

Notice of Intent to Certify Sole Source

To: Interested Parties

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

CC: ITS Project Number 48893

Date: May 27, 2025

Re: Sole Source Certification Number 4686 for Journal intelligent archival system maintenance for the Mississippi Department of Public Safety (DPS) Criminal Information Center (CIC)

Contact Name: Denetta Durr

Contact Phone Number: 601-432-8022

Contact E-mail Address: denetta.durr@its.ms.gov

Sole Source Certification Award Details

Regarding Information Technology Services (ITS) Sole Source Certification Number 4686 for the Mississippi Department of Public Safety (DPS), please be advised that ITS intends to award Level II, Inc., as the sole source provider of Journal intelligent archival system maintenance through June 30, 2028, in an amount not to exceed \$24,978.73. Please be advised that ITS will determine if additional upgrades and support are within scope during the certification period and may increase the spending authority accordingly. Should Level II, 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:

Journal is LEVEL II's stand-alone intelligent archival application used by the Mississippi Criminal Information Center (CIC) to archive transactions that are processed through the law enforcement state message switch housed at CIC. Using existing hardware and software, this maintenance renewal will continue operation and support of the message archive repository. The Journal System has a multiple-level real-time Monitor that checks message data acquisition, the archival of these messages, and the status of the storage. It can produce statistics and alert the operator to the presence of error conditions and has a versatile search capability that allows rapid search and retrieval of archived data, even from large archives. The Journal System also includes a maintenance application used to carry out

tasks essential to the system's operation. The maintenance provides quick and direct access to Level II software engineers with expert knowledge of the Licensed Product.

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

Journal allows CIC to archive, track, and record transactions made between the State's message switch and the National Crime Information Center (NCIC). Journal also provides the ability to store large volumes of transaction-oriented data in a cohesive fashion. The system is configured to use high-capacity removable storage media. The system provides archival reporting, and the reports of retrieved transactions can be printed. CIC can perform searches using arguments that can include any number of fields common in message headers. Unique to this product, search arguments can also be Boolean associations of character strings that can contain "wildcard characters". Those strings can be anywhere within the archived messages. System maintenance is required if CIC continues to utilize the Journal system.

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 subject service, which comprises bug fixes and product updates for Journal, can be supplied only by LEVEL II as the systems' source code is its proprietary intellectual property. No other vendor or service can provide this system's technical support without LEVEL II's express permission in writing and unless in rightful possession of the software's full source code and technical documentation, which is only its developer, LEVEL II, can rightfully provide. Level II's support includes all licensed programs' technical assistance and version updates, which cannot be obtained through another source. The Vendor's sole source certification letter is included as Attachment A.

4. Schedule

| Task | Date |
|----------------------------------|--------------------------------------|
| 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

In June 1996, the ITS Board awarded RFP No. 2776 to PRC, Inc. for the acquisition and implementation of a fully automated criminal history system with an integrated Automated Fingerprint Identification System (AFIS) for the Mississippi Department of Public Safety. NEC Technologies was a named subcontractor in the PRC proposal. PRC, Inc. was later acquired by Northrop Grumman Public Safety, Inc. (PSI). The Mississippi Criminal History System (MCHS) was designed to operate on a Hewlett Packard hardware platform running the Unix operating system and a common Oracle database. At the time of implementation, Mississippi was one of fewer than ten states that had a state-of-the-art, coupled system whereby every arrest record in the system is automatically associated with a fingerprint record.

The MCHS is comprised of multiple subsystems, such as the Message Switch, the Data Repository, the AFIS, the Archiving Journal, and various COTS products. The system was accepted by the State on April 13, 1998, with a one-year warranty period and an additional nine-

year Maintenance Period. In October 2003, the ITS Board approved CIC's request to "unbundle" the maintenance contract. Using then approved sole source certification procedures, ITS renewed the Journal Message Archival System with Level II, Inc. for CIC for five years through June 30, 2008.

Beginning in 2008, using then approved sole source certification procedures, ITS renewed the Journal Message Archival System for CIC through June 30, 2019. And in June 2019, ITS began issuing Sole Source Certifications for The Journal maintenance with Level II through June 30, 2025, and received no objections. DPS-CIC wishes to extend the maintenance for three years through June 30, 2028. With this request, DPS has spent \$197,706.84 for The Journal maintenance since 2003.

Submission Instructions and Format of Response from Objecting Parties

Interested parties who have reason to believe that Journal intelligent archival system maintenance 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 Level II, 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 Denetta Durr at 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 Denetta Durr 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. 4686
Accepted until June 10, 2025 @ 3:00 p.m.,
ATTENTION: Denetta Durr**

If you have any questions concerning the information above or if we can be of further assistance, please contact Denetta Durr at 601-432-8022 or via email at denetta.durr@its.ms.gov.

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

LEVEL II, inc.
555 Andover Park West, Suite 110
Tukwila, WA 98188
(206) 575-7682



March 25th, 2025

Mississippi Department of Public Safety
Criminal Records/MJIC Division
3891 Highway 468 West
Pearl, MS 39208

Subject: Sole Source Certification for MS Department of Public Safety's Journal
System Application Software's Maintenance Service

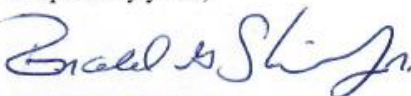
Delivery: Email and USPS

This letter is to certify that the subject service, which comprises bug fixes and product updates for the Journal, can be supplied only by *LEVEL II* as the systems' source code is its proprietary intellectual property. No other vendor or service can provide this systems' technical support without *LEVEL II*'s express permission in writing and unless in rightful possession of the software's full source code and technical documentation, which only its developer, *LEVEL II*, can rightfully provide.

This letter confirms that *LEVEL II* owns the source code to the Journal system and is therefore the only authorized supplier of technical support services for it. *LEVEL II*'s support includes all licensed programs' technical assistance and version updates, which cannot be obtained through another source.

LEVEL II licensed the MS Department of Public Safety to use its Journal products before installing them. The terms of that license restrict access to the products' code to W4 employees of the Agency's technical staff whose job descriptions clearly require such access. The license forbids any other access, for any purpose whatever.

Respectfully yours,



Ronald G. Skinner Jr.
President

cc: Don Allen
Cheryl Henry

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.