

Notice of Intent to Certify Sole Source

To: Interested Parties

From: David C. Johnson 

CC: ITS Project Number 48271

Date: June 4, 2024

Re: Sole Source Certification Number 4622 to provide support and hosting of the School Based Administrative Claiming (SBAC) System for the Mississippi Department of Education (MDE)

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 4622 for the Mississippi Department of Education (MDE), please be advised that ITS intends to award Business Computers of Memphis, Inc. (BCM), as the sole source provider for support and hosting of the School Based Administrative Claiming (SBAC) System through June 30, 2025, in an amount not to exceed \$30,000.00. If MDE opts to renew the support and hosting of the SBAC system, this sole source certification shall be valid until June 30, 2027. Please be advised that ITS will determine if additional upgrades or support are within scope during the certification period and may increase the spending authority accordingly. Should Business Computers of Memphis, 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 proprietary SBAC system was solely developed, produced, distributed, and maintained by BCM, and support and hosting services can only be provided by BCM. SBAC is a federally funded program administered under the guidelines of the Centers of Medicaid and Medicare (CMS) which allows over 125 Mississippi school districts to be reimbursed for administrative duties performed by staff with approved job titles and for some of the costs associated with school-based health and outreach activities focused on Medicaid-eligible and potentially eligible

students. The Nurse Database application is software that allows school nurses in local Mississippi schools to submit monthly data to the MDE.

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

The SBAC program allows school districts to be reimbursed for some of their costs associated with coordinating school-based health services and providing Medicaid outreach activities. SBAC reimbursements to the school districts are from Medicaid federal funds. These services and support are needed to help support the SBAC program, as well as provide an advanced data reporting system that also provides student information, protects privacy, and complies with FERPA (Family Educational Rights and Privacy Act). Any lapse in availability will prevent the continuation of Mississippi School Districts receiving funding for the federal programs used for Medicaid reimbursements.

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 products and services listed on the sole source letter were solely developed, produced, distributed, and maintained by Business Computers of Memphis, Inc. (BCM) and are proprietary to BCM. The Vendor's sole source certification letter is included as Attachment A.

Schedule

Task	Date
First Advertisement Date	06/04/24
Second Advertisement Date	06/11/24
Response Deadline From Objectors	06/18/24 at 3:00 P.M. Central Time
Notice of Award/No Award Posted	Not before 06/19/24

Project Details

The original School Based Administrative Claiming (SBAC) system was paid for through a grant from the Bowers Foundation and developed by Business Computers of Memphis, Inc. (BCM) in 2006, without ITS involvement. In March 2011, ITS on behalf of MDE certified the SBAC System using then current sole source certification procedures from Business Computers of Memphis, Inc. in the amount of \$125,400.00. A Software Support Agreement was executed and continued as a sole source through June 30, 2017. Beginning in May 2017, ITS, on behalf of MDE, has issued multiple Notice of Intent to Certify Sole Source for the renewal of support and hosting and has not received any objections. The current Software Support Agreement expires June 30, 2024. The total spend to date is \$623,448.00.

Submission Instructions and Format of Response from Objecting Parties

Interested parties who have reason to believe that the support and hosting of the School Based Administrative Claiming (SBAC) 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 Business Computers of Memphis, 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, June 18, 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. 4622-48271
Accepted until June 18, 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



May 23, 2024

Louis King, Assistant State Director
Office of Healthy Schools
Jackson, MS 39205

Mr. King,

This document should be used as your notification that all products and services listed below were solely developed, produced, distributed, and maintained by Business Computers of Memphis (BCM), and are proprietary to BCM.

We look forward to assisting you in the future with these programs.

Software:

Nurse Database Application
Administrative Claiming System

Services:

Implementation Services
(Networking and System Integration Consultation)

Software Development Services
(Creation of Software Applications)

Vendor Information:

Business Communications of Memphis, Inc.
7953 Stage Hills Blvd.
Suite 102
Memphis, TN 38133
901-797-9994

Please do not hesitate to contact me at 901-371-9994 if I can be of any further assistance to you.

Sincerely,

A handwritten signature in black ink that reads "Jerry Flynt". The signature is written in a cursive style with a long horizontal stroke at the end.

Jerry Flynt

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.