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 46562

Date: July 13, 2021

Re: Sole Source Certification Number 4407 to provide the Statistical Analysis System (SAS) for Windows Workstation software licenses for the Mississippi Department of Information Technology Services (ITS)

Contact Name: Wesley Wright

Contact Phone Number: 601-432-8103

Contact E-mail Address: Wesley.Wright@its.ms.gov

Sole Source Certification Award Details

Regarding Information Technology Services (ITS) Sole Source Certification Number 4407 for the Mississippi Department of Information Technology Services (ITS), please be advised that ITS intends to award SAS Institute Inc., as the sole source provider of manufacturer maintenance through July 31, 2024, in an amount not to exceed $380,775.92. Please be advised that ITS will determine if additional support is within scope during the certification period and may increase the spending authority accordingly. Should SAS Institute, 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 SAS software currently is being renewed for maintenance only. SAS is used to provide increased productivity to agencies so they could run programs from their desktop computers and reduce the load on the mainframe at the state computer center. Over the years, the agencies running the SAS software have found more uses to help with statistics and projections. Some of the agencies currently running the software are the Department of Transportation, Department of Health, and the Department of Education. The customer's sole source certification request is included as Attachment A.

Board Members - J. Keith Van Camp, Chair • Bill Cook, Vice-Chair • Mark E. Henderson • June Songy • Thomas A. Wicker
Legislative Advisor - Senator Scott DeLano

2. The purchaser must be able to show specific business objectives that can be met only through the unique product or services:

   The SAS software is used by various agencies to perform program development for interagency use. This is installed on the state computer center mainframe to provide a micro-to-host link. There are currently 7 agencies that use one or more of the 6 products above. This product is used for development of applications and creation of reports. 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:

   SAS Institute Inc. (SAS) is the sole manufacturer and publisher of SAS software. Therefore, they are the sole source for maintenance of the software. The Vendor's sole source certification letter is included as Attachment B.

Schedule

Task	Date
First Advertisement Date	07/13/21
Second Advertisement Date	07/20/21
Response Deadline From Objectors	07/27/21 at 3:00 P.M. Central Time
Notice of Award/No Award Posted	Not before 07/28/21

Project Details

SAS is an analytics and business intelligence software which helps manage, access, analyze and report on data to aid in decision-making. This product was originally purchased in 1995 on an Enterprise Computing Offer (ECO) that is no longer available.

In July 2015, ITS issued Sole Source Certification Number 3799 for maintenance of SAS Windows Workstation software, to which no objections were received. In June 2018, ITS issued Sole Source Certification Number 4108, to which no objections were received. The State has made a business decision to continue using the existing software rather than purchasing new licenses for similar products with less functionality. With this certification, the total spend to date is $4,007,054.33.

Submission Instructions and Format of Response from Objecting Parties

Interested parties who have reason to believe that the SAS for Windows Workstation 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 SAS Institute, 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, July 27, 2021, at 3:00 p.m. (Central Time) to Wesley Wright at Wesley.Wright@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 Wesley Wright 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. 4407-46562
Accepted until July 27, 2021 @ 3:00 p.m.,
ATTENTION: Wesley Wright

If you have any questions concerning the information above or if we can be of further assistance, please contact Wesley Wright at 601-432-8103 or via email at Wesley.Wright@its.ms.gov.

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

Attachment A

Mississippi Department of Information Technology Services

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

Sole Source Certification Request

Project Title:	SAS for Window Workstation

Contact Information

Agency/Institution:	ITS	**Contact Person:**	Lynn Templeton
Mailing Address:	3771 Eastwood Dr, Jackson, MS 39211	**Phone Number:**	601-432-8054
		Email Address:	Lynn.templeton@its.ms.gov
MAGIC Customer #: (Only required from state agencies.)	**7000000174**	**Division/Dept:**	022 – Data Services

Project Summary

Description of Project: (Include details of original acquisition if applicable)	This software is being used by the State Data Center through and Enterprise Computing Offer. This allows interested agencies to use the software in conjunction with Base SAS. This is used for reporting purposes, data manipulation, information storage and retrieval, statistics. Some modules also provide data connectivity and integration between SAS and other data sources.
ITS Acquisition Approval (CP-1) should be effective through this date:	06/30/2024

Cost Estimates (Maximum allowed duration is 3 years per request/project)

Fiscal Year	Initial Costs	Ongoing Costs	Time Constraints		Estimate the Anticipated Lifecycle or Years of Product/System's Effective Use:
FY 22		$115,032.00	Item Needed by:	07/15/2021	
FY 23		$126,535.20	Funds Expire:	06/30/2024	3 years
FY 24		$139,188.72	**Other Important Deadline(s):** (e.g. current contract/CP-1 expiration dates)		
Total Estimated Project Cost:		$380,775.92			

