



Notice of Intent to Certify Sole Source

To: Interested Parties

From: Craig P. Orgeron, CPM, Ph.D. ^{CPO}

CC: ITS Project Number 48285

Date: August 20, 2024

Re: Sole Source Certification Number 4639 to provide Entire Connection Software Maintenance and Support for the Mississippi Department of Human Services (MDHS)

Contact Name: Atrael Porter

Contact Phone Number: 601-432-8077

Contact E-mail Address: atrael.porter@its.ms.gov

Sole Source Certification Award Details

Regarding Information Technology Services (ITS) Sole Source Certification Number 4639 for the Mississippi Department of Human Services (DHS), please be advised that ITS intends to award Software AG USA, Inc., as the sole source provider of Entire Connection Software Maintenance and Support through June 30, 2027, in an amount not to exceed \$10,698.63. Please be advised that ITS will determine if additional maintenance or support are within scope during the certification period and may increase the spending authority accordingly. Should Software AG USA, 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:

Entire Connection software maintenance, which is provided solely by Software AG USA, Inc., is needed so that MDHS can access support for highly critical legacy systems hosted on its Linux platform. The software allows users to create or access application functions and data resources, regardless of location or underlying technology. The multi-session capability of Entire Connection allows end users to run any number of independent host sessions concurrently, where each session occupies one window from their computer. This parallel access capability, together with the ability of cut and paste text using the Windows Clipboard, makes a computer a powerful tool for managing users' data information processing tasks.

Entire Connection executes and debugs standard procedures, such as backups and unattended workstation support.

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

MDHS is re-hosting ADABAS and Natural applications to a Linux platform. Entire Connection allows reliable, easy, and secure access to a critical application in the new Linux environment with similar key functionalities from within the application. MDHS needs the ability to access a specific field via a mouse click and use the shift+tab key to tab back to the previous field. This is required for the users to maintain and/or improve the productivity level experienced in the previous system environment.

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:

Software AG USA, Inc. is the developer and either the original manufacturer or authorized licensor of each of the Licensed Products. Software AG USA, Inc. is, to the best of their knowledge, the only company in the United States authorized to license and provide technical services for the licensed products. The Vendor's sole source certification letter is included as Attachment A.

Schedule

Task	Date
First Advertisement Date	08/20/24
Second Advertisement Date	08/27/24
Response Deadline From Objectors	09/04/24 at 3:00 P.M. Central Time
Notice of Award/No Award Posted	Not before 09/05/24

Project Details

ITS issued Request for Proposals (RFP) No. 3784 on September 15, 2015, on behalf of MDHS for the acquisition of services and software to re-host Adabas and Natural applications to a Linux platform. Cambria Solutions, Inc. was the awarded vendor. Cambria Solutions, Inc. did not propose the Entire Connection, because it was not needed at the time of the procurement. In December 2018, the need for 35 Entire Connection licenses and maintenance was identified so that all of the key functionalities within the Mississippi Enforcement Tracking of Support System (METSS) could be utilized. This ensured that the products operated properly since upgrading the system to the new Linux platform.

In April 2019, ITS issued Sole Source Certification Number 4189 for Entire Connection Licenses and Maintenance for MDHS through June 30, 2021, and received no objections. In June 2021, ITS issued Sole Source Certification Number 4398 for Entire Connection Maintenance and Support for MDHS through June 30, 2024, and received no objections. MDHS-CSE would like to continue the maintenance and support of the Entire Connection software for three years. The total spend to date is \$34,249.00.

Submission Instructions and Format of Response from Objecting Parties

Interested parties who have reason to believe that the Entire Connection Software Maintenance and Support 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 Software AG USA, 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, September 4, 2024, at 3:00 p.m. (Central Time) to Atrael Porter at Atrael.Porter@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 Atrael Porter 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. 4639-48285
Accepted until September 4, 2024 @ 3:00 p.m.,
ATTENTION: Atrael Porter**

If you have any questions concerning the information above or if we can be of further assistance, please contact Atrael Porter at 601-432-8077 or via email at Atrael.Porter@its.ms.gov.

Attachment A: Vendor Correspondence

Attachment B: Sole Source Procurement Overview



June 10, 2024

Mississippi Department of Human Services
750 North State Street
Jackson, MS 39202

Attn: Ms. Vicki Brown

Customer Number: 7513240

Dear Ms. Brown:

We understand that Mississippi Department of Human Services is contemplating the renewal of technical services for the following software products, which Mississippi Department of Human Services has licensed from Software AG, Inc. (collectively, the "Licensed Products"):

Product Code	Product Name
ACE	Adabas SQL Gateway
ACE	Adabas SQL Gateway
ACE	Adabas SQL Gateway
ADA	Adabas
ADA	Adabas
ADA	Adabas
CST	Natural Construct
CST	Natural Construct
CROEA	ESP Auto
CROEA	ESP Auto
CROEA	ESP Auto
CROEB	ESP Batch
CROEB	ESP Batch
CROEB	ESP Batch
CROEC	ESP Control
CROEC	ESP Control
CROEC	ESP Control
NAT	Natural
NAT	Natural
NAT	Natural
NJXOS	Natural for Ajax Runtime Open Systems
NJXOS	Natural for Ajax Runtime Open Systems
NJXOS	Natural for Ajax Runtime Open Systems
RUN	Natural Runtime
RUN	Natural Runtime
RUN	Natural Runtime
NSC	Natural Security
NSC	Natural Security
NSC	Natural Security
OSX	Entire Access for TCP/IP
OSX	Entire Access for TCP/IP

Attachment A

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PONE1	NaturalONE Standard Edition
ADA	Adabas
NDV	Natural Development Server
ONE	NaturalONE
WCL	Entire Net-Work Client
PRD	Predict
PRD	Predict
PRD	Predict
NAI	Natural Engineer ARIS Interface

Please note that Software AG USA, Inc., a Delaware corporation, is the assignee of the rights and obligations of Software AG, Inc., under the software license agreement between Mississippi Department of Human Services and Software AG, Inc. (the "License Agreement"). In connection with your proposed transaction, this letter shall serve as written confirmation that Software AG, the parent company of Software AG, Inc., is the developer and either the original manufacturer or authorized licensor of each of the Licensed Products. Software AG USA, Inc., including its affiliate, Software AG, Inc. is, to the best of our knowledge, the only company in the United States authorized to provide to Mississippi Department of Human Services, with respect to all the Licensed Products, the technical services that are described in, and that Software AG is obligated to deliver under, the License Agreement.

We look forward to continuing to work with you. Please feel free to contact us if you have any questions or concerns regarding this matter.

Sincerely,

DocuSigned by:

357741B45341492

Software AG USA, Inc.

Hank Vockroth

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.