Mississippi Department of
Information Technology Services

Procurement Handbook

July 2015

The Mississippi Department of Information Technology Services (ITS) was created by the legislature to maximize the use and benefit of information technology in state government by promoting full cooperation, coordination, cohesive planning, and maximum compatibility among all state agencies and institutions of higher learning. State statute establishing ITS and outlining the duties and responsibilities of the agency is found in Mississippi Code Section 25-53-1.

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Mississippi Department of Information Technology Services (ITS)
Procurement Handbook

Title 36: Technology

Part 2: Information Systems Services

Part 2 Chapter 1: ITS Roles in IT Procurement

Rule 201.1: 001-010 Introduction to ITS and Technology Procurement

Introduction: The Mississippi Department of Information Technology Services (ITS) was created by the legislature to maximize the use and benefit of information technology in state government by promoting full cooperation, coordination, cohesive planning, and maximum compatibility among all state agencies and institutions of higher learning. State statute establishing ITS and outlining the duties and responsibilities of the agency is found in Mississippi Code Section 25-53-1, et seq. Lexis Publishing is the official publisher of the Mississippi Code, which can be accessed through the Secretary of State's website:

Search the Mississippi Code at Michie's Legal Resources powered by LexisNexis Publishing

A summary of ITS statute is found in this handbook under 001-050 Summary of ITS Statute.

The acquisition of information technology for all state agencies and institutions of higher learning (IHLs) is within the scope of the ITS law and the policies and procedures established in accordance with this statute. ITS law and policy cover the procurement of all information technology hardware, software, and services by state agencies and IHLs.

The responsibilities of ITS in the procurement of technology for the state of Mississippi include:

- Furnishing customers with technical guidance and assistance in complying with the legal requirements of state purchasing laws for information technology
- Maximizing competition among technology manufacturers and service providers
- Maximizing the compatibility of the State's information resources
- Acquiring complete information technology solutions that provide the best combination of functionality and cost
- Leveraging the State's combined purchasing power to provide the best possible discounts

State agencies and institutions of higher learning are required by law to follow ITS procedures in information technology procurements. The only statutory exception is for acquisitions by institutions of higher learning made wholly with federal funds. Note that there is **no** exception for state agency projects that are federally funded, use grant money, or paid for via other nontraditional funding models.

For many acquisitions, agencies and IHLs must obtain ITS approval prior to initiating a purchase. For other acquisitions, ITS has delegated responsibility for technology purchases to the agencies and institutions according to specific guidelines.

Governing authorities (e.g. community/junior colleges, county boards of supervisors, school districts, and municipalities) are not required to use ITS procurement procedures but may choose to do so as one way of meeting public purchasing requirements.

Public Purchasing Law, Mississippi Code Title 31, Chapter 7, governs the purchase of commodities, non-IT equipment, and travel for the state of Mississippi. This law is administered by the Mississippi Department of Finance and Administration (DFA), Office of Purchasing, Travel, and Fleet Management (OPTFM) and can be accessed through the Secretary of State's website:

Search the Mississippi Code at Michie's Legal Resources powered by LexisNexis Publishing

ITS utilizes the provisions of Public Purchasing Law and DFA/OPTFM purchasing guidelines for Sole Source and Emergency procurements of information technology. ITS also works closely with DFA to assist customers and vendors in interpreting and complying with the provisions of ITS and Public Purchasing statutes. To the extent possible, the staffs of these two organizations keep rules and procedures synchronized for IT and non-IT procurements.

The **Personal Service Contract Review Board (PSCRB**) governs the solicitation and selection of contractual services personnel for personal and professional services that do **not** involve information technology. Note that IT professional services provided by **contract workers**, as opposed to **independent contractors**, are outside the scope of ITS law and policy and therefore fall under the guidelines of the Personal Service Contract Review Board. Personal Service Contract Procurement Regulations can be accessed through the State Personnel Board's website.

Source: 25-53-1, et seq; 31-7-1 et seq; 25-9-120

Part 2 Chapter 1: ITS Roles in IT Procurement

Rule 201.2: 001-020 Acquisitions within ITS Purview

1. **Information Technology Equipment, Software, and Services:**
   Section 25-53-3 of the Mississippi Code of 1972 defines ITS' authority over the acquisition of any information technology, computer or telecommunications equipment, electronic word processing and office systems, or services utilized in connection therewith, including, but not limited to, all phases of computer software and consulting services and insurance on all state-owned computer equipment. Acquisition of computer or telecommunications equipment or services means the purchase, lease, rental, or acquisition in any other manner of any such computer or telecommunications equipment or services. Telecommunications equipment, systems, and related services are defined as the equipment and means to provide telecommunications transmission facilities; telephone systems, including voice processing systems; facsimile systems; radio paging services; satellite radio, telephone, and dispatch services; mobile telephone services, including cellular mobile telephone services; intercom and paging systems; video teleconferencing systems; personal communications networks and services; and any and all systems based on emerging and future telecommunications technologies related to any of these devices or services.

   Note that, unlike public purchasing law, the statute that defines ITS' purview over technology acquisitions includes **services.** All technology services, whether for direct, hands-on skills such as application development and network support, or for such technology consulting services as technology training (both classroom and on-the-job), technology studies, project management, technology advisory roles, quality assurance support, and facilities management, are within ITS purview.

2. **Global Positioning System (GPS) and Navigation devices**
   The Global Positioning System (GPS) is a U.S. space-based radio-navigation system that provides reliable positioning, navigation, and timing services to civilian users. For anyone with a GPS receiver, the system provides location and time.

   ITS wants to emphasize the fact that it **does** have purchasing purview over GPS and navigation devices under the following conditions:

   - When the GPS and navigation capability is integrated into a PocketPC or WinCE product
   - When the GPS and navigation capability is integrated into a Palm OS device
   - When the GPS and navigation capability is integrated into a Linux PDA device
   - When the GPS and navigation capability is integrated into a Blackberry
   - When the GPS and navigation capability is integrated into a smart mobile device running on the Symbian OS

3. **Electronic Government:**
   Private companies offer partnerships with all levels of government to provide the tools and resources to implement internet-based services and business solutions ("E-Government") with little or no up-front investment of money by the government entities. These companies use various funding mechanisms to recoup their expenses and to realize a profit from these

services. Per an Attorney General Official Opinion dated August 25, 2000, the Attorney General's office affirmed that pursuant state statute, ITS has the authority to establish a procedure requiring the definition of requirements and a competitive contract award for the procurement of E-government services, regardless of the funds actually paid up-front by a state entity.

For purchases in which (1) the value of the goods and services exceeds $50,000 ($25,000 for projects funded by the American Recovery and Reinvestment Act), (2) there is a competitive market, and (3) there is potential for vendor profit from the project, contracts must be awarded based on an open and competitive process that allows the state to compare offerings to obtain the best product, service, and value, regardless of monies paid directly to the vendor by the state entity. The competitive process ensures the state's requirements are well-defined, project contracts are negotiated to protect the state's interest, and the vendor selected is the one with the most advantageous combination of cost and services.

The same Attorney General's Opinion also affirmed that state statute gives ITS the authority and responsibility to establish infrastructure standards for E-Government that must be utilized and conformed to by all state agencies. These standards must be incorporated into any specifications for the procurement of E-Government products and services. In addition, E-Government implementations that involve payments of any type require the review and approval of the Department of Finance and Administration.

For any procurement related to E-Government, the purchaser should follow the approval process detailed in 001-025 Approvals for Internet-based Applications and Services.

4. **Internet and Application Service Providers**
   ITS wants to emphasize the fact that services offered through Internet Service Providers and Application Service Providers are subject to ITS oversight. These services include but, as technology evolves, are not limited to the following examples:
   - Internet access and related services packaging
   - Applications and database hosting/processing, including Application Service Provider (ASP) and Software as a Service (SaaS) models
   - Website development, content management and hosting
   - Email hosting; equipment co-location services
   - Data back-up and recovery services
   - Disaster recovery services
   - Business continuation services
   - Network operations center services
   - Electronic payment processing
   - Systems and security administration
   - Line of business outsourcing such as electronic reservations management, help desk and/or license sales related outsourced IT services

5. **Printers/Copiers:**
   ITS has jurisdiction over the procurement of stand-alone and networked printers, while the Department of Finance and Administration (DFA), Office of Purchasing, Travel, and Fleet

Management (OPTFM) is responsible for the purchase of copiers. As multifunction devices have become available, the line between equipment under ITS purview and equipment under OPTFM purview has become less distinct. ITS and DFA monitor this technology convergence and its impact on the ITS and DFA customers and procurement approach.

Customers may purchase devices whose primary function is copying from DFA state contracts. If the device purchased from the DFA contract will be networked and the total purchase price is over $250,000 (or if the total cost for the term of a lease is over $250,000), the customer must submit an Exemption Request for ITS approval. This process ensures that ITS is aware of large network print device purchases.

Devices that are purchased to function primarily as network or stand-alone printers may be procured through the ITS Express Products List (EPL) or through a procurement request to ITS.

6. **Document Imaging and Management:**
   Document imaging and management systems scan, store, index, and retrieve documents and other business data electronically. Documents are converted to digitized images, typically via a document scanner. Standard components of document management systems include document capture, document storage and archiving, document indexing and retrieval, document exporting capability, and security to protect documents from unauthorized access. Document imaging and document management, including hardware, software, imaging services, and/or any other related consulting services, are within the purview of ITS. Equipment and services for analog methods of data imaging and retrieval, such as microfilm, are not within ITS purview.

7. **Management Consulting Contracts:**
   Procurements of consulting services for a study that is the initial phase of an application development project, for functional or conceptual systems design, data modeling, network design, network security, and technology infrastructure recommendations are examples of consulting contracts that require ITS approval. Other consulting studies, such as business process reengineering, process analysis, and general management studies, may fall under the purview of ITS or of the Personal Services Contract Review Board (PSCRB), depending on the specific project deliverables. If the study's primary focus is technology, the services should be procured through ITS. If the primary deliverable from a management consulting contract is a report in which recommendations of technology are included but are not the primary component, the services may be procured through ITS or the PSCRB, at the customer's discretion. If the customer is uncertain whether ITS approval is required for a specific project, the customer may contact the ITS Procurement Help Desk at (601) 432-8166 and/or may submit an Exemption Request to ITS for written documentation that the specific project does not require ITS approval.

   Regardless of the procurement mechanism used for a management consulting contract, once the customer is ready to proceed with technology purchases based on recommendations from a consulting study, including the study report with the technology procurement request is beneficial to both the customer and to ITS and helps expedite the purchasing process.

8. **Donations and Gifts of Information Technology:**
   Recipients of donations and gifts of older information technology near or at the end of their lifecycle should assess the cost of the items received in terms of usefulness relative to newer technology. Many older technology items are more costly to uninstall, relocate, reinstall, operate, and maintain than new equipment of the same type.

   A donation or gift requires ITS approval if the costs of installing, operating, and supporting the equipment exceed amounts delegated to the recipient under the Delegation of Approval Procedure. ITS will be glad to assist in assessing the value of donations and gifts of information technology on request.

9. **Other Examples of Procurements Under ITS Purview:**
   Equipment or services for a specialized application whose primary function or purpose is other than information technology and for which any computer chip or telecommunications component is secondary or incidental to the equipment's primary function are outside the purview of ITS.

   See 001-030 Exceptions to ITS Purview for a list of some specific items that do not require ITS approval and for instructions on obtaining confirmation regarding ITS purview for a specific procurement.

Source: 25-53-3; 25-53-151

Part 2 Chapter 1: ITS Roles in IT Procurement

Rule 201.3: 001-025 Approvals for Internet-based Applications and Services (State Agencies)

E-government applications and services require additional review and approval by ITS and by DFA (in contrast to traditional software applications.) Because of the multiple costing models used by vendors for e-government applications, as well as the necessity for ensuring appropriate security for all public-facing applications, the normal ITS procurement delegations to agencies do not apply for these types of acquisitions. In addition, DFA must approve and schedule any implementations that involve payments.

Agencies planning to acquire e-government software or services should follow the checklist shown below during the planning process. Preparing and submitting the information packet outlined in the checklist will ensure the acquisition has received required DFA and ITS reviews and approvals and help prevent delays in the implementation of the needed services. Submit the following information to both ITS and DFA at least 90 days prior to the procurement of the products or services. Additional time (120-180+ days) will be required for more complex projects or applications. Requests that are not submitted within the prescribed timeframes are subject to expedited processing charges from both ITS and DFA.

NOTE: All ITS and DFA approvals are specific to the project, scope, and contract term outlined in the request. Revisions to scope, extension of contract or hosting terms, addition of functionality (including adding or changing payment services), additional expenditures, and other changes to the project or to the vendor agreement require submission of an additional approval request. Approval of a specific application by DFA and ITS does not imply approval of future applications within the same application or across application models. Additionally, all approvals by DFA and ITS of waivers from the State's enterprise requirements are time-limited and may be revoked at any time if required to protect the substantial interests of the State.

√	Steps:
	1. Define and document functional requirements.
	2. Determine and document all payment methods that will be accepted: (Visa debit/credit; MasterCard debit/credit; Amex; e-check; other).
	3. Determine and document all payment services needed (online; in person: counter; point-of-sale, ACH).
	4. Complete the following checklist to determine if additional documentation and justification are required: (provide complete explanation, justification, and proposed technology and environment related to any question in a-d below that cannot be answered "yes.").
	a. Hosted at the State Data Center? If not, provide a copy of the hosting company's security policy, disaster recovery plan, and 3rd party financial audit if vendor is known. [Alternately, this requirement will be incorporated into the competitive procurement process.]
	b. If hosted at State Data Center: Verification that application utilizes software products and versions supported at the State Data Center? Attach verification form signed by State Data Center representative to this request.
	c. Payments made via State's Enterprise Payment Engine? If a waiver is to be requested, this request as documented in the DFA Administrative Rule, *Payment by Credit Card or Other Forms of Electronic Payment to State Agencies,* should be included in the submittal.
	d. Application will use the State's Enterprise Payment Interface Component (EPIC) for payment processor interface?
	5. If not hosted at State Data Center using State's enterprise payment system and processor, determine PCI DSS compliance requirements tier and responsibility. Provide a copy of most recent PCI audit from the proposed hosting and/or payment vendor if known. [Alternately, this requirement will be incorporated into the competitive procurement process.] (Note: If hosted at State Data Center, using State's Enterprise Payment Processor and Enterprise Payment Interface Component, ITS will certify PCI compliance.)
	6. Document anticipated fee structure, including EOC fee. If requesting waiver of the EOC fee or if requesting to absorb EOC fee on customer's behalf, include letter from agency executive outlining that request.
	7. Determine and document procurement approach:
	a. Document anticipated lifecycle cost to agency.
	b. Document anticipated lifecycle cost to consumer.
	c. If total of a+b above is above quote threshold but less than bid threshold, obtain 2 written quotes and provide copies to ITS (Or request that ITS obtain the quotes as part of the procurement approval process).
	d. If total of a+b above is above bid threshold, complete ITS competitive procurement form, exemption request form, or sole source form.
	8. Submit all documentation to both ITS and DFA.

