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## Notice of Intent to Certify Sole Source

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**To:** Interested Parties

**From:** David C. Johnson, Executive Director

**CC:** ITS Project Number 46044 

**Date:** January 19, 2021

**Re:** Sole Source Certification Number 4361 to provide InSite DocuStore software, maintenance, and consulting services for the Mississippi Public Service Commission (MPSC)

**Contact Name:** Kimberly Parker

**Contact Phone Number:** 601-432-8049

**Contact E-mail Address:** [kimberly.parker@its.ms.gov](mailto:kimberly.parker@its.ms.gov)

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### Sole Source Certification Award Details

Regarding Information Technology Services (ITS) Sole Source Certification Number 4361 for the Mississippi Public Service Commission (MPSC), please be advised that ITS intends to award InSite Data Systems Limited as the sole source provider of InSite DocuStore software, maintenance and consulting services through February 28, 2024, in an amount not to exceed \$73,448.00. Please be advised that ITS will determine if additional upgrades and consulting hours are within scope during the certification period and may increase the spending authority accordingly. Should InSite Data Systems Limited 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:

**MPSC's Case Tracking and No Call Systems are fully integrated with InSite Data Systems' products. The Case Tracking and No Call Systems are legacy and house all of MPSC's case documents dating back to 1956. These documents are available online and to the public through InSite via the MPSC website. The document files are searchable through optical character recognition (OCR) so case documents can be easily found. Electronic filing allows public access to governmental information that, thereby, increases agency accountability. InSite DocuStore Software has been in use since 2006, and Insite Data Systems Limited is the only company that can support InSite DocuStore Software. MPSC has significant financial investment in the product and has**

**made the business decision to continue using the InSite DocuStore as their document management system. 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:

**MPSC is a regulatory agency with jurisdiction over telecommunication, electric, gas, water, and sewer utilities. MPSC is seeking to continue maintenance for their document management system that integrates with their Case Tracking and No Call systems. The Case Tracking System (CTS) allows users to track utility cases assigned to MPSC and manage caseloads and casework. The MPSC is tasked to promulgate regulations, compile and maintain a "No Call List", which consists of telephone numbers of Mississippi residential and cellular telephone subscribers who have elected to reduce telephone solicitations. 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:

**MPSC has a perpetual license to use the InSite DocStore Software. The only company that can support InSite DocuStore software is InSite Data System Limited. No other organization or company has access to InSite's codebase or knowledge of the internal working of the InSite System. The Vendor's sole source certification letter is included as Attachment B.**

4. Explanation of why the amount to be expended for the services is reasonable.

**MPSC feels that it is more cost efficient to continue maintenance on the current system rather than to purchase a new product that will also require redeveloping the applications.**

5. Explanation of what the agency did to obtain the best possible price for these services.

**Maintenance for the current system is a flat fee and large modifications are provided at an hourly rate. MPSC has worked with InSite Data System Limited to maintain the same hourly rate established by contract in 2018.**

## **Schedule**

| <b>Task</b>                      | <b>Date</b>                        |
|----------------------------------|------------------------------------|
| First Advertisement Date         | 01/19/21                           |
| Second Advertisement Date        | 01/26/21                           |
| Response Deadline From Objectors | 02/02/21 at 3:00 P.M. Central Time |
| Notice of Award/No Award Posted  | Not before 02/03/21                |

## **Project Details**

In October 2005, ITS issued RFP No. 3473 for the acquisition of a Document Imaging and Management System including installation, migration, and conversion of the PSC's existing system. The award was made to Rowe Consulting and Technology, Inc. as an owner of the InSite Repository System, and a Turnkey Agreement was executed.

InSite's US and UK businesses separated in 2011 with the US company being absorbed into Trinity Consulting, and Rowe Consulting and Technology, Inc. was no longer in business. Therefore, Trinity Consulting was the only vendor able to provide support and maintenance as a

Sole Source. ITS executed a Professional Service Agreement with Trinity Technologies for five years.

