

## Notice of Intent to Certify Sole Source

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**To:** Interested Parties

**From:** David C. Johnson 

**CC:** ITS Project Number 48306

**Date:** June 4, 2024

**Re:** Sole Source Certification Number 4628 to provide Traffic Server software maintenance and training 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 4628 for the Mississippi Department of Transportation, please be advised that ITS intends to award Transmetric America Inc., as the sole source provider of Traffic Server software maintenance and training through June 30, 2027, in an amount not to exceed \$120,600.00. Please be advised that ITS will determine if additional maintenance or training are within scope during the certification period and may increase the spending authority accordingly. Should Transmetric America 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:

**Traffic Server is the proprietary application of Transmetric America Inc., the designer, developer, and the only company capable of providing continued software maintenance and training. For the past several years, MDOT has used the Traffic Server system to record traffic data at Permanent Automatic Traffic Recorder (ATR) and Weight-In-Motion (WIM) sites. The system loads data for MDOT's portable count program to measure traffic for quality assurance and annual traffic statistics.**

**Traffic Server provides unique features built into the software product including:**

- **Hurricane Evacuation (Hurrevac) system which connects to MDOT's proprietary and internally networked traffic counting equipment,**

- Decoding of MDOT's "Count/Sequence" numbering (COSQ) format in traffic data analysis and reporting,
  - Storage and retrieval of traffic data into MDOT's internal Oracle-based traffic database server,
  - Decoding and use of MDOT's own traffic formats (MS version of PRN and RSA formats),
  - Storage and station references with MDOT's road classification system and linear referencing system, and
  - Computation of annual traffic estimation factors according to MDOT's specific procedures.
2. The purchaser must be able to show specific business objectives that can be met only through the unique product or services:

**MDOT has used the application to import, process, and report traffic data directly to the Federal Highway Administration (FHWA) and other customers for required monthly and yearly data submittals for the past 18 years. The software contains 50 different quality control rules which MDOT has specified, numerous reports, and field user level abilities. MDOT has been trained in use of the software to perform all of these operations. The software is connected to the State's emergency management system and, during hurricane events, provides the State with near-real time traffic data to help assist plan the network for contra-flow on major highways.**

**Without continuous software maintenance, MDOT would lack the ability to have resolution of issues that may prohibit delivering reports to the FHWA or the State during emergency events.**

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:

**Transmetric America, Inc. is the sole designer, developer and only company capable of providing continued support to the Mississippi Department of Transportation. 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.

**Annual costs for this software are considerably cheap for customization, training, and maintenance.**

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

**MDOT negotiated with the Vendor to reduce the original quote by 7%.**

**Schedule**

<b>Task</b>	<b>Date</b>
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**

In 2006, MDOT, with ITS oversight approval, purchased a traffic data management system called WIMNet from Vaultage Media, Inc. through then-approved sole source procedures. As a result of that procurement, a Software License and Maintenance Agreement was executed with Vaultage for \$205,000.00 and included software licenses, data migration, and annual support for three years. In 2007, Vaultage Media, Inc. changed its name to Transmetric America Inc. and the name of the software changed to Traffic Server due to the methods used to collect traffic data being expanded beyond Weight-In-Motion (WIM).

For many years, ITS and MDOT have continued to renew the software maintenance with Transmetric as a sole source provider of recording traffic data for quality assurance and annual traffic statistics at Automatic Traffic Recorder (ATR) and Weight-In-Motion (WIM) sites. The sole source laws changed in 2015 and ITS, on behalf of MDOT, published Notice of Intent to Certify Sole Source Number 4072 on February 13, 2018, to provide maintenance for Traffic Server software for three years. No objections were received, and the maintenance was deemed a sole source. ITS, on behalf of MDOT, has continue to issue Notice of Intent to Certify Sole Source with no objections being received. MDOT has spent \$653,000.00 to-date and wishes to renew its maintenance for three additional years.

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

Interested parties who have reason to believe that the Traffic Server software maintenance and training 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 Transmetric America 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](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:

**SUBMITTED IN RESPONSE TO  
Sole Source Certification No. 4628-48306  
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](mailto:Debbie.Parker@its.ms.gov).

Attachment A: Vendor Correspondence

Attachment B: Sole Source Procurement Overview



13284 Pond Springs Road Suite E404 Austin, TX 78729  
+1 (512) 967-4475

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18 April 2024

To: Mr. Evan Wright  
Planning Division  
Mississippi Department of Transportation  
JACKSON, MS 39215

RE: Sole Supplier of Traffic Server

To Whom It May Concern:

Transmetric America Inc. (TAI) has provided software development and services for the proprietary application known as Traffic Server to the Mississippi Department of Transportation (MDOT). This application has been created and developed solely by TAI over the past 18 years. Transmetric America Inc., the sole provider and developer of the Traffic Server product, is pleased to offer the Mississippi Department of Transportation (MDOT) a three-year support agreement with additional options included for development or enhancing the application based on specific needs of the Mississippi Department of Transportation (MDOT). These options are outlined in the quote attached. Transmetric is the designer, developer, and the only company capable of providing the continued service to the Mississippi Department of Transportation (MDOT) based on the unique features built into Traffic Server as sent in the Unique Features of Traffic Server document provided.

Please consider these cost estimates provided to be effective until executed, if done so prior to June 30, 2024.

If you have any questions, please do not hesitate to contact us via email or by phone on +1 (512) 967-4475

Yours truly,

A handwritten signature in black ink, appearing to read "Lee Kaufman".

Lee Kaufman  
[lee.kaufman@transmetric.com](mailto:lee.kaufman@transmetric.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](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 \$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.