

Notice of Intent to Certify Sole Source

To: Interested Parties

From: David C. Johnson

CC: ITS Project Number 46403

Date: April 28, 2021

Re: Sole Source Certification Number 4385 to provide Child and Adolescent Functional Assessment Scale (CAFAS) software, maintenance, and site fees renewal for the Mississippi Department of Mental Health (MDMH)

Contact Name: Jill Chastant

Contact Phone Number: 601-432-8214

Contact E-mail Address: jill.chastant@its.ms.gov

Sole Source Certification Award Details

Regarding Information Technology Services (ITS) Sole Source Certification Number 4385 for the Mississippi Department of Mental Health (MDMH), please be advised that ITS intends to award Multi-Health Systems, Inc. (MHS), as the sole source provider of Child and Adolescent Functional Assessment Scale (CAFAS) software, maintenance, and site fees renewal beginning May 1, 2021 June 30, 2021 in an amount not to exceed \$68,394.16. If no objections are received, \$752,335.84 for the period of July 1, 2021 through April 30, 2024 will be included in this Sole Source Certification. Please be advised that ITS will determine if additional software, fees, or upgrades are within scope during the certification period and may increase the spending authority accordingly. Should Multi-Health Systems, Inc. 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:

The Child and Adolescent Functional Assessment Scale (CAFAS) assesses the degree of impairment in youth with emotional, behavioral, psychiatric, or substance use problems. CAFAS permits assessing impairment, choosing corresponding goals that address areas of impairment, identifying the child's strengths, and assisting in developing a treatment plan that is strengths-based and outcomes-driven. It is used to help make informed decisions about the type and intensity of treatment, level of care, placement, and need for referral. CAFAS is the only web-

based online assessment for children and adolescents used to meet federal guidelines. 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:

This web-based software is utilized by the public community of mental health centers to meet federal grant reporting requirements. The Substance Abuse Mental Health Services Administration (SAMHSA) is the agency within the U.S. Department of Health and Human Services that leads public health efforts to advance the behavioral health of the nation and awards grants. Awarded grants are required to submit the CAFAS reports so SAMHSA can monitor progress and performance. This software renewal will provide assessment for children/youth with serious emotional and/or behavioral disturbances. CAFAS gathers the required data needed to report the assessments to DOJ. The Master Trainer license allows MDMH to use the copyrighted materials to train an unlimited number of other trainers in the CAFAS. 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:

MSH is the sole publisher, copyright holder and manufacturer of the Child and Adolescent Functional Assessment Scale® (CAFAS®) assessment. This assessment can only be purchased directly from MHS. The Vendor's sole source certification letter is included as Attachment B.

Schedule

Task	Date
First Advertisement Date	04/13/21
Second Advertisement Date	04/20/21
Posting of Notice of Intent to Certify Sole Source Memorandum	04/28/21
Response Deadline From Objectors	05/12/21 at 3:00 P.M. Central Time
Notice of Award/No Award Posted	Not before 05/13/21

Project Details

In May 2012, MDMH purchased a web-based online assessment for children and adolescents in the State of Mississippi using then current sole source certification procedures from Functional Assessment Systems in the amount of \$299,700.00. A Software License and Application Service Provider Agreement was executed but expired in June 2015. Through an Asset Purchase Agreement between MHS and Functional Assessment Systems, LLC, MHS acquired and owns all rights, title, and interests in the software. In November 2015, ITS, on behalf of MDMH, issued Notice of Intent to Certify Sole Source Notification Number 3852 for \$515,584.00 and received no objections. A License Agreement was executed with MHS for two years of software, maintenance, and site fees. In March 2018, ITS, on behalf of MDMH, issued Notice of Intent to Certify Sole Source Notification Number 4076 for \$641,094.00 and received no objections. Amendment #1 to the License Agreement was executed with MHS for three years of software, maintenance, and site fees. MDMH seeks an additional three years of maintenance through April 30, 2024, to meet

federal reporting mandates required by the Department of Justice. MDMH has spent to date \$1,456,378.00.

Submission Instructions and Format of Response from Objecting Parties

Interested parties who have reason to believe that the Child and Adolescent Functional Assessment Scale (CAFAS) software, maintenance, and site fees renewal 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 Multi-Health 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 Wednesday, May 12, 2021 at 3:00 p.m. (Central Time) to Jill Chastant at jill.chastant@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 Jill Chastant 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. 4385-46403
Accepted until May 12, 2021 @ 3:00 p.m.,
ATTENTION: Jill Chastant**

If you have any questions concerning the information above or if we can be of further assistance, please contact Jill Chastant at 601-432-8214 or via email at jill.chastant@its.ms.gov.

