

## Notice of Intent to Certify Sole Source

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**To:** Interested Parties  
**From:** Craig P. Orgeron, Ph.D.  
**CC:** ITS Project Number 45988  
**Date:** August 4, 2020  
**Re:** Sole Source Certification Number 4331 for UPS2000 Software Maintenance Renewal for the Mississippi Office of the State Treasurer (OST)  
**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 4331 for the Mississippi Office of the State Treasurer (OST), please be advised that ITS intends to award Avenu Unclaimed Property Systems, LLC (formerly Conduent Unclaimed Property Systems, Inc.) as the sole source provider of UPS2000 Software Maintenance Renewal through June 30, 2021. 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 Avenu Unclaimed Property Systems, LLC 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:

**Avenu Unclaimed Property Systems, LLC's Unclaimed Property Management System (UPS2000) is the platform used by the OST to manage all unclaimed property records for the State of Mississippi. Miss. Statute Section 89-12-1 to 89-12-57 outlines the functions of Unclaimed Property. UPS2000 has functions that have been customized to meet Mississippi's business processes and requirements and is built to meet the needs of Mississippi's Unclaimed Property laws for recording and distributing Unclaimed Property.**

**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 UPS2000 provides a detailed repository of Unclaimed Property which allows for the process of financial institutions handing over unclaimed property to the State, including bank accounts, assets, or any other property unclaimed for an extended period of time to the State of Mississippi for claims processing, payment, and for transfer of property.**

**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:

**The UPS2000 system is developed, supported, and copyrighted exclusively by Avenu. Avenu does not release the source code for USP2000. The UPS2000 software and services system is available only through Avenu directly and they do not resell the system through any other source, and do not contract their support agreements to any other party.**

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

### Schedule

Task	Date
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 Office of the Mississippi State Treasurer (OST) is responsible for the administration of the Unclaimed Property Act. The UPS2000 system was purchased by the OST in 2003 as a sole source using then approved Sole Source Certification procedures. In March 2009, a Software License and Services Agreement was executed for software licenses and Bronze-level support using then approved Sole Source Certification procedures. In June 2010, Amendment #1 to the Agreement was executed for 12 months of maintenance. In June 2011, Amendment #2 to the Agreement was executed for 12 months of maintenance. In June 2012, Amendment #3 to the Agreement was executed for 12 months of maintenance. In June 2013, Amendment #4 to the Agreement was executed for 12 months of maintenance. In May 2014, Amendment #5 to the Agreement was executed for 12 months of maintenance. In June 2015, Amendment #6 to the Agreement was executed for three years of maintenance. In May 2018, ITS, on behalf of OST, issued Notice of Intent to Certify Sole Source Number 4094 and received no objections/responses. The Award was made to Conduent Unclaimed Property Systems, Inc., and Amendment #7 to the Agreement was executed. The current Software License and Services Agreement expires June 30, 2021. OST received a letter detailing the completed acquisition by Avenu Insights & Analytics LLC. of Conduent Constituent and Government Software Solutions, which included Conduent Unclaimed Property Systems on September 28, 2018. This Notice of Intent to Certify Sole Source will change the vendor's name to Avenu Unclaimed Property Systems, LLC. To date, OST has been approved to spend \$610,250.00 on this system.

## Submission Instructions and Format of Response from Objecting Parties

Interested parties who have reason to believe that the UPS2000 software maintenance 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 Avenu Unclaimed Property Systems, LLC.

