

## Notice of Intent to Certify Sole Source

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**To:** Interested Parties  
**From:** Craig P. Orgeron, Ph.D.  
**CC:** ITS Project Number 45766  
**Date:** June 2, 2020  
**Re:** Sole Source Certification Number 4293 for Bid Express licenses for the Mississippi Department of Transportation (MDOT)  
**Contact Name:** Jay Woodruff  
**Contact Phone Number:** 601-432-8001  
**Contact E-mail Address:** [jay.woodruff@its.ms.gov](mailto:jay.woodruff@its.ms.gov)

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### Sole Source Certification Award Details

Regarding Information Technology Services (ITS) Sole Source Certification Number 4293 for the Mississippi Department of Transportation (MDOT), please be advised that ITS intends to award Info Tech, Inc. dba Infotech, as the sole source provider of Bid Express licenses through June 30, 2023, at no cost to the agency. Please be advised that ITS will determine if additional licenses or upgrades are within scope during the certification period and may increase the spending authority accordingly. Should Infotech change its name during this certification period, then ITS will determine if a recertification is necessary. 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:

**Bid Express is the industry standard for online bidding services by state transportation agencies. Further, Bid Express is the only commercial service that interfaces directly with AASHTOWare Project™ for posting of electronic bidding files (proposal documents, planholders list, qualified vendor list, etc.), as well as the only service that can upload received bids into the AASHTOWare Project Preconstruction module for pre-award analysis and low bidder selection. The integration allows for seamless data flow between the agency and the contractors, and Infotech is AASHTO's contractor for maintaining, supporting, and enhancing AASHTOWare Project™ software. Infotech is the only vendor who has fully integrated the AASHTOWare Project pre-construction data and bid letting**

procedures into a secure, electronic two-way bidding process to service AASHTOWare Project contractors online. 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:

**MDOT uses the Infotech web application, Bid Express, to securely and efficiently transmit and receive bid packages between MDOT and roadbuilder contractors. Bid Express interfaces with AASHTOWare Project™, which manages transportation construction programs and was developed based on the experience and needs of the American Association of State Highway and Transportation Officials' (AASHTO) member agencies. 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:

**Infotech developed the software and procedures comprising the Bid Express Service. Infotech is the sole proprietor of this service. Licenses for production use of the Service are available only from Infotech. The Vendor's sole source certification letter is included as Attachment B.**

### Schedule

Task	Date
First Advertisement Date	06/02/20
Second Advertisement Date	06/09/20
Response Deadline From Objectors	06/16/20 at 3:00 P.M. Central Time
Notice of Award/No Award Posted	Not before 06/17/20

### Project Details

MDOT originally procured Bid Express from Info Tech Inc. as a sole source in February 2015, using the then current sole source procurement process. An Agency Internet Service and License Agreement was executed in March 2015, and the Agreement expired March 2, 2020. Info Tech Inc.'s Bid Express service is provided at zero cost to MDOT. MDOT desires to enter into a new Agreement for three years. MDOT purchased AASHTOWare Project™ without ITS involvement due to technology purchases of products or services provided by Federal agencies being exempt from bid requirements, per Mississippi Code Section 31-7-13 (m)(vi).

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

Interested parties who have reason to believe that Bid Express licenses 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 Info Tech, Inc dba Infotech.

- 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 16, 2020, at 3:00 p.m. (Central Time) to Jay Woodruff at [jay.woodruff@its.ms.gov](mailto:jay.woodruff@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 Jay Woodruff 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:

<p style="text-align: center;"><b>SUBMITTED IN RESPONSE TO</b> <b>Sole Source Certification No. 4293-45766</b> <b>Accepted until June 16, 2020 @ 3:00 p.m.,</b> <b>ATTENTION: Jay Woodruff</b></p>
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If you have any questions concerning the information above or if we can be of further assistance, please contact Jay Woodruff at 601-432-8001 or via email at [jay.woodruff@its.ms.gov](mailto:jay.woodruff@its.ms.gov).

