Mississippi Department of
Information Technology Services

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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 45865

Date: May 19, 2020

Re: Sole Source Certification Number 4306 for maintenance and support of the Automated Fingerprint Identification System (AFIS) for the Mississippi Department of Public Safety (MDPS) Criminal Information Center (CIC)

Contact Name: Wesley Wright

Contact Phone Number: 601-432-8103

Contact E-mail Address: Wesley.Wright@its.ms.gov

Sole Source Certification Award Details

Regarding Information Technology Services (ITS) Sole Source Certification Number 4306 for the Mississippi Department of Public Safety (MDPS) Criminal Information Center (CIC) please be advised that ITS intends to award NEC Corporation of America as the sole source provider for maintenance and support of the Automated Fingerprint Identification System (AFIS) through June 18, 2021 in an amount not to exceed $225,303.00. Please be advised that ITS will determine if additional enhancements, upgrades, support, and equipment are within scope during the certification period and may increase the spending authority accordingly. Should NEC Corporation of America 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:

   AFIS is a subsystem of the custom-built Mississippi Criminal History System (MCHS), which processes fingerprints via cardscan and livescan machines from various law enforcement and non-law enforcement agencies. The customer's sole source certification request is included as Attachment A.

Board Members - Thomas A. Wicker, Chair • June Songy, Vice-Chair • Mark E. Henderson • Alan Lange • J. Keith Van Camp
Legislative Advisor - Senator Sampson Jackson, II

2. The purchaser must be able to show specific business objectives that can be met only through the unique product or services:

   The AFIS system is used 24X7 to positively identify persons with prior criminal records and to record arrests. The AFIS system is utilized daily by hundreds of agencies to check criminal backgrounds for the hiring and/or licensing of teachers, bankers, doctors, healthcare workers, law enforcement officers, and others across a wide range of professions. Continued operation of AFIS is necessary using existing hardware and software to perform fingerprint matching functions for arrests, criminal histories, latent print processing and applicant print matching.

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:

   NEC has certified that the AFIS database structures, software applications, and algorithms are proprietary to NEC. Its design can only be achieved through equipment and/or software provided and maintained by NEC. No other vendor can modify proprietary data or make modification to products legally authorized to be marketed by NEC Corporation of America under penalty of patent infringement laws of the United States. The Vendor's sole source certification letter is included as Attachment B.

Schedule

Task	Date
First Advertisement Date	05/19/20
Second Advertisement Date	05/26/20
Response Deadline From Objectors	06/03/20 at 3:00 P.M. Central Time
Notice of Award/No Award Posted	Not before 06/04/20

Project Details

In June 1996, the ITS Board awarded RFP No. 2776 for the acquisition and implementation of a fully automated criminal history system with an integrated AFIS for the Mississippi Department of Public Safety to PRC, Inc. NEC Technologies was a named subcontractor in the PRC proposal. PRC, Inc. was later acquired by Northrop Grumman Public Safety, Inc. (PSI). The MCHS was designed to operate on a Hewlett Packard hardware platform running the Unix operating system and a common Oracle database. At the time of implementation, Mississippi was one of fewer than ten states that had a state-of-the-art, coupled system whereby every arrest record in the system is automatically associated with a fingerprint record.

The MCHS is comprised of multiple subsystems, such as the Message Switch, the Data Repository, the AFIS, the Archiving Journal, and various commercial off the shelf (COTS) products. PSI had been the primary provider of maintenance services, not only for their products, but also for the other hardware and software subcontractors, which included NEC. AFIS, as a subsystem of MCHS, processes fingerprints via cardscan and livescan machines received from various law enforcement and non-law enforcement agencies.

The system was accepted by the State on April 13, 1998, with a one-year Warranty Period and an additional nine-year Maintenance Period. Pricing was established for the first four years, ending April 13, 2003. PSI provided a quote for continued maintenance services for the remaining five years at a cost increase of eighty-two percent (82%) over what the State had been paying in the previous years. In October 2003, the ITS Board approved CIC's request to "unbundle" the maintenance contract and negotiate directly with NEC for hardware and software services for AFIS as the State would obtain better services at a lower cost.

In August 2007, CIC upgraded both AFIS hardware and software in accordance with the then-current emergency purchase law as outlined in Mississippi Code Annotated 31-7-13 (j). Since that time, NEC has continued to provide maintenance for AFIS.

Beginning in August 2015, ITS has advertised and certified the AFIS maintenance and support with the NEC Corporation of America as a Sole Source without receiving objections.

On October 09, 2018, ITS released Request For Proposals (RFP) No. 4063 on behalf of MDPS CIC for the design, implementation, training, support and maintenance of AFIS. MDPS CIC made a business decision to extend the system maintenance contract for one year beyond its current expiration so that the system would remain sound during the time necessary to convert the existing AFIS database to open standards (NIST), award RFP No. 4063 for modernizing AFIS, and to implement the procured AFIS system. In May 2019, ITS issued Notice of Intent to Certify Sole Source Number 4202 for maintenance and support of the Automated Fingerprint Identification System (AFIS) and received no objections. On September 20, 2019, the award of RFP No. 4063 was rescinded. On November 26, 2019, RFP No. 4255 was issued and, with ITS Board approval, awarded on February 13, 2020. Until successful contract negotiations are completed and the system fully implemented, this certification will be in effect for maintenance and support of the Automated Fingerprint Identification System (AFIS).

