
SECTION 800: FURNITURE & EQUIPMENT

800.1 LEGISLATION

The purchase of furniture and equipment will be directly addressed through legislation; therefore, the following procedures have been developed by the Bureau as guidelines for the acquisition of furniture and equipment.

Every attempt will be made by the Bureau to adhere and abide by the **Procurement Manual** issued by the Department of Finance and Administration's Office of Purchasing and Travel, which is an exhaustive presentation of procedures relative to purchasing by all state entities. However, the Bureau is a contracting agency rather than a regulatory agency and some deviations will be made.

800.2 BUREAU'S RESPONSIBILITIES

The Bureau Staff assigned to work with the Using Agency will be responsible for coordinating all aspects of the purchase of furniture and equipment, including liaison between the Using Agency, Professional (if one is hired) and the Vendor. In addition, the Bureau Staff will verify deliveries and authorize payments.

Responsibilities
* Bureau's
* Using Agency's
* Professional's

- * Bureau's
- * Using Agency's
- * Professional's

800.3 USING AGENCY'S RESPONSIBILITIES

The Using Agency personnel assigned to work with the Bureau Staff will be responsible for compiling the list of furniture and equipment needs for the proposed purchase(s) as outlined in **Section 800**. In addition, the Using Agency may be asked to prepare specifications and compile the actual Bid Documents and eventual Contract(s). Responsibilities will be determined and agreed upon during the initial planning stage.

800.4 PROFESSIONAL'S RESPONSIBILITIES

If a Professional is hired by the Bureau to prepare Specifications, Bid Documents and Contracts, the Professional will work under the supervision of the Bureau Staff. In addition, the Professional will be responsible for coordinating delivery and verifying acceptability of delivered goods.

800.5 EMERGENCY PROCUREMENT

Emergency procurement of furniture and equipment will follow the same guidelines outlined for construction in **Section 200**.

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800.6**DOCUMENT PREPARATION**

Bid Documents may be prepared by one of the following:

1. **Bureau Staff:** may be responsible for preparing the specifications for the furniture and equipment needs of a Using Agency. In this case, the Bureau Staff will prepare the Bid Documents for printing and distribution.
2. **Using Agency:** may be responsible for preparing the specifications for the furniture and equipment needs. In this case, the Using Agency will prepare the Bid Documents for printing and distribution.
3. **Professional:** may be hired by the Bureau to prepare the specifications for the furniture and equipment needs of a Using Agency. In this case, the Professional will prepare the Bid Documents for printing and distribution.

800.7**USING AGENCY'S PRELIMINARY LIST**

The Using Agency should assign staff members directly involved with the construction project (i.e., Physical Plant personnel) or involved with daily purchasing (i.e., Purchasing Department personnel), to assist with a specific Furniture & Equipment Project. The responsible Bureau Staff will work with the assigned Using Agency Staff during the entire Project.

Six (6) months prior to occupancy, the Using Agency should begin compiling a Preliminary List of all anticipated furniture and equipment needs. [See **Appendix 800.**] This List should be as complete as possible and include:

Preliminary List

- | |
|--------------|
| * Furniture |
| * Equipment |
| * Location |
| * Quantity |
| * Dimensions |
| * Source |

1. **Furniture:** Desks, chairs, tables, shelving, filing cabinets, hospital beds, wardrobes, et al.
2. **Equipment:** Video, communication, audio, educational, specialties, mattresses, et al.
3. **Location:** Office, classroom, patient, administrative, lobby, clinical.
4. **Quantity:** Number of each item requested.
5. **Dimensions:** 3'x6' executive desk, 3'x15' conference table, regular or legal file cabinets.
6. **Source:** Sole source, State Contract, Written Quote, Exemption,

Bid. When preparing the Preliminary List, the Using Agency should divided the items into categories briefly described below:

1. **Non-purchasable Items:** Office supplies, chemicals, commodities, diskettes, bulletin boards, garbage cans, calculators, typewriters, restocking warehouses, vehicles, copiers, religious objects, et al.
2. **Sole Source Items:** Items obtained from only one source.
3. **State Contract Items:** Items contracted by DFA's Office of Purchasing, i.e.: desks, office chairs, modular partitioning, filing cabinets, VCR stands, stackable chairs.
4. **Written Quotes:** Items under \$500.00, or over \$500.00 and under \$5,000.00.
5. **Bid Exemptions:** Items exempted from competitive bidding.
6. **Bid Items:** Items competitively bid.