- Attachment A: Customer Sole Source Certification Request
- Attachment B: Vendor Correspondence
- Attachment B-1: Supplemental Vendor Correspondence
- Attachment C: Sole Source Procurement Overview



## Sole Source Certification Request

<b>Project Title: Bid Express Contract Renewal</b>		<b>Stimulus (ARRA) Funds? Yes__ No X__</b>	
<b>Customer Contact Information</b>			
<b>Agency/Public University:</b> Address: 401 N. West Street Jackson, MS 39201		<b>Contact Person: Bo Dickerson</b> <b>Phone: 601-359-7483</b> <b>Email Address: bdickerson@mdot.ms.gov</b>	
<b>MAGIC Customer Number</b> (only required from state agencies): <b>7000000259</b>		<b>Division/Dept:</b> <b>Handmail:</b> <input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>Project Summary Narrative Description of Project</b> (include details of original acquisition if applicable): MDOT utilizes AASHTOWare Project transportation software management solution, a product of the American Association of State Highway and Transportation Officials (AASHTO). Joint development of AASHTOWare allows AASHTO members to get software solutions for a fraction of the cost of custom in-house development, while promoting best practices approach to design. AASHTOWare Project is AASHTO's information system for managing transportation construction programs and was developed based on the experience and needs of AASHTO's member agencies. AASHTO Project capabilities encompass the full functionality of a construction contract management system. Beginning with planning and estimation, through the development of bidding documents, letting and contract award, field record keeping, civil rights, materials testing, contractor payments, and management of construction operations. MDOT uses Bid Express for full two-way electronic bidding between MDOT and roadbuilder contractors. Bid Express was developed by the same company, InfoTech, which develops and maintains AASHTOWare Project. Bid Express has been designed to use AASHTOWare Project modules for seamless data flow between the agency and the contractors.			
<b>ITS Acquisition Approval (CP-1) should be effective through this date</b> (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: 3/2/20 Funds Expire:
<b>Total</b>		<b>\$0.00</b>	<b>Anticipated Lifecycle of Products/System</b> (i.e. estimated years of effective use): 3
<b>Acquisition Details</b>			
<b>Items Requested</b>	<b>Quantity</b>	<b>Description</b>	<b>Building Location(s)</b>
Bid Express	1		
<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: Web based			
<b>Progress to Date:</b> What has been done related to this project, including any communication with ITS staff (data/voice/procurement/other)?			
<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> MDOT uses the Infotech web application, Bid Express, to securely and efficiently transmit and receive bid packages between MDOT and roadbuilder contractors. Bid Express interfaces with AASHTOWare Project, which manages transportation construction programs and was developed based on the experience and needs of AASHTO's member agencies.			
<b>Explain why these products or services are the only ones that can meet your needs</b> (include unique features/special functionality): Bid Express is the industry standard for online bidding services by state transportation agencies. Further, Bid Express is the only commercial service that interfaces directly with AASHTOWare Project for the posting of electronic bidding files (proposal documents, planholders list, qualified vendor list, etc.), as well as the only service that can upload received bids into the AASHTOWare Project Preconstruction module for pre-award analysis and low bidder selection. The integration allows for seamless data flow between the agency and the contractors, and Infotech is AASHTO's contractor for maintaining, supporting, and enhancing AASHTOWare Project software. Infotech is the only vendor who has fully integrated the AASHTOWare Project pre-construction data and bid letting procedures into a secure, electronic two-way bidding process to service AASHTOWare Project contractors online.			
<b>Explain why the source is the only entity that can provide the products or services</b> (Include other products/vendors researched or evaluated): Infotech developed the software and procedures comprising the Bid Express Service. Infotech is the sole proprietor of this service. Licenses for production use of the Service are available only from Infotech.			
<b>Vendor's Certification of Sole Source attached:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		<b>Vendor's proposal submitted:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<b>MAGIC Vendor Code(s) Vendor must be in MAGIC before a CP-1 can be issued.</b>			
<b>Place Order To</b> <b>Vendor Name: Info Tech, Inc.</b> <b>Vendor Address: 2970 SW 50th Terrace</b> <b>Gainesville, FL 32608</b>		<b>Remit To</b> <b>Vendor Name: Info Tech, Inc.</b> <b>Vendor Address: 2970 SW 50th Terrace</b> <b>Gainesville, FL 32608</b>	

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.

