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## Notice of Intent to Certify Sole Source

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**To:** Interested Parties  
**From:** Michele Blocker, Interim Executive Director  
**CC:** ITS Project Number 46043  
**Date:** September 8, 2020  
**Re:** Sole Source Certification Number 4340 for License Renewal and Maintenance of the FAT Software Products for the Mississippi Department of Information Technology Services  
**Contact Name:** Justin Faucette  
**Contact Phone Number:** 601-432-8165  
**Contact E-mail Address:** [Justin.Faucette@its.ms.gov](mailto:Justin.Faucette@its.ms.gov)

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### **Sole Source Certification Award Details**

Regarding Information Technology Services (ITS) Sole Source Certification Number 4340 for the Department of Information Technology Services (ITS), please be advised that ITS intends to award Compuware Corporation, as the sole source provider of license renewal and maintenance of the FAT software products through September 23, 2021, in an amount not to exceed \$7,335.00. If no objections are received and ITS continues to need this maintenance and support, then this sole source certification will be valid until September 23, 2023. Please be advised that ITS will determine if additional enhancements and support are within scope during the certification period and may increase the spending authority accordingly. Should Compuware Corporation 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 FAT software products are tape utilities to certify that tapes can be read, provide reports on contents of tapes, erase tapes that have been discontinued, determine label characteristics, copy tape contents from one tape to another, and recover tape data after an error on the tape. FATSCOPY is an optional product that facilitates consolidating many tape data sets and tapes to a single tape volume. Fast Analysis of Tape Surfaces (FATS), Fast Analysis of Tape Surfaces and Recovery (FATAR), and FATSCOPY can be replaced by other products and processes, but operational routines would need to be changed and all operation**

personnel would need to be re-trained. These utilities are relatively inexpensive, and the cost of conversion would be more costly than retaining them. ITS has made a business decision to continue utilizing the software products. 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:

**FATS and FATAR are sold as a tape management group, with FATSCOPY being an option of FATAR. FATS and FATAR are magnetic tape utility functions that certify and verify tape volumes. FATS AND FATAR also erase, label, analyze, and copy tapes. FATSCOPY is an easy-to-use, high-performance z/OS tape copy, consolidation, migration and conversion utility that can automate the process of copying and re-cataloging tape-based data sets from one tape media to another, including Virtual Tape (VTape) and Virtual Tape Server (VTS) systems. It can also be used for copying data between VTS systems of the same hardware vendor, or of different vendors. Maintenance and support provides access to new releases, fixes for product errors, help with usage issues, and in many cases, the right to use. 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:

**Compuware is the sole source of supply for Compuware mainframe software as well as upgrades, maintenance, support, new releases, additional copies and documentation related to its software products in the United States of America. Compuware further represents that it is the sole owner of and copyright holder for all such software products. The Vendor's sole source certification letter is included as Attachment B.**

**Schedule**

<b>Task</b>	<b>Date</b>
First Advertisement Date	09/08/2020
Second Advertisement Date	09/15/2020
Response Deadline From Objectors	09/22/2020 at 3:00 P.M. Central Time
Notice of Award/No Award Posted	Not before 09/23/2020

**Project Details**

The FAT software products were procured by ITS in 1989 through then-approved sole source procedures. In 1996, the software began being purchased through a two-quote process and was renewed annually. ITS is now under the impression that the FAT products are again only available through one source. ITS has spent approximately \$140,195.00 on this product to date.

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

Interested parties who have reason to believe that the license renewal and maintenance of the FAT software products 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 Compuware Corporation.

- 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, September 22, 2020, at 3:00 p.m. (Central Time) to Justin Faucette at [Justin.Faucette@its.ms.gov](mailto:Justin.Faucette@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 Justin Faucette 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. 4340-46043  
Accepted until September 22, 2020 @ 3:00 p.m.,  
ATTENTION: Justin Faucette**

