ITS Mississippi Department of
Information Technology Services

3771 Eastwood Drive
Jackson, MS 39211-6381
Phone: 601-432-8000
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www.its.ms.gov

Craig P. Orgeron, Ph.D., Executive Director

Notice of Intent to Certify Sole Source

To: Interested Parties

From: Craig P. Orgeron, Ph.D.

CC: ITS Project Number 45882

Date: June 2, 2020

Re: Sole Source Certification Number 4305 to provide Opiniator software for the Mississippi Department of Transportation (MDOT)

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 4305 for the Mississippi Department of Transportation (MDOT), please be advised that ITS intends to award Oberon3, Inc. as the sole source provider of Opiniator software through June 30, 2023, in an amount not to exceed $45,397.44. Please be advised that ITS will determine if additional licenses, enhancements, or upgrades are within scope during the certification period and may increase the spending authority accordingly. Should Oberon3, Inc. change their 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:

   The Opiniator software provides driver feedback in real time from rest area visitors at the point of experience. The Opiniator Driver Feedback Program for Rest Areas works on all phone types and devices (smartphones, older cell phones, landlines, and all web enable devices). Opiniator is not an application that needs to be downloaded, making it very convenient for all guests to respond and thus provides a higher response rate for MDOT. Visitors will be able to give feedback on a device they are comfortable with, in a language they prefer (English or Spanish), and an input type they are familiar with. Opiniator is the only vendor that enables the business to act on feedback data and connect with the visitor. It is closed loop in that it tracks the feedback until an action has been completed and enables the rest area operators to

document and date stamp the action taken against any survey or any incident. MDOT can then track and audit all operators and guarantees rest area performance improvement. 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 Opiniator Drive Feedback Program for Rest Areas provides immediate notification to MDOT of issues and experiences at MDOT rest areas. The software provides an easy way to report incidents, near misses, or hazards to improve safety of patrons visiting MDOT's 24 rest areas. The software provides modules that track all actions taken by staff to fix issues and alert MDOT in seconds when issues occur. This reduces costs by making MDOT aware of issues before they escalate or affect other visitors. The software reduces the number of administrative tasks and costs by decreasing the amount of printing, collecting, reviewing, analyzing, or distributing comment card, phone, or web data. By making feedback electronic, it increases the response rates from drivers and gives MDOT more granular data to make improvements. Prior to implementation of Opiniator, patron feedback could only be received through the "Contact Us" tab on the GoMDOT website. This software centralizes the program and makes response and public engagement more efficient. 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:

   Oberon3, Inc. developed the Opiniator software and has no resellers or distributors. Oberon3, Inc. is the sole provider of Opiniator. 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

The Opiniator Driver Feedback Program for Rest Areas provides a closed loop survey. This will allow for the rest area operators to document and date stamp the action taken against any survey or any incident. MDOT can track and audit all operators and guarantee rest area performance improvements. MDOT has a total of 24 rest areas in the State that are licensed to run Opiniator.

In September 2016, ITS issued Sole Source Certification Number 3902 and received no objections/responses. MDOT wishes to renew the licenses for another three years. MDOT has spent to date $45,600.00

Submission Instructions and Format of Response from Objecting Parties

Interested parties who have reason to believe that the Opiniator license fee 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 Oberon3, 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 16, 2020, 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. 4305-45882**
> **Accepted until June 16, 2020 @ 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 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

ITS
mississippi department of
Information Technology Services

3771 Eastwood Drive
Jackson, Mississippi 39211
Phone 601-432-8000 Fax 601-713-6380

Sole Source Certification Request

Project Title: Opiniator Rest Area App	**Stimulus (ARRA) Funds? Yes_ No _X_**

Customer Contact Information

Agency/Public University: Mississippi Department of Transportation **Address**: 401 N. West Street, Jackson, MS 39201	**Contact Person: Bo Dickerson** **Phone: 601-359-7483** **Email Address: bdickerson@mdot.ms.gov**
MAGIC Customer Number (only required from state agencies)**:**	**Division/Dept.:** **Handmail:** ☐ **Yes** ☐ **No**

Project Summary *Narrative Description of Project* (include details of original acquisition if applicable): This application will allow the traveling public to provide feedback on Rest Areas throughout the State using their smartphone by scanning a bar-code located at each Rest Area.

