

## Notice of Intent to Certify Sole Source

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**To:** Interested Parties

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

**CC:** ITS Project Number 48831

**Date:** May 27, 2025

**Re:** Sole Source Certification Number 4684 to provide licensing and support for the Tovuti Learning Management System for the Mississippi Department of Employment Security (MDES)

**Contact Name:** Vershonda Grindle

**Contact Phone Number:** 601-432-8213

**Contact E-mail Address:** [vershonda.grindle@its.ms.gov](mailto:vershonda.grindle@its.ms.gov)

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### Sole Source Certification Award Details

Regarding Information Technology Services (ITS) Sole Source Certification Number 4684 for the Mississippi Department of Employment Security (MDES), please be advised that ITS intends to award Tovuti Inc. as the sole source provider of licensing and support for the Tovuti Learning Management System in an amount not to exceed \$55,440.00 for a three-year period. Please be advised that ITS will determine if additional licenses, enhancements, upgrades, or support are within scope during the certification period and may increase the spending authority accordingly. Should Tovuti 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:

**Tovuti's proprietary Learning Management System (LMS) has provided the agency with the ability to create unique content-based courses for multiple departments. The Training Department has created 88 of these content-based courses with over 500 lessons that include almost 800 interactive content and video-based activities created and only available in Tovuti, allowing the agency to keep track of learners' processes through individual transcripts with the ability to create individualized badges and certifications. Tovuti allows the administrators to create unique data fields so that when reports are completed, MDES has the ability to sort and categorize employees by data fields such as business name (state employees,**

temporary, contract worker, partner), cost center numbers, and more. Tovuti offers unique built-in features that differentiate it from other solutions, including Custom Course Authoring and Learning Paths that are tailored for workforce training, Real-Time Analytics and Compliance Tracking for reporting and audits, and API and Third-Party to connect seamlessly with MDES's existing systems. In addition, not all Learning Management Systems can create unique interactive content that is only available in Tovuti. Other Learning Management Systems' reporting is limited to what data and information is or can be included, thereby making reporting more tedious.

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

**Tovuti Inc. has well-designed data reporting and tracking for not only course-based learning but also for tracking attendance at the monthly Lunch & Learns that are hosted through Tovuti's virtual classroom. In addition, the MDES Workforce program utilizes the virtual classroom in Tovuti to provide monthly TANF (Temporary Assistance for Needy Families) training to our customers throughout the state. This allows them to record sessions and keep track of attendance as well. MDES is also required to complete monthly Security Awareness training per Internal Revenue Service and the Social Security Administration. The software also allows the Training Department to put personalized notes on individual accounts to notate those who miss training due to personal reasons for auditing purposes and to post upcoming events for the agency as an additional reminder for many types of agency-wide activities.**

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:

**Tovuti Inc. is a proprietary, cloud-based learning platform that integrates course creation, learner engagement tools, compliance tracking, and reporting. The software and all related services are exclusively developed, maintained, and supported by Tovuti Inc., making it unavailable from any third-party vendor or reseller. Tovuti Inc. does not sell or distribute its software through third-party resellers. All licensing, technical support, updates, and system enhancements are provided exclusively by Tovuti Inc., ensuring compliance with MDES's procurement requirements. Tovuti Inc. is the only provider capable of fulfilling MDES's LMS requirements. The Vendor's sole source certification letter is included as Attachment A.**

## **Schedule**

<b>Task</b>	<b>Date</b>
First Advertisement Date	05/27/2025
Second Advertisement Date	06/03/2025
Response Deadline From Objectors	06/10/2025 at 3:00 P.M. Central Time
Notice of Award/No Award Posted	Not before 06/11/2025

## **Project Details**

The Mississippi Department of Employment Security has been utilizing the Tovuti software since December 2020, and it is currently integrated into MDES's existing training programs, ensuring continuity in operations. To date, MDES has spent a total of \$59,225.00.

## Submission Instructions and Format of Response from Objecting Parties

Interested parties who have reason to believe that licensing and support for the Tovuti Learning Management 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 Tovuti 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 10, 2025, at 3:00 p.m. (Central Time) to Vershonda Grindle at [vershonda.grindle@its.ms.gov](mailto: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. 4684-48831**  
**Accepted until June 10, 2025 @ 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](mailto:vershonda.grindle@its.ms.gov).

Attachment A: Vendor Correspondence

Attachment B: Sole Source Procurement Overview



**Tovuti LMS**

775 S. Rivershore Lane, Suite 200

Eagle, ID 83616

888.646.2353

Website: [www.tovutilms.com](http://www.tovutilms.com)

To: Procurement Office

Mississippi Department of Employment Services

1235 Echelon Parkway

Jackson, MS 39213

February 28, 2025

**Subject: Sole Source Justification for Tovuti LMS Renewal**

Dear Procurement Team,

This letter serves as official documentation confirming that **Tovuti LMS** is a **sole source provider** of our comprehensive Learning Management System (LMS), which is currently in use by the **Mississippi Department of Employment Services (MDES)**. Based on Tovuti's proprietary technology, feature set, and direct licensing structure, we confirm that no other vendor is authorized to provide or support our platform.

**Justification for Sole Source Procurement**

**1. Proprietary, All-in-One LMS Solution**

Tovuti LMS is a **proprietary**, cloud-based learning platform that integrates course creation, learner engagement tools, compliance tracking, and reporting. The **software and all related services are exclusively developed, maintained, and supported by Tovuti LMS**, making it **unavailable from any third-party vendor or reseller**.

**2. Seamless Continuity & Integration with MDES Operations**

Tovuti LMS is currently integrated into **MDES's existing training programs**, ensuring continuity in operations. Switching to another platform would require **significant time, retraining, data migration, and customization efforts**, leading to operational disruptions and increased costs.

**3. Direct Licensing & Support**

Tovuti does not sell or distribute its software through third-party resellers. **All licensing, technical support, updates, and system enhancements are provided exclusively by Tovuti LMS**, ensuring compliance with MDES's procurement requirements.

**4. Advanced LMS Features Not Available Elsewhere**

Tovuti's proprietary LMS offers unique built-in features that differentiate it from other solutions, including:





- **Custom Course Authoring & Learning Paths** tailored for workforce training
  - **Real-time Analytics & Compliance Tracking** for reporting and audits
  - **Secure User Management & Access Controls** aligned with government regulations
  - **API & Third-Party Integrations** to connect seamlessly with MDES's existing systems
5. **Cost & Operational Efficiency**  
Maintaining Tovuti LMS as the **sole provider** eliminates the need for retraining, reconfiguration, and additional procurement costs that would arise from transitioning to another platform. Renewing with Tovuti ensures **operational continuity, cost savings, and uninterrupted service for MDES's workforce development programs.**

Given these factors, **Tovuti LMS is the only provider capable of fulfilling MDES's LMS requirements**, and we respectfully request approval for the renewal under a sole source procurement. Please let us know if any additional documentation is needed.

We appreciate our ongoing partnership with MDES and look forward to continuing to support your training and employment services initiatives.

Sincerely,

*Lorena Allred*

**Lorena Allred**  
Director of Account Management  
**Tovuti LMS**  
lorena@tovutiteam.com | 208.447.6208



## 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.