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# Notice of Intent to Certify Sole Source

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**To:** Interested Parties  
**From:** Craig P. Orgeron, Ph.D.  
**CC:** ITS Project Number 45957  
**Date:** August 4, 2020  
**Re:** Sole Source Certification Number 4326 to provide LACES NexGen Software for the Mississippi Community College Board (MCCB)  
**Contact Name:** Robert Martinez  
**Contact Phone Number:** 601-432-8002  
**Contact E-mail Address:** Robert.Martinez@its.ms.gov

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## Sole Source Certification Award Details

Regarding Information Technology Services (ITS) Sole Source Certification Number 4326 for the Mississippi Community College Board, please be advised that ITS intends to award LiteracyPro Systems, Inc. as the sole source provider of LACES NexGen software through October 31, 2021 in an amount not to exceed \$62,400.00. Please be advised that ITS will determine if additional support is within scope during the certification period and may increase the spending authority accordingly. Should LiteracyPro Systems, Inc. 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:

**The LACES (Literacy, Adult, and Community Education System) NexGen software is a student accountability solution that analyzes student performance outcomes and program quality. It allows the Mississippi Community College Board (MCCB) to customize reports needed for federal and state reporting requirements. It relieves agency staff of database development, data aggregation, verification procedures, and report generation so they can allocate resources to program improvement activities. In addition to objective performance data such as outcome cohorts, hours, and assessment scores, LACES NexGen makes it possible to record unlimited amounts of subjective information, such as instructor comments and individual learner goals. LiteracyPro Systems, Inc. will ensure that the LACES**

**NexGen software remains current with all National Reporting System (NRS) reports and data collection changes and provide training on these updates as needed.**

**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 LACES NexGen management system will ensure data can be exported to the National Strategic Planning and Analysis Research Center (NSPARC) for data matching and, once imported, has the capability to exchange data with NSPARC to ensure performance accountability is met under the Mississippi Workforce Innovation and Opportunity Act, 2014 (WIOA). Interoperability, two-way data matching, and interfacing are key design features of the LACES NexGen software. Users are able to import assessment data from Tests of Adult Basic Education (TABE), Comprehensive Adult Student Assessment Systems (CASAS), General Assessment of Instructional Needs (GAIN), General Educational Development (GED), High School Equivalency Test (HiSET), and Total Administrative Services Corporation (TASC) into LACES NexGen. Data from other external data sources such as attendance modules can also be uploaded into LACES NexGen. Two-way data matching, particularly relevant data related to the National Reporting System, is another mature functionality currently found in LACES NexGen. LACES NexGen currently exports data for data matching with employment and Unemployment Insurance data sources for purposes of determining employment (gained and retained), High School Equivalency, and post-secondary data.**

**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:

**LiteracyPro Systems, Inc. is the sole developer of LACES (Literacy Adult and Community Education System). There are no resellers or other providers for this software and hosting.**

**The Vendor's sole source certification letter is included as Attachment B.**

### **Schedule**

<b>Task</b>	<b>Date</b>
First Advertisement Date	08/04/2020
Second Advertisement Date	08/11/2020
Response Deadline From Objectors	08/18/2020 at 3:00 P.M. Central Time
Notice of Award/No Award Posted	Not before 08/19/2020

### **Project Details**

The MCCB is responsible for administering Mississippi's Adult Basic Education (ABE) Program. The Office of Adult Education promotes programs that help American adults get the basic skills needed to be productive workers, family members, and citizens. The major areas of support are the Adult Basic Education, Adult Secondary Education, and English Language Acquisition. These programs emphasize basic skills such as reading, writing, math, English language competency,

and problem solving. The WIOA requires the ABE system to meet the state and federal performance requirements.

The purpose of the program is to provide educational opportunities below the postsecondary level for adults over the age of 16 who meet the following:

- Are not currently enrolled in school;
- Lack a high school diploma; or,
- Lack the basic skills to function effectively in the workplace and in their daily lives.

