



Notice of Intent to Certify Sole Source

To: Interested Parties

From: David C. Johnson 

CC: ITS Project Number 48114

Date: May 14, 2024

Re: Sole Source Certification Number 4611 to provide a web-based waste data management and reporting system for the Mississippi Department of Environmental Quality (MDEQ)

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 4611 for the Mississippi Department of Environmental Quality (MDEQ), please be advised that ITS intends to award Emerge Knowledge Design, Inc. as the sole source provider of a web-based waste data management and reporting system through June 30, 2027, in an amount not to exceed \$77,438.00. Please be advised that ITS will determine if additional subscriptions, enhancements, or support are within scope during the certification period and may increase the spending authority accordingly. Should Emerge Knowledge Design, 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:

The Re-TRAC Connect system is developed and solely provided by Emerge Knowledge and is the only web-based data management and reporting tool designed to help government agencies collect, manage, and analyze waste and recycling information submitted by reporting entities (landfills, transfer stations, haulers, municipalities, businesses, etc.) on a large scale. The system offers data collection templates that have been refined by years of working with state and local governments and provides real-time tracking and analysis of more than 250 unique materials. Re-TRAC had previously been used for years on a large scale by the US Environmental Protection Agency (EPA) and over 40 states for the collection and comparison of waste data nationally through the State Measurement Program.

Currently, Re-TRAC Connect is collecting recycling data from municipalities and county governments across the U.S. through the Municipal Measurement Program, which helps standardize the measurement of local government recycling program effectiveness. The experience and expertise in large scale online waste and recycling data collection efforts allowed Re-TRAC Connect to quickly develop a customized reporting system to meet the needs of MDEQ. The MDEQ online reporting tool through Re-TRAC Connect currently allows MDEQ to collect and manage solid waste management data from hundreds of facilities of various types. With the data required being based on facility type, Re-TRAC Connect allows development of customized reports by facility type to easily maintain and segregate this information.

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

Prior to the use of the Re-TRAC Connect platform, MDEQ previously collected annual reports from solid waste facility owners in the state through hardcopy reporting forms. MDEQ technical staff would then manually aggregate and tabulate data from hundreds of reports each year for inclusion in an annual summary report on management of solid waste in the state of Mississippi. The Re-TRAC reporting system currently allows electronic collection of this data, which allows for more consistency in the data reported, an expedited reporting process for the regulated community, significant reduction in MDEQ staff's time spent reviewing and aggregating/tabulating data, and a reduction of physical storage space required for hardcopy reports. The electronic format in a web-based system houses all these reports in one location, which allows instant access to annual reporting data for MDEQ Waste Division staff and provides faster response times for Freedom of Information Act (FOIA) requests for these facility annual reports. Additionally, the Re-TRAC program provides ability to pull various reports for MDEQ's use in tracking compliance with report submittal deadlines, maintaining facility listings, and generating annual statewide summary reports. The Re-TRAC software has been used by the EPA and participating states in the past through the national State Measurement Program as well as currently with local governments across the U.S. through the Municipal Measurement Program to standardize how states measure and report solid waste management and recycling data, and there are not any other vendors offering a web-based data management and reporting tool that has operated on such scales.

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:

A Re-TRAC™ subscription can only be procured directly from Emerge Knowledge, the developer and sole provider of the software solution. The Vendor's sole source certification letter is included as Attachment A.

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

The time required to manually review reports and aggregate the data continues to be at a higher cost to the Agency than the implementation and support costs of this system.

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

MDEQ Waste Division negotiated the cost for these services.

Schedule

Task	Date
First Advertisement Date	05/14/2024
Second Advertisement Date	05/21/2024
Response Deadline From Objectors	05/29/2024 at 3:00 P.M. Central Time
Notice of Award/No Award Posted	Not before 05/30/2024

Project Details

In May 2018, ITS on behalf of MDEQ, issued Sole Source Certification Number 4061 to provide Re-TRAC Connect system licenses and Services for three years. No objections were received, and a License and Services Agreement was executed for one year. In May 2019, an Amendment #1 was executed to continue the agreement through December 2021. Beginning in October 2021, ITS has continued to issue Sole Source Certifications Number 4410 and 4466, receiving no objections, and executing Amendments #2, #3 and #4 for renewal through June 30, 2024. To date, MDEQ has spent \$147,524.00.

Submission Instructions and Format of Response from Objecting Parties

Interested parties who have reason to believe that the web-based waste data management and reporting system 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 Emerge Knowledge Design, 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 Wednesday, May 29, 2024, 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:

**SUBMITTED IN RESPONSE TO
Sole Source Certification No. 4611-48114
Accepted until May 29, 2024 @ 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.

Attachment A: Vendor Correspondence

Attachment B: Sole Source Procurement Overview



January 8, 2024

Mississippi Department of Environmental Quality
Mississippi Department of Information Technology Services

Re: Re-TRAC Connect Sole Source

Dear Charlie Bock, P.E., Manager, Policy, Planning, & Special Programs Branch, Waste Division:

This letter outlines the rationale for a sole source justification for procuring a Re-TRAC Connect™ software subscription from Emerge Knowledge Design Inc. (Emerge Knowledge) for managing online data collection from solid waste reporting entities by the MS Department of Environmental Quality (MS DEQ).

A sole source purchase is justified for the following two (2) significant reasons:

1. Collecting data from reporting entities within the state during the 2024/25, 2025/26, and 2026/27 terms using the same software solution as successfully adopted and operationalized in prior year(s) enables the MS DEQ to achieve these activities efficiently (with minimal additional staff and/or stakeholder training) supporting the overall operational efficiency of the MS DEQ.
2. A Re-TRAC Connect™ subscription can only be procured in Mississippi directly from Emerge Knowledge, the developer and sole provider of the software solution. Information about Re-TRAC Connect software is available at www.re-trac.com.

Please contact me if any questions arise.

Thank you,

A handwritten signature in black ink, appearing to read "William Redekop", is written over a light blue horizontal line.

William Redekop
Business Manager
Emerge Knowledge Design 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).

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.