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Each Using Agency's furniture & equipment needs will be reviewed, considered and addressed individually; however, every effort is made to standardize and bring uniformity to furniture & equipment purchased by the Bureau using public funds. The Bureau's positions on Non-purchasable, Sole Source, State Contracts, Written Quotes, Bid Exemptions and Bid Items are based on previous PPRB approvals and current state purchasing laws.

Bureau Staff will review the Preliminary List and return it to the Using Agency with comments. The List should be finalized and approved by both parties.

Special Note: No funds appropriated to the Bureau may be used for rent, lease-purchase or maintenance contracts.

800.8 NON-PURCHASABLE ITEMS

The Using Agency's Preliminary List may include anything and everything regarding the complete furnishing and equipping of a facility. However, certain items fall into administrative budgetary categories, such as commodities, which have a short life expectancy. Items purchased with general funds or bond funds fall into the capital outlay category and must generally have a life expectancy of twenty (20) years. Any item not meeting the twenty (20) year criteria will be eliminated from the Using Agency's Preliminary List unless there is sufficient justification otherwise.

The Using Agency may use its own funds to procure the non-purchasable items; however, the Bureau will not consider using its restricted funds for such purposes.

800.9 SOLE SOURCE ITEMS

The Preliminary List may include items considered as sole sources only after the Using Agency has exhausted every avenue of seeking multiple Vendors. Justification for purchasing a sole source item should be submitted in writing with the List in order for Bureau Staff to accurately assess the submission. Any undocumented sole source items submitted by the Using Agency may be eliminated from the Preliminary List.

The following examples taken from the Office of Purchasing and Travel's **Procurement Manual** are examples of circumstances necessitating sole-source purchases: [**Mississippi Code 1972, Annotated**, Section 31-7-13 (m)]

1. Where the compatibility of equipment, accessories, or replacement parts is the paramount consideration (and Manufacturer is sole supplier).
2. Where a sole supplier's item is needed for trial use or testing.
3. Where a sole supplier's item is to be required when no other item will serve the need of the Using Agency.

Should reasonable doubt exist regarding the item's sole source nature, bids will be received as usual. If ample justification by the Using Agency is presented, the Bureau will solicit a quote from the sole source Vendor and present the item(s) as award(s) at the next PPRB. The Board will have final determination.

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800.10**STATE CONTRACT ITEMS**

The Office of Purchasing and Travel has the authority to establish Contracts by competitive bidding or by negotiation. The Office has the authority to set standards for the items being purchased, and such standards are based on a practical and economical efficient applications. Further, the items placed on these State Contracts are at the discretion of the Office.

State Agencies may purchase from these Contracts if it is in the best interest of the Using Agency and would be an economically feasible transaction; therefore, the Bureau will use State Contracts to procure furniture & equipment as often as possible. When the Using Agency begins preparation of the Preliminary List, great care should be given to procure as many items as are available from State Contracts. Copies of these Contracts are available upon requests at the Office of Purchasing and Travel, which is located at 501 North West Street, Suite 1401A, Woolfolk Building, Jackson, MS 39201, or calling 601/359-3409.

All conditions described in the State Contracts regarding specifications and price will be observed by the Bureau. However, conditions regarding the delivery and payment of goods may differ because the Using Agency will receive delivery and payments will be made by the Bureau.

All State Contract items will be presented by the Bureau as awards at the next PPRB. The Board will have final determination.

800.11**WRITTEN QUOTE ITEMS (amended 04/09)**

Procurement requirements may not be manipulated or artificially divided in order to circumvent competitive bidding. Written quotes may be received rather than competitive bidding when the following criteria are met: [**Mississippi Code 1972, Annotated**, Section 31-7-13 (b)]

1. **Under \$5,000:** One (1) written quote may be received for items, individual or grouped, which cost under \$5,000.
2. **Over \$5,000:** Two (2) written quotes will be received for items, individual or grouped, which cost over \$5,000 and under \$50,000.

800.12**BID EXEMPTIONS**

The Office of Purchasing's **Procurement Manual** lists certain items which are exempt from the competitive bid process. [**Mississippi Code 1972, Annotated**, Section 31-7-13 (m)] Written quotations will be solicited for any items exempted from bidding and will be presented by the Bureau as awards at the next PPRB. The Board will have final determination. The only exemptions applicable to furniture and equipment items procured by the Bureau are:

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1. Purchases made for museum and public display.
2. Purchases made from Contracts established or approved by the Office of Purchasing and Travel.
3. Purchases made from state operated industries, such as Industries for the Blind and the Mississippi Correctional Industries.
4. Non-competitive items available from only one (1) source.

