

Notice of Intent to Certify Sole Source

To: Interested Parties

From: David C. Johnson

CC: ITS Project Number 46843

Date: January 25, 2022

Re: Sole Source Certification Number 4441 to provide online tutoring services for the Mississippi Community College Board (MCCB).

Contact Name: Roshunda Mitchell

Contact Phone Number: 601-432-8223

Contact E-mail Address: Roshunda.Mitchell@its.ms.gov

Sole Source Certification Award Details

Regarding Information Technology Services (ITS) Sole Source Certification Number 4441 for the Mississippi Community College Board (MCCB), please be advised that ITS intends to award Link-Systems International, Inc. as the sole source provider of online tutoring services through June 30, 2023 in an amount not to exceed \$360,000.00. If MCCB opts to renew online tutoring services, this sole source certification shall be valid through January 25, 2025. Please be advised that ITS will determine if additional enhancements or upgrades are within scope during the certification period and may increase the spending authority accordingly. Should Link-Systems International, 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:

NetTutor offers a seamless integration through Canvas, the learning management system utilized by the 15 colleges. Through a customized API integration, students can access single sign-on tutoring services regardless of host/provider status. While many other providers do integrate into Canvas, the MSVCC functions via a unique trust that allows enrollments to cross systems. This trust allows students to log into their home (host) college's Canvas instance, select a course that is offered by another college (provider) from their dashboard, and access the other college's Canvas instance via that course to complete their studies. This API is a custom integration that mirrors the MSVCC's trust platform and is not readily available, active, and fully functional via Canvas LTI integrations.

NetTutor has a proprietary messaging system upon entering the Pisces Lobby. It was designed to send customized messages to Mississippi community college students per the Rules of Engagement (ROE). The messaging system features an innovative whiteboard interface with a comprehensive set of subject specific symbols and tools, including, audio/video options. The software combines an accessible, text-based lobby with additional options to enable a subject-specific drawing platform, plus options for audio, video, and screen sharing. The Pisces Lobby was customized for the MS community colleges to display messages to their students advising them about communication options and setting student expectations for working with a tutor.

The service allows for 24/7/365 drop-in tutoring, scheduled sessions, question drop-off, and essay drop-off. The queuing model was designed to customize the experience for Mississippi community college students. The queuing system routes students to the most qualified tutor available at that moment.

NetTutor has two US-based tutoring facilities, one in Tampa, FL and one in Tempe, AZ. All tutors work in one of the U.S. offices. Having tutors come to work in person, under line-of-sight supervision, is critical in delivering a quality experience for Mississippi community college students. The NetTutor headquarters feature resource libraries containing the learning materials adopted and utilized by the colleges within the MS system. The on-site tutors have access to the same materials the students use in their classrooms, which allows text or material specific tutoring assistance to occur instead of broad subject generalization tutoring. These functions are critical to the success of the tutoring program. 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 Mississippi Virtual Community College (MSVCC) uses NetTutor to provide a student-centered, non-traditional, and innovative learning experience to students. This access improves students' academic performance and increases course completion. NetTutor provides tutoring support that is a seamless extension of the students' courses and materials. NetTutor allows students have access to quality tutoring services without time or location constraints.

The Refer-Tutor-Report module is an additional student support tool. This tool further empowers faculty and staff to communicate focused tutoring objectives to the NetTutor tutors, identify the exact remediation needed for MS community college students, and generate relevant reports regarding the impact of tutoring on student retention and attrition, to include allowing instructors to see what tutoring sessions the student has attended while remaining compliant to the Family Educational Rights and Privacy Act (FERPA), Section 508 of the Rehabilitation Act, and Web Content Accessibility Guidelines (WCAG) 2.0 Level AA. Every second of the student experience is recorded and those recordings are made available in real-time via the web-based Admin Dashboard. 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:

Link-Systems International, Inc. has certified they are the sole and exclusive provider of NetTutor online tutoring services. No third party is authorized to sell or distribute this package of services. The Vendor's sole source certification letter is included as Attachment B.

4. Explanation of why the amount to be expended for the services is reasonable.

Market research of hourly rates for comparable tutoring providers indicated rates between \$25.00 and \$80.00. The hourly rate to be paid to Link-Systems International, Inc. is \$24.00 per hour.