In March 2016, ITS issued Notice of Intent to Certify Sole Source Certification Number 3888 for the acquisition of a student accountability solution mandated by the WIOA and the National Reporting System (NRS). No objections/responses were received, and a Software as a Service Agreement was executed. In February 2019, ITS issued Notice of Intent to Certify Sole Source Certification Number 4179 for the renewal of the LACES NexGen software licenses and hosting and received no objections/responses. In September 2019, ITS issued Notice of Intent to Certify Sole Source Certification Number 4247 for the renewal of the LACES NexGen software through October 31, 2020 and received no objections/responses. The total spend to date is \$331,160.00.

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

Interested parties who have reason to believe that the LACES NexGen 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 LiteracyPro Systems, 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, August 18, 2020 at 3:00 p.m. (Central Time) to Robert Martinez at [Robert.Martinez@its.ms.gov](mailto:Robert.Martinez@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 Robert Martinez 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. 4326-45957  
Accepted until August 18, 2020 @ 3:00 p.m.,  
ATTENTION: Robert Martinez**

If you have any questions concerning the information above or if we can be of further assistance, please contact Robert Martinez at 601-432-8002 or via email at [Robert.Martinez@its.ms.gov](mailto:Robert.Martinez@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:</b> LACES NexGen		<b>Stimulus (ARRA) Funds? Yes_ No _X_</b>	
<b>Customer Contact Information:</b> LiteracyPRO Systems, Inc. David Miller, 2355 Canyon Blvd., Suite 204, Boulder, CO 80302 (3102026064)			
<b>Agency/Public University:</b> MCCB <b>Address:</b> 3825 Ridgewood Road Jackson, MS 39211		<b>Contact Person:</b> Sandy Crist <b>Phone:</b> 601-432-6687 <b>Fax:</b> 601-432-6890 <b>Email Address:</b> <a href="mailto:scrist@mccb.edu">scrist@mccb.edu</a>	
<b>MAGIC Customer Number</b> (only required from state agencies): 7000000104		<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): Adult Education is required to meet the state and federal performance requirements under the law, Workforce Innovation and Opportunity Act, 2014 (WIOA). LACES NexGen is an adult education accountability system that generates all National Reporting System (NRS) reports and conforms to all federal and state mandated policies and laws. LACES NexGen generates reports that are importance to local providers, including attendance sheets and transcripts, and exports data for many other types of reports. In addition, users can create ad-hoc reports and use third-party tools.			
<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>	<b>Initial Costs</b>	<b>Ongoing Costs</b>	<b>Time Constraints</b> Item Needed by: November 1, 2020 Funds Expire: October 31, 2021
11/1/2020-10/31/21		\$62,400.00	<b>Anticipated Lifecycle of Products/System</b> (i.e. estimated years of effective use):  <b>Discuss Funding</b> (e.g. how much of needed funding is definite; total project budget; any matching or other non-state funds). Quotes are from vendor for cost of program. Federal funding used to purchase software required for Federal Grant.
<b>Total</b>		<b>\$62,400.00</b>	
<b>Acquisition Details</b>			
<b>Items Requested</b>	<b>Quantity</b>	<b>Description</b>	<b>Building Location(s)</b>
LACES for ABE Providers	1		
Hosting	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: Literacy Pro Systems, Inc. maintains the infrastructure for development, deployment, and support of the LACES NexGen System			
<b>Progress to Date:</b> What has been done related to this project, including any communication with ITS staff (data/voice/procurement/other)? MCCB has obtained a sole source letter and proposal from LiteracyPro			
<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 LACES NexGen management system will ensure data can be exported to the National Strategic Planning and Analysis Research Center (NSPARC) for data matching and, once imported, has the capability to exchange data with NSPARC to ensure performance accountability is met under the Mississippi Workforce Innovation and Opportunity Act, 2014 (WIOA). Interoperability, two-way data matching, and interfacing are key design features of the LACES NexGen software. Users are able to import assessment data from Tests of Adult Basic Education (TABE), Comprehensive Adult Student Assessment Systems (CASAS), General Assessment of Instructional Needs (GAIN), General Educational Development (GED), High School Equivalency Test (HiSET), and Total Administrative Services Corporation (TASC) into LACES NexGen. Data from other external data sources such as attendance modules can also be uploaded into LACES NexGen. Two-way data matching, particularly relevant data related to the National Reporting System, is another mature functionality currently found in LACES NexGen. LACES NexGen currently exports data for data matching with employment and Unemployment Insurance data sources for purposes of determining employment (gained and retained), High School Equivalency, and post-secondary data..			
<b>Explain why these products or services are the only ones that can meet your needs</b> (include unique features/special functionality): The LACES (Literacy, Adult, and Community Education System) NexGen software is a student accountability solution that analyzes student performance outcomes and program quality. It allows the Mississippi Community College Board (MCCB) to customize reports needed for federal and state reporting requirements. It relieves agency staff of database development, data aggregation, verification procedures, and report generation so they can allocate resources to program improvement activities. In addition to objective performance data such as outcome cohorts, hours, and assessment scores, LACES NexGen makes it possible to record unlimited amounts of subjective information, such as instructor comments and individual learner goals. LiteracyPro Systems, Inc. will ensure that the LACES NexGen software remains current with all National Reporting System (NRS) reports and data collection changes and provide training on these updates as needed.			