Source: 25-53-151

Part 2 Chapter 1: ITS Roles in IT Procurement

Rule 201.4: 001-030 Exceptions to ITS Purview

State statute governing ITS provides for some specific exemptions from ITS purview and also allows ITS to establish policies and procedures for delegating bidding and contracting responsibilities for IT procurement to the purchasing agency. **However, ITS is not authorized to exempt any purchase from applicable state statute, including but not limited to the competitive bid requirement.**

Section 25-53-25 (3) excludes the following acquisitions from ITS jurisdiction: "Acquisitions of computer equipment and services by institutions of higher learning or junior colleges wholly with federal funds and not with state general funds...." This code section specifically states, however, that these acquisitions are NOT exempt from public purchasing laws. Note that neither of these code sections exempts acquisitions made by state agencies with federal funds from ITS purview.

Section 25-53-25 (2) of the Mississippi Code gives ITS the authority to delegate purchasing responsibility and is the basis for the Exemption, Delegation of Approval, and Planned Purchases Procedures.

Equipment, software, or services for a specialized application whose primary function or purpose is other than information technology and for which any IT functionality or component is secondary or incidental to the equipment's primary function are outside the purview of ITS.

ITS maintains a partial list of items and services about which frequent questions are asked regarding ITS purview. The list is not exhaustive and is updated as new situations arise.

The following procurements do not require ITS approval. Because of potential impact on technology infrastructure, notification to ITS is required in some cases, as noted below:

Product:	Examples:
Specialized medical or scientific products whose primary purpose is other than information technology	Spectrophotometers/spectrometers CT and other medical scanners Equipment for performing lab tests or analyses Automated weather stations and monitoring devices Intelligent Medication Dispensers
Computer supplies	Laser and magnetic media Printer toner cartridges Computer paper
Computer accessories	Printer paper trays Envelope feeders Power strips Surge protectors
Computer furniture	Computer desks Computer cabinets
Technology Reference Manuals: hardcopy or electronic	User manuals Technical manuals
Electronic or online publication of state-published documents (static, without functionality)	Annual reports Policy manuals State's "Blue Book"
Online Research or Educational Material (standard "off the shelf" delivery of **static information** without customized or interactive functionality)	Electronic magazines Electronic databases: Lexis/Nexis, Westlaw, Solinet Electronic textbooks or reference material
Radio/TV **broadcast** or **reception** equipment (i.e. one-way transmission)	Equipment needed to create, edit, and/or broadcast audio/video programming Cable television Satellite dishes for receipt of television broadcast programming (Note: Satellite transmission and reception systems for providing communication facilities DO fall within ITS purview.)
Microfilm and other analog image storage media	Microfilm/microfiche viewing and duplicating equipment Microfilm cameras Digital indexing systems for analog storage media
Digital cameras and self-contained surveillance equipment NOTE: Surveillance systems for which devices have assigned IP addresses or have a network connection DO fall within ITS purview	Surveillance cameras Video monitors

Services:	Examples:
Vendor-independent Advisory/Research Subscription Services: (Prior approval not required. **Supply ITS with a copy of any supplement to an ITS Master Agreement**)	Gartner "seats" Subscription Giga Advisory Service Subscription
Technology products or services provided by one Mississippi agency or institution for another. These types of acquisitions are specifically exempted from the bid requirement per Mississippi Code Section 31-7-13 (m) (vi). **Notify** ITS during the planning phase for any acquisitions having market value above the current Delegation of Approval Limits. **In addition, provide ITS with a copy of any contracts or agreements executed for agency-to-agency acquisitions immediately upon execution.** **Note: If the acquisition commits the state entity to expenditures with any <u>private company</u> in an amount above the current Delegation of Approval limits, the acquisition is NOT exempt from ITS purview.**	The Mississippi EDNET Institute Mississippi's public universities State agencies The John C. Stennis Institute of Government
Technology products or services furnished to state entities by other governmental entities or instruments or by peer or affiliated organizations. These types of acquisitions are specifically exempted from the bid requirement per Mississippi Code Section 31-7-13 (m) (vi). **Notify** ITS during the planning phase for any acquisitions having market value above the current Delegation of Approval Limits. **In addition, provide ITS with a copy of any contracts or agreements executed for agency-to-agency acquisitions immediately upon execution.** **Note: If the acquisition commits the state entity to expenditures with any <u>private company</u> in an amount above the current Delegation of Approval limits, the acquisition is NOT exempt from ITS purview.**	Federal agencies: EPA, USDA AASHTO (American Association of State Highway and Transportation Officials) Public universities Counterpart agency from another state

Services:	Examples:
Technology services provided by **contract employees**, designated according to the agency's determination under the guidelines of the Internal Revenue Service (IRS) Questionnaire for Classification of Contractual Personnel. **(Note: IT services provided by independent contractors DO fall under the purview of ITS)**.	

ITS customers should procure the items or services listed above in compliance with the regulations of the Department of Finance and Administration Office of Purchasing, Travel, and Fleet Management or the regulations of the Personal Service Contract Review Board, or local purchasing requirements**,** if applicable. However, if it is appropriate and desirable to procure an item from the above list in conjunction with turnkey information technology procurement, the item may be included with that acquisition under ITS purchasing statute and procedures.

Even if the item being purchased is not listed above, ITS approval may not be required if the equipment or service is for a special purpose other than information technology.

When uncertain about a specific procurement, contact the ITS Help Desk at (601) 432-8166 to determine whether ITS involvement is required. To obtain **written** verification from ITS of whether ITS approval is required for a specific acquisition, submit a letter or e-mail to: Information Technology Services - ISS, 3771 Eastwood Drive, Jackson, MS 39211, projects@its.ms.gov. Upon ITS staff review of the exemption request, if the ITS staff concurs that the procurement is not within the scope of ITS law/policy/procedure, the ITS Executive Director will write a letter or memo to the requesting agency/public university specifying that the acquisition does not fall within ITS purview. No CP-1 Acquisition Approval is issued or required. The agency/public university may proceed with the procurement in compliance with applicable laws.

Source: 25-53-25; 31-7-13

Part 2 Chapter 1: ITS Roles in IT Procurement

Rule 201.5: 001-050 Summary of ITS Statute

Sections 25-53-1 through 25-53-191

Category/Code Section	
Purpose of ITS: **25-53-1**	To maximize the use and benefit of information technology by promoting full cooperation, coordination, cohesive planning, and maximum compatibility among all state agencies and institutions of higher learning;
Purview of ITS:	State Agencies Institutions of Higher Learning (Public University) Other political subdivisions on request

Authority, Duties, & Responsibilities

1. **Procurement**
   Business Area: Information Systems Services (ISS)
   Scope: All information technology (including telecommunications) hardware, software, and services

Category/Code Section	Responsibilities:
25-53-5 (d)	Maximize competition among manufacturers; Maximize compatibility among information systems;
25-53-21 (f)	Serve as purchasing and contracting agent for the state for all IT hardware, software, and services; Receive and review all requests for the acquisition of IT hardware, software, and services; Approve or disapprove all requests for the acquisition of IT hardware, software, and services;
25-53-5 (o)	Award contracts to the lowest and best bidder, after determining the lowest and best of the proposals submitted;
25-53-5 (k); 25-53-21 (f)	Approve all contracts for technology hardware, software, and services;
25-53-21 (f)	Execute all contracts for technology hardware, software, and services;
25-53-29 (1)	Publish written planning guides, policies and procedures for use by agencies and institutions in planning for IT;

	Authority:
25-53-5 (d)	Require the use of common computer languages;
25-53-21 (e)	Require the renegotiation, termination, amendment, or execution in proper form and according to established policies, rules, and regulations, of all contracts for the acquisition of IT hardware, software, or services;
25-53-25 (2)	Develop policies for delegating bidding and contracting responsibilities to the purchasing agency;
25-53-21 (d)	Report to the ITS Board any failure on the part of any agency to cooperate with the planning for efficient IT operation;

1a. Procurement: Telecommunications- Specific

Scope: All requests by state agencies for the purchase or lease of telecommunications systems or services including telecommunication proposals, studies and consultation contracts, and intra-LATA and inter-LATA transmission channels

Category/Code Section	Responsibilities:
25-53-111 (h)	Establish and define telecommunications systems and services specifications and designs so as to assure compatibility of telecommunications systems and services within state government and governing authorities;
25-53-111 (l)	Develop policies, procedures and long-range plans for the acquisition of telecommunications systems;
	Authority:
25-53-111 (g)	Review, coordinate, approve or disapprove all requests for procurement, through purchase or lease, of telecommunications systems or services, including telecommunication proposals, studies and consulting contracts and intra-LATA and inter-LATA transmission channels;
25-53-111 (l)	Require all state agencies to submit a long-range plan for the use of telecommunications equipment, systems and services;
25-53-109 (c) (iv)	Manage specification writing, bid letting, proposal evaluation, and contract negotiations for telecommunications systems and services;

2. Technology Oversight, Standardization, and Operations
Business Areas: Telecom Services, Data Services
Scope: Cooperation between state agencies for the purpose of efficient IT operation

Category/Code Section	Responsibilities:
25-53-5 (l)	Acquire and operate technology to provide services to state agencies when, in ITS' opinion, such operation will provide maximum efficiency and economy in the function of any agency or state government as a whole;
25-53-21 (a)	Conduct continuing studies of all information technology activities carried out by all agencies; Develop a long range plan for the efficient and economical performance of all information technology activities in state government;
25-53-21 (a), (d)	Implement the long range technology plan as it applies to ITS and ensure that the over-all technology direction outlined in the plan is implemented by all state agencies;
	Authority:
25-53-5 (g)	Provide for the development and require the adoption of standardized computer programs;
25-53-5 (i)	Specify organizational structures within state agencies relating to information technology operations;
25-53-21 (c)	Inspect the IT operations of any agency as necessary;
25-53-21 (d)	Decide all questions of the division of the cost of information technology operations among the agencies;
25-53-21 (g)	Shall suggest and cause to be brought about cooperation between the agencies and institutions in order that work and/or equipment in one agency may be made available to another agency; Effect any improvements necessary for the purpose of joint or cooperative IT operations;
25-53-29 (1) (c)	Inspect agency facilities and equipment, interview agency employees, and review records at any time deemed necessary for the purpose of identifying cost-effective applications of technology;
25-53-29 (c)	Issue management letters to agency heads following IT inspections, with cost estimates and recommendations concerning staff reductions, other monetary savings, and improved delivery of services;

2a. Technology Oversight and Standardization: Telecommunications- Specific
Scope: All telecommunications systems and networks used by state agencies

Category/Code Section	Responsibilities:
25-53-105	Coordinate and promote efficiency in the acquisition, operation and maintenance of all telecommunications systems and networks used by agencies of the state;
25-53-105	Coordinate the compatibility of systems and networks of the state with those of governing authorities to promote a uniform, compatible telecommunications system for agencies and governing authorities;

25-53-109 (b)	Provide more effective management of state telecommunications resources and implement long-range plans and procurement;
25-53-109 (c)	Manage, plan, and coordinate all telecommunications systems under the jurisdiction of the state;
25-53-111 (a)	Establish and coordinate through state ownership or commercial leasing all telecommunications systems and services affecting the management and operations of the state;
25-53-111 (b)	Act as sole centralized customer for the acquisition, billing, and record keeping of all telecommunications systems or services provided to state agencies through lease or purchase;
25-53-111 (d)	Offer or provide transmission, switch and network services on a reimbursable basis to agencies financed by federal funds, to governing authorities, and to other governmental agencies
25-53-111 (e)	Approve or provide state telephone services on a reimbursable basis to full-time students at state institutions of higher learning and junior colleges;
25-53-111 (f)	Develop coordinated telecommunications systems or services for all state agencies;
25-53-111 (i)	Provide a continuous, comprehensive analysis and inventory of telecommunications costs, facilities and systems within state government;
25-53-111 (j)	Promote, coordinate or assist in the design and engineering of emergency telecommunications systems, including but not limited to 911 service, emergency medical services and other emergency telecommunications services;
25-53-111 (k)	Advise and provide consultation to agencies and governing authorities with respect to telecommunications management planning;
25-53-111 (l)	Develop policies, procedures and long-range plans for the use of telecommunications systems;
	Authority:
25-53-109 (a)	Form an advisory council of persons with expertise and experience in telecommunications for the purpose of setting goals, establishing long-range plans and policies, and overseeing and assisting in the procurement of telecommunications equipment and services;
25-53-109 (c) (i)	Administer telecommunications systems, including coordination of activities, vendors, service orders, and billing/record-keeping functions;
25-53-109 (c) (ii)	Plan new systems or services;
25-53-109 (c) (iii)	Design replacement systems;
25-53-109 (c) (v)	Supervise the implementation of new systems and ongoing support;
25-53-109 (c) (vi)	Implement long-term state plans;
25-53-109 (c) (vii)	Manage intra-LATA and inter-LATA networking;
25-53-111 (c)	Charge respective user agencies for their proportionate cost of the installation, maintenance and operation of the telecommunications

	systems and services, including the operation of ITS;
25-53-111 (f)	Require cooperative utilization of telecommunications equipment and services by aggregating users;
25-53-119	Sole authority and responsibility, within the constraints of this statute, for defining the specific telecommunication equipment, systems and services to which this statute is applicable.