If you have any questions concerning the information above or if we can be of further assistance, please contact Justin Faucette at 601-432-8165 or via email at [Justin.Faucette@its.ms.gov](mailto:Justin.Faucette@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> Renew FAT Software Products			<b>Stimulus (ARRA) Funds? Yes No <u>X</u></b>	
<b>Customer Contact Information</b>				
<b>Agency/Public University:</b> Information Technology Services <b>Address:</b> 3771 Eastwood Dr, Jackson, MS 39211			<b>Contact Person:</b> Lynn Templeton <b>Phone:</b> 601-432-8054 <b>Fax:</b> 601-413-6380 <b>Email Address:</b> lynn.templeton@its.ms.gov	
<b>MAGIC Customer Number</b> (only required from state agencies): 7000000174			<b>Division/Dept.:</b> Data Services <b>Handmail:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<b>Project Summary Narrative Description of Project</b> (include details of original acquisition if applicable): ITS Data Services would like to renew the maintenance/support for the software products FATS, FATR, and FATSCOPY. This software will allow for processing ITS workload running on the IBM 3907-ZR1 B02 hosted in the ITS State Datacenter.				
<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: 08/31/2020 Funds Expire: 09/30/2021	<b>Anticipated Lifecycle of Products/System</b> (i.e. estimated years of effective use): 1 year
FY21		<b>\$7,335.00</b>	<b>Discuss Funding</b> (e.g. how much of needed funding is definite; total project budget; any matching or other non state funds). All funding is definite and will be from ITS funds.	
<b>Total</b>		<b>\$7,335.00</b>		
<b>Acquisition Details</b>				
<b>Items Requested</b>	<b>Quantity</b>	<b>Description</b>		<b>Building Location(s)</b>
FATS/FATSAR/FATSCOPY	88 MSU	Maintenance 10/1/20 thru 9/30/21		Eastwood Building B
<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: This is run in the State Data Center. Single CPU Perpetual License -IBM 3907-ZR1 B02 CPU Serial #46C18 – 23 MSU				
<b>Progress to Date:</b> What has been done related to this project, including any communication with ITS staff (data/voice/procurement/other)? The Enterprise Server Systems Manger verified that this product is still needed. A quote and Sole Source Letter have been received from the vendor, Compuware.				
<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> FATS and FATAR are sold as a tape management group, with FATSCOPY being an option of FATAR. FATS and FATAR are magnetic tape utility functions that certify and verify tape volumes. FATS AND FATAR also erase, label, analyze, and copy tapes. FATSCOPY is an easy-to-use, high-performance z/OS tape copy, consolidation, migration and conversion utility that can automate the process of copying and re-cataloging tape-based data sets from one tape media to another, including Virtual Tape (VTape) and Virtual Tape Server (VTS) systems. It can also be used for copying data between VTS systems of the same hardware vendor, or of different vendors. Maintenance and support entitles licensees to new releases, fixes for product errors, help with usage issues, and in many cases, the right to use.				
<b>Explain why these products or services are the only ones that can meet your needs</b> (include unique features/special functionality): The FAT software products are tape utilities to certify that tape can be read, provide reports on contents of tape, erase tapes that have been discontinued, determine label characteristics, copy tape contents from one tape to another, and recover tape data after an error on the tape. FATSCOPY is an optional product that facilitates consolidating many tape data sets and tapes to a single tape volume. Fast Analysis of Tape Surfaces (FATS), Fast Analysis of Tape Surfaces and Recovery (FATAR), and FATSCOPY can be replaced by other products and processes, but operational routines would need to be changed and all operation personnel would need to be re-trained. These utilities are relatively inexpensive, and the cost of conversion would be more costly than retaining them. ITS has made a business decision to continue utilizing these utilities.				
<b>Explain why the source is the only entity that can provide the products or services</b> (Include other products/vendors researched or evaluated): Compuware is the sole source of supply for Compuware mainframe software as well as upgrades, maintenance, support, new releases, additional copies and documentation related to its software products in the United States of America. Compuware further represents that it is the sole owner of and copyright holder for all such software products.				
<b>Explain why the amount to be expended for the services is reasonable:</b> The increase in the cost of this renewal is in line with previous annual escalations.				
<b>Explain what your agency did to obtain the best possible price for the services:</b> Data Services has been operating with 88 million service units (MSUs) and is installing a Mainframe with a maximum of 23 MSUs. A quote for reduced MSUs was evaluated, but with the pricing level discounts, 23 MSUs would increase the price.				
<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:</b> Compuware Corporation		<b>Vendor Name:</b> Compuware Corporation		
<b>Vendor Address:</b> One Campus Martius, Detroit, MI 48226		<b>Vendor Address:</b> One Campus Martius, Detroit, MI 48226		

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.


9/8/2020

Name (Agency Head or Public University CIO)/Title

Signature

Date



August 10, 2020

Ms. Lynn Templeton  
Lynn.templeton@its.ms.gov

RE: SOLE SOURCE OF SUPPLY FOR COMPUWARE PRODUCTS

Dear Ms. Templeton:

Please allow this letter to serve as Compuware Corporation's ("Compuware") written confirmation to the State of Mississippi department of Information Technology Service, 3771 Eastwood Drive, Jackson, MS 39211-6381, that Compuware is the sole source of supply for Compuware mainframe software as well as upgrades, maintenance, support, new releases, additional copies and documentation related to its software products in the United States of America. Compuware further represents that it is the sole owner of and copyright holder for all such software products.

If you have any questions or require further information, you may contact Christina DeHayes at (313) 227-7300.

Sincerely,  
DocuSigned by:

*Christina DeHayes*

8D55886A2DD431  
Christina DeHayes  
Senior Counsel  
Compuware Corporation

#2282

## 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.