5. Explanation of what the agency did to obtain the best possible price for these services.

An hourly rate was negotiated. Items were purchased as a system rather than individually.

Schedule

Task	Date
First Advertisement Date	01/25/22
Second Advertisement Date	02/01/22
Response Deadline From Objectors	02/08/22 at 3:00 P.M. Central Time
Notice of Award/No Award Posted	Not before 02/09/22

Project Details

Mississippi Virtual Community College (MSVCC) implemented Link-Systems International, Inc. NetTutor Online Tutoring services in 2013 via sole source to provide three years of customized online tutoring services with the ability to co-create the Rules of Engagement at each of the fifteen community and junior colleges. MSVCC uses NetTutor to provide online tutoring services 24/7/365 to students in math, science, English, business and economics, humanities, information technology (IT), nursing, and allied health. All subject areas, including IT, nursing, and allied health, need to have the same per hour cost to MSVCC.

In 2015, ITS issued Sole Source 3843, which added the Refer-Tutor-Report module as an additional tool to further empower their faculty and staff to communicate focused tutoring objectives and generate relevant reports. In 2018, ITS issued Sole Source 4132 certifying Link-Systems International, Inc., through July 31, 2022. Since that time, MCCB has not exhausted those hours. This Notice of Intent is to add additional tutoring hours through June 30, 2023. The amount paid to Link Systems, International Inc., to date is \$1,875,515.00.

Submission Instructions and Format of Response from Objecting Parties

Interested parties who have reason to believe that the online tutoring services 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 Link-Systems International, 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 8, 2022 at 3:00 p.m. (Central Time) to Roshunda Mitchell at [601-432-8223](tel:601-432-8223) 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 Roshunda Mitchell 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. 4441
Accepted until February 8, 2022 @ 3:00 p.m.,
ATTENTION: Roshunda Mitchell**

If you have any questions concerning the information above or if we can be of further assistance, please contact Roshunda Mitchell at 601-432-8223 or via email at Roshunda.Mitchell@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:	NetTutor by Link Systems Renewal				
Contact Information					
Agency/Institution:	MS Community College Board		Contact Person:	Dr. Krista LeBrun	
Mailing Address:	E & R Center, Room 519, Jackson, MS 39211		Phone Number:	601-432-6106	
			Email Address:	klebrun@mccb.edu	
MAGIC Customer #: (Only required from state agencies.)	7000000104		Division/Dept:	eLearning	
Project Summary					
Description of Project: (Include details of original acquisition if applicable)		Access to quality tutoring beyond the traditional campus hours is necessary to serve the needs of the community college students. NetTutor by Link-Systems International, Inc. has been a valuable partner of the Mississippi Virtual Community College (MSVCC) for several years providing a unique service of quality online tutoring in all subject areas customized to meet the needs of the 15 community colleges. Tutoring aligns with the pedagogy of the student's course. Additionally, given a tutor's understanding of where a student should be at any point in the academic term, college personnel can identify at-risk students and refer them to local resources and/ or recommend local intervention. The MSVCC has seen a significant increase in the number of tutoring hours utilized by the current provider. To support the MSVCC strategic initiative on student retention and to ensure no loss of service to the student body, an amendment to the current contract to increase the tutoring hours is being requested.			
ITS Acquisition Approval (CP-1) should be effective through this date:			6/30/23		
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: 1 year
FY 23		\$360,000.00	Item Needed by: 3/1/22		
FY 24			Other Important Deadline(s): (e.g. current contract/CP-1 expiration dates)		
Total Estimated Project Cost:		\$360,000.00	CP-1/Contract expires 7/31/22		
Funding Source: Click Here to Select					
Discuss Funding: (e.g. fund number; how much of needed funding is definite; total project budget; any matching or other non-state funds)		This procurement will be funded in part by the MSVCC assessment fees.			
Acquisition Details					
Item or Part Number	Quantity	Description	Building Location(s)		
NetTutor Online Tutoring Service		15,000 hours			
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.					
NetTutor by Link-Systems International, Inc. is an LTI in the learning management system, Canvas					
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.)		<p>NetTutor offers a seamless integration through Canvas, the learning management system utilized by the 15 colleges. Through a customized API integration, students can access single sign-on tutoring services regardless of host/provider status. While many other providers do integrate into Canvas, the MSVCC functions via a unique trust that allows enrollments to cross systems. This trust allows students to log into their home (host) college's Canvas instance, select a course that is offered by another college (provider) from their dashboard, and access the other college's Canvas instance via that course to complete their studies. This API is a custom integration that mirrors the MSVCC's trust platform and is not readily available, active, and fully functional via Canvas LTI integrations.</p> <p>NetTutor has a proprietary messaging system upon entering the Pisces Lobby. It was designed to send customized messages to Mississippi community college students per the Rules of Engagement (ROE). The messaging system features an innovative whiteboard interface with a comprehensive set of subject specific symbols and tools, including, audio/video options. The software combines an accessible, text-based lobby with additional options to enable a subject-specific drawing platform, plus options for audio, video, and screen sharing. The Pisces Lobby was customized for</p>			