3. **Training Business Area: Education Services**
   Scope: Training programs for employees in information technology positions and end-users of technology

Category/Code Section	Responsibilities:
25-53-5 (g)	Establish training programs for state agency personnel;
25-53-29 (d)	Conduct classroom and onsite training for end-users of applications and systems and for IT professionals;
25-53-111 (k)	Provide training to users within state government in telecommunications technology and system use;

5. **Consulting Business Area: Information Systems Services; Telecom Services; Data Services**
   Scope: Planning, consulting, project management, systems and performance review, system definition, design, application programming, training, development and documentation, implementation, maintenance and other tasks within the resources of ITS, for agencies, institutions, political subdivisions, and other governmental entities, on a fee basis

Category/Code Section	Responsibilities:
25-53-29 (2)	Provide a high level of technical expertise for government entities;
25-53-29 (1) (e)	Provide consulting services to agencies and institutions or governmental subdivisions requesting technical assistance**;**
	Authority:
25-53-29 (1) (e)	Submit proposals and enter into contracts to provide services to agencies, institutions, or governmental subdivisions;
25-53-29 (4)	Charge fees to agencies and institutions for services rendered to them;
25-53-29 (6)	Contract with firms or individuals to augment the consulting staff to ensure timely completion of tasks;

6. **Additional Requirements of State Agencies:**

Category/Code Section	Responsibilities:
25-53-113	Give full cooperation to ITS in furnishing all information of any kind as it pertains to telecommunications;
25-53-115	No agency shall rent, lease, lease/purchase, purchase, or in any way own or pay for the operation of any telecommunications system out of any funds available for use by that agency without the written approval of ITS.

25-53-117	No agency shall obligate the state to any vendor for a telecommunications system of any kind. All transactions dealing with a telecommunications system shall be conducted through ITS and any vendor found in violation of this policy may be prohibited for bidding for up to 24 months.

Source: 25-53-1, et seq

Part 2 Chapter 1: ITS Roles in IT Procurement

Rule 201.6: 001-060 Index to ITS Statute

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Source: 25-53-1, et seq

Part 2 Chapter 1: ITS Roles in IT Procurement

Rule 201.7: 001-070 Index to Attorney General Opinions

Opinion Date AG DOC Number Requestor, if other than ITS	Subject	Opinion
February 9, 2011 2011-00001 September 9, 1980 1980-00001802	Federal law takes precedent over State Law	2/9/11: The court concluded that, if a conflict exists between a federal regulation and a provision of state law, then the conflict must be resolved in favor of the federal regulation. 9/9/80: The court concluded that where a state participates in federal programs, it is bound by those regulations even though state law, with regard to a particular matter, may be to the contrary.
August 20, 2010 2010-	ITS Responsibilities in purchase of GIS by local governments	ITS' role under 25-58-1 (4) is NOT formal proposal evaluation and recommendation of lowest & best proposal. ITS is responsible for reviewing proposed solutions with the view of leveraging previous expenditures.
May 15, 2009 2009-	Local zoning ordinances and Towers for MSWIN	Government entities are subject to municipal and/or county zoning ordinances aimed at public safety; A municipality or county may not enact an ordinance that would prohibit the WCC from fulfilling its statutory obligations; A municipality or county has an obligation to grant such exceptions to their ordinances as necessary to permit the WCC to fulfill its statutory obligation of implementing a statewide wireless communication system.
September 22, 2006 2006-0457	Cooperative Purchasing Agreements	ITS may adopt rules and procedures for submitting cooperative purchasing agreements for approval by DFA to be utilized by ITS on behalf of agencies and institutions of the state.
May 5, 2006 2006-00159 DFA	Cooperative Purchasing Agreements	DFA may adopt as its own purchase agreements the cooperative agreements developed by other states and local governments
April 14, 2006 2006-00125	ITS Board: Holdover in office	ITS code does not provide any authority for an ITS board member to hold over in office until a

		successor is appointed. (Note: ITS Statute amended to allow a Board member to continue to serve until a successor has been appointed.)
January 25, 2006 2006-0030 DFA	Contract Clauses: Indemnity and related matters	Absent express or implied authority, an agency cannot indemnify or hold harmless a contractor for liability arising from the contractor's performance or negligence; State may affirmatively acknowledge its potential liability under the Tort Claims Act; Limitation of liability provisions are unenforceable except in one instance in which Legislature has provided express authority to ITS Executive Director.
November 30, 2004 2004-0572	Cooperative Purchasing Agreements	ITS has the authority to establish reasonable rules, regulations, and procedures to effect the utilization of cooperative purchasing agreements as provided in Section 31-7-13 (m) (xxix) for information technology purchases.
August 22, 2003 2003-0411 Tunica County School District	Unsealed Bids and Other Irregularities or Technical Deficiencies	Irregularities that can be waved generally have the following characteristics: 1. Mandatory statutory provisions are not violated. 2. Irregularity does not in any way destroy the competitive character of the bid. 3. Irregularity has no effect as to the amount of the bid. 4. Irregularity does not give one bidder an advantage or benefit over other bidders. Sealed bid requirement is statutory and cannot be waived. A domestic corporation must be duly incorporated and in good standing with the Secretary of State's office to be awarded a bid.
May 16, 2003 2003-0203	Purchase of MS EdNet Services by State Agencies	ITS can include EdNet services in the category "“technology services furnished to state entities by other governmental entities," thus exempting these acquisitions from the requirement for competitive bids (MS Code Section 31-7-13(m)(vi)) and from ITS approval (ITS Procurement Handbook)
October 4, 2002 2002-0534 April 12, 2002	ITS Purview over Community Colleges	10/4/02: Only IT equipment purchased by Community Colleges using funds from local tax levies are under ITS purview; 4/12/02: Expenditures of tax proceeds by

2002-0153 March 16, 2001 2001-0139		Community Colleges for IT purchases are under ITS purview; 3/16/01: Community Colleges, as agencies of local government, are not under ITS purview.
December 15, 2000 2000-0684	Insurance Requirement for Public Works Contracts	$1 million insurance requirement does not apply generically to IT projects, but could apply to specific contracts, such as outside cabling plants
August 25, 2000 2000-0442	E-Government Business Models and Bid Requirements	1. ITS can establish infrastructure standards that must be utilized by all agencies. 2. ITS can require competitive award for e-government services, regardless of the dollar amount. 3. The selling of advertising on the state's websites is not permitted without specific statutory authority; ITS can approve contracts funded by commercial ads on a vendor's web site. 4. ITS cannot approve fee-added internet services as the ONLY way in which citizens can conduct business with a state agency. 5. An agency cannot sell its records for a profit; an agency cannot authorize any entity to be the exclusive recipient or provider of public data.
June 20, 2000 2000-0270 Hinds County	Online Services for County Governments	The AG's office strongly encourages competitive bids for acquisition of web-based e-government services by counties, although advertising for bids is not required; Counties are authorized to charge consumers a user fee for e-government services;
September 3, 2010 2010-00123	IT Services for Governing Authorities	The AG's office recommends soliciting competitive bids or proposals for the acquisition of IT services by governing authorities, even though there are no competitive requirements in law.
December 10, 1999 1999-0573 Library Commission	Grants of Obsolete Computer Equipment to Nonprofit Organizations	Library Commission cannot loan or assign computer equipment except to governmental entities but may loan or assign equipment to such nonprofit community centers as may qualify as libraries. Commission can define

		as a library any Mississippi organization providing a service to the public that is being provided by a significant number of recognized libraries in the US, including providing computers for public access for research and Internet access.
June 12, 1998 1998-0342	Dollar Threshold for Competitive, Advertised Bids	Narrow interpretation of MS Code Section 25-53-5(p), ITS use of law/regulations governing DFA-OPTFM (public purchasing); ITS cannot use DFA-OPTFM bid limit of $10,000; (Note: ITS statute amended in 1999 Legislative Session to tie bid limit directly to limit in public purchasing law.)
May 29, 1998 1998-0288	Disclaimer of Implied Warranties	Vendors can limit or disclaim implied warranties in offering computer hardware and software to the State through ITS; ITS can, however, require implied warranties of merchantability and fitness for a particular purpose in any RFP.
June 20, 1997 1997-0362 ITS and State Board of Community and Junior Colleges	Use of State Information Technology Services by Private Entity	Is it legal for a non-public entity to connect to the compressed video backbone network and deliver educational and training services to their constituents? Opinion reiterates 5/10/96 opinion below.
May 10, 1996 (not online)	Access to State-Provided Technology Resources (Internet access via an IHL's frame relay connection) by Parochial School	State owned technology services can be used by a private entity only when (1) such services are not readily available otherwise in the state; and (2) the nonstate entity pays a charge not less than the prevailing rate for similar services charged by private enterprise.
September 13, 1994 1994-0588	State Agency's Right to Transfer Ownership of Developed Software to Vendor	Sale is permissible in exchange for fair value. Contract must determine ownership of the software. Software belongs to the developer in the absence of contract language to the contrary.
June 6, 1994 1994-0305	Certificate of Responsibility Requirement for Vendors Installing or Maintaining Telecommunications and Computer Equipment and Cabling	A contract primarily focused on the purchase of telecommunications or computer equipment that will merely be installed or subjected to routine maintenance probably does not fall within the public projects category necessitating a Certificate of Responsibility.
June 6, 1994 1994-0281	Management and Distribution of Pay	ITS is the sole centralized customer for the acquisition, billing, and record keeping of all

	Telephone Commissions by ITS	telecommunications systems or services provided to state agencies. The law does **not** mandate that payment of telephone commissions for the Department of Corrections be made directly to the Inmate Welfare Fund, rather than be distributed by ITS to the Department of Corrections, less ITS' costs.
July 2, 1993 1993-0440	Sole-Source Acquisitions	Sole source acquisitions of software can be made under ITS' statutory authority to defer to state purchasing laws for telecommunications acquisitions. (Note: ITS statute later amended to add language re access to public purchasing laws in the "data processing" portion of ITS code.)
March 24, 1993 1993-0229	Community College Purchase Using Federal Funds	The purchase of computer equipment by community colleges using federal funds administered through the State Vocational Education Board are exempt from ITS purview under Section 25-53-25 (3). The administration of the funds by a state board does not negate this exemption.
March 3, 1993 1992-1023 Municipal Energy Agency of MS	Limitation of Liability	Limitation of liability clauses in contracts (prior to ITS statute allowing limitation)
April 3, 1992 1991-0922	Software Developed by the State as Public Record	Software is not data but a tool to collect information. Programs developed by the State are its intellectual property. To the extent that software contains confidential file access information, software is not subject to disclosure under public records statute.
July 5, 1990 1990-0485 Mississippi Gulf Coast Community College	Telephone Service in Student Dorms	Community College cannot allow vendor to contract directly with and supply services to students in dorms on college-owned lines. Per MS Code, ITS must approve or provide telephone services to students at state community colleges on a reimbursable basis. There is no requirement that ITS approve or provide telephone services to college employees, who can contract directly with vendor for telephone service in college-owned housing.
March 30, 1990 1990-0187	Purchase of software from a state employee by a state entity via an ITS RFP	Allows a state employee to contract with any entity other than the one at which he is employed, as long as proposal is lowest and

		best.
March 7, 1989 1989-076	Bids as Public Records	To the extent proposals contain trade secrets or confidential commercial or financial information, they are protected and are not subject to release until the provisions of the Public Records Act requiring notice to 3rd parties and opportunity for a protective court order are complied with. Otherwise, nothing prohibits access to bid information, either during the evaluation process or after the award.
November 11, 1988 ***In re Miss. Jud. Information Sys***., 533 So. 2d 1110, 1111 (Miss. 1988)	Supreme Court Declared Not Under ITS Purview	"The judicial department of the government of this state is not subject to the authority or regulations of [ITS]."

Source: 25-53-1, et seq

Part 2 Chapter 2: FAQs

Rule 202.1: 002-010 FAQs for Customers

Customer FAQs

What governmental units are subject to ITS Procurement Law and Policies? Who can buy through ITS?
Which acquisitions are under ITS purview?
What procurement tools are available?
Do I have to go through the competitive bid process to buy IT hardware, software and/or services?
How do I know if a purchase will qualify for E-Rate?
Who do I contact to initiate an IT Procurement request?
Can I initiate an IT Procurement request on-line?
Is it possible for an agency to handle procurement themselves?
How do I purchase new phones/phone system?
Can I lease IT equipment?
How may an agency acquire an item that is Sole Source?
What is an Express Product List (EPL)? Who can use the EPL?
What if I need a product or service that is not on an EPL?
Do IT services have to be bid?

Who can buy through ITS? What Governmental units are subject to ITS Procurement Law and Policies?
State agencies and institutions of higher learning (IHLs) or public universities are required by law to follow ITS procedures in information technology procurements for hardware, software and services. The only statutory exception is for acquisitions by institutions of higher learning or public universities made wholly with federal funds. Note that there is **no** exception for state agency projects that are federally funded, use grant money, or paid for via other nontraditional funding models.

For many acquisitions, agencies and IHLs must obtain ITS approval prior to initiating a purchase. For other acquisitions, ITS has delegated responsibility for technology purchases to the agencies and public universities according to specific guidelines.

Governing authorities (e.g. community/junior colleges, county boards of supervisors, school districts, and municipalities) are not required to use ITS procurement procedures but may choose to do so as one way of meeting public purchasing requirements.

Refer to section 001-010 Introduction to ITS and Technology Procurement for more information.

Which acquisitions are under ITS purview?
Information Technology Equipment, Software, and Services
Electronic Government
Internet and Application Service Providers
Printers/Copiers

Document Imaging and Management
Management Consulting Services
Donations and Gifts of Information Technology
Refer to section 001-020 Acquisitions within ITS Purview for more explanation.

What procurement tools are available?
There are several procurement options available depending on the nature of the project. Refer to the associated link for a detailed description of each.

