
Notice of Intent to Certify Sole Source

To: Interested Parties
From: David C. Johnson
CC: ITS Project Number 47139
Date: May 31, 2022
Re: Sole Source Certification Number 4472 to provide seed lab data management software hosting, support, and maintenance for the Mississippi Department of Agriculture and Commerce (MDAC)
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 4472 for the Mississippi Department of Agriculture and Commerce (MDAC), please be advised that ITS intends to award Elmwood Solutions, Inc. as the sole source provider of seed lab data management software hosting, support, and maintenance through June 30, 2025 in an amount not to exceed \$57,000.00. Please be advised that ITS will determine if additional licenses, enhancements, upgrades, or support are within scope during the certification period and may increase the spending authority accordingly. Should Elmwood Solutions, 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 B: 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:

Pure Harvest is the only stand-alone Seed lab program on the market. This program does all the calculations that are required to appear on the Report of Analysis according to the Association of Official Seed Analysis (AOSA) Rules for Testing Seed, tracks the lab results, calculates, and issues the Report of Analysis on each sample, and maintains accounting and billing functions of the Seed Lab while also maintaining historical data of each sample tested for future reference. Pure Harvest allows MDAC and the MS State Seed Testing Laboratory to provide regulatory and seed testing service to the seed industry and MS farmers through inspections and collections of seed samples, providing unbiased and reliable information in a timely

manner (MS Pure Seed Law section 69-3-1 through 69-3-29). Seed companies and farmers submit samples of seed for testing to obtain information about the quality of the seed, with seed companies then using this information to generate labels as required by both MS law and the Federal Seed Act. Pure Harvest also allows the Seed Lab to determine truth-in-labeling to ensure sale of high-quality seed in the state as well as testing of all seed for the Mississippi Crop Improvement Association (MS Pure Seed Law section 69-3-101 through 69-3-117).

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

Pure Harvest is built on the standards and guidelines of the American Association of Seed Certification Agencies, the Association of Official Seed Analysts, the Organization for Economic Co-operation and Development and the Federal Seed Act. This licensed software was initially installed in August 2000 on MDAC’s server and works on an annual subscription basis, thus requiring no capital investment and having no risk of becoming obsolete. The software has continually allowed the Seed Lab to meet State legal compliance and track seed certification requirements since 2000, specifically MS Pure Seed Law (Sections 69-3-1 through 69-3-29 and 69-3-107 through 69-3-117) which applies to the businesses involved in one or more aspects of the seed industry – wholesale and retailing, manufacturing, and cleaning; and State Regulations Subpart 3 – Bureau of Plant Industry, Chapter 12 – Pure Seed Regulation.

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:

Pure Harvest is the only program on the market that supports both the regulatory and certification needs in one integrated program that meets the State law requirements. It is a copyrighted program available only from Elmwood Solutions Inc. The Vendor’s sole source certification letter is included as Attachment A.

Schedule

Task	Date
First Advertisement Date	05/31/22
Second Advertisement Date	06/07/22
Response Deadline From Objectors	06/14/22 at 3:00 P.M. Central Time
Notice of Award/No Award Posted	Not before 06/15/22

Project Details

Mississippi Department of Agriculture and Commerce (MDAC) originally purchased the Pure Harvest System in August 2000 as a sole source. In October 2016, ITS issued Sole Source 3928 certifying Elmwood Solutions, Inc. through June 30, 2019, for the Pure Harvest software subscription, and in June 2019, ITS issued Sole Source 4198 certifying Elmwood Solutions Inc through June 30, 2022. The total spend to date is \$357,823.43.

Submission Instructions and Format of Response from Objecting Parties

Interested parties who have reason to believe that the seed lab data management software hosting, support, and 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 Elmwood Solutions 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, June 14, 2022 at 3:00 p.m. (Central Time) to Roshunda Mitchell at Roshunda.Mitchell@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 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. 4472-47139
Accepted until June 14, 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: Vendor Correspondence
Attachment B: Sole Source Procurement Overview



**Elmwood Solutions Inc
1290 Osage Street North
Saint Paul, MN 55117**

May 23 2022

Jason Price
Chief Information Officer
Mississippi Department of Agriculture and Commerce
121 North Jefferson Street
Jackson, MS 39201

Pure Harvest(tm) is the only program on the market that supports the regulatory needs of both seed labs and seed certification agencies in an integrated program. It is a copyrighted program available only from Elmwood Solutions Inc.

Although it stands out as the only program, it also offers exceptional completeness and quality. Pure Harvest is built on the standards and guidelines of the American Association of Seed Certification Agencies, the Association of Official Seed Analysts, the Organisation for Economic Co-operation and Development (OECD) and the International Seed Testing Association.

It not only supports the guidelines of these organizations, many of the seed testing rules and formulas are built into the system. Information is shared automatically between the lab and the certification agency.

Because the Pure Harvest programs are provided on an annual subscription basis, there is no large capital investment, and the program will not become obsolete.

Please feel free to call at 651-354-1700 with any questions.

A handwritten signature in black ink that reads "Bob Treumann". The signature is fluid and cursive, with a long horizontal stroke at the end.

Bob Treumann, President, Elmwood Solutions Inc.

Attachment B

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 A.

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.

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.