

Notice of Intent to Certify Sole Source

To: Interested Parties

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

CC: ITS Project Number 48909

Date: June 10, 2025

Re: Sole Source Certification Number 4690 to provide MicroFocus Licenses technical services 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 4690 for the Mississippi Department of Transportation (MDOT), please be advised that ITS intends to award Cogsdale Corporation as the sole source provider of MicroFocus Licenses technical services through June 30, 2028, in an amount not to exceed \$183,342.85. Please be advised that ITS will determine if additional licenses, support, or services are within scope during the certification period and may increase the spending authority accordingly. Should Cogsdale Corporation 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:

Performance Series, the Financial Management System (FMS) used by MDOT, is a propriety system developed by Cogsdale Corporation for MDOT. The MicroFocus product suite provides the COBOL back-end support of the FMS. MDOT has used MicroFocus as the back end to MDOT's FMS since July 1998 when the FMS was implemented, and MDOT needs to continue the support services. The MicroFocus product suite is the only solution that can be integrated with the FMS.

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

The FMS provides MDOT with a means for issuing purchase orders as well as managing the financial requirements of MDOT, such as budgeting. The FMS

interfaces with the State's Enterprise Resource Planning system, MAGIC. Because MDOT continues to use the FMS, MDOT requires software licenses, support, and maintenance for the MicroFocus back-end.

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:

Cogsdale Corporation is the sole source provider of the technical services for the MicroFocus software product and its associated proprietary software components. Cogsdale does not use other service providers, distributors, or resellers for provision of technical services for the MicroFocus software. The Vendor's sole source certification letter is included as Attachment A.

Schedule

Task	Date
First Advertisement Date	06/10/25
Second Advertisement Date	06/17/25
Response Deadline From Objectors	06/24/25 at 3:00 P.M. Central Time
Notice of Award/No Award Posted	Not before 06/25/25

Project Details

In 1998, ITS, on behalf of MDOT, issued RFP Number 2692 for development and implementation of a Financial Management System (FMS). KPMG Peat Marwick was the awarded vendor to provide the software licenses and maintenance from a successful implementation, and in 2009 the contract was assigned to its current holder, Cogsdale Holdings, LTD.

In 2000, MDOT secured the services of the Micro Focus product suite from Merant using then-approved Sole Source certification processes and procedures. In 2001, Merant split from its parent company to become Micro Focus. The Micro Focus product suite software licenses and maintenance provides the COBOL back-end support for MDOT's FMS.

Currently, Micro Focus and Cogsdale have a partnership agreement whereas Cogsdale is the sole source provider of the technical services for Micro Focus software and its associated proprietary software components. Throughout the continued renewal of software licenses and maintenances for the Micro Focus Product Suite, MDOT has paid Merant, Micro Focus, and now Cogsdale a cumulative sum of \$668,319.16

Submission Instructions and Format of Response from Objecting Parties

Interested parties who have reason to believe that the MicroFocus Licenses technical services 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 Cogsdale Corporation.

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 24, 2025, 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. 4690-48909
Accepted until June 24, 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.

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



TO

Cindy Gosa
Mississippi Department of Transportation

DATE

May 13, 2025

I am writing to inform you that Cogsdale Corporation ("Cogsdale") is the sole source provider of the technical services for the MICRO FOCUS software product and its associated proprietary software components.

There is an agreement between Cogsdale and MICRO FOCUS for the provision of these technical services, which includes Tier 1 and Tier 2 level support. Cogsdale does not use other service providers, distributors, or resellers for the provision of technical services for the MICRO FOCUS software. Cogsdale is not obligated to provide our proprietary goods and services to any other company or entity for such a purpose.

Please note that this letter does not provide a sole source legal opinion on behalf of Cogsdale for the products and services that are referenced herein as they relate to your State's, County's, or City's sole source rules, regulations, and laws.

If you have any questions or require further information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "E. Abamwa", written over a circular stamp.

Emos Abamwa

Senior Director, Support Services

Cogsdale Corporation ("Cogsdale")

Phone: 902-812-2675

Email: EAbamwa@cogsdale.com



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.