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## Notice of Intent to Certify Sole Source

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**To:** Interested Parties  
**From:** David C. Johnson  
**CC:** ITS Project Number 47026  
**Date:** August 2, 2022  
**Re:** Sole Source Certification Number 4484 to provide an annual subscription renewal for TransACT Compliance & Communication Center Software for the Mississippi Department of Education (MDE)  
**Contact Name:** Debbie Parker  
**Contact Phone Number:** 601-432-8159  
**Contact E-mail Address:** [Debbie.Parker@its.ms.gov](mailto:Debbie.Parker@its.ms.gov)

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### Sole Source Certification Award Details

Regarding Information Technology Services (ITS) Sole Source Certification Number 4484 for the Mississippi Department of Education (MDE), please be advised that ITS intends to award TransACT Communications, LLC, as the sole source provider of annual subscription renewal for TransACT Compliance & Communication Center Software through November 30, 2025, in an amount not to exceed \$382,500.00. Please be advised that ITS will determine if additional enhancements, training, subscription renewals, or support are within scope during the certification period and may increase the spending authority accordingly. Should TransACT Communications, 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:

**MDE uses TransACT to meet the compliance and communication needs of Local Education Agencies (LEA). TransACT enables uniformity across LEAs and provides administrators in Mississippi a mechanism to meet federal parent notification requirements for Elementary and Secondary Education Act (ESEA) programs, including Title I, Title III, and more by providing professional, multi-lingual information notifications to parents. Consolidation of resources, an increase in efficiency, and the promotion of student achievement through parent engagement are some of the special functionalities of TransACT. Without TransACT services, MDE would need to produce all mandated documents independently.**

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

**TransACT provides compliance with parent notification under the Office for Civil Rights, Department of Justice, and Every Student Succeeds Act (ESSA). It provides legally required, legally reviewed parent notices for all LEAs in the state of MS. Currently, there are more than 100 parent notices, 14 RoadMap’s, accountability reporting and the ability for every employee of every LEA in the state to have unlimited access. The software provides multi- language support in 21 priority languages and 6 additional ESSA languages so each LEA can communicate with families.**

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:

**TransACT is the developer and sole source provider of the TransACT Parent Notices. There is no other company known to TransACT offering a web-based service that competes with the TransACT Compliance and Communication Center in form, function, languages, and content. The Vendor’s sole source certification letter is included as Attachment A.**

**Schedule**

<b>Task</b>	<b>Date</b>
First Advertisement Date	08/02/22
Second Advertisement Date	08/09/22
Response Deadline From Objectors	08/16/22 at 3:00 P.M. Central Time
Notice of Award/No Award Posted	Not before 08/17/22

**Project Details**

TransACT was originally purchased as a sole source in 2010 by MDE, and renewals were conducted by MDE until 2017. In 2017, ITS issued Sole Source Certification Number 3985 for TransACT Compliance & Communication Center software for \$280,857.00 through November 30, 2019. ITS issued Sole Source Certification Number 4203 in July 2019 and receiving no objections, the award of \$348,500.00 was made to TransACT through November 30, 2022, to renew the annual subscription and add additional languages. With this sole source certification, the amount paid to TransACT will be \$382,500.00 for subscription renewal through November 30, 2025. The total lifecycle cost of the project to date is \$1,011,857.00.

**Submission Instructions and Format of Response from Objecting Parties**

Interested parties who have reason to believe that the annual subscription renewal for TransACT Compliance & Communication Center Software for the Mississippi Department of Education (MDE) 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 TransACT Communications, LLC.

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, August 16, 2022, at 3:00 p.m. (Central Time) to Debbie Parker at [Debbie.Parker@its.ms.gov](mailto:Debbie.Parker@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 Debbie Parker 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. 4484-47026  
Accepted until August 16, 2022 @ 3:00 p.m.,  
ATTENTION: Debbie Parker**

If you have any questions concerning the information above or if we can be of further assistance, please contact Debbie Parker at 601-432-8159 or via email at [Debbie.Parker@its.ms.gov](mailto:Debbie.Parker@its.ms.gov).

