Mississippi Department of
Information Technology Services

3771 Eastwood Drive
Jackson, MS 39211-6381
Phone: 601-432-8000
Fax: 601-713-6380
www.its.ms.gov

David C. Johnson, Executive Director

Notice of Intent to Certify Sole Source

To: Interested Parties

From: David C. Johnson

CC: ITS Project Number 46173

Date: April 6, 2021

Re: Sole Source Certification Number 4368 for ADAMS software support renewal for the Mississippi Forensics Laboratory (MSFL)

Contact Name: Robert Martinez

Contact Phone Number: 601-432-8002

Contact E-mail Address: Robert.Martinez@its.ms.gov

Sole Source Certification Award Details

Regarding Information Technology Services (ITS) Sole Source Certification Number 4368 for the Mississippi Forensics Laboratory (MSFL), please be advised that ITS intends to award Foray Technologies as the sole source provider of ADAMS software support renewal through May 27, 2024 in an amount not to exceed $17,770.00.

Please be advised that ITS will determine if additional upgrades or support are within scope during the certification period and may increase the spending authority accordingly. Should Foray Technologies 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 renewal of the ADAMS software support is necessary for MSFL to continue to maintain and access their forensics digital imaging 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:

   In 2015, the MSFL made a business decision to upgrade to the ADAMS system, from the previous MORE HITS product. The ADAMS digital imaging system software houses over 12 years' worth of over 14,000 MORE HITS Images in an archival

system. The ADAMS software provides case management including forensics analysis, chain of custody, evidence management, and forensic image processing. 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 Foray Technologies ADAMS system is a copyrighted program that was developed by Foray Technologies and is maintained exclusively by Foray Technologies. There are no other vendors who are authorized to provide installation, integration and testing, upgrades, support for, or maintain the ADAMS systems. The Vendor's sole source certification letter is included as Attachment B.

Schedule

Task	Date
First Advertisement Date	04/06/21
Second Advertisement Date	04/13/21
Response Deadline From Objectors	04/20/21 at 3:00 P.M. Central Time
Notice of Award/No Award Posted	Not before 04/21/21

Project Details

The Mississippi Forensics Laboratory (formerly known as the Mississippi State Crime Lab) originally implemented the MORE HITS evidence management solution in May 2004 as a digital imaging system to archive latent fingerprint images. This software was purchased as part of the Lab's overall forensic solution, through the ITS Sole Source process at the time, with support and maintenance until September 2009. As the MORE HITS product was no longer being supported, and in order to maintain the current investment, interoperability, workflow, and chain of custody of the current solution, an upgrade to the successor solution, ADAMS, was required.

On October 2, 2015, ITS, on behalf of the Mississippi State Crime Lab, issued Notice of Intent to Certify Sole Source Number 3811 and received no objections. A Software License and Maintenance Agreement was executed on December 21, 2015. Maintenance continues through May 27, 2021. The MSFL wishes to renew the agreement for ADAMS software support through May 27, 2024. MSFL has spent to date $154,592.00.

Submission Instructions and Format of Response from Objecting Parties

Interested parties who have reason to believe that the ADAMS software support 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 Foray Technologies.

      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, April 20, 2021, at 3:00 p.m. (Central Time) to Robert Martinez at 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. 4368-46173**
> **Accepted until April 20, 2021 @ 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.

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

ITS
mississippi department of
Information Technology Services

Sole Source Certification Request

Project Title: Foray Adams Software Support Renewal	Stimulus (ARRA) Funds? Yes_ No _X_

Customer Contact Information

Agency/Public University: Mississippi Forensics Laboratory **Address**: 215 Allen Stuart Drive, Pearl, MS 39208	**Contact Person:** Deana Hood **Phone:** 601-420-9000 **Fax:** 601-420-9010 **Email Address:** dhood@mcl.ms.gov
MAGIC Customer Number (only required from state agencies)**: 7000003196**	**Division/Dept.:** **Handmail:** ☐ Yes X No

Project Summary *Narrative Description of Project* (include details of original acquisition if applicable): The Mississippi Forensics Laboratory (formerly known as the Mississippi State Crime Lab) originally implemented the MORE HITS evidence management solution in 2004. As the MORE HITS product was no longer being supported, and in order to maintain the current investment, interoperability, workflow, and chain of custody of the current solution, an upgrade to the successor solution, ADAMS, was required. On October 2, 2015, ITS, on behalf of the Mississippi State Crime Lab, issued Notice of Intent to Certify Sole Source Number 3811 and received no objections. A Software License and Maintenance Agreement was executed on December 21, 2015. The MSFL has confirmed that maintenance continues through May 27, 2021. The MSFL wishes to renew the agreement for ADAMS software support through May 27, 2024.