Request for Proposal (RFP)
Express Products List (EPL)
General RFPs
Special RFPs
Telecommunications Contracts & Services for State Agencies
Telecommunications Contracts & Services for IHLs
Sole Source Procurements

Do I have to go through the competitive bid process to buy IT hardware, software and/or services?
According to ITS Law, competitive bids or proposals must be solicited for all acquisitions of information technology (IT) equipment/hardware, software, and services in excess of $50,000 ($25,000 for projects funded by the American Recovery and Reinvestment Act). The list below summarizes bid requirements for IT acquisitions:

Not over $5,000 – May purchase without advertising or otherwise requesting competitive bids, unless the purchasing agency or entity has established more stringent procedures.

$5,001 to $50,000 ($25,000 for projects funded by the American Recovery and Reinvestment Act) – May purchase without advertisement for bids, provided at least two competitive written bids have been obtained. Please note that you must select the lowest quote. (Note an Express Products List cannot be used as one of these bids.)

$50,001 and over ($25,001 and over for projects funded by the American Recovery and Reinvestment Act) – Submit a Competitive Procurement Request form for ITS to advertise, issue written specifications and receive sealed bids or proposals.

How do I know if a purchase will qualify for E-Rate?
Refer to the Eligible Services List. Agencies may also contact Gary Rawson at (601) 432-8113 or Gary.Rawson@its.ms.gov for more information.

Who do I contact to initiate an IT Procurement request?
Requests for the procurement of information technology hardware, software or services should be submitted to ITS using the Competitive Procurement Request form and appropriate attachments. Refer to 009-005 Procurement Process: Submitting a Request for a more detailed description. Procurement requests should be sent to ITS via e-mail (Projects@its.ms.gov), fax (601-713-6380), or mail at ITS, 3771 Eastwood Drive, Jackson, MS 39211.

Can I initiate an IT Procurement on-line?
Yes, via ITS' online procurement request system.

Is it possible for an agency to handle procurement themselves?
ITS has an exemption procedure in place to allow agencies in special situations and institutions of higher learning or public universities to handle a procurement in-house. The Exemption procedure allows agencies and public universities to request exemption from ITS to handle specific information technology procurement projects which, by law, require solicitation of bids or proposals, without the involvement of ITS.

The exemption procedure is designed for projects involving traditional information technology equipment, software, or services which the agency/public university has the in-house resources and expertise to procure without ITS involvement. The procedure exempts projects from ITS involvement in the procurement. It does not exempt the agency or public university from following public purchasing requirements. **The exemption should be approved by ITS before an advertisement is issued for the procurement.** A request for exemption should be submitted on an Exemption Request form. A copy of the Exemption Request form is available in Word or PDF format on the ITS website at Procurement Request Forms.

How do I purchase new phones/phone system?
Contact the Procurement Help Desk at 601-432-8166 prior to formulating and submitting any requests for procurement of telecommunications equipment. See 011-080 ITS Telecommunications Contracts and Services for State Agencies and 011-085 ITS Telecommunications Contracts and Services for Institutions of Higher Learning (IHLs) for more detailed information.

Can I lease IT equipment?
Yes. Agencies and IHLs are able to consider multiple funding models for each procurement project, and need to specify models of interest, including a leasing alternative within the Competitive Procurement request.

How may an agency acquire an item that is Sole Source?
Mississippi Public Purchasing Law (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. In certain limited situations, with appropriate written documentation and proper approval, information technology acquisitions may be sole-sourced. ITS applies a strict interpretation of the single source definition and is a strong advocate for conducting a competitive procurement unless the reasons for not competing are overwhelming and incontrovertible.

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.

Additionally, 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.

Customers should reference 013-030 Procurement Types: Sole Source for more detailed information.

What is an Express Product List (EPL)? Who can use the EPL?
Express Products Lists (EPLs) are compilations of proposals competitively solicited by ITS. Categories are added, changed and dropped based upon purchasing demand. Agencies, public universities, community/junior colleges, and other governing authorities may use the lists to make information technology purchases in accordance with ITS procedures and guidelines. Refer to 011-030 Procurement Instruments: Express Products List (EPLs) for more information.

What if I need a product or service that is not on an EPL?
The agency or IHL may either fill out a Competitive Procurement Request form or ask for an Exemption to bid the products or services themselves. Reference 015-010 ITS Procurement Limits Policies: State Agencies or 015-020 ITS Procurement Limits Policies: IHLs for information regarding procurement guidelines based on the type of procurement and total lifecycle cost.

Do IT services have to be bid?
Yes, Section 25-53-3 of the Mississippi Code of 1972 defines ITS' authority over the acquisition of any information technology, computer or telecommunications equipment, electronic word processing and office systems, or services utilized in connection therewith, including, but not limited to, all phases of computer software and consulting services and insurance on all state-owned computer equipment. Note that, unlike public purchasing law, the statute that defines ITS' purview over technology acquisitions includes **services.** All technology services, whether for direct, hands-on skills such as application development and network support, or for such technology consulting services as technology studies, project management, technology advisory roles, quality assurance support, and facilities management, are within ITS purview. Reference 001-020 Acquisitions within ITS Purview in the Procurement Handbook for more information.

Source: 25-53-1, et seq

Part 2 Chapter 2: FAQs

Rule 202.2: 002-020 FAQs for Vendors

Vendor FAQs

How do I do business with the State of Mississippi?
How do I get on the State "vendor lists"?
How do I receive notification of RFPs and Sole Sources?
How do I check the notification of award for an RFP?
How do I obtain information related to a particular project or proposal (Public Records Request)?
How do I obtain a MAGIC vendor code?
How do I check the status of a PO?
How do I add hardware, software or services to my EPL listing?
How do I get added to an EPL if the EPL RFP opening has already passed?
How do I obtain a state government contact list?
How do I verify that ITS is tax exempt?

How do I do business with the State of Mississippi?
Refer to the information located in 021-010 How to Do Business with the State of Mississippi.

How do I get on the State "vendor lists"?
Your company does not have to be on a state "bid" list to do business with the State of Mississippi. We suggest that you review the information on the ITS website to determine how best your company could provide products or services to the State of Mississippi.

From the home page, select "Procurement" on the top of the screen. The link is Vendor Information. The ITS Vendor Information page provides information concerning how to do business with the state of Mississippi and includes links to other vendor-related resources. You would particularly need to note the link to RFPs and Sole Sources Advertised. By choosing this link you will access a list of Current Requests for Proposals. If an RFP requests products or services that your company can supply, you may respond to the RFP.

There is another link on the Vendor Information Page called General RFPs. General RFPs are solicited yearly in January for use through the following January to acquire products and services for more routine projects that do not require an individual Request for Proposal document just for that project. The General RFPs for the calendar year are advertised in late fall for receipt in January. Vendors may respond to General RFPs after the initial proposal opening date at any time during the year until November 30th.

How do I receive notification of RFPs and Sole Sources?
ITS doesn't notify vendors directly when solicitations for RFPs and Sole Sources are published. We publish all of our RFPs and sole source advertisements on the ITS website. Select "Procurement" on the top of the home page. The link is RFPs and Sole Sources Advertised. (Note: There is also a quick link to this information on the right hand side of the home page).

We also publish all RFPs and Sole Sources in the *Clarion-Ledger*, typically on Tuesdays, the Mississippi State Government Transparency site located at https://www.ms.gov/dfa/contract_bid_search/, and ITS maintains a bulletin board of current technology solicitations near the reception area on the first floor or ITS administrative offices, 3771 Eastwood Drive, Jackson, MS 39211.

How do I check the notification of award for an RFP?
Check the ITS Website, by selecting "Procurement" on the top of the home page. The link is RFPs Closed. (Note: There is also a quick link to this information on the right hand side of the home page).

How do I obtain information related to a particular project or proposal (Public Records Request)?
All requests for information under the Public Records Act must be submitted **in writing** to:
Executive Director
Department of Information Technology Services
3771 Eastwood Drive
Jackson, MS 39211
RE: PUBLIC RECORDS REQUEST
Refer to 019-010 ITS Public Records Procedures for more information.

How do I obtain a MAGIC vendor code?
In order to receive payment from state agencies, vendors must be set up in Mississippi's Accountability System for Government Information and Collaboration (MAGIC). Each ITS RFP will require the vendor to supply their MAGIC vendor code.

To determine whether a vendor is a registered supplier in MAGIC, go to the MAGIC Vendor Information page and follow the steps below:

1. Enter the first five characters of the Vendor Name or the vendor's 11 digit SAAS Vendor Number.
2. Click Submit.

If the vendor conducted business with the state prior to July 2014, the vendor's information will include a MAGIC Vendor Number, SAAS Vendor Number, Vendor Name, City, State, and Zip displayed. If vendor information does not exist in MAGIC, "The query you submitted returned no records." will be displayed.

Converted vendors need to submit an email via mash@dfa.ms.gov to request a MAGIC User ID and Password. Enter "Vendor ID Request" as the email Subject, and include the following information:

- MAGIC Vendor Number
- Vendor Name
- Contact Name
- Contact Email Address
- Contact Phone Number

If the vendor is not a registered supplier and wishes to do business with the State of Mississippi, the vendor needs to visit the following link to register: State of Mississippi Supplier Registration. If the vendor attempts to complete the registration process and is already a converted vendor in

MAGIC, they will receive a duplicate error message and will need to call the MMRS Call Center at 601-359-1343, Option 2 for assistance in locating vendor information.

If the vendor does not wish to use the State of Mississippi Supplier Self Registration process, the vendor will need to complete the Supplier Registration Form and contact the State of Mississippi agency that they desire to do business with to complete the registration process.

How do I check the status of a PO?
The Vendor should contact the Agency for whom ITS conducted the procurement. That agency will issue the PO.

How do I add hardware, software or services to my EPL listing?
Depending on the EPL, products may or may not be able to be added. Some EPLs do not allow for changes until the mid-cycle update or the new EPL cycle. Other EPLs may be changed with the mutual consent of ITS and the vendor. To understand more about adding products or services to a specific EPL, review the RFP by checking the ITS website under "Procurement" on the top of the home page. The link is Vendor Information. Scroll down to EPL RFP Cycle Dates and New Vendor Opportunities.

How do I get added to an EPL if the EPL RFP opening has already passed?
If the EPL has its mid-cycle update, which usually occurs six months after the original opening date, submit a proposal at that time. To understand more about when to respond to a specific EPL, review the RFP by checking the ITS website under "Procurement" on the top of the home page. The link is Vendor Information. Scroll down to EPL RFP Cycle Dates and New Vendor Opportunities.

How do I obtain a state government contact list?
The list may be requested via the ITS website, using the Contact Tab on the right side of the page. The list is sent via e-mail, usually within 2 business days.

How do I verify that ITS is tax exempt?
There is a tax exempt letter on file in the ITS Business Office from the Mississippi Department of Revenue that exempts ITS from sales tax under Section 27-65-105A of Mississippi Code. If more information is needed, contact the project manager. The project manager's contact information is included on the cover page of the RFP.

Source: 25-53-1, et seq

Part 2 Chapter 3: Glossary of Terms

Rule 203.1: 005-125 Competitive Written Bid

IT purchases over $5,000.00 but not over $50,000 ($25,000.00 for projects funded by the American Recovery and Reinvestment Act) have been delegated by ITS to the purchasing entity. Purchases in this price range do not require advertisement of bids but do require at least two competitive written bids. "Competitive written bid," often referred to as a "written quote," is defined as follows: a bid submitted on a bid form furnished by the buying agency or governing authority and signed by authorized personnel representing the vendor, or a bid submitted on a vendor's letterhead or identifiable bid form and signed by authorized personnel representing the vendor. You must select the lowest quote.

"Competitive" means the bids are developed based upon comparable identification of the needs and are developed independently and without knowledge of other bids.

Source: 25-53-5 (o); 31-7-13 (c)

Part 2 Chapter 3: Glossary of Terms

Rule 203.2: 005-150 Consensus Scoring

ITS utilizes a Consensus Scoring methodology for proposal evaluation. ITS has found that a consensus rating arrived at by the evaluation team after consideration and discussion of all information provided by a vendor represents a more accurate assessment of the vendor's offering than does a mathematical averaging of individual evaluators' scores.

In a consensus scoring approach, individual evaluators read the assigned proposals, or sections of proposals, prior to evaluation work sessions and make notes of proposed scoring, observations of strengths and weaknesses, and questions regarding the vendor's proposal.

During consensus scoring sessions, the evaluation facilitator directs the team's attention to each item in the specifications. The evaluation team considers one proposal at a time, comparing the vendor's proposed offering against the specifications in the underlying RFP or LOC. Consensus scoring sessions encourage open discussions and questions among members of the evaluation team. Evaluators discuss the relative strengths and weaknesses of a vendor's proposal in each area. Open debate about a vendor's statement or response is encouraged to help ensure nothing proposed by a vendor in response to a requirement is overlooked. This discussion may provide additional insight into the vendor's offering and/or correct misperceptions of individual evaluators, so that the consensus score arrived at by the team may differ from the initial score of the majority of evaluators and from the mathematical average of the individual scores. The most important factor in assigning a final consensus score to any item is that the score accurately reflect the merits and value of the vendor's proposal for that item.

Once the team has arrived at a consensus score for an item in the proposal, the evaluation facilitator captures the consensus score along with documentation of the team's observations of noted strengths and weaknesses of the vendor's proposal for that item. Narrative documentation is required for items that either exceed the specification or do not meet the specification in some manner. Only the consensus score sheet and comments are official and become part of the project file. Individual team member evaluation worksheets and notes are collected and destroyed once the consensus scoring is completed.

If an item or area in a vendor's proposal is not clear or cannot be scored due to ambiguity or missing information, the evaluation team may decide a written clarification from the vendor is appropriate for a given item. In this case, a written request for clarification will be generated and sent to the vendor. The area or item under review may be suspended from scoring until the response is received from the vendor or a temporary score may be assigned. When the clarification is received, the evaluation team once again addresses the item and determines a final consensus score.

