

Notice of Intent to Certify Sole Source

To: Interested Parties

From: David C. Johnson 

CC: ITS Project Number 46265

Date: February 16, 2021

Re: Sole Source Certification Number 4372 for the Mississippi Highway Patrol (MHP) e-Citation System Maintenance for the Mississippi Department of Public Safety (MDPS)

Contact Name: Kimberly Parker

Contact Phone Number: 601-432-8049

Contact E-mail Address: kimberly.parker@its.ms.gov

Sole Source Certification Award Details

Regarding Information Technology Services (ITS) Sole Source Certification Number 4372 for the Mississippi Department of Public Safety, please be advised that ITS intends to award Delta Computer Systems, Inc. as the sole source provider of the Mississippi Highway Patrol (MHP) e-Citation System through December 31, 2023 in an amount not to exceed \$91,785.00. Please be advised that ITS will determine if additional maintenance, upgrades, support, or equipment are within scope during the certification period and may increase the spending authority accordingly. Should Delta Computer Systems, Inc. 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 e-Citation application currently in use at MDPS enables electronic generation of traffic citations (including DUIs and general affidavits) by law enforcement officers at the patrol-car with mobile transmission through an electronic clearinghouse and forwarded to local courts by electronic data interchange. This interface supports 61 court jurisdictions throughout the state that receive the electronic citations for adjudication. MDPS has made a business decision to continue using the current 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 the absence of this interface, law enforcement officers are unable to submit traffic citations to the courts electronically. The inability to submit traffic citations to courts electronically will slow the prosecution process and create a bottleneck effect of having officers hand-deliver citations to the courts. This application supports 61 court jurisdictions throughout the state. Attempts to replace the existing interface could cripple the existing system and greatly slow the reporting and adjudication process of the traffic citations. 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:

Delta Computer Systems, Inc. developed the Mississippi Highway Patrol e-Citation System and owns the program code. Therefore, Delta Computer Systems, Inc. is the only company that can maintain the program. The Vendor's sole source certification letter is included as Attachment B.

Schedule

Task	Date
First Advertisement Date	02/16/21
Second Advertisement Date	02/23/21
Response Deadline From Objectors	03/02/21 at 3:00 P.M. Central Time
Notice of Award/No Award Posted	Not before 03/03/21

Project Details

In August of 2006, MDPS and the Justice Court system in Mississippi began the roll-out of an electronic court system to include MHP e-Citation. The system functions within the Justice Court System in 61 counties in Mississippi. The system, supported by Delta Computer Systems, Inc., provides electronic generation of traffic citations by Mississippi Highway Patrol (MHP) Troopers at the patrol car with mobile transmission through an electronic clearinghouse. In turn, the citation is forwarded to local courts by electronic data exchange. The software is provided by Delta Computer Systems, Inc.

In September of 2010, ITS certified the e-Citation application and applicable services as a sole source using then approved sole source certification procedures. ITS, MDPS, and Delta Computer Systems, Inc. signed a Professional Services Agreement to provide support, including programming, for the MHP e-Citation System. With the success of the system, MDPS made a business decision to continue use of the system and amended the agreement in December of 2013 to continue support of the system for two years.

ITS published Notice of Intent to Certify Sole Source Number 3825 on October 12, 2015, for maintenance and support of the e-Citation application for an additional two years at a total cost of \$58,000.00. On November 21, 2017, ITS published Notice of Intent to Certify Sole Source Number 4053 to renew the MHP e-Citation system maintenance and received no objections. MDPS has spent-to date \$417,221.50 and wishes to renew its agreement with Delta Computer Systems, Inc. for an additional three years.

Submission Instructions and Format of Response from Objecting Parties

Interested parties who have reason to believe that the MHP e-Citation System Maintenance 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 Delta Computer 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, March 2, 2021, at 3:00 p.m. (Central Time) to Kimberly Parker at 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:

**SUBMITTED IN RESPONSE TO
Sole Source Certification No. 4372-46265
Accepted until March 2, 2021 @ 3:00 p.m.,
ATTENTION: Kimberly Parker**

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.

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



Delta Computer Systems, Inc.

1085 Tommy Munro Dr
Biloxi, MS 39532
228-388-7688
228-388-7689 fax

February 2, 2021

Patricia Bryant
MS Department of Public Safety
P.O. Box 958
Jackson, MS 39205-0958

To Whom it May Concern,

This letter is to confirm that annual maintenance for years 2021-2023 will be \$30,595.00. Delta Computer Systems, Inc., a Harris Computer owned company, is the software provider for 61 Justice Court jurisdictions for Mississippi.

This program was developed by the programmers at Delta and as such, we are the only company who can own the code and maintain the program.

Years 2021-2023	Annual Maintenance	\$30,595.00/year
-----------------	--------------------	------------------

Should you have any questions, please do not hesitate to contact me.

Sincerely,

Amber Wilson
Harris/Delta Computer Systems, Inc.
1085 Tommy Munro Dr.
Biloxi, MS 39532 228-388-7688
awilson@harriscomputer.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.