
Notice of Intent to Certify Sole Source

To: Interested Parties
From: David C. Johnson
CC: ITS Project Number 47147
Date: May 31, 2022
Re: Sole Source Certification Number 4473 to provide a patient engagement system for nursing home patients/residents for the Mississippi State Hospital (MSH).
Contact Name: LaTonya Kirkland
Contact Phone Number: 601-432-8092
Contact E-mail Address: LaTonya.Kirkland@its.ms.gov

Sole Source Certification Award Details

Regarding Information Technology Services (ITS) Sole Source Certification Number 4473 for the Mississippi State Hospital (MSH), please be advised that ITS intends to award It's Never 2 Late, LLC (IN2L), as the sole source provider of a patient engagement system for nursing home patients/residents through June 30, 2025, in an amount not to exceed \$34,992.00. Please be advised that ITS will determine if additional licenses, enhancements, upgrades, support, or equipment are within scope during the certification period and may increase the spending authority accordingly. Should It's Never 2 Late, LLC, 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:

IN2L (It's Never Too Late) provides a unique experience to engage an aging population including those with physical and cognitive disabilities. This system has facilitated a marked improvement in the nursing home residents' emotional quality.

A patient engagement system for nursing home patients/residents must encourage residents to participate in socialization activities. The IN2L system provides activities adapted to each resident's unique abilities and interests. It provides cognitive stimulation through games, quizzes, and programs designed to maintain brain function in areas of memory, attention, language, and visual/spatial acuity. The system also provides an endless supply of programs to encourage personal

growth, such as virtual visits to museums, audio books, sign language, Ted Talks, and college lectures. For those residents who enjoyed traveling or wanted to travel, the system allows residents to see the world from the community. Sections are devoted to different countries and states, updated regularly. There are trivia games and guided tours with Google Earth presenting opportunities for exploration and cultural engagement. Additionally, the system provides exercise videos designed to improve strength and balance.

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

IN2L provides nursing home residents with activities that help prevent loneliness and inappropriate behaviors. This tool provides nursing home residents with encouragement to participate in socialization activities adapted to the resident's unique abilities and interests. Mississippi State Hospital through the Jaquith Nursing Homes (JNH) provides services necessary to attain or maintain the highest practicable physical, mental, and psychological well-being of its residents in a manner and environment that preserves and enhances each resident's dignity and self-respect. JNH strives to provide these services in the least restrictive manner possible and seeks to allow each resident to exercise self-determination in the development of their individual care plan. The patient engagement system for nursing home patients/residents increases residents' participation in person-centered, supportive, and motivational engagements. It also increases socialization while living in a home-like environment.

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 iN2L interface and content experience are proprietary; they cannot be purchased through any other source. Organizations without access to the proprietary interface and content would not be able to provide complete technical support. 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

The Jaquith Nursing Home Jefferson Inn is a licensed 86 bed state-operated facility located on the campus of the Mississippi State Hospital. It is one of five inns that comprise the community of the Jaquith Nursing Home. The staff sought technology and services that would reduce the number of behavior incidents and decrease the feeling of loneliness and depression in the community, resulting in a significant contribution to the quality of life of its residents and a reduction in health care costs. It's Never 2 Late meets these requirements. In addition to meeting the requirements, IN2L was named as the sole provider of the technology and services in the Sub-Grant Jaquith Nursing Home Jefferson Inn received from the Division of Medicaid in the Office of the Governor. The Centers for Medicare & Medicaid Services (CMS) approved IN2L as

the provider. ITS issued Sole Source Certification 4188 in 2019 for a patient engagement system for nursing home patients/residents and received no objections. A Purchase Agreement was executed on August 7, 2019 through June 30, 2022. MSH is wishing to continue their agreement with IN2L for 3 years through June 30, 2025. The total spend to date is \$76,273.00.

Submission Instructions and Format of Response from Objecting Parties

Interested parties who have reason to believe that the patient engagement system for nursing home patients/residents 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 It's Never 2 Late.

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 LaTonya Kirkland at LaTonya.Kirkland@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 LaTonya Kirkland 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. 4473-47147 Accepted until June 14, 2022 @ 3:00 p.m., ATTENTION: LaTonya Kirkland</p>
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If you have any questions concerning the information above or if we can be of further assistance, please contact LaTonya Kirkland at 601-432-8092 or via email at LaTonya.Kirkland@its.ms.gov .

- Attachment A: Vendor Correspondence
- Attachment B: Sole Source Procurement Overview



March 24, 2022

Mississippi State Hospital
Attn: Chad Rommerdale, Director of Information Management
PO Box 157-A
Whitfield, MS 39193

iN2L (It's Never 2 Late) is a technology company based in Colorado that 100% focuses on bringing adaptive content-driven engagement technology to residents of hospitals, nursing homes, assisted living communities and adult day programs. iN2L systems are in place in nursing homes throughout the country (all 50 states) including veterans' nursing homes in New York, New Hampshire, Maryland, Pennsylvania, North Carolina, Nevada, Colorado, California, Utah, Michigan, Florida, Alabama, Arizona, North Dakota, Oklahoma, Ohio, Wisconsin, Wyoming, Mississippi, Tennessee, Texas, and Kentucky. We were incorporated as an LLC in 1999.

The iN2L interface and content experience are proprietary; they cannot be purchased through any other source. The interface is uniquely designed for older adults, including those with physical and cognitive disabilities. iN2L is 100% responsible for any technical issues that may occur with our systems, regardless of the issue. Your internal IT staff does not need to be involved in any ongoing support. Organizations without access to our proprietary interface and content would not be able to provide complete technical support.

We look forward to getting your residents up and running with our system. Please let me know if you have any additional questions.

Sincerely

A handwritten signature in blue ink that reads 'Skip Hanson'.

Skip Hanson
Chief Operating Officer

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.