ITS Acquisition Approval (CP-1) should be effective through this date (Please allow time for all vendor invoices to be paid): 05/27/24

Cost Estimates *Fiscal Year*	*Initial Costs*	*Ongoing Costs*	**Time Constraints** Item Needed by: Funds Expire:	**Anticipated Lifecycle of Products/System** (i.e. estimated years of effective use): 3 years
FY22		$5,990.00	**Discuss Funding** (e.g. how much of needed funding is definite; total project budget; any matching or other non state funds).	
FY23		$5,923.00		
FY24		$5,857.00		
Total		$17,770.00		

Acquisition Details

Items Requested	Quantity	Description	Building Location(s)
ADAMS Software			

Describe platform & infrastructure (connectivity; software/hardware platforms; utilization of State Data Center resources: mainframe, eGovernment portal, payment engine, document management, hosting).   ADAMS is hosted by DPS.

Progress to Date: What has been done related to this project, including any communication with ITS staff (data/voice/procurement/other)?
A project 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:
In 2015, the MSFL made a business decision to upgrade to the ADAMS system, from the previous MORE HITS product. The ADAMS digital imaging system software houses over 12 years' worth of over 14,000 MORE HITS Images in an archival system. The ADAMS software provides case management including forensics analysis, chain of custody, evidence management, and forensic image processing.

Explain why these products or services are the only ones that can meet your needs (include unique features/special functionality)**:**
The renewal of the ADAMS software support is necessary for MSFL to continue to maintain and access their forensics digital imaging system.

Explain why the source is the only entity that can provide the products or services (Include other products/vendors researched or evaluated)**:**
The Foray Technologies ADAMS system is a copyrighted program that was developed by Foray Technologies and is maintained exclusively by Foray Technologies. There are no other vendors who are authorized to provide installation, integration and testing, upgrades, support for, or maintain the ADAMS systems.

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: Foray Technologies	**Vendor Name:** Foray Technologies
Vendor Address: 3911 5th AVE. Ste 300, Sand Diego, CA 92103	**Vendor Address:** 3911 5th AVE Ste 300, San Diego, CA 92103

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.

Sam Howell · Director
Name (Agency Head or Public University CIO)/Title

Signature   4·1·21
Signature   Date

FORAY
TECHNOLOGIES

March 12, 2021

Ms. Deana Hood
Mississippi State Crime Lab
215 Allen Stuart Dr
Pearl, MS 39208

Dear Ms. Hood,

I would like to make you aware of the following sole source justification for continuing to obtain ADAMS™ products, services and support. ADAMS is a complete, comprehensive forensic digital imaging, asset and evidence management product line that consists of hardware, software, installation, training, and support / maintenance services. As such, Foray Technologies is solely and exclusively responsible for the development, distribution, upgrading and support of all ADAMS products and services.

The components of the ADAMS software solution are specific in nature due to their tailored processing methods, functionality and ability to handle a variety of file formats. Because the ADAMS integrated solution is designed, tested and integrated to support the case load for large image file formats and archival capabilities for evidentiary purposes, most vendors do not have the forensic expertise to support and integrate our software applications with unapproved equipment, nor do they have the specific knowledge, experience or resources to deal with the complexities of integrating our specialized and tailored software with other applications and peripherals. Without this specific knowledge and expertise, many agencies cannot expect to receive the full benefit and value that the ADAMS forensic imaging and evidence management systems can deliver.

In addition, the existing ADAMS solution at the Mississippi State Crime Labs is an integrated and networked solution which is currently supported under a Foray Technologies support and service contract. Because of the complexity of this application and configuration, should future services be provided by an internal technical department or a 3rd party agency, support services for the integrated solution become problematic and could affect the overall functioning, capability and productivity of the entire management and processing solution.

Last but not least, the Foray Technologies ADAMS system is a copyrighted program that was developed by Foray Technologies and is maintained exclusively by Foray Technologies. There are no other vendors who are authorized to provide installation, integration and training, upgrades, support for, or maintain the ADAMS systems.

I hope that this additional information is useful to you. Please do not hesitate to contact me directly at (619)858-1360, Ext 513 if you have any further questions or if you require any clarification.

Sincerely,

Michal Temple

Michal Temple
Sales Operations

3911 5th Ave, Suite 300● San Diego, CA 92103
(619) 858-1360 ● (fax) (619) 858-1366 ● www.foray.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).

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.