITS) Sole Source Certification Number 4150 for updates to the Expert AutoStats Software for the Mississippi Department of Public Safety (DPS), please be advised that ITS intends to award 4N6XPRT Systems, a division of Expert Witness Services, Inc., as the sole source provider of the software upgrades through December 31, 2019, in an amount not to exceed 26,620.00. 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 Mississippi Highway Patrol (MHP) C.R.A.S.H team uses 4N6XPRT Systems' Expert AutoStats software to identify dimensions and specifications of numerous vehicles and manufacturers. The system provides the majority of the information for the passenger cars, vans, pickups, and sport utility vehicles intended for sale in the United States from 1940 through 2019.**

**Expert AutoStats contains the American Association of State Highway and Transportation Officials (AASHTO) design specifications for vehicle spanning. AASHTO is a standard setting body that publishes specifications, test protocols, and guidelines that are used in highway designs and construction throughout the United States. AASHTO represents not only highways but also air, rails, water, and public**

transportations. 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 Mississippi Department of Public Safety (DPS) uses the Expert AutoStats software to determine what happens to vehicles involved in collisions. DPS is able to reconstruct the accidents when the data for the vehicle is unavailable or the vehicle is too severely damaged to obtain correct measurements. The Expert AutoStats program contains a multitude of vehicle dimensions and specifications on over 42,000 cars, pick-ups, vans, utility vehicles, and 203 different manufacturers that range from the 1940's to the present. The program is currently relied upon by over 700 private and 300 Government entities within the United States for this very purpose.

The Expert AutoStats program offers acceleration test data, braking test data, moments of gyration data, and braking percentage data within the program. The data within the program allows the reconstruction to conduct energy based calculations that are used in the speed estimation that will ultimately determine causation factor in alcohol and/or drug related collisions that are being presented in criminal litigation. 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:

4N6XPRT Systems is the publisher and sole source of the following computer programs:

- Expert AutoStats®
- Expert VIN DeCoder®
- Expert Qwic Calcs®
- Expert TireStuf®
- 4N6XPRT BioMeknx ®
- 4N6XPRT Ped & Bike Calcs ®
- 4N6XPRT StifCalcs ®

4N6XPRT Systems has no other sellers, distributors, or outlets for these programs. The Vendor's sole source certification letter is included as Attachment B.

### Schedule

Task	Date
First Advertisement Date	11/27/18
Second Advertisement Date	12/4/18
Response Deadline From Objectors	12/11/18 at 3:00 P.M. Central Time
Notice of Award/No Award Posted	12/12/18

### Project Details

ITS, on behalf of DPS, has certified Expert AutoStats software as a Sole Source since 2013. DPS wishes to obtain updates to their Expert AutoStats software from version 2013 to 2018 and purchase updates through December 31, 2021. DPS has spent to date \$39,630.00.

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

Interested parties who have reason to believe that the upgrades to the Expert AutoStats Software 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 4N6XPRT 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, December 11, 2018, at 3:00 p.m. (Central Time) to Jamekia Hilliard at [Jamekia.Hilliard@its.ms.gov](mailto:Jamekia.Hilliard@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 Jamekia Hilliard 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. 4150-44737**  
**Accepted until December 11, 2018 @ 3:00 p.m.,**  
**ATTENTION: Jamekia Hilliard**

If you have any questions concerning the information above or if we can be of further assistance, please contact Jamekia Hilliard at 601-432-8219 or via email at [Jamekia.Hilliard@its.ms.gov](mailto:Jamekia.Hilliard@its.ms.gov).