**800.13
BID ITEMS**

-- SAMPLE FORMAT --				
Item #	Description	Quantity	Unit Price	Total
1	Executive Desk Wood, contemporary, general purpose, double pedestal, with lock and center drawer; one pedestal to have one file drawer for legal or letter size filing side to side, one box drawer and one reference slide; the other pedestal to have three box drawers and one reference	15	\$ _____	\$

Specifications will be developed by the Bureau, Using Agency or Professional for items approved for bidding. These specifications must be generic in nature, without bias toward a specific manufacturer or model and written in the Bureau's furniture and equipment format as indicated on the previous page.

It is permissible, in order to establish a standard, to name one (1), or more specific manufacturers and model numbers as examples. However, care should be taken in writing open specifications. Bureau Staff will review all Specifications. If any items specified have been written to limit competitive bidding, the Specifications must be revised.

After review, Specifications will be returned to the Using Agency or Professional for revisions and inclusion of the Bureau's *General Condition* documents. [See **Appendix 800.**] When the revisions have been made and the conditions included, the Bureau Staff will make a final review.

**800.14
DOCUMENT APPROVAL**

The Using Agency or Professional will be notified in writing if the Bid Documents are approved. If the Documents are disapproved, the Using Agency or Professional will revise the Documents according to the Bureau Staff's comments and will resubmit the Bid Documents for approval. Final copies will be furnished to the Bureau prior to placing the *Advertisement for Bids* in the newspaper. The Bureau, Using Agency or Professional will provide complete sets of Specifications and other Bidding Documents, as are necessary for bidding.

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800.15**ADVERTISEMENT FOR BIDS**

Upon approval, the Bureau will prepare and issue an *Advertisement for Bids* published in the legal section of the newspaper having general circulation in the State. The *Advertisement* will run once a week for two (2) consecutive weeks with bids being opened not less than seven (7) working days after the last publication by the Bureau. [Mississippi Code 1972, Annotated, Section 31-7-13(c)]

On the same day the newspaper is notified, the Mississippi Contract Procurement Center will be mailed a written notice. [Mississippi Code 1972, Annotated, Section 31-7-13(c)] In addition, the Bureau will furnish Contract Documents to appropriate trade organizations for use of other interested parties.

800.16**OBTAINING BID DOCUMENTS**

All interested Bidders may contact the appropriate party indicated in the *Advertisement for Bids* in order to receive a copy of the Bid Documents. Any charge or deposit for obtaining these Documents will also be indicated in the *Advertisement*. The Documents will include all necessary instructions regarding the submission of a bid *Proposal*. [See **Appendix 800.**]

800.17**BIDDER'S RESPONSIBILITY**

Bidders will fully inform themselves of the conditions regarding the Project and the related site. Failure to do so will not relieve the successful Bidder of obligations to fulfill material and labor requirements, or performing any work required without additional cost to the Bureau.

800.18**INTERPRETATIONS**

Should a Bidder find discrepancies, the Bureau Staff, Using Agency or Professional who prepared the Bid Documents should be contacted immediately for interpretation and clarification. Neither the Bureau Staff, Using Agency nor the Professional will be responsible for any oral instructions or interpretations. A response regarding the discrepancy will be submitted in writing to all Bid Document holders.

800.19**ADDENDA**

Should Addendum be necessary, all known holders of Bid Documents will be notified as expeditiously as possible prior to the time of receiving bids. However, no addendum should be issued within twelve (12) hours of the receipt of bids. Bidders will be required to acknowledge all addendum received on the *Proposal Form*. All Addenda will be incorporated into the Bid Documents and become a part of the Contract.

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800.20
BIDDER'S LIST

A Bidder's List may be compiled to provide the Bureau with the names of businesses for the purpose of securing competition. Any Vendor interested in obtaining Bid Documents may contact the responsible party indicated in the *Advertisement*.

800.21
PREQUALIFICATION OF VENDORS

Prospective Vendors may be prequalified for particular types of furniture & equipment. Solicitation mailing lists of potential Vendors may include but shall not be limited to such prequalified Vendors.

Prospective Vendors may be prequalified for Bidder Lists, but distribution of the solicitation may not be limited to prequalified Vendors, nor will a prospective Vendor be denied award of a Contract simply because such Vendor was not prequalified. The fact that a prospective Vendor has been prequalified does not necessarily represent a finding of responsibility.

800.22
PRE-BID CONFERENCE

Pre-bid conferences may be conducted to explain the bid requirements. This conference will be announced to all prospective Bidders known to have received Bid Documents. The Conference will be held after the Contract Documents have been issued to allow Bidders ample time to become familiar with the contents, but sufficiently prior to bid opening to allow consideration of the Conference results in preparing the bid.

