
Notice of Intent to Certify Sole Source

To: Interested Parties
From: David C. Johnson
CC: ITS Project Number 47972
Date: November 28, 2023
Re: Sole Source Certification Number 4593 to provide to provide AAMVAnet™ maintenance and record verification support for the Mississippi Department of Public Safety (MDPS)
Contact Name: Jay Barksdale
Contact Phone Number: 601-432-8282
Contact E-mail Address: Jay.Barksdale@its.ms.gov

Sole Source Certification Award Details

Regarding Information Technology Services (ITS) Sole Source Certification Number 4593 for the Mississippi Department of Public Safety (MDPS), please be advised that ITS intends to award the American Association of Motor Vehicle Administrators (AAMVA), as the sole source provider of AAMVAnet™ maintenance and record verification support through December 31, 2025, in an amount not to exceed \$536,188.62. Should MDPS need maintenance and support beyond December 31, 2025, then this Sole Source Certification will be valid until December 31, 2026. Please be advised that ITS will determine if additional maintenance and support is within scope during the certification period and may increase the spending authority accordingly. Should AAMVA 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:

Section 12007 of CMVSA authorizes the Secretary of the U.S. Department of Transportation (DOT) to enter into an agreement of the operation of an information system to be called the Commercial Driver License Information System (CDLIS). The Federal Highway Administration (FHWA) initially had jurisdiction over CDLIS; subsequently, that authority was transferred to the Federal Motor Carrier and Safety Administration (FMCSA). AAMVA has been the designated Operator of CDLIS since CDLIS began operation on January 2, 1989. AAMVAnet™ is the designated access method to the CDLIS and provides a standardized mode of communications among

all the jurisdictional users of the CDLIS so that they have secure access to driver data provided in a format that is consistent with Federal and State privacy statutes.

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

Section 12009 of CMVSA describes specific State notifications requirements under which the States must communicate with CDLIS and the National Driver Register (NDR) prior to the issuance of a CDL. The implementation of CDLIS as an automated, nationwide, computer-based clearinghouse required that the mode of communications between the States, CDLIS, and NDR be in electronic form. To standardize the mode of communications among all the CDLIS users and maintain a secure access to driver data which was consistent with Federal and State privacy statutes, the FHWA designated AAMVANet™ as the access method for CDLIS. MDPS uses these record verification services to verify the applicant information when applying for credentials and to confirm that the applicants are not ineligible for the credentials.

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:

AAMVA is federally identified as the only entity to provide such services for commercial driver purposes. AAMVANet™ services and systems are not available through any source but through AAMVA. The Vendor's sole source certification letter is included as Attachment A.

Schedule

Task	Date
First Advertisement Date	11/28/2023
Second Advertisement Date	12/5/2023
Response Deadline From Objectors	12/12/2023 at 3:00 P.M. Central Time
Notice of Award/No Award Posted	Not before 12/13/2023

Project Details

The Commercial Motor Vehicle Safety Act (CMVSA) of 1986, Public Law 99-570, requires the establishment of a commercial driver license information system to be shared among the 50 States' motor vehicle systems, and AAMVA is the designated operator of the CDLIS that is required by law for all 50 states to use. MDPS executed a contract with the State of Nebraska Department of Motor Vehicles, and AAMVANet, Inc., assigning an AAMVANet, Inc. Subscription Agreement to MDPS. MDPS has continued using this system since 1990 without executing any amendments. In January 2014, the ITS Board approved the renewal of AAMVANet™ maintenance and record verification support through December 31, 2019, using then approved sole source procurement methods. In 2019, after the sole source law changed, ITS began published Notice of Intent to Certify Sole Source Number for the renewal of AAMVANet maintenance and record verification support and received no objections. MDPS wishes to continue using the system provided by AAMVA and the CDLIS. The total ITS purchasing authority given since 2014 is estimated to be \$3,124,154.48.

Submission Instructions and Format of Response from Objecting Parties

Interested parties who have reason to believe that the AAMVANet™ maintenance and record verification support 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 the American Association of Motor Vehicle Administrators.

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, December 12, 2023, at 3:00 p.m. (Central Time) to Jay Barksdale at Jay.Barksdale@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 Jay Barksdale 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. 4593 Accepted until December 12, 2023 @ 3:00 p.m., ATTENTION: Jay Barksdale</p>

If you have any questions concerning the information above or if we can be of further assistance, please contact Jay Barksdale at 601-432-8282 or via email at Jay.Barksdale@its.ms.gov.

Attachment A: Vendor Correspondence

Attachment B: Sole Source Procurement Overview



For the period 01/01/24 – 12/31/24

SOLE SOURCE JUSTIFICATION

1. PURPOSE

The purpose of this document is to present the justification for a State government to enter into a sole source contract for the network services provided by the American Association of Motor Vehicle Administrators network (AAMVAnet™).

2. BACKGROUND ANALYSIS

The Commercial Motor Vehicle Safety Act (CMVSA) of 1986, Public Law 99-570, requires the establishment of a commercial driver license information system to be shared among the 50 States' motor vehicle systems. Section 12007 of CMVSA authorizes the Secretary of the U.S. Department of Transportation (DOT) to enter into an agreement of the operation of an information system to be called the Commercial Driver License Information System (CDLIS). The Federal Highway Administration (FHWA) initially had jurisdiction over CDLIS; subsequently, that authority was transferred to the Federal Motor Carrier and Safety Administration (FMCSA). AAMVA has been the designated Operator of CDLIS since CDLIS began operation on January 2, 1989.

3. WHY A STATE MUST CONNECT TO AAMVANET

Section 12009 of CMVSA describes specific State notification requirements under which the States must communicate with CDLIS and the National Driver Register (NDR) prior to the issuance of a CDL. The implementation of CDLIS as an automated, nationwide, computer based clearinghouse required that the mode of communications between the States, CDLIS, and NDR be in electronic form. To standardize the mode of communications among all the CDLIS users and maintain a secure access to driver data which was consistent with Federal and State privacy statutes, the FHWA designated AAMVAnet™ as the access method for CDLIS.

To access the CDLIS environment as required by law, a State must utilize AAMVAnet™.

4. WHY A STATE MUST PAY FOR AAMVANET SERVICES

Although federal funding was provided for the development and establishment of CDLIS, no federal or other funds are available to defray the ongoing expense of operating CDLIS. Federal law requires that the cost of operating CDLIS is to be paid for by fees from state government and other users. The States must pay for the use of CDLIS and AAMVAnet™ services with State funds.

Harold M. Gollos

Harold M. Gollos
Director, Contracts Administration

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 \$75,000 (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.