	<p>the MS community colleges to display messages to their students advising them about communication options and setting student expectations for working with a tutor.</p> <p>The service allows for 24/7/365 drop-in tutoring, scheduled sessions, question drop-off, and essay drop-off. The queuing model was designed to customize the experience for Mississippi community college students. The queuing system routes students to the most qualified tutor available at that moment.</p> <p>NetTutor has two US-based tutoring facilities, one in Tampa, FL and one in Tempe, AZ. All tutors work in one of the U.S. offices. Having tutors come to work in person, under line-of-sight supervision, is critical in delivering a quality experience for Mississippi community college students. The NetTutor headquarters feature resource libraries containing the learning materials adopted and utilized by the colleges within the MS system. The on-site tutors have access to the same materials the students use in their classrooms, which allows text or material specific tutoring assistance to occur instead of broad subject generalization tutoring. These functions are critical to the success of the tutoring program. The customer's sole source certification request is included as Attachment A.</p>
<p>Specific business requirements to be met by the products/services: (e.g. intended use, how it helps accomplish a task, etc.)</p>	<p>The Mississippi Virtual Community College (MSVCC) uses NetTutor to provide a student-centered, non-traditional, and innovative learning experience to students. This access improves students' academic performance and increases course completion. NetTutor provides tutoring support that is a seamless extension of the students' courses and materials. NetTutor allows students have access to quality tutoring services without time or location constraints.</p> <p>The Refer-Tutor-Report module is an additional student support tool. This tool further empowers faculty and staff to communicate focused tutoring objectives to the NetTutor tutors, identify the exact remediation needed for MS community college students, and generate relevant reports regarding the impact of tutoring on student retention and attrition, to include allowing instructors to see what tutoring sessions the student has attended while remaining compliant to the Family Educational Rights and Privacy Act (FERPA), Section 508 of the Rehabilitation Act, and Web Content Accessibility Guidelines (WCAG) 2.0 Level AA. Every second of the student experience is recorded and those recordings are made available in real-time via the web-based Admin Dashboard. The customer's sole source certification request is included as Attachment A.</p>
<p>Explain why this is the only entity that can provide the products/services: (Include other products/vendors researched or evaluated.)</p>	<p>No third party is authorized to sell or distribute this package of services. Link-Systems International, Inc. has certified they are the sole and exclusive provider of NetTutor online tutoring services. The Vendor's sole source certification letter is included as Attachment B.</p>
<p>If for services or installations (not a product) the following two questions must be addressed.</p>	
<p>Vendor's proposal submitted:</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Vendor's Certification of Sole Source attached:</p>	<p><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>	
<p>Place Order To Vendor</p>	<p>Vendor Name: Link-Systems, International Inc.</p>
<p>Code: 3100015326</p>	<p>Vendor Address: 9419 Corporate Lake Drive, Tampa, FL 33634</p>
<p>Remit To Vendor</p>	<p>Vendor Name: Link-Systems, International Inc.</p>
<p>Code: 3100015326</p>	<p>Vendor Address: 9419 Corporate Lake Drive, Tampa, FL 33634</p>

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.