ITS Acquisition Approval (CP-1) should be effective through this date (Please allow time for all vendor invoices to be paid):

Cost Estimates *Fiscal Year*	*Initial Costs*	*Ongoing Costs*	**Time Constraints** Item Needed by: 06/30/20	**Anticipated Lifecycle of Products/System** (i.e. estimated years of effective use): 3 years
FY21	$50.00 x 24 locations x 12 months	$14,400.00	**Discuss Funding** (e.g. how much of needed funding is definite; total project budget; any matching or other non-state funds).	
FY22	$52.50 x 24 locations x 12 months	$15,120.00		
FY23	$55.13 x 24 locations x 12 months	$15,877.44		
Total		**$45,397.44**		

Acquisition Details

Items Requested	Quantity	Description	Building Location(s)
License fee for 24 rest area and welcome center locations	24	Application that will allow the traveling public to provide feedback on Rest Areas throughout the State using their smartphone by scanning a bar-code located at each Rest Area	24 rest area and welcome centers throughout the state.

Describe platform & infrastructure (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:

Progress to Date: What has been done related to this project, including any communication with ITS staff (data/voice/procurement/other)? Sole source request submitted to ITS.

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 Opiniator Drive Feedback Program for Rest Areas provides immediate notification to MDOT of issues and experiences at MDOT rest areas. The software provides an easy way to report incidents, near misses, or hazards to improve safety of patrons visiting MDOT's 24 rest areas. The software provides modules that track all actions taken by staff to fix issues and alerts MDOT in seconds when issues occur. This reduces costs by making MDOT aware of issues before they escalate or affect other visitors. The software reduces the number of administrative tasks and costs by decreasing the amount of printing, collecting, reviewing, analyzing, or distributing comment card, phone, or web data. By making feedback electronic, it increases the response rates from drivers and gives MDOT more granular data to make improvements. Prior to implementation of Opiniator, patron feedback could only be received through the "Contact Us" tab on the GoMDOT website. This software centralizes the program and makes that response and public engagement more efficient.

Explain why these products or services are the only ones that can meet your needs (include unique features/special functionality)**:**
The Opiniator software will provides driver feedback in real time from rest area visitors at the point of experience. The Opiniator Driver Feedback Program for Rest Areas works on all phone types and devices (smartphones, older cell phones, landlines, and all web enable devices). Opiniator is not an application that needs to be downloaded, making it very convenient for all guests to respond and thus provides a higher response rate for MDOT. Visitors will be able to give feedback on a device they are comfortable with, in a language they prefer (English or Spanish), and an input type they are familiar with. Opiniator is the only vendor that enables the business to act on feedback data and connect with the visitor. It is closed loop in that it tracks the feedback until an action has been completed and enables the rest area operators to document and date stamp the action taken against any survey or any incident. MDOT can then track and audit all operators and guarantees rest area performance improvement.

Explain why the source is the only entity that can provide the products or services (Include other products/vendors researched or evaluated)**:**
Oberon3, Inc. developed the Opiniator software and has no resellers or distributors. Oberon3, Inc. is the sole provider of Opiniator.

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: Oberon3, Inc.** **Vendor Address: 11307 NW College Drive, Portland, OR 97229**	**Remit To** **Vendor Name: Oberon3, Inc.** **Vendor Address: 11307 NW College Drive, Portland, OR 97229**

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.

_____   _____   _____
Name (Agency Head or Public University CIO)/Title   Signature   Date

Executive Director, MDOT
5-28-2020

opiniator

Oberon3 Inc
Actionable Customer Feedback

11307 NW College Dr
Portland, OR 97229

www.opiniator.com
Tel: 503 567 2314
Fax: 302 261 0764

28th April 2020

Mr. B. Dickerson
IT Planner
Mississippi Department of Transportation
401 NW Street
Jackson, MS 39201

Ref: OPINIATOR Driver Feedback Program for Rest Areas

Dear Mr. Dickerson,

Thank you for your email of 23rd April 2020. You had requested confirmation that we are sole source provider of Opiniator and confirmation of provision to June 30th, 2023.

My company, Oberon3, Inc, developed the OPINIATOR software, and we won all the code. We are also the sole source provider – we have no resellers or distributors. We know of no other technology that delivers the functional specifications of OPINIATOR. We base this on our seven year experience in the facility feedback sector, yet not having come across a similar technology. You will also be aware that twelve other state DOT's use OPINIATOR – all via sole source.

We look forward to continuing to work with you on this program.

Sincerely,

Matthew Selbie
President – Oberon3, Inc

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.

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.