Attachment A: Customer Sole Source Certification Request

Attachment B: Vendor Correspondence

Attachment C: Sole Source Procurement Overview

## Sole Source Certification Request

<b>Project Title: MHP Expert Auto Stats Updates</b>			<b>Stimulus (ARRA) Funds? Yes No X</b>	
<b>Customer Contact Information</b>				
Agency/Public University: Public Safety, Department of Address: 1900 East Woodrow Wilson Jackson, MS 39216			Contact Person: Bryant, Patricia Phone: 601-933-2646 Fax: Email Address: pbryant@dps.ms.gov	
MAGIC Customer Number (only required from state agencies): 7000000197 (DPS-Division of Safety Patrol)			Division/Dept: Handmail: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>Project Summary Narrative Description of Project</b> (include details of original acquisition if applicable): The Department of Public Safety is in dire need of upgrades to their standalone computer vehicle database system. This software has not been updated since 2013. Therefore, it is out of date and many new vehicles are not in the system, which means the officers have to look up the information which cost them valuable time to gather the required information.				
ITS Acquisition Approval (CP-1) should be effective through this date (Please allow time for all vendor invoices to be paid):				
<b>Cost Estimates</b> <i>Fiscal Year</i>	<i>Initial Costs</i>	<i>Ongoing Costs</i>	<b>Time Constraints</b> Item Needed by: Funds Expire: 12/31/2018	<b>Anticipated Lifecycle of Products/System</b> (i.e. estimated years of effective use):
FY19	\$16,280.00		Discuss Funding (e.g. how much of needed funding is definite; total project budget; any matching or other non state funds) All of the needed funding is definite.	
FY20	\$5,170.00			
FY21	\$5,170.00			
<b>Total</b>	<b>\$26,620.00</b>			
<b>Acquisition Details</b>				
<b>Items Requested</b>	<b>Quantity</b>	<b>Description</b>		<b>Building Location(s)</b>
Expert AutoStats License Disk	22	Updates to the Expert AutoStats License		
<b>Describe platform &amp; infrastructure</b> (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: This is a standalone computer vehicle database requiring no other programs to be installed on the computer, to be run on Laptops and desktop computers using Microsoft windows platform operating system but requires the updating software to include new vehicle information.				
<b>Progress to Date:</b> What has been done related to this project, including any communication with ITS staff (data/voice/procurement/other)? We have obtained a sole source letter and quote.				
<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 Mississippi Department of Public Safety (DPS) uses the Expert AutoStats software to determine what happens to vehicles involved in collisions. DPS is able to reconstruct the accidents when the data for the vehicle is unavailable or the vehicle is too severely damaged to obtain correct measurements. The Expert AutoStats program contains a multitude of vehicle dimensions and specifications on over 42,000 cars, pick-ups, vans, utility vehicles, and 203 different manufacturers that range from the 1940's to the present. The program is currently relied upon by over 700 private and 300 Government entities within the United States for this very purpose.  The Expert AutoStats program offers acceleration test data, braking test data, moments of gyration data, and braking percentage data within the program. The data within the program allows the reconstruction to conduct energy based calculations that are used in the speed estimation that will ultimately determine causation factor in alcohol and/or drug related collisions that are being presented in criminal litigation.				
<b>Explain why these products or services are the only ones that can meet your needs</b> (include unique features/special functionality): The Mississippi Highway Patrol (MHP) C.R.A.S.H team uses 4N6XPRT Systems' Expert AutoStats software to identify dimensions and specifications of numerous vehicles and manufacturers. The system provides the majority of the information for the passenger cars, vans, pickups, and sport utility vehicles intended for sale in the United States from 1940 through 2019.  Expert AutoStats contains the American Association of State Highway and Transportation Officials (AASHTO) design specifications for vehicle spanning. AASHTO is a standard setting body that publishes specifications, test protocols, and guidelines that are used in highway designs and construction throughout the United States. AASHTO represents not only highways but also air, rails, water, and public transportations.				
<b>Explain why the source is the only entity that can provide the products or services</b> (Include other products/vendors researched or evaluated): 4N6XPRT Systems is the sole source publisher of the following computer programs: <ul style="list-style-type: none"> <li>• Expert AutoStats®</li> <li>• Expert VIN DeCoder®</li> </ul>				

**Attachment A**

- Expert Qwic Calcs®
- Expert TireStuf®
- 4N6XPRT BioMeknx®
- 4N6XPRT Pod & Bike Calcs®
- 4N6XPRT StifCalcs®

4N6XPRT Systems has no other sellers, distributors, or outlets for these programs.

**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**

**Vendor Name: EXPERT WITNESS SERVICES INC**

**DBA 4N6XPRT SYSTEMS**

**Vendor Address: 8387 UNIVERSITY AVENUE, LA MESA, CA 91942**

**LA MESA, CA 91942**

**Remit To**

**Vendor Name: EXPERT WITNESS SERVICES INC**

**DBA 4N6XPRT SYSTEMS**

**Vendor Address: 8387 UNIVERSITY AVENUE,**

**LA MESA, CA 91942**

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.

*Ray Johnston, MIS Director*

Name (Agency Head or Public University CIO)/Title

*Ray Johnston 11-20-18*

Signature

Date

**4N6XPRT Systems**

Expert System Software for Litigation

8387 University Avenue  
La Mesa, CA 91942-9342

FED Tax ID No.: 95-3121248

Phone: 1-800-266-9778

Fax: (619) 464-2206

Web Site: <http://www.4n6xprt.com>

E-Mail: [4n6@4n6xprt.com](mailto:4n6@4n6xprt.com)

November 8, 2018

To Whom It May Concern,

This letter will serve to confirm that our Federal Tax Identification number is

**95-3121248**

This letter will also confirm that we are the publisher and SOLE SOURCE of the following computer programs:

**Expert AutoStats®**  
**4N6XPRT BioMeknx®**  
**4N6XPRT Ped & Bike Calcs®**  
**Expert Qwic Calcs®**  
**4N6XPRT StifCalcs®**  
**Expert TireStuf®**  
**Expert VIN DeCoder®**

As implied by the above "Sole Source" statement, we have no other sellers, distributors, or outlets for our programs

Respectfully,



Daniel W. Vomhof III  
General Manager/Technical Support

*A Division of Expert Witness Services, Inc.*

## 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.