
Notice of Intent to Certify Sole Source

To: Interested Parties
From: David C. Johnson
CC: ITS Project Number 47336
Date: November 22, 2022
Re: Sole Source Certification Number 4502 to provide software support and maintenance for the Orchard Harvest Laboratory Information System (LIS) for Mississippi State Hospital (MSH)
Contact Name: Debbie Parker
Contact Phone Number: 601-432-8159
Contact E-mail Address: Debbie.Parker@its.ms.gov

Sole Source Certification Award Details

Regarding Information Technology Services (ITS) Sole Source Certification Number 4502 for the Mississippi State Hospital (MSH), please be advised that ITS intends to award Orchard Software Corporation, as the sole source provider of software support and maintenance for the Orchard Harvest LIS through December 31, 2025, in an amount not to exceed \$35,570.25. Please be advised that ITS will determine if additional licenses, enhancements, upgrades, support, or maintenance are within scope during the certification period and may increase the spending authority accordingly. Should Orchard Software Corporation 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:

The proprietary Orchard Harvest Laboratory Information System (LIS) software provides medical laboratory functionality for lab test ordering, processing, documenting, and HL7 messaging/interfacing with the Electronic Health Records (EHR) system, with no other vendor being able to independently support or supply the necessary installation, integration, or upgrades.

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

No other source exists to provide software service and support for the proprietary LIS in use with MSH’s electronic healthcare records (EHR) system. MSH uses LIS to provide laboratory services for in-patients receiving acute care at Whitfield Medical Surgical Hospital on the MSH campus.

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:

Orchard Harvest Laboratory Information System is proprietary and the software is exclusively developed, sold, serviced, and support by Orchard Software Corporation. No other vendor can independently supply the necessary installation, integration, upgrades in software, and support to the system. The Vendor’s sole source certification letter is included as Attachment A.

Schedule

Task	Date
First Advertisement Date	11/22/22
Second Advertisement Date	11/29/22
Response Deadline From Objectors	12/08/22 at 3:00 P.M. Central Time
Notice of Award/No Award Posted	Not before 12/09/22

Project Details

In Fiscal Year 2008, Mississippi State Hospital (MSH) requested and received approval to purchase a laboratory information system through the Department of Finance and Administration’s (DFA) Office of Purchasing and Travel at the purchase price of \$58,800.00. Since then, MSH paid \$96,848.35 for annual software maintenance, software enhancements, new hardware, training, and professional services.

In 2015, ITS utilized the then current Sole Source certification process to purchase Orchard software for \$23,797.55 to interface the LIS with CoCENTRIX CCP EHR. In 2016, ITS issued Sole Source Certification Number 3946 to provide software support and maintenance through August 31, 2019, for the Orchard Harvest Laboratory Information System (LIS). In 2018, ITS issued Sole Source Certification Number 4068 for the development of a middleware interface between the LIS and the lab analyzer’s database (RALS). In September 2019, ITS issued Sole Source Certification Number 4218 to provide software support and maintenance through August 31, 2022, for the Orchard Harvest Laboratory Information System (LIS). Each time, ITS received no objections. The total lifecycle cost for this project is \$279,528.09.

Submission Instructions and Format of Response from Objecting Parties

Interested parties who have reason to believe that the software support and maintenance for the Orchard Harvest stem (LIS) 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 Orchard Software Corporation.

- 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 Thursday, December 8, 2022, at 3:00 p.m. (Central Time) to Debbie Parker at 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:

<p style="text-align: center;">SUBMITTED IN RESPONSE TO Sole Source Certification No. 4205-47336 Accepted until December 8, 2022 @ 3:00 p.m., ATTENTION: Debbie Parker</p>
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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.

Attachment A: Vendor Correspondence

Attachment B: Sole Source Procurement Overview



August 23, 2022

In regards to: Sole Source, Orchard Software

Mississippi State Hospital
3550 Highway 468 West
Bldg. 60
Whitfield, MS 39193

This letter is to confirm the following information: Orchard® Harvest™ Laboratory Information System is proprietary (i.e., one of a kind) and the software is exclusively developed, sold, serviced, and supported by Orchard Software Corporation. No other vendor can independently supply the necessary installation, integration, upgrades in software, and support to the system.

If you need any additional information, please contact me at 800-856-1948.

Best Regards,

A handwritten signature in black ink that reads "Kelly James".

Kelly James
Director of Executive Administration
Orchard Software Corporation

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.