Thereafter, Trinity Consulting ceased business operations in 2015, and InSite stopped allowing vendors to resell their product. MPSC began contracting with InSite Data Systems Limited in 2016 and executed a Maintenance Agreement that expired February 28, 2018.

On August 7, 2018, ITS issued Sole Source Certification 4116 for InSite DocuStore software, maintenance, and consulting services and received no objections. Insite Data Systems Limited was awarded as the sole source provider of InSite DocuStore software, maintenance, and consulting services through February 28, 2021. A Software License and Maintenance Agreement was executed on October 1, 2018, for a not-to exceed amount of \$62,477.52. MPSC has made the business decision to purchase maintenance for three more years. Since 2000, MPSC has spent to date \$950,817.94.

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

Interested parties who have reason to believe that InSite DocuStore software, maintenance, and consulting services 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 InSite Data Systems Limited.

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, February 2, 2021, at 3:00 p.m. (Central Time) to Kimberly Parker at [kimberly.parker@its.ms.gov](mailto:kimberly.parker@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 Kimberly Parker 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:

|  |
|--|
| <p style="text-align: center;"><b>SUBMITTED IN RESPONSE TO</b><br/><b>Sole Source Certification No. 4361</b><br/><b>Accepted until February 2, 2021 @ 3:00 p.m.,</b><br/><b>ATTENTION: Kimberly Parker</b></p> |
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If you have any questions concerning the information above or if we can be of further assistance, please contact Kimberly Parker at 601-432-8049 or via email at [kimberly.parker@its.ms.gov](mailto:kimberly.parker@its.ms.gov).