- 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. 4331-45988**  
**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: Philips Conduent Software Name Change to Avenu Unclaimed Property Systems, LLC</b>				
<b>Stimulus (ARRA) Funds? Yes No <u>X</u></b>				
<b>Customer Contact Information</b>				
Agency/Public University: Office of the State Treasurer Address: 1101 Woolfolk Building, Suite A Jackson, MS 39201			Contact Person: Kurt Turner Phone: 601-359-2734 Fax: Email Address: <a href="mailto:Kurt.turner@treasury.ms.gov">Kurt.turner@treasury.ms.gov</a>	
MAGIC Customer Number (only required from state agencies): 700000081			Division/Dept.: Handmail: <input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>Project Summary Narrative Description of Project</b> (include details of original acquisition if applicable): The Office of the State Treasurer is responsible for the administration of the Unclaimed Property Act. The system was purchased by the State of Mississippi in 2003 as a sole source. The current software license and services agreement expires June 30, 2021. The project is to renew software maintenance under the company's new name, Avenu Unclaimed Property Systems, LLC, through June 30, 2021, for the system used for Unclaimed Property records management.				
<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: Funds Expire: 06/30/21	<b>Anticipated Lifecycle of Products/System</b> (i.e. estimated years of effective use):
FY21			<b>Discuss Funding</b> (e.g. how much of needed funding is definite; total project budget; any matching or other non state funds)..	
<b>Acquisition Details</b>				
<b>Items Requested</b>	<b>Quantity</b>	<b>Description</b>	<b>Building Location(s)</b>	
Unclaimed Property Management System- UPS 2000 Software Maintenance Renewal	10			
<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: System currently run in the Treasury data center.				
<b>Progress to Date:</b> What has been done related to this project, including any communication with ITS staff (data/voice/procurement/other)? A quote and sole source letter have been obtained from the vendor.				
<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 UPS2000 provides a detailed repository of Unclaimed Property which allows for the process of financial institutions handing over unclaimed property to the State, including bank accounts, assets, or any other property unclaimed for an extended period of time to the State of Mississippi for claims processing, payment, and for transfer of property.				
<b>Explain why these products or services are the only ones that can meet your needs</b> (include unique features/special functionality): Avenu Unclaimed Property Systems, LLC's Unclaimed Property Management System (UPS2000) is the platform used by the OST to manage all unclaimed property records for the State of Mississippi. Miss. Statute Section 89-12-1 to 89-12-57 outlines the functions of Unclaimed Property. UPS2000 has functions that have been customized to meet Mississippi's business processes and requirements and is built to meet the needs of Mississippi's Unclaimed Property laws for recording and distributing Unclaimed Property.				
<b>Explain why the source is the only entity that can provide the products or services</b> (Include other products/vendors researched or evaluated): The UPS2000 system is developed, supported, and copyrighted exclusively by Avenu. Avenu does not release the source code for USP2000. The UPS2000 software and services system is available only through Avenu directly and they do not resell the system through any other source, and do not contract their support agreements to any other party.				
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				
<b>MAGIC Vendor Code(s) Vendor must be in MAGIC before a CP-1 can be issued.</b>				
<b>Place Order To</b> Vendor Name: Avenu Unclaimed Property Systems, LLC Vendor Address: 5860 Trinity Parkway, Suite 120 Centreville, VA 20120		<b>Remit To</b> Vendor Name: Avenu Unclaimed Property Systems, LLC Vendor Address: 5860 Trinity Parkway, Suite 120 Centreville, VA 20120		

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.

Brian Wilson

Name (Agency Head or Public University CIO)/Title

Signature

8-5-20

Date



June 25, 2020

Kurt Turner  
Information Technology  
Director of Information Technology  
Office of State Treasurer David McRae  
Kurt.Turner@treasury.ms.gov

VIA EMAIL

Re: UPS2000 System Sole Source

Dear Kurt:

We greatly appreciate the Mississippi Treasury's long-term use of Avenu's UPS2000 Unclaimed Property Management System to help meet the state's administrative needs, and we hope that the following information will help inform you and your team:

- On September 28, 2018, Avenu Insights & Analytics, LLC ("Avenu") completed its acquisition of Conduent Constituent and Government Software Solutions, which included Conduent Unclaimed Property Systems. Avenu Unclaimed Property Systems, LLC is an Avenu Holdings, LLC company.
- The core UPS2000 system is used by many state unclaimed property programs and is developed, supported, and copyrighted exclusively by Avenu. UPS2000 material cannot be used, copied, reproduced, or distributed without the express written permission of Avenu.
- The UPS2000 system now installed in the Unclaimed Property Division includes customized features that are designed for the unique tasks and processes required under Mississippi law and policy.
- Avenu does not release the source code for UPS2000 or for any modifications made specifically for any state, and updates to the source code and database objects are only available from Avenu.
- The UPS2000 software and services system is available only through Avenu directly. Avenu does not resell the system through any source, and does not contract support agreements to any other party. Employees are the only experts authorized and trained to support the UPS2000 system.

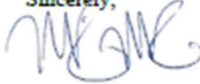
5860 Trinity Parkway, Suite 120, Centreville, VA 20120 | [www.avenuinsights.com](http://www.avenuinsights.com)

Kurt Turner  
Page 2  
June 25, 2020

- Avenu continually enhances and develops its unclaimed property solutions, adding new features and functionalities, as requested by various state agencies. The requirements of and suggestions from each state enhance the system for all users: most new features offered to existing states are included in the system support agreement. Both hosted and installed systems are available.

Thank you for your consideration. If you have any questions or comments, please do not hesitate to contact me or any member of the Avenu Unclaimed Property Team.

Sincerely,



Mike Melka  
Chief Financial Officer  
Avenu Unclaimed Property Systems, LLC  
5860 Trinity Parkway, Suite 120  
Centreville, VA 20120  
(800) 927-5125  
[mike.melka@avenuinsights.com](mailto:mike.melka@avenuinsights.com)

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.