800.23
BID PREPARATION

(In upper left hand corner)

Name of Firm

(Bid shall be addressed and delivered to)

Bureau of Building, Grounds and Real Property Management
501 North West Street, Suite 1401B
Woolfolk Building
Jackson, MS 39201

(In lower left hand corner)

Bid for Project # _____

Title: _____

Using Agency: _____

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The Bidder should submit his bid in DUPLICATE in a sealed envelope. If the Bidder desires a copy of the bid, a third copy should be made and retained by the Bidder. An example of the outside of the bid envelope is shown here.

800.24

RECEIPT OF BIDS

Upon the receipt of each bid and/or modification, the date and time will be recorded on the face of the envelope. The *Proposal* will be stored in a secure place until the time and date set for bid opening. It is the responsibility of the Bidder to deliver the sealed bid to the appointed place prior to the announced time for the opening of bids. Late delivery of a bid for any reason, including late delivery by the U.S. Mail, Federal Express, UPS, etc. will disqualify the bid.

Bids will be opened publicly in the presence of one (1) or more witnesses at the time and place designated in the *Advertisement*. The name of each Bidder will be recorded, the amount of each bid and such relevant information as specified.

Bids will be unconditionally accepted without alteration or correction and will be evaluated based on the Specifications. After bid opening, no changes in bid prices or other provisions of bids prejudicial to the interest of the State of fair competition will be permitted.

800.25

MODIFICATIONS TO BIDS

Bids may be modified or withdrawn by written notice received in the Bureau's office prior to the time and date set for bid opening by writing on the envelope or a facsimile; however, confirmation of the facsimile must be received within forty-eight (48) hours, excluding state holidays and weekends, from the closing time, or the facsimile modification will be given no consideration. Confirmations will be limited to Modifications on letterhead signed by the person who signed the *Proposal Form*.

All documents relating to the modification or withdrawal of bids will be made a part of the appropriate procurement file.

800.26

OPENING BIDS

Tabulation sheets will be provided for the recording of bids by the appropriate party (Bureau, Using Agency, or Professional). At the appropriate hour, the Bureau Staff will declare the bidding closed. All *proposals* meeting the law will be opened and read.

Special Note: If only one (1) *Proposal* is received, the Bureau Staff may open the *Proposal*.

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800.27**WITHDRAWAL OF BID**

Any *Proposal* may be withdrawn prior to the time specified for receiving bids. If, however, when all *Proposals* have been read and recorded, should a Bidder realize a mistake has been made in the *Proposal* and desires to withdraw the *Proposal*, the Bidder should rise and announce to all present of the intention of withdrawing the *Proposal*. All withdrawal requests, after being verbally made, must be made in writing to the Bureau no later than twenty-four (24) hours following the bid opening. [**Mississippi Supreme Court** decision, Mississippi State Building Commission et al v. Becknell Construction, Inc. et al, 329 So.2nd 57 (1976)]

The letter of withdrawal should be addressed to the Bureau of Building, Grounds and Real Property Management's Director. It should identify the Project, include the original bid, take-off sheets, and any other supporting documentation to provide proof of error. Failure to include sufficient documentation will be grounds for rejection of the withdrawal request.

800.28**IRREGULARITIES**

Minor irregularities are matters of form rather than substance evident from the Bid Document, or insignificant mistakes, which may be waived or corrected without prejudice to other Bidders; that is, the effect on price, quantity, quality, delivery, or contractual conditions is negligible. The Bureau will be the sole judge in determining irregularities, or informalities and render a decision as expeditiously as possible.

800.29**BID PROTEST**

When all *Proposals* have been read and recorded, should a Bidder wish to protest, the Bidder should rise and announce to all present the protest. All protest, after being made verbally, must be made in writing to the Bureau no later than twenty-four (24) hours following the bid opening.

The letter of protest should be addressed to the Bureau of Building, Grounds and Real Property Management's Director. It should identify the Project, include what is being protested, why it is being protested, and be signed by the individual who is protesting.

Protestors may be required to appear at the next PPRB meeting and personally present their protest. The Bureau is under no obligation to consider any protest received after twenty-four (24) hours. This includes a protest made by anyone regardless of whether they attended the bid opening.

800.30**NEGOTIATIONS**

Neither the Bureau, nor the Using Agency or Professional, will negotiate with any Bidder after the opening of the bids.