Funding Source: 100% State Funds	
Discuss Funding: (e.g. fund number; how much of needed funding is definite; total project budget; any matching or other non-state funds)	**Total Budget funding and there are no non state or matching funds**

Acquisition Details

Item or Part Number	Quantity	Description	Building Location(s)
WNDW SAS/Access	10	provide data connectivity and integration between SAS and third-party data sources	**Eastwood Bldg B**
WNDW ECO	100	Enterprise Computing Offer	**Eastwood Bldg B**
WNDW SAS/Acc ODBC	15	provide data connectivity and integration between SAS and third-party data sources using ODBC connection	**Eastwood Bldg B**
WNDW SAS/ETS	3	forecasting and simulation of business processes	**Eastwood Bldg B**
WNDW SAS/Share	1	data server that allows multiple users to gain simultaneous access to SAS files	**Eastwood Bldg B**
WNDW StatPlus	30	designed for both specialized and enterprise wide analytical needs	**Eastwood Bldg B**

Describe Platform and Infrastructure: Where does your agency plan to house or host the requested equipment or service? What resources currently available through ITS are needed (network connectivity, cloud computing/storage, colocation, business resiliency, etc.)?
NOTE: For equipment or services outside of current ITS available contracts and resources, justification must be attached.

This software product is run on Windows Workstations – As agencies request this software DVD's are made of the version they are running and sent directly to the agency to install – then the key to run the software is given to them.

Sole Source Certification - Certification must be renewed for each revision or continuation of previous Sole Source Approvals.

Explain why these products or services are the only ones that can meet your needs: (Include specific functionality or special features that make this product or service unique.)	**The SAS software currently is being renewed for maintenance only. SAS is used to provide increased productivity to agencies so they could run programs from their desktop computers and reduce the load on the mainframe at the state computer center. Over the years the agencies running the SAS software have found more uses to help with statistics and projections. Some of the agencies currently running the software are Dept. of Transportation, Dept. of Health, and Dept. of Education.**
Specific business requirements to be met by the products/services: (e.g. intended use, how it helps accomplish a task, etc.)	**The SAS software is used by various agencies to perform program development, for interagency use. This is installed on the state computer center mainframe to provide a micro-to-host link. There are currently 7 agencies that use one or more**

	of the 6 products mentioned above. This product is used for development of applications and creation of reports.
Explain why this is the only entity that can provide the products/services: (Include other products/vendors researched or evaluated.)	SAS Institute Inc. (SAS) is the manufacturer and publisher of SAS software. Therefore they are the sole source for maintenance of the software.

Vendor's proposal submitted:	☒ Yes ☐ No (select only one)	**Vendor's Certification of Sole Source attached:**	☒ Yes ☐ No

MAGIC Vendor Code(s) - Vendor must be in MAGIC before a CP-1 can be issued.

Place Order To Vendor Code:	**Vendor Name:**	**SAS Institute Inc. - Atlanta**	**Remit To Vendor Code:**	**Vendor Name:**	**SAS Institute Inc. - Atlanta**
3100013434	**Vendor Address:**	**PO Box 406922, Atlanta, GA 30384-6922**	3100013434	**Vendor Address:**	**PO Box 406922, Atlanta, GA 30384-6922**

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.

David Johnson
Name and Title (Agency Head/Institution President/CIO)

David Johnson
Signature

7/13/2021
Date

Attachment B

May 21, 2021

Ms. Lynn Templeton
Mississippi Department of Information Technology Services
Lynn.Templeton@its.ms.gov

Re: SAS Software License – Contract 09903

Dear Lynn,

Pursuant to your request, this letter will confirm that SAS Institute Inc. ("SAS") is the sole manufacturer and publisher of SAS® software (the "Software") in the United States.

SAS is also the sole source for SAS Software in the United States, excluding JMP Software, for both new licening and renewals of existing licenses except in the limited circumstances described below:

Eligible government entities and education institutions in the United States may also license the Software from an authorized reseller of the Software. Currently, Executive Information Systems, LLC ("EIS") with offices at 6901 Rockledge Drive, Suite 600, Bethesda, Maryland 20817, is SAS' sole authorized reseller for Version 8 and later of the Software to government entities and institutions. EIS may license the Software and sell subsequent maintenance under the United States General Services Administrative ("GSA") schedule, other approved federal schedule contracts, on an open market basis, or terms approved by SAS. Under certain circumstances and upon SAS' prior approval, EIS may allow certain third parties to resell Software to eligible government entities and education institutions.

Sincerely,

Dave Gray
Sr. Manager, Sales Operations
US Government Sales

SAS INSTITUTE INC. WORLD HEADQUARTERS SAS CAMPUS DRIVE CARY, NC 27513
TEL: 919 677 8000 FAX: 919 677 4444 U.S. SALES: 800 727 0025 WWW.SAS.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).

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.