
Notice of Intent to Certify Sole Source

To: Interested Parties

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

CC: ITS Project Number 44924

Date: February 12, 2019

Re: Sole Source Certification Number 4175 for Environmental Systems Research Institute, Inc. (ESRI) Educational Site License Renewal for the Mississippi Institutions of Higher Learning (IHL) – Mississippi Automated Resource Information System (MARIS)

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 4175 for Environmental Systems Research Institute, Inc. (ESRI) Educational Site License Renewal for the Mississippi Institutions of Higher Learning (IHL) – Mississippi Automated Resource Information System (MARIS), please be advised that ITS intends to award ESRI, as the sole source provider through February 22, 2022, in an amount not to exceed \$345,000.00. 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 statewide geospatial site license program provides all public university and community college students, professors, and staff with access to the industry leading software used in the Geospatial Information Science and Technology (GIS & T) industry. The ESRI software has and is being taught as part of the existing curriculum in various departments at the Mississippi universities and community colleges. In order for the students to be adequately prepared for the work force upon graduation, they need to be trained on the most-used software and all its extensions. 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 site license allows for the full use of the ESRI's software at all eight universities and 15 community colleges. Each Mississippi Research Consortium's (MRC) (Jackson State University, Mississippi State University, University of Mississippi, and University of Southern Mississippi) campus coordinator has the authority to copy and distribute the software as necessary on all computers at the university and all of the assigned non-MRC IHL sites. Use of the software is limited to educational and research purposes.

Under this acquisition, ESRI will provide unlimited ESRI software licenses to faculty, staff, and students as part of current and future curriculum, as well as use in research projects. These projects bring considerable funds into the universities, providing resources for departments and real-world experience to students. There is also unlimited online training courses for the students to take at no extra cost via online training from ESRI. These short courses have already been an essential part of several semester courses at many of the community colleges and universities. 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:

ESRI as the owner and manufacturer of the software, is the sole source provider of all U.S. domestic-based Education Site License Agreements and Education Institution Agreements. ESRI is the only source of maintenance (updates and technical support) for ESRI software. The Vendor's Sole Source Certification is included as Attachment B.

Schedule

Task	Date
First Advertisement Date	02/12/19
Second Advertisement Date	02/19/19
Response Deadline From Objectors	02/27/19, at 3:00 P.M. Central Time
Notice of Award/No Award Posted	Not before 02/28/19

Project Details

In January 2006, ITS issued a sole source approval for five years. IHL executed an Agreement without ITS involvement. Since 2011, IHL has continued to amend the Agreement without ITS involvement or periodic sole source recertification. The total spend to date, including this acquisition is \$2,676,340.41.

Submission Instructions and Format of Response from Objecting Parties

Interested parties who have reason to believe that the ESRI Educational Site 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 Environmental Systems Research Institute, Inc. (ESRI).

