

# Notice of Intent to Certify Sole Source

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**To:** Interested Parties

**From:** David C. Johnson

**CC:** ITS Project Number 47064

**Date:** May 9, 2023

**Re:** Sole Source Certification Number 4533 to provide a Riegl LiDAR Distance Measurement Indicator (DMI) and accessories for the Mississippi Department of Transportation (MDOT)

**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 4533 for the Mississippi Department of Transportation (MDOT), please be advised that ITS intends to award RIEGL USA, Inc. as the sole source provider of Riegl LiDAR Distance Measurement Indicator (DMI) and accessories through May 30, 2024, in an amount not to exceed \$8,494.00. Please be advised that ITS will determine if additional licenses, enhancements, upgrades, support, and equipment are within scope during the certification period and may increase the spending authority accordingly. Should RIEGL USA, 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:

**RIEGL USA is the sole source provider for the sale of accessories for The Distance Measurement Indicator (DMI) system (sensor, cables, collets etc.) which provides the function of accurately estimating the position of the mobile LiDAR scanning vehicle when signals from navigational satellites are unavailable or weak. It is vital in assigning accurate location information to the LiDAR point cloud.**

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

**The DMI, VMX-DMI cable, and Ladybug carbon pole were selected specifically to support LiDAR capture with the RIEGL VMQ-1HA system.**

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:

**RIEGL USA, Inc. is the sole source provider in North America for the sale of accessories required for the Distance Measurement Indicator (DMI) system. This DMI system is the only one approved for use with the VMQ-1HA system. The DMI, VMX-DMI cable, and Ladybug carbon pole are manufactured and assembled as a system specifically for use with the RIEGL system of LiDAR scanners. Using other products/vendors would require purchase of an entirely new LiDAR unit/system. The Vendor's sole source certification letter is included as Attachment A.**

### **Schedule**

<b>Task</b>	<b>Date</b>
First Advertisement Date	05/09/23
Second Advertisement Date	05/16/23
Response Deadline From Objectors	05/23/23 at 3:00 P.M. Central Time
Notice of Award/No Award Posted	Not before 05/24/23

### **Project Details**

In May 2017, a Purchase Agreement was executed with RIEGL, USA, Inc. in response to RFP Number 3948 for the purchase of a mobile mapping system, LiDAR (Light Detection and Ranging), for the Mississippi Department of Transportation (MDOT). The agreement was for four years expiring May 4, 2021. In March 2020, an amendment was executed to purchase additional training on the system. In October 2022, maintenance was extended through October 9, 2023. The current request is to purchase components for use with the RIEGL system of LiDAR scanners that were not itemized in RFP Number 3948. MDOT has spent \$469,534.00 on this product to date.

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

Interested parties who have reason to believe that a Riegl LiDAR Distance Measurement Indicator (DMI) and accessories 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 RIEGL USA, 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, May 23, 2023, 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:

<p style="text-align: center;"><b>SUBMITTED IN RESPONSE TO</b> <b>Sole Source Certification No. 4533-47064</b> <b>Accepted until May 23, 2023 @ 3:00 p.m.,</b> <b>ATTENTION: Debbie Parker</b></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](mailto:Debbie.Parker@its.ms.gov).

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



**14707 W Colonial Dr  
Winter Garden, FL 34787  
Phone: (407) 248-9927  
Fax: (407) 614-1863**

March 29, 2023

Mississippi Department of Transportation  
401 N. West Street  
Jackson, Mississippi 39201  
United States

To Whom It May Concern:

RIEGL USA, Inc. is the sole source provider in North America for the sale of the following accessories required by Mississippi Department of Transportation:

- DMI part number HW-VMX250-06-002-00
- VMX- DMI cable 6m part number HHW-VMXXX-03-020-00
- Ladybug carbon pole part number HW-VM-06-001-00

If you have any questions, please do not hesitate to contact me.

Best Regards,

A handwritten signature in black ink that reads 'Susan Licari'.

Susan Licari  
Sales and Marketing Director  
RIEGL USA, 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](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.