Source: 25-53-3 (g); 25-53-5 (o)

Part 2 Chapter 3: Glossary of Terms

Rule 203.3: 005-200 Delegation of Approval

Mississippi Code Section 25-53-21 (f) specifies that the ITS Executive Director shall receive, review, and promptly approve or disapprove all requests of agencies of the state for the acquisition of computer equipment or services, which are submitted in accordance with rules and regulations of the authority.

Section 25-53-25 (2) allows ITS to delegate approval for certain acquisitions as follows:

> The authority [i.e. ITS Board] may establish policies and procedures for the purpose of delegating the bidding and contracting responsibilities related to the procurement of computer equipment or services to the purchasing agency. Such policies and procedures must address the following issues:
>
> a. Establish categories of equipment or services affected;
> b. Establish maximum unit and/or ceiling prices of such procurements;
> c. Establish reporting, monitoring and control of such procurements; and
> d. Establish other such rules and regulations as necessary to fully implement the purposes of this section. Nothing in this subsection shall be construed to imply exemption from the public purchases law, being Section 31-7-1 et seq.

Delegation of Approval is the term for ITS' delegation of the responsibility and approval for certain routine information technology acquisitions to the agencies and public universities under ITS purview. Purchases may be made under these delegation procedures without prior ITS approval. Examples include certain categories of procurements below the bid threshold, purchases made from the ITS Express Products Lists, and delegation of the procurement process to state institutions of higher learning (public university) up to a defined dollar limit, in accordance with Mississippi Code Section 25-53-5 (b) to give consideration to the special needs of such institutions due to their teaching and research functions.

For specific delegation dollar amounts and categories, refer to 015-010 Procurement Limits Policies: State Agencies and 015-020 Procurement Limits Policies: IHLs. The delegation amounts are different for state agencies and for public universities. For public universities, the approval of technology purchases below the cost threshold requiring ITS involvement is specifically delegated to the public university's CIO, who must approve all such acquisitions, whether acquired competitively or through sole source certification.

Because ITS has delegated the procurement process to IHLs for certain dollar amounts above the threshold for competitive bidding, this delegation also includes giving the IHL the authority to advertise and issue an RFB, ITB, RFP, or other competitive instrument, evaluate responses, make an award, and negotiate and execute a contract. The advertisement for competitive procurements issued by IHLs may be made in accordance with ITS Statute 25-53-5 (o) (in a newspaper of general circulation in the State) or with public purchasing statute 31-7-13 (c) (i) 3. (in a newspaper published in the county or municipality in which the IHL is located). Note that, for any delegation or exemption, ITS requires that all ads and procurement instruments be

published on the Internet in a location that is readily searchable by and available to the general public.

Source: 25-53-25 (2)

Part 2 Chapter 3: Glossary of Terms

Rule 203.4: 005-400 Lifecycle Cost

The lifecycle cost of an information technology project means the **total committed costs** of the project, not just the initial or up-front costs. Lifecycle cost includes all costs associated with obtaining the item and maintaining and operating it for its projected lifecycle. Initial or one-time costs might include purchase price, freight, installation, and training. Ongoing costs include such expenses as post-warranty maintenance; support, including help desk charges, upgrade charges, and on-site vendor personnel; and any recurring usage charges.

Examples:

(1) An acquisition of equipment with a projected lifecycle of five years, a purchase cost of $100,000, monthly hardware maintenance of $250, and related annual software fees of $10,000 has a lifecycle cost of $165,000 (($100,000 + ($250 x 60 months) + ($10,000 x 5 years)).

(2) An acquisition of software from the Microsoft Enterprise Agreement is a three-year purchase commitment. The lifecycle cost is the cost per seat times the number of seats times 3 years.

(3) For a turn-key acquisition of hardware, system software, and consulting services for the development of an application system, the lifecycle costs consist of: (a) all initial fees for hardware and software, (b) hardware and software maintenance and support costs over the projected life of the hardware and system software, (c) all consulting fees, including initial development, implementation, training, data conversion, and other requested services, and (d) any applicable ongoing costs for support of the resulting application system.

As part of the procurement request to ITS, the customer is asked to provide an estimate of the useful life of the acquisition prior to replacement. This estimate is used as the lifecycle term over which the lifecycle cost is computed.

See the definition of "Project", Section 005-600, for an explanation of the implications of project lifecycle costs.

Source: 25-53-5 (o)

Part 2 Chapter 3: Glossary of Terms

Rule 203.5: 005-600 Project

Why define a project?

(1) Each ITS Express Products List (EPL) specifies a maximum spending limit **per project**. For projects costing up to the designated amount, ITS has delegated to the purchasing entity the authority and responsibility for selecting the lowest and best vendor for the specific project from among the offerings on the EPL. Projects with **total project lifecycle costs** above the EPL limit are beyond the scope of this delegated process and are subject to full ITS review and authorization. See Handbook Section 005-400 for the definition of lifecycle cost. [Note: with ITS participation and approval, EPLs can be utilized as the procurement instrument for projects above the EPL spending limit via the Planned Purchases process (Handbook Section 013-080) or by submitting a Competitive Procurement Request for ITS to issue a Letter of Configuration based on the appropriate EPL.

(2) For information technology projects involving the expenditure of funds above a specified limit, state law requires: (a) that the acquisition be based upon competitive specifications; (b) that the acquisition be publicly advertised; and (c) that sealed proposals be received and evaluated to determine the lowest and best respondent [Mississippi Code Annotated, Section 25-53-5 (o)]. State law further specifies that it is unlawful to split purchases in order to circumvent the requirements for advertising [Mississippi Code Annotated, Section 31-7-13 (o)]. ITS policies and procedures use the **total project lifecycle cost** to determine whether a given acquisition is above the bid threshold and to further determine the procurement mechanisms that can legally be used for that acquisition. See Handbook Section 005-400 for the definition of total project lifecycle cost and ITS Procurement Limits Policies in Section 015-010 (State Agencies) and Section 015-020 (IHLs) for an overview of procurement mechanisms by lifecycle cost range. Note: The current bid threshold is $50,000 except for projects funded by the American Recovery and Reinvestment Act (ARRA). For ARRA projects, the bid threshold is $25,000.

(3) Mississippi Code Annotated, Section 25-53-5 (k) requires that contracts for information technology purchases be approved by the ITS Board. The Board is authorized to delegate this approval to the ITS Executive Director for projects costing less than a specified amount. See Handbook Section 018-030 for current Executive Director thresholds and Board Approval requirements. The **total project lifecycle cost** is used to determine whether a contract can be approved by the ITS Executive Director or must be submitted to the ITS Board for approval.

(4) Mississippi Code Annotated, Section 31-3-21 requires that any contractor submitting a bid for a public **project** that (a) involves erection, building, construction, reconstruction, repair, maintenance or related work and (b) will cost in excess of $50,000, possess a Certificate of Responsibility issued by the Mississippi Board of Contractors. This section of the code also requires that all bids submitted for such projects contain, on the exterior of the bid envelope, contractor's current certificate number. Projects involving inside or outside cabling fall within this category and are under the purview of ITS. The **total project lifecycle cost** is used to determine whether the project requires a certificate of responsibility, which in turn determines who can bid on the project and whether the bid must have the certificate number on the exterior of the bid envelope to be accepted.

Guidelines for defining a project:
A project has a specific objective or desired accomplishment and defined starting and ending dates (even if these are rather flexible!). A project is not "business as usual," but a process that is outside the normal flow of work. Projects have a defined scope and a predefined budget and are often executed by contractors or by staff members who are acting outside their everyday work roles.

ITS gives our customers some flexibility in defining a "project," based on the customer's procurement process and guidelines from their auditors. ITS does not make a final ruling but has developed the guidelines below for determining whether expenditures should be considered a single project. The primary "rule of thumb" is that the purchaser document and consistently apply a valid and defensible methodology for defining a project and that the purchaser look at each project separately in regards to vendor selection. ITS suggests the following factors that may determine the definition of an information technology project:

1. A project might be defined by the time frame of the purchases (e.g. all agency workstation procurements for a fiscal year might be a single project; a technology training class would typically be a single project). Note: The 2-way radio EPL specifically defines a "project" for the purpose of the EPL purchase limit as the total expenditures for equipment and services made by an agency from this EPL per fiscal year.
2. Funding source might define a project (e.g. if the funding sources place different requirements on the purchasing entity, separate projects might be needed to accommodate these requirements).
3. In some cases, location of equipment might determine a project (e.g. if each district office can consider a different vendor and/or a different technical solution, these acquisitions could be considered separate projects.)
4. Technical requirements can define a project (e.g. acquisition of several variations of desktop workstations for an agency might be a single project, while the acquisition of desktop workstations for the central office and of ruggedized laptops for the same agency's mobile units might be separate projects).
5. Potential for volume discount can define a project (i.e. Will aggregating requirements for hardware, software, or services across time, locations, or funding sources potentially result in significant cost savings to the state? Will using a competitive process potentially result in better pricing? Note that the instructions for EPLs specify that published prices are not-to-exceed amounts based on a quantity of one. Customers are encouraged to aggregate purchases in order to negotiate for volume discounts from EPL vendors where applicable.)
6. Business functionality and proposed utilization of hardware, software, and services can define a project. (e.g. multiple scanners purchased for general use across an agency might be a stand-alone project; a scanner purchase for a specific application system for which other hardware, software, and services are also being procured should probably be considered a part of the larger project.)

Source: 25-53-5 (o); 31-7-13 (o); 25-53-5 (k); 31-3-21

Part 2 Chapter 3: Glossary of Terms

Rule 203.6: 005-800 Silent Period

The Silent Period is a period of time during procurement in which any state employee directly or indirectly involved in any step in the procurement process, including but not limited to procurement management, development of specifications, evaluation of proposals, and contract negotiations, should not communicate with prospective vendors. The silent period typically applies to all employees of the customer agency. All communications with potential vendors during the silent period should be directed to the individual who is the contact person for the procurement or should occur only as authorized by the contact person in conjunction with the procurement process.

ITS recommends that customers begin the silent period at the time they begin formal development of requirements and specifications. Prior to that time, customers can and should communicate with vendors about the marketplace and technologies as they formulate their project scope and approach. At the point in time when a customer has done adequate research and begins to formulate the specific requirements, the customer agency should cease their communications with vendors in that marketplace to avoid any appearance of impropriety or favoritism.

ITS also recognizes that incumbent vendors may be performing work for the customer and that the work may or may not be related to the scope of an active procurement. In those cases, the customer agency will naturally continue to have contact with the vendor in the course of doing business. This contact is not an issue. Customers should, however, take extra precaution to avoid a perception of misconduct by (1) meeting in groups and avoiding extensive one-on-one time with a vendor who provides the products and services being acquired in the active procurement; and (2) not discussing the active procurement.

Source: 25-53-5 (o)

Part 2 Chapter 4: Procurement Contacts

Rule 204.1: 007-010 Procurement Contacts: by Role

The responsibility for technology procurements lies with the Information Systems Services (ISS) Division of the Mississippi Department of Information Technology Services (ITS). The following individuals can assist you with various aspects of technology procurement, whether you are a customer, a vendor, or an interested party. Additional contact information for specific procurements is published with the Request for Proposals or Letter of Configuration.

If you reach voice mail and need to speak with someone immediately, press "0," stay on the line, and explain to the ITS Receptionist the type assistance needed.

Type Assistance:	Name	Telephone	E-mail
Procurement Help Desk	(Rotates)	601-432-8166	Procurement Help Desk
ISS Division Director	Lynn Ainsworth	601-432-8150	lynn.ainsworth@its.ms.gov
Procurement Process Specialist	Tina Wilkins	601-432-8161	tina.wilkins@its.ms.gov
Procurement Team Leaders:			
	Renée Murray	601-432-8146	renee.murray@its.ms.gov
	Tangela Harrion	601-432-8112	tangela.harrion@its.ms.gov
	Anthony Hardaway	601-432-8110	anthony.hardaway@its.ms.gov
EPL Questions	Contact the Procurement Help Desk		
Public Record Requests	Jeanette Crawford	601-432-8179	open.records@its.ms.gov
Customer Invoices	Lynn Ainsworth	601-432-8150	lynn.ainsworth@its.ms.gov
ITS Switchboard	Receptionist	601-432-8000	

