



Notice of Intent to Certify Sole Source

To: Interested Parties

From: David C. Johnson

CC: ITS Project Number 46790

Date: January 21, 2022

Re: Sole Source Certification Number 4438 to provide Geographic Information Systems Educational Site Licenses for the Mississippi Institutions of Higher Learning (IHL)

Contact Name: Evan Thiemann

Contact Phone Number: 601-432-8065

Contact E-mail Address: Evan.Thiemann@its.ms.gov

Sole Source Certification Award Details

Regarding Information Technology Services (ITS) Sole Source Certification Number 4438 for the Institutions of Higher Learning (IHL), please be advised that ITS intends to award Environmental Systems Research Institute, Inc. (ESRI) as the sole source provider of Geographic Information Systems Educational Site Licenses through February 22, 2025, in an amount not to exceed \$345,000.00. Please be advised that ITS will determine if additional licenses are within scope during the certification period and may increase the spending authority accordingly. Should Environmental Systems Research 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:

ESRI has been the world-leader in geographic information systems (GIS) software for over 30 years. This software has and is being taught as part of existing curriculum in various departments at the universities and community colleges. For the students to be adequately prepared for the work force upon graduation, they need to be trained on the most-used software and all its extensions. 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:

The IHL site license agreement is with three (3) software vendors which are the leading companies in the geospatial field:

- 1) Environmental Systems Research Institute – ESRI,**
- 2) Hexagon – ERDAS,**
- 3) Harris Geospatial Solutions – ENVI/IDL software.**

The site license allows for the full use of the three companies' software at all 8 universities and all 15 community and junior colleges. Each Mississippi Research Consortium (MSU, UM, JSU, and USM) campus coordinator has the authority to copy and distribute the software as necessary on all computers at their university and all their assigned non-MRC IHL sites. Use of the software is limited to purely educational and research purposes. All three vendors require the renewal of licenses on a yearly basis: ENVI – August 31, ERDAS – October 31st, and ESRI – February 22nd.

Under this ESRI acquisition, the vendor will provide unlimited ESRI software licenses to faculty, staff, and students as part of current and future curriculum as well as use in research projects. These projects bring considerable funds into the universities that help provide resources for departments and real-world experience to students. There are also unlimited online training courses for the students to take at no extra costs via online training. 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:

Environmental Systems Research Institute, Inc. (ESRI) is the owner and manufacturer of ESRI products and are the sole-source provider of all US domestic-based Education Institution Agreements. The Education Institution Agreement is a bundled package of Esri product licenses and maintenance that includes the right to copy. The Vendor's sole source certification letter is included as Attachment B.

Schedule

| Task | Date |
|----------------------------------|------------------------------------|
| First Advertisement Date | 01/18/22 |
| Second Advertisement Date | 01/25/22 |
| Response Deadline From Objectors | 02/04/22 at 3:00 P.M. Central Time |
| Notice of Award/No Award Posted | Not before 02/04/22 |

Project Details

In January 2006, ITS issued a sole source approval for five years. IHL executed an Agreement without ITS involvement. Until 2019, IHL continued to amend the Agreement without ITS involvement or periodic sole source recertification. In February 2019, ITS issued Sole Source Certification Number 4175 through February 22, 2022, in an amount not to exceed \$345,000.00

The total spend to date, including this acquisition is \$3,021,340.41.

Submission Instructions and Format of Response from Objecting Parties

Interested parties who have reason to believe that the Geographic Information Systems Educational Site Licenses 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 Environmental Systems Research 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, February 4, 2022, at 3:00 p.m. (Central Time) to Evan Thiemann, at Evan.Thiemann@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 Evan Thiemann 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;">SUBMITTED IN RESPONSE TO Sole Source Certification No. 4438-46790 Accepted until February 4, 2022 @ 3:00 p.m., ATTENTION: Evan Thiemann</p> |
|---|

If you have any questions concerning the information above or if we can be of further assistance, please contact Evan Thiemann at 601-432-8065 or via email at Evan.Thiemann@its.ms.gov.