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800.31**PRODUCT ACCEPTABILITY**

The General Conditions may set forth any evaluation criterion to be used in determining product acceptability. It may require the submission of bid samples, descriptive literature, technical data, or other material. It may also provide for accomplishing any of the following prior to award of contract:

1. Inspection or testing of a product prior to award for such characteristics as quality or workmanship.
2. Examination of such elements as appearance, finish, or feel.
3. Other examinations to determine whether it conforms with any other purchase description requirements.

The acceptability evaluation is not conducted for the purpose of determining whether one Bidder's item is superior to another but only to determine that a Bidder's offering is acceptable as set forth in the Bid Documents. Any Bidder's offering which does not meet the acceptability requirements may be rejected as nonresponsive.

800.32**LOW TIE BIDS**

Low tie bids are low responsive bids from responsible Bidders identical in price and meet all requirements and criteria set forth in the Bid Documents.

Prime criterion for awards regarding tie bids will be resident Vendors in closest proximity to the Using Agency may be given preference over nonresident Vendors. [**Mississippi Code 1972, Annotated**, Section 31-7-15 (1).] However, the Using Agency will have final determination regarding tie bids.

800.33**DISQUALIFICATION OF BIDDER**

All things being equal, a Contract will be awarded to the lowest and best base bid, or lowest and best combination of base bid and alternates, whichever produces a total within the available funds.

The following list of situations may disqualify a low Bidder from being considered:

1. Failure to comply with bid requirements
2. Bidder is in arrears on existing Contracts with the Bureau or another State Agency
3. Bidder is, or anticipates being, in litigation or arbitration with the Bureau or another State Agency
4. Bidder has defaulted on a previous Contract

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800.34**REJECTION OF BIDS**

Each Proposal may be rejected in whole or in part when it is in the best interest of the State. Reasons for rejection include, but are not limited to:

1. The business submitting a bid is nonresponsive
2. The bid is nonresponsive
3. The furniture & equipment offered in the bid is unacceptable by reason of its failure to meet specifications or permissible alternates or other acceptable criteria set forth in the Proposal
4. The proposed price is clearly unreasonable
5. Only when provided by the solicitation may a bid or proposal limit acceptance to the entire bid or proposal offering. Otherwise, such bids or proposals may be deemed to be nonresponsive

800.35**INFORMATION ON BID RESULTS**

Bid results may be reviewed in the Bureau's office at any time during normal working hours subsequent to the time of the bid opening. This only applies a business or person who has submitted bids on a particular project. The Bureau may restrict the availability of the bids during the evaluation process in order to expedite the award process. Businesses or persons not participating in the process may not be permitted access to any applicable files until after an award is made. After the award is made, all information and documents applicable to the awarded contract may be available for review.

The Bureau will retain the original *Proposal Form* on each bid received. One (1) copy of each of these items will be given to the Using Agency or Professional for information purposes only. The Using Agency or Professional may submit to the Bureau a certified tabulation of all proposals received, along with a recommendation as to the award of Contract(s).

The Bureau will duplicate any record for any person for a fee per DFA's printing policy.

800.36**AWARD OF CONTRACT**

Normally, the Bureau has forty-five (45) days after the bid opening to award Contracts. The exact days will be stated in the Bid Documents or on the *Proposal Form*. The Bureau will proceed as expeditiously as possible to present awards at the next PPRB meeting.

The Using Agency or Professional will be informed in writing of the final action concerning awards made by the PPRB.

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800.37**CONTRACT PREPARATION (Revised August 18, 2010 for F&E to agree with 600.57 Checklist #1 for 5 copies to 2 copies)**

Contracts will be prepared by the appropriate party (Bureau, Using Agency or Professional) as follows:

1. **Copies:** Two (2) copies will be prepared (and any additional copies requested by the Bureau) of the furniture and equipment Contract:
 - (a) Bureau (1)
 - (b) Vendor (1)
2. **Dates:** The Contract cannot be dated prior to an award of Contract by PPRB [procedures].
3. **Signatures:** All signatures must be original.
4. **Contract Form:** The Bureau's Contract form is the **only** form to be used.

Once the *official* Contracts have been prepared and signed, copies will be distributed as indicated above.

800.38**DELIVERY**

The Vendor will be expected to provide all the furniture and equipment specified in the Contract and per the terms regarding delivery. The Bureau Staff and Using Agency will coordinate delivery dates and times. The Professional will be responsible for this activity, if one is provided.

800.39**PAYMENTS**

No retainage will be withheld from any furniture and equipment (loose equipment) Contracts. The Vendor will be required to complete the necessary forms [See **Appendix 800.**] prior to receiving payments. The Using Agency, Bureau Staff and Professional, if applicable, will be responsible for verifying delivery, installation and completeness prior to approving any application(s) for payment to the Vendor.