

## Notice of Intent to Certify Sole Source

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**To:** Interested Parties

**From:** Craig P. Orgeron, CPM, Ph.D. <sup>CPD</sup>

**CC:** ITS Project Number 48518

**Date:** October 22, 2024

**Re:** Sole Source Certification Number 4652 for Law Enforcement Computer Terminal Service Warranty for the Mississippi Department of Public Safety (MDPS)

**Contact Name:** Matthew Livingston

**Contact Phone Number:** 601-432-8244

**Contact E-mail Address:** Matthew.Livingston@its.ms.gov

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### Sole Source Certification Award Details

Regarding Information Technology Services (ITS) Sole Source Certification Number 4652 for the Mississippi Department of Public Safety (MDPS), please be advised that ITS intends to award Datamaxx Applied Technologies, Inc., as the sole source provider of law enforcement computer terminal service warranty through November 30, 2025, in an amount not to exceed \$168,329.09. If MDPS opts to renew the Law Enforcement Computer Terminal Service Warranty, this sole source certification shall be valid through November 30, 2027. Please be advised that ITS will determine if additional interface development, technical support, updates, training and warranty of the Omnixx Product line are within scope during the certification period and may increase the spending authority accordingly. Should Datamaxx Applied Technologies, 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 Omnixx product line, which is manufactured, sold, and distributed exclusively by Datamaxx Applied Technologies, is the only system available to the Mississippi Department of Public Safety, Criminal Information Center (MDPS-CIC) and other local and state law enforcement agencies that provides required access to intelligence information databases to safely perform their duties and enhance public safety. DPS currently requires extended warranty and support for the Omnixx product line which includes the primary system DPS uses as well as a test version for testing software updates to ensure that the application properly works for law**

enforcement officers and dispatchers. The Omnixx extended warranty allows MDPS-CIC to receive updates and superior technical support maintenance to the primary and test systems.

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

**The Omnixx Force Client Software provides MDPS-CIC and other local & state law enforcement agencies rapid access to a wide range of state, national, and federal and international data sources, including criminal histories, wanted persons alerts, lost/stolen property alerts, vehicle registration records, boat registration records, and driver records using the latest version of the terminal services tool to access the National Crime Information Center (NCIC) and National Law Enforcement Telecommunications System (NLETS) information resources. The test software allows MDPS-CIC to test software updates and new features separately from the software version used by agency staff ensuring that the software continues to properly work.**

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 Omnixx Product line is a sole source product, manufactured, sold, and distributed exclusively by Datamaxx Applied Technologies, Inc. Further, Datamaxx is the only company that can offer interface development, implementation services, technical support, updates, training, and warranty of the Omnixx Product line. The Vendor's sole source certification letter is included as Attachment A.**

### Schedule

Task	Date
First Advertisement Date	10/22/2024
Second Advertisement Date	10/29/2024
Response Deadline From Objectors	11/05/24 at 3:00 P.M. Central Time
Notice of Award/No Award Posted	Not before 11/06/24

### Project Details

In 2004, ITS, on behalf of MDPS-CIC, issued RFP No. 3394 for the acquisition of a turnkey solution for a store-and-forward criminal justice message switching system with edit and reformat capabilities. Datamaxx Applied Technologies, Inc. was the awarded vendor and a Turnkey Agreement was executed for maintenance, software upgrades, and enhancements. Datamaxx Applied Technologies provides law enforcement agencies computer terminal services access to State and Federal criminal history, records, vehicle tag records, and driver license records for the MDPS-CIC.

ITS began certifying the software upgrades as Sole Source in 2010 using the then sole source procurement procedures. In October 2018, ITS issued Notice of Intent to Certify Sole Source Number 4138 for software, implementation, training, project management services, and extended warranty for the Omnixx Force Client, and received no objections. A Purchase Agreement was executed for Omnixx Force Client Software, Services, and maintenance for three years. In December 2020, ITS issued Amendment #1 to purchase enterprise test version, licenses, and extended warranty. In December 2021, ITS issued Notice of Intent to Certify Sole Source Number 4432 for maintenance and extended warranty for the Omnixx application software, and the

extended warranty is currently set to expire November 30, 2024. To date, MDPS-CIC has spent \$3,821,270.94.

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

Interested parties who have reason to believe that the law enforcement computer terminal service warranty 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 Datamaxx Applied Technologies, 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, November 5, 2024 at 3:00 p.m. (Central Time) to Matthew Livingston at [Matthew.Livingston@its.ms.gov](mailto:Matthew.Livingston@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 Matthew Livingston 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:

<p style="text-align: center;"><b>SUBMITTED IN RESPONSE TO</b> <b>Sole Source Certification No. 4652-48518</b> <b>Accepted until November 5, 2024 @ 3:00 p.m.,</b> <b>ATTENTION: Matthew Livingston</b></p>
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If you have any questions concerning the information above or if we can be of further assistance, please contact Matthew Livingston at 601-432-8244 or via email at [Matthew.Livingston@its.ms.gov](mailto:Matthew.Livingston@its.ms.gov).

Attachment A: Vendor Correspondence

Attachment B: Sole Source Procurement Overview



August 16, 2024

To Whom It May Concern,

This letter is to confirm that the Omnixx Product line is a sole source product, manufactured, sold and distributed exclusively by Datamaxx Applied Technologies, Inc. Further, Datamaxx is the only company that can offer interface development, implementation services, technical support, updates, training and warranty of the Omnixx Product line.

There are no agents or dealers authorized to represent this product. If you desire additional information, don't hesitate to contact me at (850) 558-8102 at any time or visit our website at [www.Datamaxx.com](http://www.Datamaxx.com). Thank you for your interest in our products and services.

Sincerely,

*Christina Lake*

Christina Lake  
Executive Vice President

## 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 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.