Submission Instructions and Format of Response from Objecting Parties

Interested parties who have reason to believe that the maintenance and support of the Automated Fingerprint Identification System (AFIS) 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 NEC Corporation of America.

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, June 3, 2020, at 3:00 p.m. (Central Time) to Wesley Wright at Wesley.Wright@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 Jordan Barber 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. 4306-44867** **Accepted until June 3, 2020 @ 3:00 p.m.,** **ATTENTION: Wesley Wright**

If you have any questions concerning the information above or if we can be of further assistance, please contact Wesley Wright at 601-432-8103 or via email at Wesley.Wright@its.ms.gov.

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

Attachment A

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: CIC AFIS Maintenance **Stimulus (ARRA) Funds? Yes__ No_X_**

Customer Contact Information

Agency/Public University: Criminal Information Center **Address:** 3891 Highway 468 West Pearl, MS 39208	**Contact Person: Shelia Miller** **Phone: 601-933-2624** **Fax:** **Email Address: smiller@dps.ms.gov**
MAGIC Customer Number (only required from state agencies): 7000000197 (DPS-Division of Safety Patrol)	**Division/Dept.: CIC/MIS** **Handmail:** ☒ **Yes** ☐ **No**

Project Summary ***Narrative Description of Project*** (include details of original acquisition if applicable):
NEC provides support and maintenance for the Automated Fingerprint Identification System (AFIS). NEC also provides onsite support for the AFIS system and contracts onsite support for the Mississippi Criminal History System (MCHS).

ITS Acquisition Approval (CP-1) should be effective through this date (Please allow time for all vendor invoices to be paid): 06/18/21

Cost Estimates *Fiscal Year*	*Initial Costs*	*Ongoing Costs*	**Time Constraints** Item Needed by: Funds Expire:06/18/20	**Anticipated Lifecycle of Products/System** (i.e. estimated years of effective use): 1 year
2021		**$225,303.00**	**Discuss Funding** (e.g. how much of needed funding is definite; total project budget; any matching or other non state funds) Funding is paid through CIC general funds.	
Total		**$225,303.00**		

Acquisition Details

Items Requested	Quantity	Description	Building Location(s)
Maintenance Support	**1**	**NEC/AFIS maintenance support**	**CIC**

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: *All data is maintained at the MS Criminal Information Center (CIC).*

Progress to Date: What has been done related to this project, including any communication with ITS staff (data/voice/procurement/other)? Requested Sole-Source letter and quote from the vendor. A procurement request was 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 AFIS system is used 24X7 to positively identify persons with prior criminal records and to record arrest. The AFIS system is utilized daily by hundreds of agencies to check criminal backgrounds for the hiring and/or licensing of teachers, bankers, doctors, healthcare workers, law enforcement officers and others across a wide range of professions. Continued operation of AFIS using existing hardware and software to perform fingerprint matching functions for arrest, criminal histories, latent print processing and applicant print matching is critical to public safety.

Explain why these products or services are the only ones that can meet your needs (include unique features/special functionality): AFIS is a subsystem of the custom-built Mississippi Criminal History System (MCHS), which processes fingerprints via cardscan and livescan machines from various law enforcement and non-law enforcement agencies. NEC Corporation of America is the sole provider of support for the existing AFIS system.

Explain why the source is the only entity that can provide the products or services (Include other products/vendors researched or evaluated): NEC has stated that the AFIS database structures, software applications, and algorithms are NEC proprietary. The design of AFIS can only be achieved through equipment and/or software provided and maintained by NEC.

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	**Remit To**
Vendor Name: NEC Corporation of America	**Vendor Name:** NEC Corporation of America
Vendor Address: 10850 Gold Center Drive Rancho Cordova, CA 95670	**Vendor Address:** LockBox 22529 Network Place Chicago, IL 60673-1225

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.

Clay Johnston/MIS Director
Name (Agency Head or Institution CIO)/ Title

Clay Johnston
Signature

5·19·20
Date

Attachment B

NEC Corporation of America
Biometrics Solutions Division
6535 N. State Hwy 161, 2nd Floor
Irving, TX 35039-2402

April. 16, 2020

Clay Johnston
MIS Director
MS Department of Public Safety

Mr. Johnston,

This letter is to confirm the sole source availability for the design, coding, configuration and implementation of the Integra-ID Automated Fingerprint Identification System (AFIS) located at the Mississippi Department of Public Safety facility.

While input to the MDPS Integra Afis/Archive solution supports open and National Standards functionality approved for use by the Department of Public Safety, the database structures, software applications and algorithms are NEC proprietary. Furthermore, the design of the Integra AFIS can only be achieved through equipment and/or software provided by and maintained by NEC. No other vendor can modify proprietary data or make modification to products legally authorized to be marketed by NEC Corporation of America under penalty of patent infringement laws of the United States.

We do appreciate your confidence in NEC and our Biometrics products. Please do not hesitate to call me at 404-308-1166 if you have any further questions.

Sincerely,

Tom Markham

Tom Markham
Engineering Support Manager
Identification Solutions

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).

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.