
Notice of Intent to Certify Sole Source

To: Interested Parties

From: Craig P. Orgeron, CPM, Ph.D.

CC: ITS Project Number 48232

Date: July 30, 2024

Re: Sole Source Certification Number 4629 to provide Bid Express licenses for the Mississippi Department of Transportation (MDOT)

Contact Name: Vershonda Grindle

Contact Phone Number: 601-432-8213

Contact E-mail Address: vershonda.grindle@its.ms.gov

Sole Source Certification Award Details

Regarding Information Technology Services (ITS) Sole Source Certification Number 4629 for the Mississippi Department of Transportation (MDOT), please be advised that ITS intends to award InfoTech, Inc. dba Infotech, as the sole source provider of Bid Express licenses through August 31, 2025, at no cost to the agency. If MDOT opts to renew Bid Express licenses, this sole source certification shall be valid through August 31, 2027. Please be advised that ITS will determine if additional licenses are within scope during the certification period and may increase the spending authority accordingly. Should Infotech 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:

Bid Express (BidX) is developed, solely owned, and exclusively sold by Infotech. The service is the industry standard for on-line bidding by the State transportation agencies, and the only available product that integrates seamlessly with current MDOT software. Further, Bid Express is the only commercial service that interfaces directly with AASHTOWare Project™ for posting of electronic bidding files (proposal documents, planholders list, qualified vendor list, etc.), as well as the only service that can upload received bids into the AASHTOWare Project Preconstruction module for Pre-award analysis and low bidder selection. The integration allows for seamless data flow between the agency and the contractors,

and Infotech is AASHTO's contractor for maintaining, supporting, and enhancing AASHTOWare Project™ software. Infotech is the only vendor who has fully integrated the AASHTOWare Project pre-construction data and bid letting procedures into a secure, electronic two-way bidding process to service AASHTOWare Project contractors online.

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

MDOT uses the Infotech web application, Bid Express, to securely and efficiently transmit and receive bid packages between MDOT and roadbuilder contractors. Bid Express interfaces with AASHTOWare Project™, which manages transportation construction programs and was developed based on the experience and needs of the American Association of State Highway and Transportation Officials' (AASHTO) member agencies.

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:

Infotech developed the software and procedures comprising the Bid Express Service. Infotech is the sole proprietor of this service. Licenses for production use of the Service are available only from Infotech. The Bid Express Service is the only commercial service that interfaces directly with AASHTOWare Project Bids™ for the posting of electronic bidding files, as well as the only service that can upload received bids into the AASHTOWare Project Preconstruction™ module for pre-award analysis and low bidder selection. The Vendor's sole source certification letter is included as Attachment A.

Schedule

Task	Date
First Advertisement Date	7/30/24
Second Advertisement Date	8/6/24
Response Deadline From Objectors	8/13/24 at 3:00 P.M. Central Time
Notice of Award/No Award Posted	Not before 8/14/24

Project Details

MDOT originally procured Bid Express from Infotech Inc. as a sole source in February 2015, using then-approved sole source procurement processes. An Agency Internet Service and License Agreement was executed in March 2015, expiring on March 2, 2020. Notice of Intent to Certify Sole Source Number 4293 was advertised on June 2, 2020, and an Agency Internet Service and License Agreement was executed in August 2020 and expired August 16, 2023. InfoTech Inc.'s Bid Express service is provided at zero cost to MDOT, and MDOT desires to enter into a new Agreement for three years.

Submission Instructions and Format of Response from Objecting Parties

Interested parties who have reason to believe that Bid Express licenses 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 Info Tech Inc dba Infotech.

- 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, August 13, 2024, at 3:00 p.m. (Central Time) to Vershonda Grindle at vershonda.grindle@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 Vershonda Grindle 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. 4629-48232
Accepted until August 13, 2024 @ 3:00 p.m.,
ATTENTION: Vershonda Grindle**

If you have any questions concerning the information above or if we can be of further assistance, please contact Vershonda Grindle at 601-432-8213 or via email at vershonda.grindle@its.ms.gov.

- Attachment A: Vendor Correspondence
- Attachment B: Sole Source Procurement Overview



SOLE SOURCE JUSTIFICATION

SERVICE AND LICENSE AGREEMENT

for the

BID EXPRESS® SERVICE

Under the Auspices of the

Mississippi Department of Transportation

by

Info Tech, Inc., DBA Infotech

The Mississippi Department of Transportation (MDOT) wishes to continue to license the Bid Express Software as a Service owned and operated by Info Tech, Inc., of Gainesville, Florida (Infotech).

Infotech is uniquely qualified to license this service:

- **Infotech developed the software and procedures comprising the Bid Express Service.** Infotech is the sole proprietor of this service. Licenses for production use of the Service are available only from Infotech. As the developer and exclusive vendor of the Bid Express Service, Infotech has an extensive and intensive understanding of the software and procedures on which it is based and can answer virtually any question about the Bid Express Service. Further, Bid Express has been designed to use AASHTOWare Project™ modules for seamless data flow between the agency and the contractors, and Infotech is AASHTO's contractor for maintaining, supporting, and enhancing AASHTOWare Project software. MDOT licenses AASHTOWare Project™, and Infotech is the only vendor who has fully integrated the AASHTOWare Project™ pre-construction data and bid letting procedures into a secure, electronic two-way bidding process to service AASHTOWare Project™ contractors through the use of the Internet. The Bid Express service is the only commercial service that interfaces directly with



2970 SW 50th Terrace
Gainesville, FL 32608

AASHTOWare Project Bids™ for the posting of electronic bidding files (proposal documents, planholders list, qualified vendor list, etc.), as well as the only service that can upload received bids into the AASHTOWare Project Preconstruction™ module for pre-award analysis and low bidder selection.

- **Infotech has operated the Bid Express Service successfully for over 20 years, has assisted 44 state transportation agencies in going into production with the electronic bidding service.** Infotech's extensive background in state transportation agency bid letting operations generally, and in the design and operation of Bid Express specifically, means that Infotech knows how the Bid Express Service can best be used to benefit contractor and agency personnel.
- **Infotech has trained thousands of contractor and agency personnel on the operation and use of Bid Express.** Infotech's training services have been continually honed through this training experience, including review of feedback from contractor and agency participants. Infotech knows how to conduct training that is focused on contractor requirements to provide maximum benefit to class participants.

Nick DuVal Digitally signed
by Nick DuVal for
for Carole Carole Pickens
Pickens Date: 2024.03.12
11:21:48 -04'00'

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.