Source: 25-53-5; 25-53-21; 25-53-25

Part 2 Chapter 5: Procurement Process

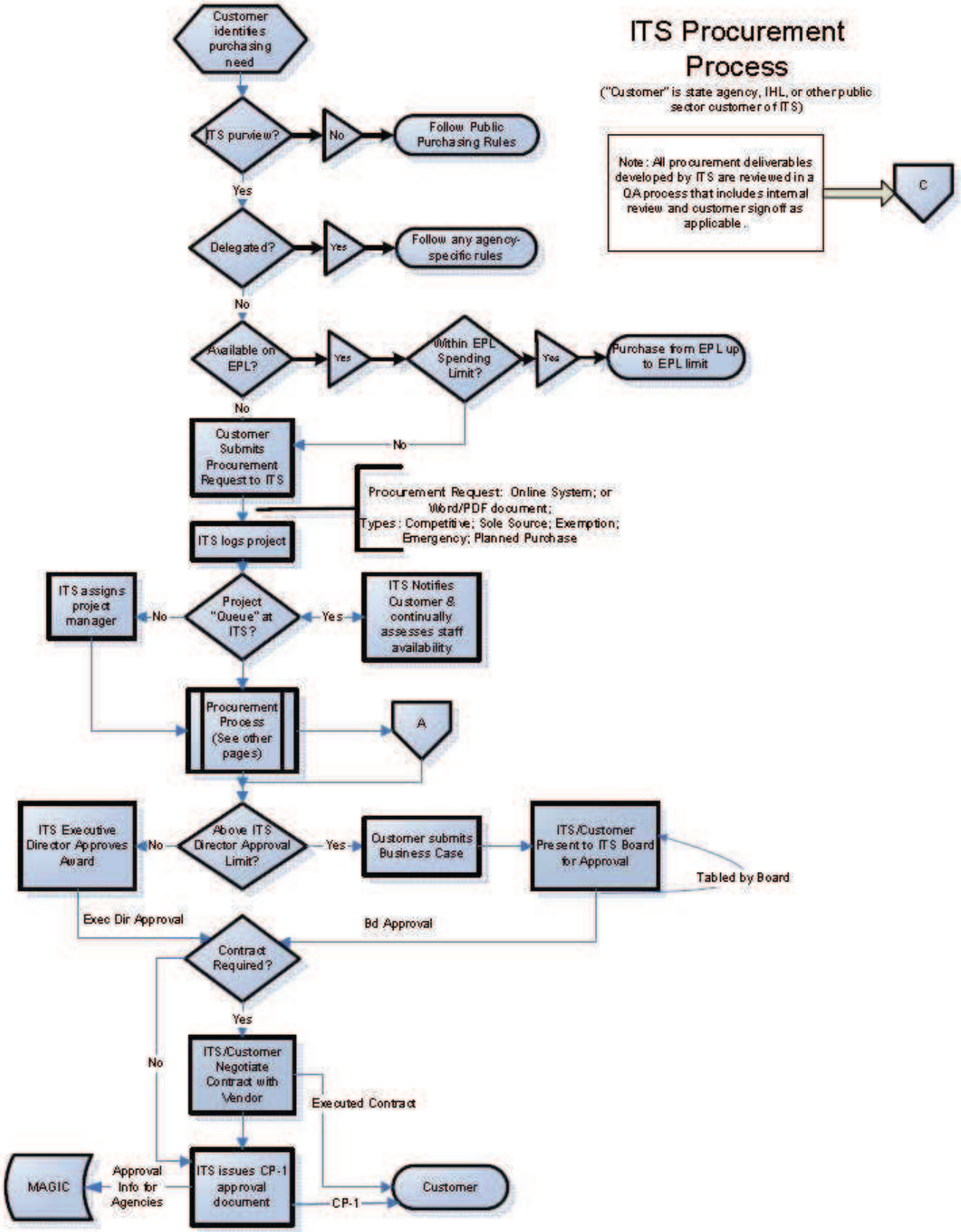
Rule 205.1: 009-001 ITS Procurement Process Flows

Diagrams of the ITS procurement process are provided below

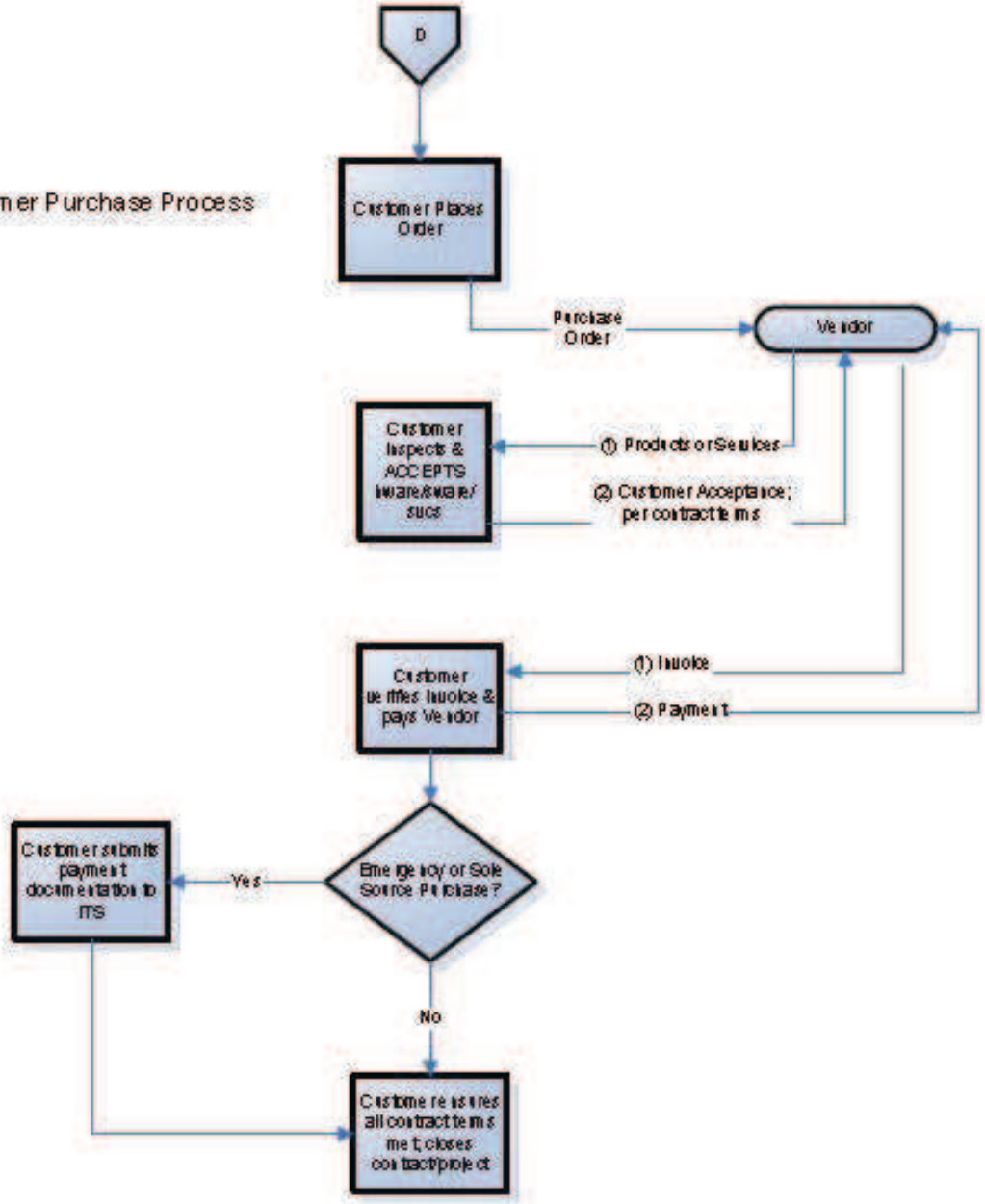
Table of Contents:

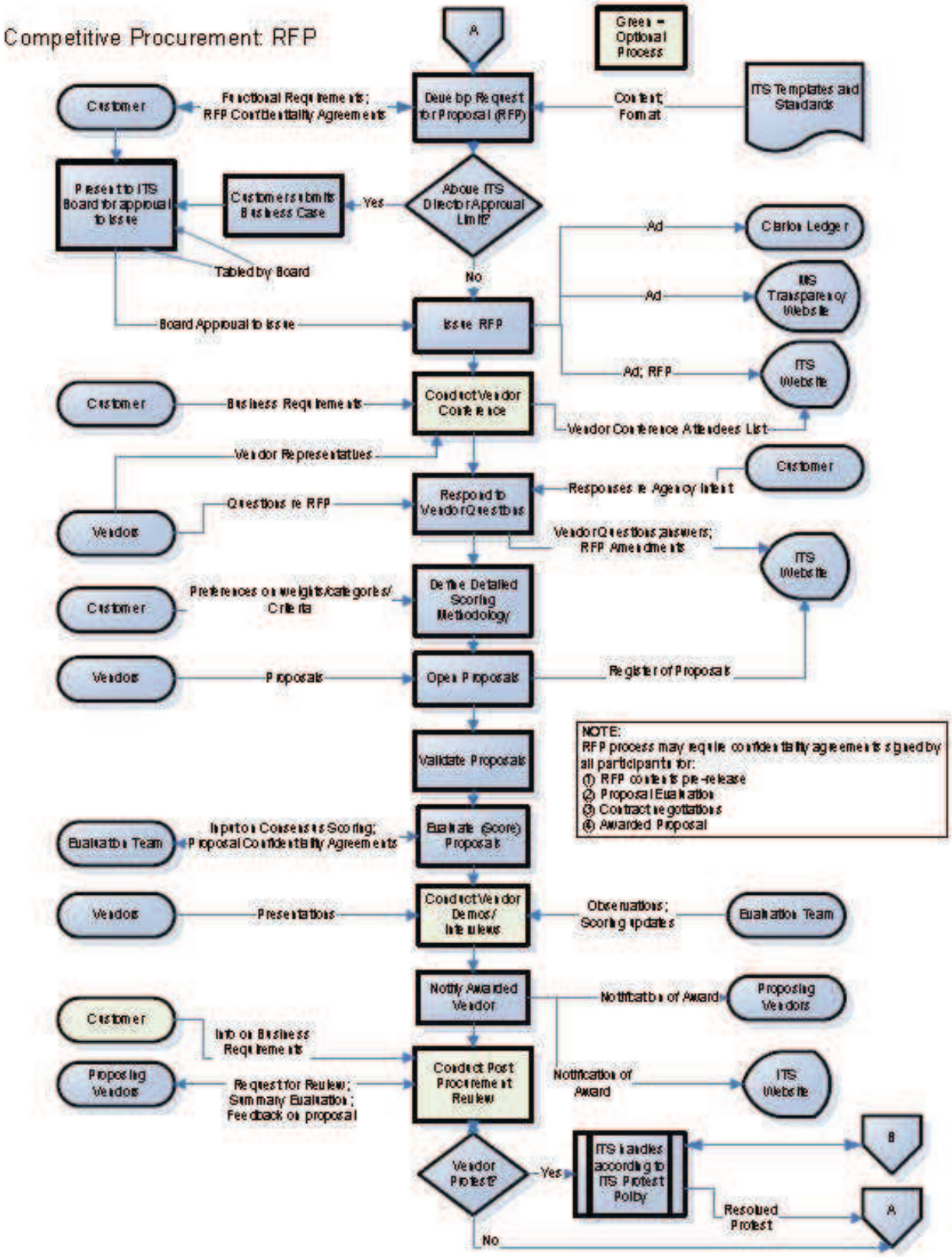
- ITS Procurement Process
- Customer Purchase Process (after ITS approval is received)
- Details of Process by Procurement Type
    - Competitive Procurement: RFP
    - Competitive Procurement: LOC
    - Revision to Previous Approval
    - Sole Source Certification
    - Exemption
    - Emergency Purchase
    - Planned Purchase
    - Protest Process
    - Quality Assurance Review

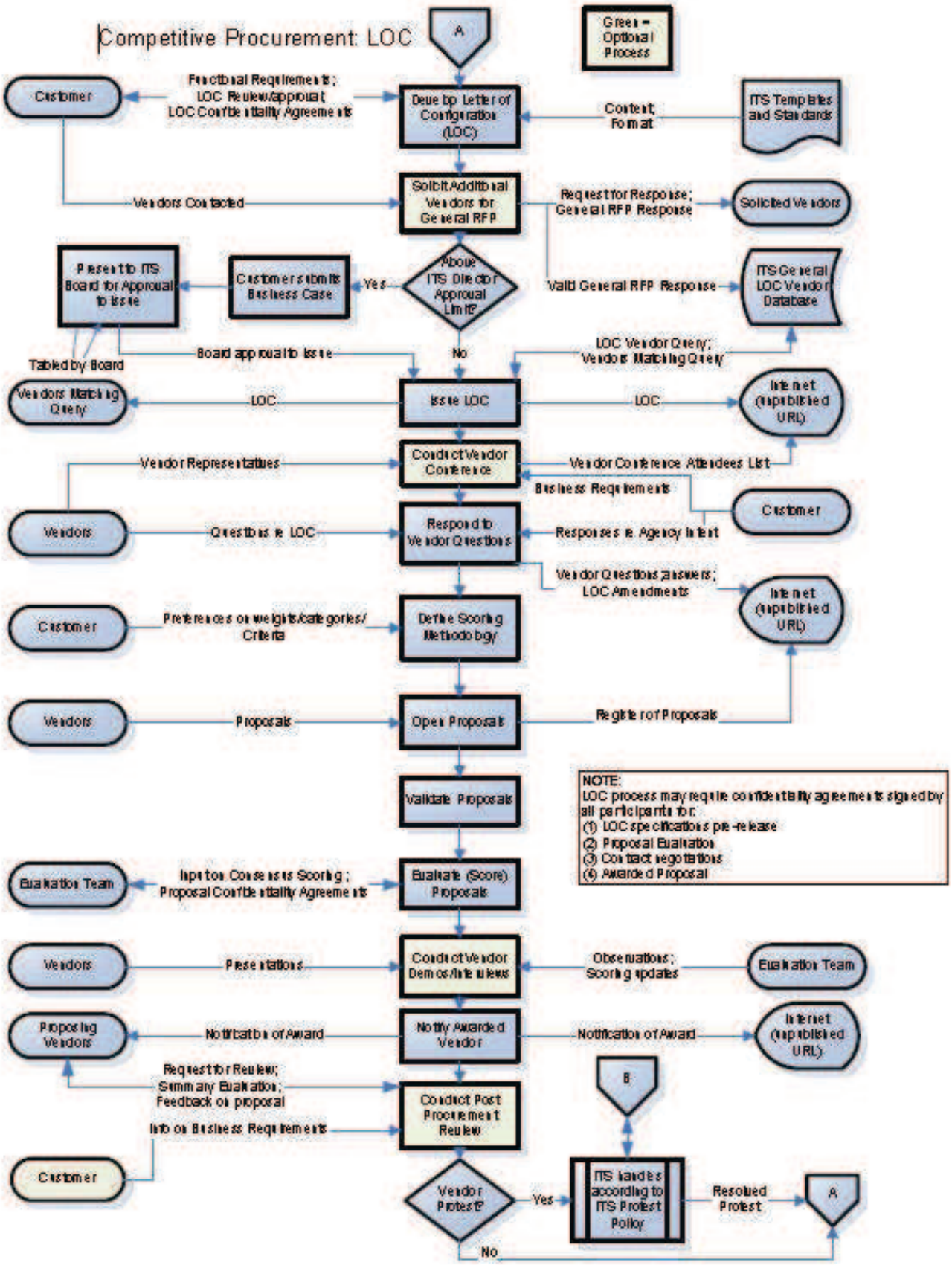
You may download a PDF version of the ITS Procurement Process diagram from the ITS website by clicking the following link: Procurement Flow ITS.pdf