Attachment A: Customer Sole Source Certification Request

Attachment B: Vendor Correspondence

Attachment C: Sole Source Procurement Overview

cc: ITS Project Number 46044



# Sole Source Certification Request

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

|  |                      |   |  |
|--|----------------------|---|--|
| <b>Project Title: Renew Insite Contract</b>  |                      | <b>Stimulus (ARRA) Funds? Yes No</b>  |  |
| <b>Customer Contact Information</b>  |                      |   |  |
| <b>Agency/Public University: MS Public Service Commission</b><br><b>Address: 501 N West Street, Suite 201A, Jackson, MS 39201</b>  |                      | <b>Contact Person: Mary Nesteruk</b><br><b>Phone: 601-961-5409</b><br><b>Email Address: mary.nesteruk@psc.ms.gov</b>  |  |
| <b>MAGIC Customer Number (only required from state agencies):</b>  |                      | <b>Division/Dept:</b><br><b>Handmail: <input type="checkbox"/> Yes <input type="checkbox"/> No</b>  |  |
| <b>Project Summary Narrative Description of Project</b> (include details of original acquisition if applicable): Maintenance for existing Insite Document Management System  |                      |   |  |
| <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><br><i>Fiscal Year</i>  | <i>Initial Costs</i> | <i>Ongoing Costs</i>  | <b>Time Constraints</b><br>Item Needed by: February 28, 2021<br>Funds Expire:  |
| 2021   |                      | \$23,835  | <b>Anticipated Lifecycle of Products/System</b> (i.e. estimated years of effective use)<br><br><b>Discuss Funding</b> (e.g. how much of needed funding is definite; total project budget; any matching or other non-state funds)<br>The amount includes 60 hours of development time @ 11,100 for new features. The funds are in our budget. |
| 2022   |                      | \$24,472  |  |
| 2023   |                      | \$25,141  |  |
| <b>Total</b>   |                      | <b>\$73,448</b>   |  |
| <b>Acquisition Details</b>   |                      |   |  |
| <b>Items Requested</b>   | <b>Quantity</b>      | <b>Description</b>  | <b>Building Location(s)</b>  |
| Consulting hours   | 60                   | Enhancements  |  |
| Annual maintenance   | 3 years              |   |  |
| <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:<br>Runs on Windows 2016 virtual server, uses Fujitsu scanners. Accessible to public from PSC website that is hosted by MSI.  |                      |   |  |
| <b>Progress to Date:</b> What has been done related to this project, including any communication with ITS staff (data/voice/procurement/other)?<br>Request submitted in August to renew maintenance.   |                      |   |  |
| <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>   |                      |   |  |
| <b>Explain why these products or services are the only ones that can meet your needs</b> (include unique features/special functionality):<br>MPSC is a regulatory agency with jurisdiction over telecommunication, electric, gas, water, and sewer utilities. MPSC is seeking to continue maintenance for their document management system that integrates with their Case Tracking and No Call systems. The Case Tracking System (CTS) allows users to track utility cases assigned to MPSC and manage caseloads and casework. The MPSC is tasked to promulgate regulations, compile and maintain a "No Call List", which consists of telephone numbers of Mississippi residential and cellular telephone subscribers who have elected to reduce telephone solicitations. MPSC has significant financial investment in the product and has made the business decision to continue using the InSite DocuStore as their document management system. |                      |   |  |
| <b>Explain why the source is the only entity that can provide the products or services</b> (Include other products/vendors researched or evaluated):<br>MPSC's Case Tracking and No Call Systems are fully integrated with InSite Data Systems' products. The Case Tracking and No Call Systems both are legacy and developed on an old version of PowerBuilder and cannot be updated at this time. All of MPSC's case documents dating back to 1956 are available online and to the public through InSite via the MPSC website. The document files are searchable through optical character recognition (OCR) so case documents can be easily found. Electronic filing allows public access to governmental information that, thereby, increases agency accountability. InSite DocuStore Software has been in use since 2006, and Insite Data Systems Limited is the only company that can support InSite DocuStore Software.                     |                      |   |  |
| <b>Explain why the amount to be expended for the services is reasonable:</b> It is more cost efficient to continue maintenance on the current system rather than to purchase a new product that will also require redeveloping the applications.   |                      |   |  |
| <b>Explain what your agency did to obtain the best possible price for the services:</b> Maintenance for the current system is set at a flat fee and large modifications are set at an hourly rate. PSC has worked with InSite Data System Limited to maintain the same hourly rate established by contract in 2018.  |                      |   |  |
| <b>Vendor's Certification of Sole Source attached:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No   |                      | <b>Vendor's proposal attached:</b> <input 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><br><b>Vendor Name:</b> InSite Data Systems Limited<br><b>Vendor Address:</b> 1 The Old Stables, Eridge Park,<br>Tunbridge Wells Kent, TN3 9JT, UK  |                      | <b>Remit To</b><br><b>Vendor Name:</b> Insite Data Systems Limited<br><b>Vendor Address:</b> 1 The Old Stables, Eridge Park,<br>Tunbridge Wells Kent, TN3 9JT, UK |  |

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.

*Katherine Collier* / Executive Director  
 Name (Agency Head or Public University CIO)/Title

*Katherine Collier* 01-19-2021  
 Signature Date



InSite Data Systems Limited,  
1 The Old Stables  
ErIDGE Park,  
Tunbridge Wells  
Kent  
TN3 9JT  
UK

24 December 2020

Dear Sir/Madam.

I am writing to confirm that the only company that can support the InSite DocuStore software is InSite Data Systems Limited. No other professional services organisation or software company has access to the InSite codebase or the knowledge of the internal workings of the InSite system.

If you require any further information, please do not hesitate to contact me.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'N. Desai', with a flourish at the end.

Mr. N Desai  
Director  
InSite Data Systems  
Tel +44 7789 433141  
Web [www.insitedatasystems.com](http://www.insitedatasystems.com)  
eMail [nimesh.desai@insite-mail.com](mailto:nimesh.desai@insite-mail.com)

InSite Data Systems Limited. Registered Company Number 7493544.

[www.InSiteDataSystems.com](http://www.InSiteDataSystems.com)

## 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.