<b>Explain why the source is the only entity that can provide the products or services</b> (Include other products/vendors researched or evaluated): LiteracyPro Systems, Inc. is the sole developer of LACES (Literacy Adult and Community Education System). There are no resellers or other providers for this software and hosting.	
<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>Remit To</b>
<b>Vendor Name: LiteracyPro Systems, Inc.</b>	<b>Vendor Name: same</b>
<b>Vendor Address: 2355 Canyon Boulevard, Suite 204, Boulder CO 80302</b>	<b>Vendor Address: same</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.

Andrea Mayfield  
Name (Agency Head or Public University CIO) Title

Andrea Mayfield 7/31/2020  
Signature Date



**SOLE SOURCE DOCUMENT**

To Whom It May Concern:

June 15, 2020

As the CEO and founder of LiteracyPro Systems, I attest that, to the best of my knowledge, the following information is true and accurate.

LiteracyPro Systems, Inc. is the sole developer of LACES (Literacy Adult and Community Education System). Launched in 2006, we believe LACES qualifies for a sole source designation for the following reasons:

- Only LACES is designed to collect and match data from other WIOA partners, including Community Colleges, Department of Labor, Department of Vocational Rehabilitation, Department of Human Services (via CommunityPro, a separate online system);
- Only LACES allows two-way data matching and interoperability between LACES and other student management systems;
- Only LACES offers users the ability to drill-down to a student level on *all* cells in *all* NRS tables;
- Only LACES allows users to import and synchronize assessment data from TABE, CASAS and GAIN;
- Only LACES allows users to import and synchronize HSE (High School Equivalent) assessment data from GED, TASC and HISET;
- Only LACES includes pre-built import functionality allowing instructional hours to be electronically uploaded;
- Only LACES is designed to track students receiving instruction from multiple modalities. Each instructional modality (class, small group, and pairs) has its own individualized process/workflow as well as its own individual set of screens;
- Only LACES allows users to create an unlimited set of roles;
- Only LACES allows users to determine the level of access for each role;
- For each user-defined role, only LACES provides field-level user-defined access privileges;
- Only LiteracyPro met the deadline of July 1, 2012 set by the federal governments to modify the NRS tables. These modifications required significant investment of time and expertise. Changes were made without cost.
- Over the past three years, only LACES has been successfully audited in five different states by OCTAE as a result of a random review of state systems. (Since LACES is deployed in 15 states, the chance of one of our state clients being chosen for a random audit is much higher.)
- As noted above, LiteracyPro Systems has a track record of meeting due dates for changes to federal reporting guidelines. As before, LACES shall be modified to be fully WIOA-compliant as of July 1, 2016.

Please don't hesitate to contact me if you need additional information.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Miller', with a horizontal line extending to the right.

David Miller  
CEO, LiteracyPro Systems, Inc.

2355 Canyon Blvd., Suite 204 \* Boulder, CO 80302 \* (303) 440-6906

## 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 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.