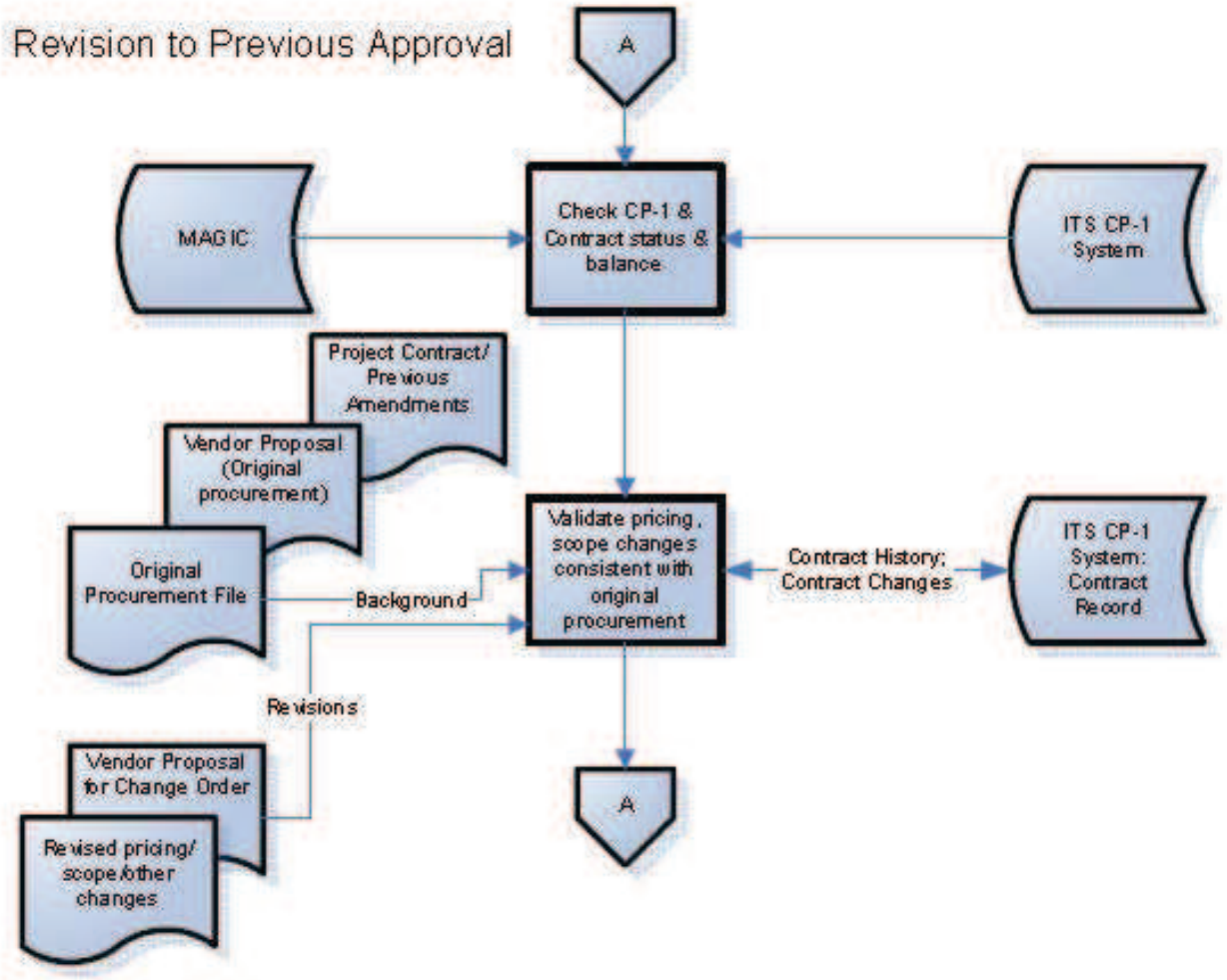

ITS Procurement Process
("Customer" is state agency, IHL, or other public sector customer of ITS)
Customer identifies purchasing need
ITS purview?
No
Follow Public Purchasing Rules
Yes
Delegated?
Yes
Follow any agency-specific rules
No
Available on EPL?
Yes
Within EPL Spending Limit?
Yes
Purchase from EPL up to EPL limit
No
No
Note: All procurement deliverables developed by ITS are reviewed in a QA process that includes internal review and customer sign off as applicable.
C
Customer Submits Procurement Request to ITS
Procurement Request: Online System; or Word/PDF document;
Types: Competitive; Sole Source; Exemption; Emergency; Planned Purchase
ITS logs project
ITS assigns project manager
No
Project "Queue" at ITS?
Yes
ITS Notifies Customer & continually assesses staff availability
Procurement Process (See other pages)
A
ITS Executive Director Approves Award
No
Above ITS Director Approval Limit?
Yes
Customer submits Business Case
ITS/Customer Present to ITS Board for Approval
Tabled by Board
Exec Dir Approval
Bd Approval
Contract Required?
Yes
No
ITS/Customer Negotiate Contract with Vendor
Executed Contract
MAGIC
Approval Info for Agencies
ITS issues CP-1 approval document
CP-1
Customer

Customer Purchase Process

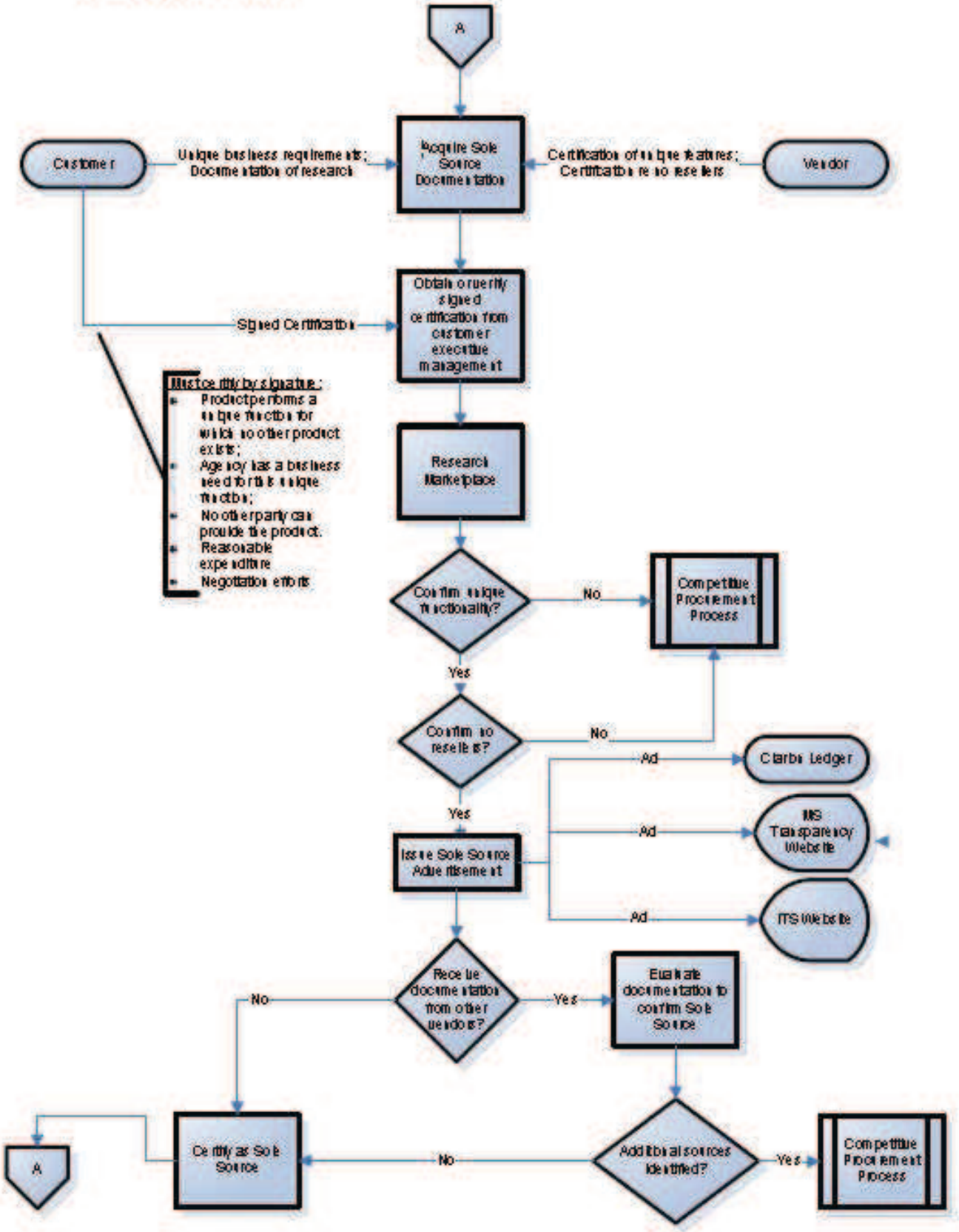


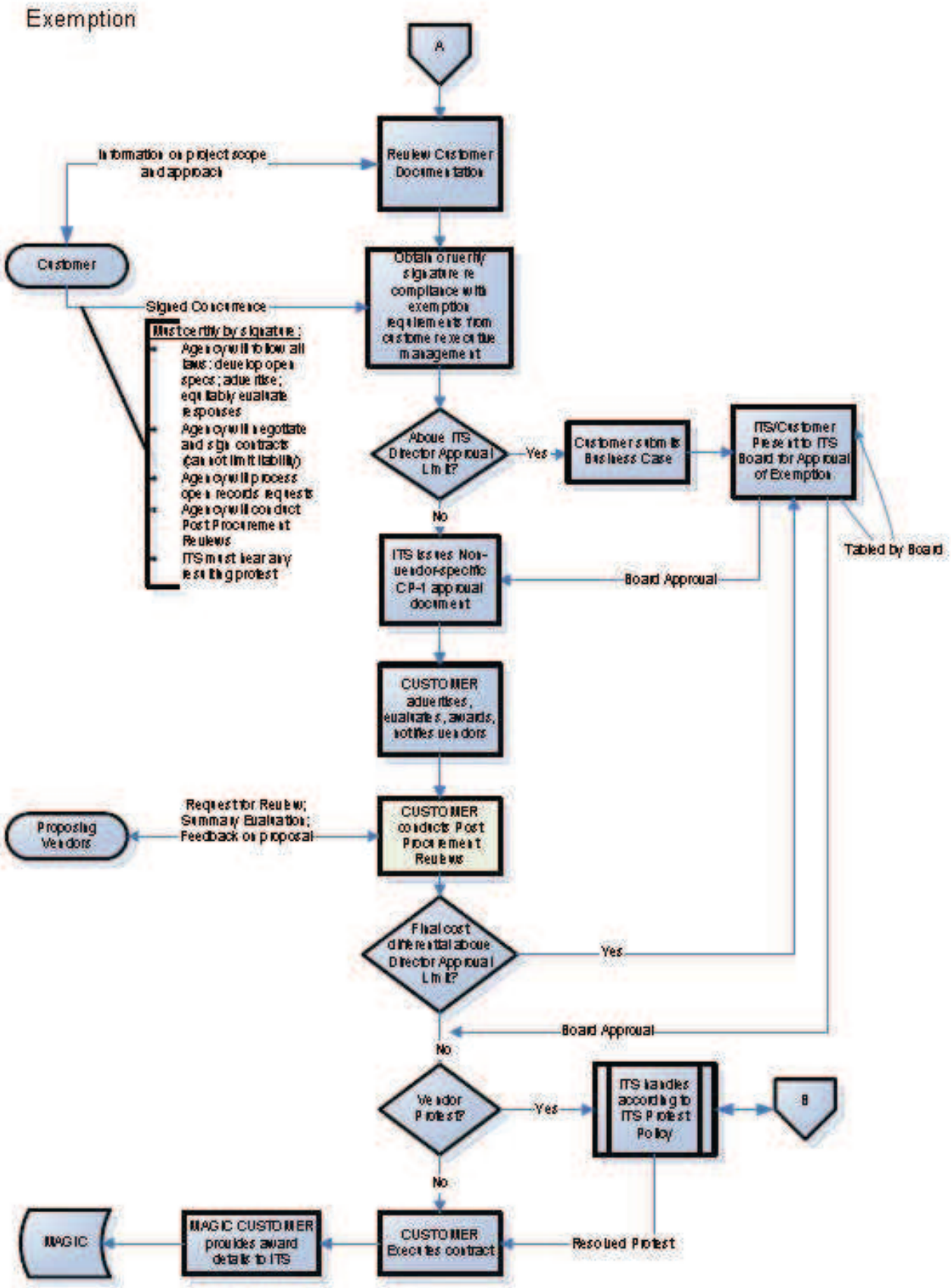

Competitive Procurement: RFP
A
Green = Optional Process
Customer
Functional Requirements; RFP Confidentiality Agreements
Develop Request for Proposal (RFP)
Content; Format
ITS Templates and Standards
Present to ITS Board for approval to issue
Customer submits Business Case
Yes
Above ITS Director Approval Limit?
Tabled by Board
No
Ad
Clarion Ledger
Ad
MS Transparency Website
Board Approval to issue
Issue RFP
Ad; RFP
ITS Website
Customer
Business Requirements
Conduct Vendor Conference
Vendor Conference Attendees List
Vendor Representatives
Customer
Respond to Vendor Questions
Responses re Agency Intent
Questions re RFP
Vendors
Vendor Questions/answers; RFP Amendments
ITS Website
Customer
Preferences on weights/categories/ Criteria
Define Detailed Scoring Methodology
Vendors
Proposals
Open Proposals
Register of Proposals
Validate Proposals
NOTE:
RFP process may require confidentiality agreements signed by all participants for:
① RFP contents pre-release
② Proposal Evaluation
③ Contract negotiations
④ Awarded Proposal
Evaluation Team
Input on Consensus Scoring; Proposal Confidentiality Agreements
Evaluate (Score) Proposals
Vendors
Presentations
Conduct Vendor Demos/ Interviews
Observations; Scoring updates
Evaluation Team
Notify Awarded Vendor
Notification of Award
Proposing Vendors
Customer
Info on Business Requirements
Proposing Vendors
Request for Review; Summary Evaluation; Feedback on proposal
Conduct Post Procurement Review
Notification of Award
ITS Website
Vendor Protest?
Yes
ITS handles according to ITS Protest Policy
B
Resolved Protest
A
No

