

Notice of Intent to Certify Sole Source

To: Interested Parties
From: David C. Johnson
CC: ITS Project Number 47104
Date: May 31, 2022
Re: Sole Source Certification Number 4475 to provide VISSIM software maintenance for the Mississippi Department of Transportation (MDOT)
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 4475 for the Mississippi Department of Transportation (MDOT), please be advised that ITS intends to award PTV America, Inc., as the sole source provider of VISSIM software maintenance through June 30, 2023, in an amount not to exceed \$6,612.60. If MDOT opts to renew the existing software maintenance, this sole source certification shall be valid through June 30, 2025. 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 PTV America, 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:

VISSIM has the capability to simulate all modes of travel and traffic patterns in impressive 3D animations. VISSIM allows users to simulate and analyze all modes of transportation and the interactions of each other within the same platform including passenger vehicles, public transit, pedestrian, and bicycles. VISSIM also offers a built-in signal controller that is equivalent to the signal controllers being used in the field. VISSIM provides a high level of network modeling flexibility with link and connector structures which allows any type of geometries to be modeled without restrictions.

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

The VISSIM Basic Unlimited licenses give MDOT the ability to evaluate, analyze, and simulate traffic operations for existing and future traffic volumes to determine deficiencies and provide transportation solutions. VISSIM allows MDOT to accurately analyze multiple intersection types within one software, allowing for consistent comparison of results and outputs for analysis and decision making. VISSIM also allows MDOT to analyze multiple Functional Classes within one software.

MDOT has invested a significant amount of time on training MDOT staff on VISSIM software. Due to this investment, MDOT planners have become experts at using this micro-simulation software. Therefore, MDOT needs the software maintenance.

- 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:

PTV America, Inc. is the sole distributor of the PTV Vision Traffic Suite software products and related services in North America. PTV America, Inc. is a wholly owned subsidiary of PTV AG, the software developer of the Vision Traffic Suite software. PTV AG and PTV America, Inc. conduct business together as PTV Group. The Vendor's sole source certification letter is included as Attachment A.

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

This price is reasonable because the maintenance includes unlimited technical support, software updates, and upgrades to the newest version of the software.

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

The software maintenance was negotiated with the vendor and MDOT received a 20% multiple license discount.

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

In 2006, ITS approved the sole source purchase of two PTV VISSIM software licenses and three years of maintenance. From 2009-2019, MDOT renewed maintenance annually without ITS involvement. In March 2019, ITS issued Sole Source No. 4170 and received no objections. MDOT co-terminated the maintenance with the new licenses and maintenance that was purchased. With this request, the total spent to date is \$64,699.59.

Submission Instructions and Format of Response from Objecting Parties

Interested parties who have reason to believe that the VISSIM software 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 PTV America, 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 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:

<p style="text-align: center;">SUBMITTED IN RESPONSE TO Sole Source Certification No. 4475-47104 Accepted until June 14, 2022 @ 3:00 p.m., ATTENTION: Wesley Wright</p>

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: Vendor Correspondence

Attachment B: Sole Source Procurement Overview



February 1, 2022

RE: Vision Traffic Suite Software Sole Source/Sole Distributor Statement

To Whom It May Concern:

PTV America, Inc. is the sole distributor of the PTV Vision Traffic Suite software products and related services in North America. PTV America, Inc. is a wholly owned subsidiary of PTV AG, the software developer of the Vision Traffic Suite software. PTV AG and PTV America, Inc. conduct business together as PTV Group.

The Vision Traffic Suite includes the software products PTV Safety, PTV Vissim, PTV Vistro, PTV Visum, and PTV Viswalk. Vision Traffic Suite products are the result of over three decades of research and development, and include proprietary components and add-on modules only available in the Vision Traffic Suite products. Additional services include Vision Traffic Suite software maintenance services and certified training.

Vision Traffic Suite products and related services must be obtained directly from PTV America, Inc. Orders should be directed to:

PTV America Inc.
Attn: Sales Department
1530 Wilson Blvd., Suite 510
Arlington, VA 22209, USA
sales.us@ptvgroup.com
Fax: 571-645-5980

If there are any questions about Vision Traffic Suite product sales, distribution, and related services, please contact us at 800-608-0377.

Sincerely,

A handwritten signature in black ink that reads "Bereket Fisseha".

Bereket Fisseha, CPA
Regional Finance Director

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.