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 Wednesday, February 27, 2019, 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. 4175-44924
Accepted until February 27, 2019 @ 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: ESRI license renewal		Stimulus (ARRA) Funds? Yes <u> </u> No <u>X</u>	
Customer Contact Information			
Agency/Public University: Mississippi Institutions of Higher Learning Address: 3825 Ridgewood Road Jackson, MS 39211		Contact Person: Phil Cumberland/Steve Walker Phone: 601-432-63515/601-432-6149 Fax: 601-432-6990 Email Address: pcumberland@ihl.state.ms.us swalker@ihl.state.ms.us	
MAGIC Customer Number (only required from state agencies): 5000000004-106		Division/Dept: Handmail: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Project Summary Narrative Description of Project (include details of original acquisition if applicable): In January 2006, ITS issued a sole source approval for five years. IHL executed an Agreement without ITS involvement. Since 2011, IHL has continued to amend the Agreement without ITS involvement or periodic sole source recertification. The total spend to date, including this acquisition is \$2,676,340.41.			
ITS Acquisition Approval (CP-1) should be effective through this date (Please allow time for all vendor invoices to be paid): 02/22/2022			
Cost Estimates <i>Fiscal Year</i>	<i>Initial Costs</i>	<i>Ongoing</i>	Time Constraints Item Needed by: 02/22/19 Funds Expire:
2019	\$115,000.00		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) During the previous Legislative session, Senate Bills 2953 and 2944 were passed and signed by the Governor to provide funding for FY19 geospatial site licenses.
2020		\$115,000.00	
2021		\$115,000.00	
Total	\$115,000.00	\$230,000.00	
Acquisition Details			
Items Requested	Quantity	Description	Building Location(s)
Unlimited Educational Site License Annual Renewal Fee	1	Annual License and support	Statewide university and community colleges
Describe platform & infrastructure (connectivity; software/hardware platforms; utilization of State Data Center resources: mainframe, eGovernment portal, payment engine, document management, hosting).			
Progress to Date: What has been done related to this project, including any communication with ITS staff (data/voice/procurement/other)?			
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 site license allows for the full use of the ESRI's software at all eight universities and all 15 community colleges. Each Mississippi Research Consortium's (MRC) (Jackson State University, Mississippi State University, University of Mississippi, and University of Southern Mississippi) campus coordinator has the authority to copy and distribute the software as necessary on all computers at the university and all of the assigned non-MRC IHL sites. Use of the software is limited to educational and research purposes. Under this acquisition, ESRI will provide unlimited ESRI software licenses to faculty, staff, and students as part of current and future curriculum, as well as use in research projects. These projects bring considerable funds into the universities, providing resources for departments and real-world experience to students. There is also unlimited online training courses for the students to take at no extra cost via online training from ESRI. These short courses have already been an essential part of several semester courses at many of the community colleges and universities.			
Explain why these products or services are the only ones that can meet your needs (include unique features/special functionality): The statewide geospatial site license program provides all public university and community college students, professors, and staff with access to the industry leading software used in the Geospatial Information Science and Technology (GIS & T) industry. The ESRI software has and is being taught as part of the existing curriculum in various departments at the Mississippi universities and community colleges. In order for the students to be adequately prepared for the work force upon graduation, they need to be trained on the most-used software and all its extensions.			

Attachment A

<p>Explain why the source is the only entity that can provide the products or services (Include other products/vendors researched or evaluated): ESRI as the owner and manufacturer of the software, is the sole source provider of all U.S. domestic-based Education Site License Agreements and Education Institution Agreements. ESRI is the only source of maintenance (updates and technical support) for ESRI software.</p>	
<p>Vendor's Certification of Sole Source attached: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Vendor's proposal submitted: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>MAGIC Vendor Code(s) Vendor must be in MAGIC before a CP-1 can be issued.</p>	
<p>Place Order To Vendor Name: ESRI Vendor Address: 380 New York Street Redlands, CA 92373</p>	<p>Remit To Vendor Name: ESRI Vendor Address: P. O. Box 741076 Los Angeles, CA 90074-1076</p>

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.

Marcus L. Thompson 2/8/19
 Name (Agency Head or Public University CIO)/Title

Marcus L. Thompson / Deputy Commissioner
 Signature Date



SOLE SOURCE LETTER
Environmental Systems Research Institute, Inc. (Esri)
380 New York Street
Redlands, CA 92373-8100
Telephone: 909-793-2853
E-mail: jricks@esri.com

DATE: January 18, 2019

TO: Mississippi Institute of Higher Learning

FROM: Jackie Ricks, Esri Contracts and Legal Services

RE: Esri Sole-Source Justification for Education Site License & Education Institution Agreement

This letter confirms that Esri, as owner and manufacturer of software, is the sole-source provider of all US domestic-based Education Site License Agreements and Education Institution Agreements. The Education Site License Agreement and Education Institution Agreement is a bundled package of software licenses and maintenance that includes the right to copy.

Esri is the only source that can grant a right to copy and deploy Education Site Licenses and Education Institution Licenses within your school.

Also, domestically, Esri is the only source of maintenance (updates and technical support) for Esri software.

If you have further questions, call our Contracts department at 909-793-2853, extension 1990.

Sincerely,

Jackie Ricks
Contract Coordinator



Contracts & Legal Services Dept.
380 New York Street
Redlands, CA 92373
Voice 909.793.2853 Ext. 1-1990
jricks@esri.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

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.