Attachment A: Customer Sole Source Certification Request

Attachment B: Vendor Correspondence

Attachment C: Sole Source Procurement Overview

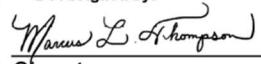
Sole Source Certification Request

| | | | | | | |
|---|-------------------------------------|---|---|---|---|---|
| Project Title: | ESRI Education Site License | | | | | |
| Contact Information | | | | | | |
| Agency/Institution: | Institutions of Higher Learning | Contact Person: | Phil Cumberland/Steve Walker | | | |
| Mailing Address: | 3825 Ridgewood Rd Jackson, MS 39211 | Phone Number: | 601-432-6315/601-432-6149 | | | |
| | | Email Address: | pcumberland@mississippi.edu / swalker@mississippi.edu | | | |
| MAGIC Customer #: (Only required from state agencies.) | 5000000004-I06 | Division/Dept: | | | | |
| Project Summary | | | | | | |
| Description of Project: (Include details of original acquisition if applicable) | | <p>The statewide geospatial site license program provides all public university and community college students, professors, and staff with access to the industry leading software used in the Geospatial Information Science and Technology (GIS & T) industry.</p> <p>The Software Licensing Program has been instituted and maintained since 1999 to economically provide Geographic Information System (GIS) / Remote Sensing (RS) software resources that are critical to the research, development, and training mission of higher education in Mississippi. The IHL Geospatial Council negotiated a state-wide campus license agreement with ESRI to seek the most cost-effective pricing as part of the site license program. This involves a structured arrangement with MARIS, of the IHL Executive Office, as contract coordinator along with MRC technical and software contacts.</p> | | | | |
| ITS Acquisition Approval (CP-1) should be effective through this date: | | 02/22/25 | | | | |
| 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 | 2022 | | \$115,000.00 | Item Needed by: | 2/22/22 | |
| FY | 2023 | | \$115,000.00 | Funds Expire: | 3 years + | |
| FY | 2024 | | \$115,000.00 | Other Important Deadline(s): (e.g. current contract/CP-1 expiration dates) | | |
| Total Estimated Project Cost: | | \$345,000.00 | | | | |
| 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) | | | | During the previous 2021 Legislative session, Senate Bills 2904 and 2913 were passed and signed | | |
| Acquisition Details | | | | | | |
| Item or Part Number | Quantity | Description | | | Building Location(s) | |
| Unlimited Educational Site License Annual Renewal Fee | 1 | Annual License and support | | | Statewide university and community colleges | |
| 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. | | | | | | |
| N/A | | | | | | |
| Sole Source Certification - <i>Certification must be renewed for each revision or continuation of previous Sole Source Approvals.</i> | | | | | | |
| 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.) | | ESRI has been the world-leader in geographic information systems (GIS) software for over 30 years. This software has and is being taught as part of existing curriculum in various departments at the universities and community colleges. In order for the students to be adequately prepared for the work force upon graduation, they need to be trained on the most-used software and all its extensions. | | | | |
| Specific business requirements to be met by the products/services: (e.g. intended use, how it helps accomplish a task, etc.) | | The IHL site license agreement is with three (3) software vendors which are the leading companies in the geospatial field: 1) Environmental Systems Research Institute – ESRI, 2) Hexagon – ERDAS, 3) Harris Geospatial Solutions – ENVI/IDL software. | | | | |

| | | | | | | | | | |
|--|---|---|--|------------------------------------|--------------------------|------------------------------|--------------------------|---|--|
| <p>The site license allows for the full use of the three companies' software at all 8 universities and all 15 community and junior colleges. Each Mississippi Research Consortium (MSU, UM, JSU, and USM) campus coordinator has the authority to copy and distribute the software as necessary on all computers at their university and all their assigned non-MRC IHL sites. Use of the software is limited to purely educational and research purposes. All three vendors require the renewal of licenses on a yearly basis: ENVI – August 31, ERDAS – October 31st, and ESRI – February 22nd.</p> <p>Under this ESRI acquisition, the vendor will provide unlimited ESRI software licenses to faculty, staff, and students as part of current and future curriculum as well as use in research projects. These projects bring considerable funds into the universities that help provide resources for departments and real-world experience to students. There are also unlimited online training courses for the students to take at no extra costs via online training.</p> | | | | | | | | | |
| <p>Explain why this is the only entity that can provide the products/services: (Include other products/vendors researched or evaluated.)</p> <p>Environmental Systems Research Institute, Inc. (ESRI) is the owner and manufacturer of ESRI products and are the sole-source provider of all US domestic-based Education Institution Agreements. The Education Institution Agreement is a bundled package of Esri product licenses and maintenance that includes the right to copy.</p> | | | | | | | | | |
| <p>If for services or installations (not a product) the following two questions must be addressed.</p> | | | | | | | | | |
| <p>Explain below why the amount to be expended is reasonable:</p> <p>N/A</p> | | <p>Explain below what was done to obtain the best possible price:</p> <p>N/A</p> | | | | | | | |
| <p>Vendor's proposal submitted: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> | | <p>Vendor's Certification of Sole Source attached: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> | | | | | | | |
| <p>MAGIC Vendor Code(s) - Vendor must be in MAGIC before a CP-1 can be issued.</p> <table border="1"> <tr> <td rowspan="2">Place Order To Vendor Code:</td> <td>Vendor Name: ESRI</td> <td rowspan="2">Remit To Vendor Code:</td> <td>Vendor Name: ESRI</td> </tr> <tr> <td>Vendor Address: 380 New York St Redlands, CA 92373</td> <td>Vendor Address: 380 New York St Redlands, CA 92373</td> </tr> </table> | | | | Place Order To Vendor Code: | Vendor Name: ESRI | Remit To Vendor Code: | Vendor Name: ESRI | Vendor Address: 380 New York St Redlands, CA 92373 | Vendor Address: 380 New York St Redlands, CA 92373 |
| Place Order To Vendor Code: | Vendor Name: ESRI | Remit To Vendor Code: | Vendor Name: ESRI | | | | | | |
| | Vendor Address: 380 New York St Redlands, CA 92373 | | Vendor Address: 380 New York St Redlands, CA 92373 | | | | | | |

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.

Deputy Commissioner & Chief Administrative Officer
Name and Title (Agency Head/Institution President/CIO)

DocuSigned by:

Signature#35E4E1...

1/21/2022

Date

SOLE SOURCE LETTER
Environmental Systems Research Institute, Inc. (Esri)
380 New York Street
Redlands, CA 92373



DATE: January 6, 2022

TO: MARIS

FROM: Jackie Ricks, Esri Contracts and Legal Services

RE: Esri Sole-Source Justification for Education Institution Agreement

This letter confirms that Esri, as owner and manufacturer of Esri products, is the sole-source provider of all US domestic-based Education Institution Agreements. The Education Institution Agreement is a bundled package of Esri product licenses and maintenance that includes the right to copy.

Esri is the only source that can grant a right to copy and deploy Education Institution Licenses **within** your school.

Also, domestically, Esri is the only source of maintenance (updates and technical support) for Esri products.

If you have further questions, call our Contracts department at 909-793-2853, extension 1990.

Sincerely,

A handwritten signature in blue ink that appears to read "J. Ricks".

Jackie Ricks
Contract Coordinator



Contracts & Legal Services Dept.
380 New York Street
Redlands, CA 92373
Voice 909.793.2853 Ext. 1-1990
jricks@esri.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.