Melinda McGrath Executive Director  
 Name (Agency Head or Public University CIO)/Title

  
 Signature Date 6/1/2020



**SOLE SOURCE JUSTIFICATION**

SERVICE AND LICENSE AGREEMENT

for the

BID EXPRESS® SERVICE

Under the Auspices of the

Mississippi Department of Transportation

by

Info Tech, Inc., DBA Infotech

The Mississippi Department of Transportation (MDOT) wishes to continue to license the Bid Express Software as a Service owned and operated by Info Tech, Inc., of Gainesville, Florida (Infotech).

Infotech is uniquely qualified to license this service:

- **Infotech developed the software and procedures comprising the Bid Express Service.** Infotech, is the sole proprietor of this service. Licenses for production use of the Service are available only from Infotech. As the developer and exclusive vendor of the Bid Express Service, Infotech has an extensive and intensive understanding of the software and procedures on which it is based, and can answer virtually any question about the Bid Express Service. Further, Bid Express has been designed to use AASHTOWare Project™ modules for seamless data flow between the agency and the contractors, and Infotech is AASHTO's contractor for maintaining, supporting, and enhancing AASHTOWare Project software. MDOT licenses AASHTOWare Project™, and Infotech is the only vendor who has fully integrated the AASHTOWare Project™ pre-construction data and bid letting procedures into a secure, electronic two-way bidding process to service AASHTOWare Project™ contractors through the use of the Internet. The Bid Express service is the only commercial service that interfaces directly with AASHTOWare Project Bids™ for the posting of electronic bidding files (proposal documents, planholders list, qualified vendor list, etc.), as well as the only service that can upload received bids into the AASHTOWare Project Preconstruction™ module for pre-award analysis and low bidder selection.
- **Infotech has operated the Bid Express Service successfully for over 20 years, has assisted 44 state transportation agencies in going into production with the electronic bidding service.** Infotech's extensive background in state transportation agency bid letting operations generally, and in the design and operation of Bid Express specifically, means that Infotech knows how the Bid Express Service can best be used to benefit contractor and agency personnel.



- **Infotech has trained thousands of contractor and agency personnel on the operation and use of Bid Express.** Infotech's training services have been continually honed through this training experience, including review of feedback from contractor and agency participants. Infotech knows how to conduct training that is focused on contractor requirements to provide maximum benefit to class participants.

Carole  
L.  
Pickens

Digitally signed by Carole L. Pickens  
DN: cn=Carole L. Pickens, o=Info Tech, Inc., DBA Infotech, ou=Contracts, email=carole.pickens@infotechinc.com, c=US  
Date: 2020.03.09 13:22:52 -04'00'

PREPARED BY  
 info Tech, Inc., DBA infotech

2970 SW 50th Terrace, Gainesville, FL 32608  
Phone: 352.581.4400  
Fax: 888.971.3916  
[infotechinc.com](http://infotechinc.com)



Patrick K. McKenna, *President*  
Director, Missouri Department of Transportation  
Jim Tymon, *Executive Director*

May 14, 2020

Jay Woodruff  
Technology Consultant  
MS Department of Information Technology Services  
401 N. West Street  
Jackson, MS 39215

Dear Mr. Woodruff:

AASHTO is aware of no commercial service other than Bid Express that interfaces directly with AASHTOWare Project Bids™ for the posting of electronic bidding files (proposal documents, planholders list, qualified vendor lists, etc.), nor is AASHTO aware of any other service that can upload received bids into the AASHTOWare Project Preconstruction™ module for pre-award analysis and low bidder selection.

Regards,

A handwritten signature in black ink that reads "Angelique B. Williams". The signature is written in a cursive style with a large, stylized initial "A".

Angelique B. Williams  
AASHTOWare Business Operations Manager

## Attachment C

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



## Attachment C

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.