Attachment A: Customer Sole Source Certification Request

Attachment B: Vendor Correspondence

Attachment C: Sole Source Procurement Overview



mississippi department of
Information Technology Services

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

Sole Source Certification Request

Project Title: CAFAS Renewal		Stimulus (ARRA) Funds? Yes No <u>X</u>	
Customer Contact Information			
Agency/Public University: MS Department of Mental Health Address: 239 North Lamar Street, Jackson, MS 39201		Contact Person: Denise Jones Phone: 601-359-5182 Email Address: denise.jones@dmh.state.ms.us	
MAGIC Customer Number (only required from state agencies): 7000000265		Division/Dept.: Handmail: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Project Summary Narrative Description of Project (include details of original acquisition if applicable): In May 2012, MDMH purchased as a sole source web-based software for online assessments of children and adolescents in the State of Mississippi from Functional Assessment Systems in the amount of \$299,700.00. A Software License and Application Service Provider Agreement was executed but expired in May 2015. Through an Asset Purchase Agreement between MHS and Functional Assessment Systems, LLC, MHS acquired and owns all rights, title, and interests in the software. In November 2015, ITS, on behalf of MDMH, issued Sole Source Notification Number 3852 for \$514,880.00 and did not receive any objections. A License Agreement was executed with MHS for two years of software, maintenance, and site fees. In March 2018, ITS, on behalf of MDMH, issued Sole Source Notification Number 4076 for \$641,094.00 and did not receive any objections. MDMH is seeking an additional three years of maintenance through April 30, 2024, to meet federal reporting mandates required by the Department of Justice. MDMH has spent to date \$2,097,472.00.			
ITS Acquisition Approval (CP-1) should be effective through this date (Please allow time for all vendor invoices to be paid): 04/30/24			
Cost Estimates <i>Fiscal Year</i>	<i>Initial Costs</i>	<i>Ongoing Costs</i>	Time Constraints Item Needed by: 04/30/21 Funds Expire:
FY22	\$247,010.00		Anticipated Lifecycle of Products/System (i.e. estimated years of effective use): 3 years Discuss Funding (e.g. how much of needed funding is definite; total project budget; any matching or other non-state funds). Funding is definite. Grant funded.
FY23		\$283,610.00	
FY24		\$290,110.00	
Total		\$847,730.00	
Acquisition Details			
Items Requested	Quantity	Description	Building Location(s)
FASOutcomes Web Annual Maintenance	22	Web annual maintenance renewal	Online
FAS Test Uses (CAFAS) 100 uses per unit (FASUSE)	760	100 uses per unit (FASUSE)	Online
Fee for Annual Renewal of Web Services (FASWSR)	22		Online
CAFAS Self Training Manual (CAF103)	100		
Master Trainer Annual License	1	Master Trainer Annual License	Online
Describe platform & infrastructure (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 a web-based solution.			
Progress to Date: What has been done related to this project, including any communication with ITS staff (data/voice/procurement/other)? The sole source letter and project request has been sent 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: This web-based software is utilized by the public community of mental health centers to meet federal grant reporting requirements. The Substance Abuse Mental Health Services Administration (SAMHSA) is the agency within the U.S. Department of Health and Human Services that leads public health efforts to advance the behavioral health of the nation and awards grants. Awarded grants are required to submit reports so SAMHSA can monitor progress and performance. The software renewal will provide assessment for children/youth with serious emotional and/or behavioral disturbances. CAFAS gathers the required data needed to report the assessments to DOJ. The Master Trainer license allows MDMH to use the copyrighted materials to train an unlimited number of other trainers in the CAFAS.			
Explain why these products or services are the only ones that can meet your needs (include unique features/special functionality): The Child and Adolescent Functional Assessment Scale (CAFAS) assesses the degree of impairment in youth with emotional, behavioral, psychiatric, or substance use problems. CAFAS permits assessing impairment, choosing corresponding goals that address areas of impairment, and identifying the child's strengths and assists in developing a treatment plan that is strengths-based and outcomes-driven. It is used to help make informed decisions about the type and intensity of treatment, level of care, placement, and need for referral.			

Explain why the source is the only entity that can provide the products or services (Include other products/vendors researched or evaluated):
MSH is the sole publisher, copyright holder and manufacturer of the following assessments: Child and Adolescent Functional Assessment Scale® (CAFAS®), Preschool and Early Childhood Functional Assessment Scale® (PECFAS®), and Juvenile Inventory for Functioning® (JIFF®). These assessments can only be purchased directly from MHS.

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

Vendor Name: Multi-Health Systems, Inc.

Vendor Address: 3770 Victoria Park Avenue

Toronto, ON, Canada M2H 3M6

Remit To

Vendor Name: Multi-Health Systems, Inc.

Vendor Address: 3770 Victoria Park Avenue

Toronto, ON, Canada M2H 3M6

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.

Denise Jones Chief Information Officer

Name (Agency Head or Public University CIO)/Title

DocuSigned by:

Denise Jones

Signature EF7E48E9B87445E

Date



March 24, 2021

Cynthia T. Eubank, Special Assistant Attorney General
Mississippi Department of Mental Health
239 North Lamar Street
1101 Robert E. Lee Building
Jackson, MS 39201

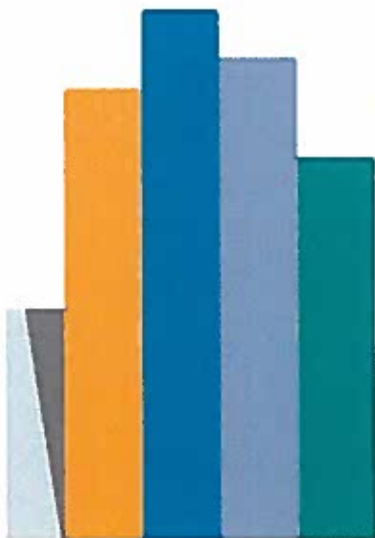
Dear Cynthia,

This is to confirm that Multi-Health Systems Inc. ("MHS") is the sole publisher, copyright holder and manufacturer of the following assessments:

Phone: 800-456-3003
Email: info@mhs.com

- **Child and Adolescent Functional Assessment Scale® - CAFAS®**
- **Preschool and Early Childhood Functional Assessment Scale® - PECFAS®**
- **Juvenile Inventory for Functioning® - JIFF®**

These assessments can only be purchased directly from MHS.



Sincerely,

DocuSigned by
John Clarke
F12B24AAB6904D0

John Clarke
Chief Revenue Officer
Multi-Health Systems Inc.

www.mhs.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.