



Notice of Intent to Certify Sole Source

To: Interested Parties

From: David C. Johnson 

CC: ITS Project Number 48008

Date: January 30, 2024

Re: Sole Source Certification Number 4600 to provide document management software maintenance and consulting services for the Mississippi Public Service Commission (MPSC)

Contact Name: Matthew Livingston

Contact Phone Number: 601-432-8244

Contact E-mail Address: matthew.livingston@its.ms.gov

Sole Source Certification Award Details

Regarding Information Technology Services (ITS) Sole Source Certification Number 4600 for the Mississippi Public Service Commission (MPSC), please be advised that ITS intends to award InSite Data Systems Limited as the sole source provider of InSite DocuStore software maintenance and consulting through February 28, 2025, in an amount not to exceed \$25,841.00. If MPSC opts to renew InSite DocuStore software maintenance and consulting services, this sole source certification shall be valid through February 28, 2027. Please be advised that ITS will determine if additional maintenance or consulting services are within scope during the certification period and may increase the spending authority accordingly. Should InSite Data Systems Limited 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:

MPSC has a perpetual license to use the InSite DocuStore software, which has been in place since 2006, and the only company that can support this system is InSite Data Systems Limited. No other organization or company has access to InSite's codebase or knowledge of the internal working of the InSite system. MPSC's Case Tracking and No Call Systems are fully integrated with Insite Data Systems' products. The Case Tracking and No Call Systems are legacy systems and house all of MPSC's case documents dating back to 1956. These documents are available online and to the public through InSite via the MPSC website. The document files

are searchable through optical character recognition (OCR) so case documents can be easily found. Electronic filing allows public access to governmental information that, thereby, increases agency accountability.

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

MPSC, as regulatory agency with jurisdiction over telecommunication, electric, gas, water, and sewer utilities, is seeking to continue maintenance for its document management system that integrates with its Case Tracking system. The Case Tracking System allows users to track utility cases assigned to MPSC and manage caseloads and casework. MSPC is tasked to promulgate regulations, compile, and maintain a “No Call List”, which consists of telephone numbers of Mississippi residential and cellular telephone subscribers who have elected to reduce telephone solicitations.

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 only company that can support this software is InSite Data Systems. No other professional services organization or software company has access to the InSite codebase or the knowledge of the internal workings of the InSite system.

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

Since MSPC is already using the system, maintenance and enhancements/changes will be the only costs. It is more cost efficient to continue maintenance and consulting services on the current system at this time.

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

Maintenance for the current system is a flat fee and large modifications are provided at an hourly rate. MPSC has worked with InSite Data System Limited to maintain the same hourly rate established by contract in 2018.

Schedule

Task	Date
First Advertisement Date	01/30/24
Second Advertisement Date	02/06/24
Response Deadline From Objectors	02/13/24 at 3:00 P.M. Central Time
Notice of Award/No Award Posted	Not before 02/14/24

Project Details

In October 2005, ITS issued RFP No. 3473 for the acquisition of a Document Imaging and Management System including installation, migration, and conversion of the PSC’s existing system. The award was made to Rowe Consulting and Technology, Inc. as an owner of the InSite Repository System, and a Turnkey Agreement was executed.

InSite’s US and UK businesses separated in 2011 with the US company being absorbed into Trinity Consulting, and Rowe Consulting and Technology, Inc. was no longer in business. Therefore, Trinity Consulting was the only vendor able to provide support and maintenance as a Sole Source. ITS executed a Professional Service Agreement with Trinity Technologies for five years.

Thereafter, Trinity Consulting ceased business operations in 2015, and InSite stopped allowing vendors to resell their product. ITS, on behalf of MPSC, began contracting with InSite Data Systems Limited in 2016 and executed a Maintenance Agreement that expired February 28, 2018.

ITS has issued Notice of Intents to Certify Sole Source for InSite DocuStore software, maintenance, and consulting services and has not received objections. A Software License and Maintenance Agreement was executed on October 1, 2018, and was renewed in January 2020 for 3 years. Since 2006, MPSC has spent to date \$527,555.44.

Submission Instructions and Format of Response from Objecting Parties

Interested parties who have reason to believe that the InSite DocuStore software maintenance and consulting services 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 InSite Data Systems Limited.

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, February 13, 2024 at 3:00 p.m. (Central Time) to Matthew Livingston at matthew.livingston@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 Matthew Livingston 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. 4600-48008
Accepted until February 13, 2024 @ 3:00 p.m.,
ATTENTION: Matthew Livingston**

If you have any questions concerning the information above or if we can be of further assistance, please contact Matthew Livingston at 601-432-8244 or via email at matthew.livingston@its.ms.gov.

Attachment A: Vendor Correspondence

Attachment B: Sole Source Procurement Overview



InSite Data Systems Limited,
Pantiles Chambers,
85 High Street,
Tunbridge Wells
Kent
TN1 1XP
UK

31 October 2023

Dear Sir/Madam.

I am writing to confirm that the only company that can support the InSite DocuStore software is InSite Data Systems Limited. No other professional services organisation or software company has access to the InSite codebase or the knowledge of the internal workings of the InSite system.

If you require any further information, please do not hesitate to contact me.

Yours faithfully,



Mr. N. Desai
Director
InSite Data Systems
Tel: +44 7789 433141
Web: www.insitedatasystems.com
eMail: nimesh.desai@insite-mail.com

InSite Data Systems Limited. Registered Company Number 7493644.

www.InSiteDataSystems.com

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.