Kell Smith, Interim Executive Director [Signature] 1/24/22
 Name and Title (Agency Head/Institution President/CIO) Signature Date

December 28, 2021

Dr. Krista LeBrun
Assistant Executive Director
for eLearning & Instructional Technology
Mississippi Community College Board
3825 Ridgewood Road
Jackson, MS 39211



RE: NetTutor Online Tutoring Services Sole Source Justification

Dear Dr. LeBrun,

We are proposing to continue as the sole source online tutoring provider for Mississippi Community Colleges based on:

- NetTutor is the only online tutoring provider with over 25 years of higher-ed experience, including 8+ years serving MSVCC students. We provide professional services governed by best practices, and our partners gain measurable outcomes.
- NetTutor provides the most subjects of any online tutoring provider including math, sciences, English, business and economics, humanities, information technology, nursing, and allied health. See <https://www.nettutor.com/#subjects> for our full subject list.
- NetTutor provides the most live tutoring coverage of any online tutoring provider. See www.nettutor.com/schedule for hours of live tutor availability.
- NetTutor is the only provider that offers access 24 hours a day, 7 days a week, and 365 days a year (including holidays). NetTutor is never closed.
- Only NetTutor provides live tutoring support 24/7/365 in all math subjects, first year experience and college student success, and English & writing.
- NetTutor is the only online tutoring provider that charges a straight-forward hourly rate for tutor time-on-task in both live and asynchronous sessions.
 - NetTutor does not add minutes for archiving. NetTutor does not charge flat rates for questions dropped off asynchronously, hiding 10-15 minutes average response times by overcharging 25-35 minutes. NetTutor does not charge flat rates for asynchronous writing submissions based on length, hiding 20-30 minutes average tutor time on task by overcharging 35-, 42-, or 65-minutes minimums per paragraph or essay.
 - NetTutor does not charge training or set-up fees.
 - NetTutor does not charge a higher hourly rate for specialty subjects. All subject areas, including IT, nursing, and allied health, have the same time-on-task hourly rate with no upcharge.
- NetTutor seamlessly integrates with the Canvas course management system, which allows students and faculty to access both tools with single-sign-on functionality.

- Only NetTutor has certified tutors that are U.S. educated, trained tutors with prior teaching and/or tutoring experience, and perform online tutoring services from U.S.-based facilities. The NetTutor training program aligns with the Association for the Tutor Profession's tutor certification levels: Associate Tutor, Advanced Tutor, and Master Tutor.
- No other provider offers the option for colleges to customize tutor/student interaction through a co-developed set of rules that tutors follow. Only NetTutor allows colleges to customize online tutoring offered to students through "rules of engagement" (ROE) established with each college. The ROE allows each college to tailor online tutoring services to its students' unique needs and leads to an individualized approach that yields more positive student outcomes.
- Only NetTutor can take advantage of tutors working in large clusters in the same facility by enabling tutoring staff to have access to the same learning materials (books, syllabi, solutions manuals, etc.) as students and their instructors.
- NetTutor is the only online tutoring provider that undergoes independent, third-party accessibility audits and will co-develop accommodation plans with our partners. We consider accessibility, universal design, and usability as core components of user experience and the linchpin is inclusivity. We are fully committed to ensuring our solutions are accessible for all users. From our tutors and subject matter experts, to our product and software developers, to our quality assurance and end-user support teams, we believe that accessibility is everyone's responsibility.
- NetTutor is the only online tutoring provider that uses tutors who are always under in-person supervision by a manager with at least three years of experience. NetTutor is the only online tutoring provider that employs full-time, salaried, and professional tutors.
- NetTutor is the only provider that includes a referral module that gives faculty the ability to direct the tutoring effort and review tutoring usage, including session playback.
- Only NetTutor has an innovative whiteboard interface with a truly comprehensive set of subject-specific symbols and tools, including audio/video, and successfully licenses this technology to colleges and universities for online collaboration.
- No third party is authorized to sell or distribute this package of services.

Based on this detail, we assert that NetTutor is the only provider of online tutoring services that can meet the requirements of the Mississippi Community Colleges.

Sincerely,



Chris Bergeron
EVP & COO
cbergeron@link-systems.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.