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

## Sole Source Statement

TransACT Communications, LLC. (TransACT) is the developer and sole source provider of **TransACT® ParentNotices**. This online compliance and communication solution includes:

- Licensed, copyrighted content from TransACT:
  - TransACT® General Education ParentNotices
  - TransACT® ESEA(ESSA) ParentNotices
  - TransACT® IDEA ParentNotices
  - TransACT® Section 504 ParentNotices
- Accountability and compliance tools:
  - Reporting and accountability system (for use with state and federal monitors)
  - Online management system including user management, permissions assignment and role-based access for all school district employees
  - TransACT RoadMaps, a diagnostic and prescriptive online tool providing technical assistance and professional guidance for ESEA(ESSA)
- Integrated document management system
  - Online document warehouse with full document management capability
  - Ability to view federal, state and district documents in one online system
  - Ability to add district-specific documents and translations to the system to be viewed by district users
  - Integrated online tools – including document usage, user management and document personalization
  - PDF database integration to personalize the forms to each district
  - Interactive form fields in English and companion translations
- Professional document translations
  - Library of companion professional translations in up to 170 languages
- Periodic updates to all collections
  - Translation updates when English version is updated
  - Federal updates to the documents as the laws, regulations and guidance changes
  - Legal review by the law firm of Brustein & Manasevit (Washington, D.C.)

The TransACT ParentNotices subscription includes an unlimited-use license for district employees during the subscription term. The parent notification collections are frequently updated by TransACT for alignment with applicable federal laws (Title I, III, IX, X, FERPA, PPRA & OCR). The results of the Request for Proposals processes seeking to find providers of these services conducted by two states in July and August, 2017, resulted in TransACT being the sole respondent to both opportunities. ***There is no other company known to TransACT offering a web-based service that competes with the TransACT Compliance and Communication Center in form, function, languages & content.***

These services are owned, developed, and published exclusively by TransACT Communications, LLC., a Delaware corporation (Fed ID 47-5313048, D-U-N-S number 02-156-6935).

## Sole Source Statement

The TransACT® ParentNotices Compliance and Communication Center enables school districts to provide to one or more of the following subscription services to its employees.

### TransACT® General Education ParentNotices

More than 130 proprietary general education forms, notices and letters, including documents to assist with compliance mandates from the Office for Civil Rights and other agencies. This collection provides required parental notifications in a language parents understand, which is in alignment with the requirements of the Office for Civil Rights.

- Professional language translations in *English, Spanish, Albanian, Arabic, Bosnian, Cambodian/Khmer, Chinese, French, Gujarati, Haitian Creole, Hmong, Japanese, Korean, Lao, Marshallese, Portuguese, Punjabi, Russian, Somali, Tagalog, Thai, Urdu and Vietnamese*
- Content libraries with translations for topics including Health, Administration, Classroom, Hallway Signs, Meals (National School Lunch Program), English Learners and Disability

### TransACT® ESEA (ESSA) Parent Notifications

More than 100 proprietary legally reviewed notices, letters and forms fully supporting the Elementary and Secondary Education Act (ESEA) as amended by the Every Student Succeeds Act (ESSA) parent communication mandates (Title I, III, IV, VII, IX, FERPA and PPRA)

- Professional language translations in *English, Arabic, Bengali, Burmese, Cambodian/Khmer, Chinese, French, Gujarati, Haitian Creole, Hmong, Karen, Korean, Marshallese, Nepali, Portuguese, Russian, Somali, Spanish, Swahili, Urdu, and Vietnamese*
- TransACT ESEA(ESSA) RoadMaps creates parent communication and compliance plans for each school
- Updated guidance from the US Department of Education
- Legal guidance provided to TransACT by the law firm of Brustein & Manasevit

### TransACT® IDEA and Section 504 Parent Notifications

A collection of forms, notices, letters and guidance for the **Individual with Disabilities Act (IDEA)** and **Section 504**.

- TransACT IDEA Parent Notifications include 35 required parent notices fully supporting the parent communication mandates of the Individuals with Disabilities Education Improvement Act of 2004. Professional language translations in *English, Spanish, Arabic, Hmong, Russian, and Vietnamese*.
- TransACT Section 504 Parent Notifications includes 17 required parent notices and 8 RoadMaps. Provides evaluation teams with prescriptive recommendations, which include Office of Civil Rights requirements for use in their student evaluation process. Professional language translations in *English and Spanish*.

  
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## 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](http://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.