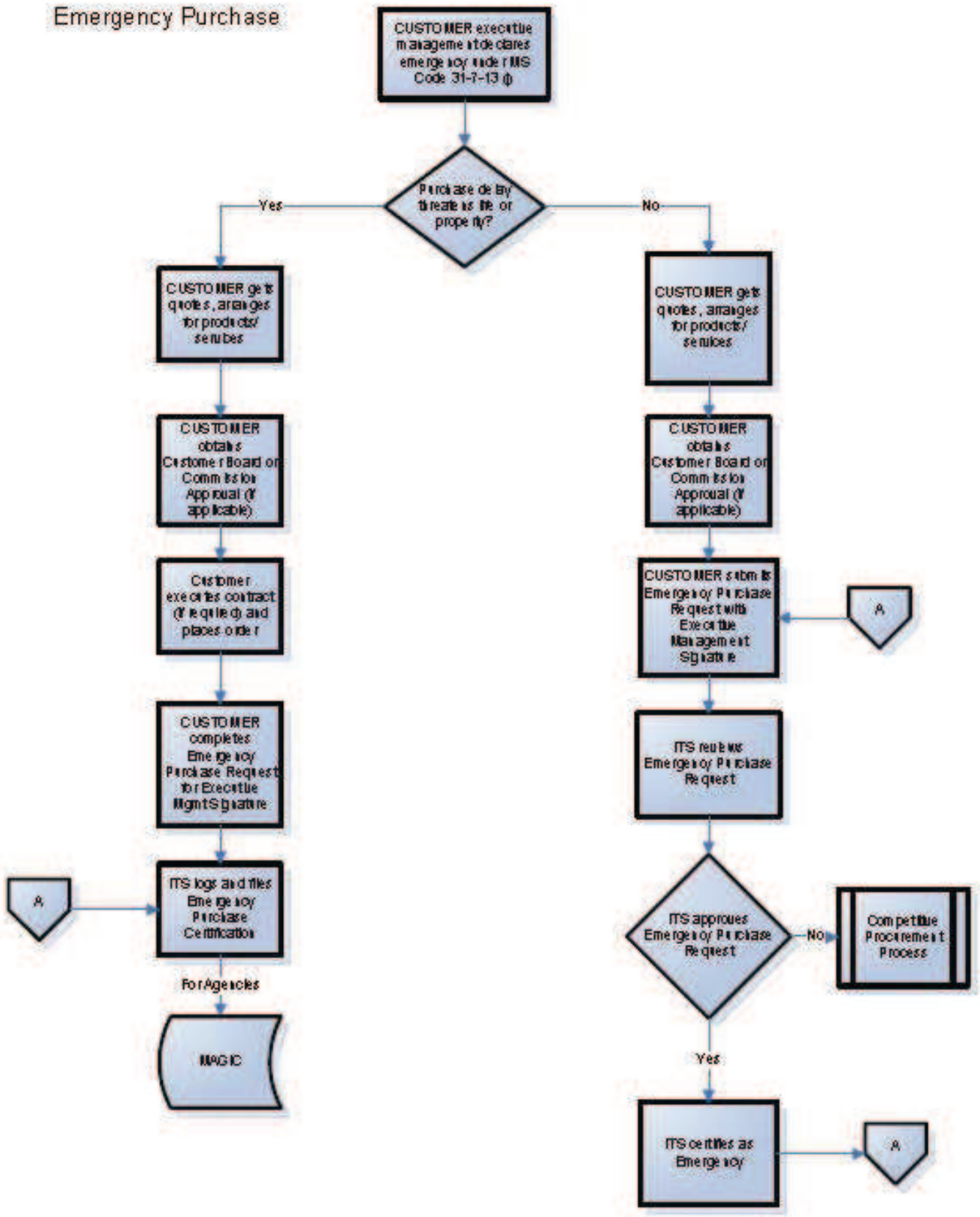

Competitive Procurement: LOC
A
Green = Optional Process
Customer
Functional Requirements; LOC Review/approval; LOC Confidentiality Agreements
Develop Letter of Configuration (LOC)
Content; Format
ITS Templates and Standards
Vendors Contacted
Solicit Additional Vendors for General RFP
Request for Response; General RFP Response
Solicited Vendors
Present to ITS Board for Approval to Issue
Customer submits Business Case
Yes
Above ITS Director Approval Limit?
Valid General RFP Response
ITS General LOC Vendor Database
Tabled by Board
Board approval to issue
No
LOC Vendor Query; Vendors Matching Query
Vendors Matching Query
LOC
Issue LOC
LOC
Internet (unpublished URL)
Vendor Representatives
Conduct Vendor Conference
Vendor Conference Attendees List
Business Requirements
Customer
Vendors
Questions re LOC
Respond to Vendor Questions
Responses re Agency Intent
Vendor Questions/answers; LOC Amendments
Internet (unpublished URL)
Customer
Preferences on weights/categories/ Criteria
Define Scoring Methodology
Vendors
Proposals
Open Proposals
Register of Proposals
Validate Proposals
NOTE:
LOC process may require confidentiality agreements signed by all participants for:
(1) LOC specifications pre-release
(2) Proposal Evaluation
(3) Contract negotiations
(4) Awarded Proposal
Evaluation Team
Input on Consensus Scoring; Proposal Confidentiality Agreements
Evaluate (Score) Proposals
Vendors
Presentations
Conduct Vendor Demos/Interviews
Observations; Scoring updates
Evaluation Team
Proposing Vendors
Notification of Award
Notify Awarded Vendor
Notification of Award
Internet (unpublished URL)
Request for Review; Summary Evaluation; Feedback on proposal
Conduct Post Procurement Review
B
Info on Business Requirements
Customer
Vendor Protest?
Yes
ITS handles according to ITS Protest Policy
Resolved Protest
A
No

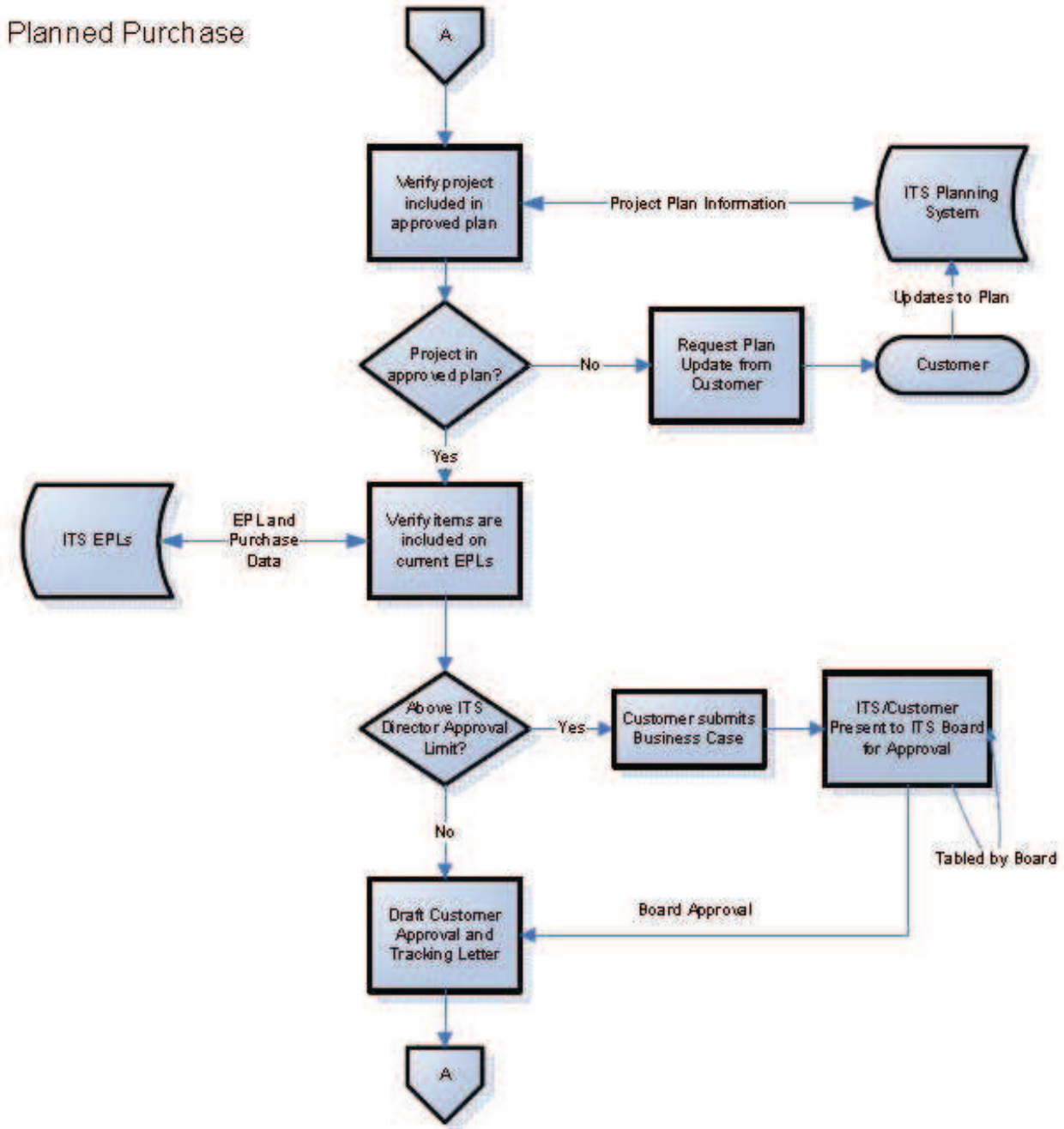

Revision to Previous Approval
A
MAGIC
Check CP-1 & Contract status & balance
ITS CP-1 System
Project Contract/ Previous Amendments
Vendor Proposal (Original procurement)
Original Procurement File
Background
Validate pricing, scope changes consistent with original procurement
Contract History; Contract Changes
ITS CP-1 System: Contract Record
Revisions
Vendor Proposal for Change Order
Revised pricing/ scope/other changes
A

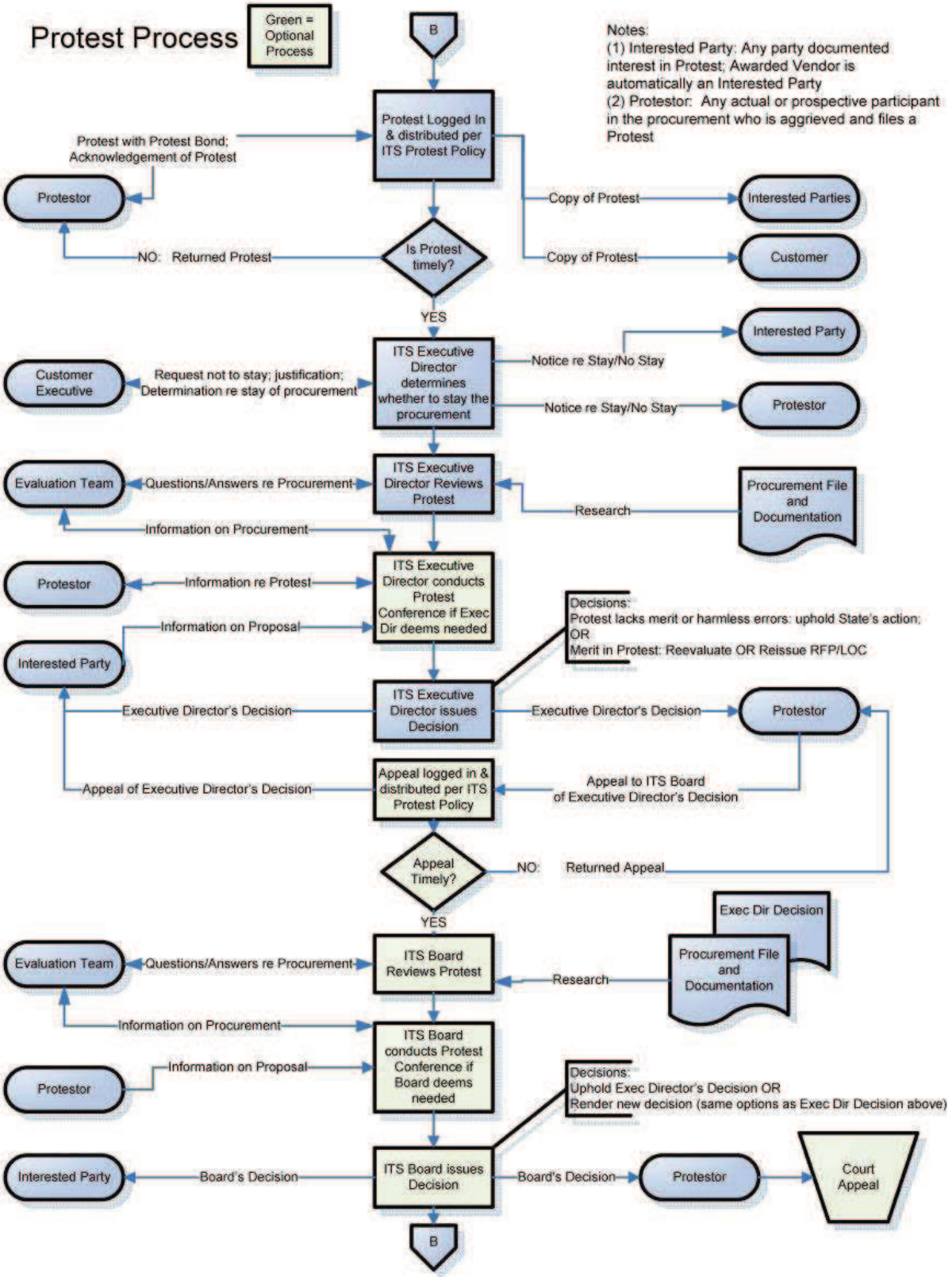
Sole Source Certification

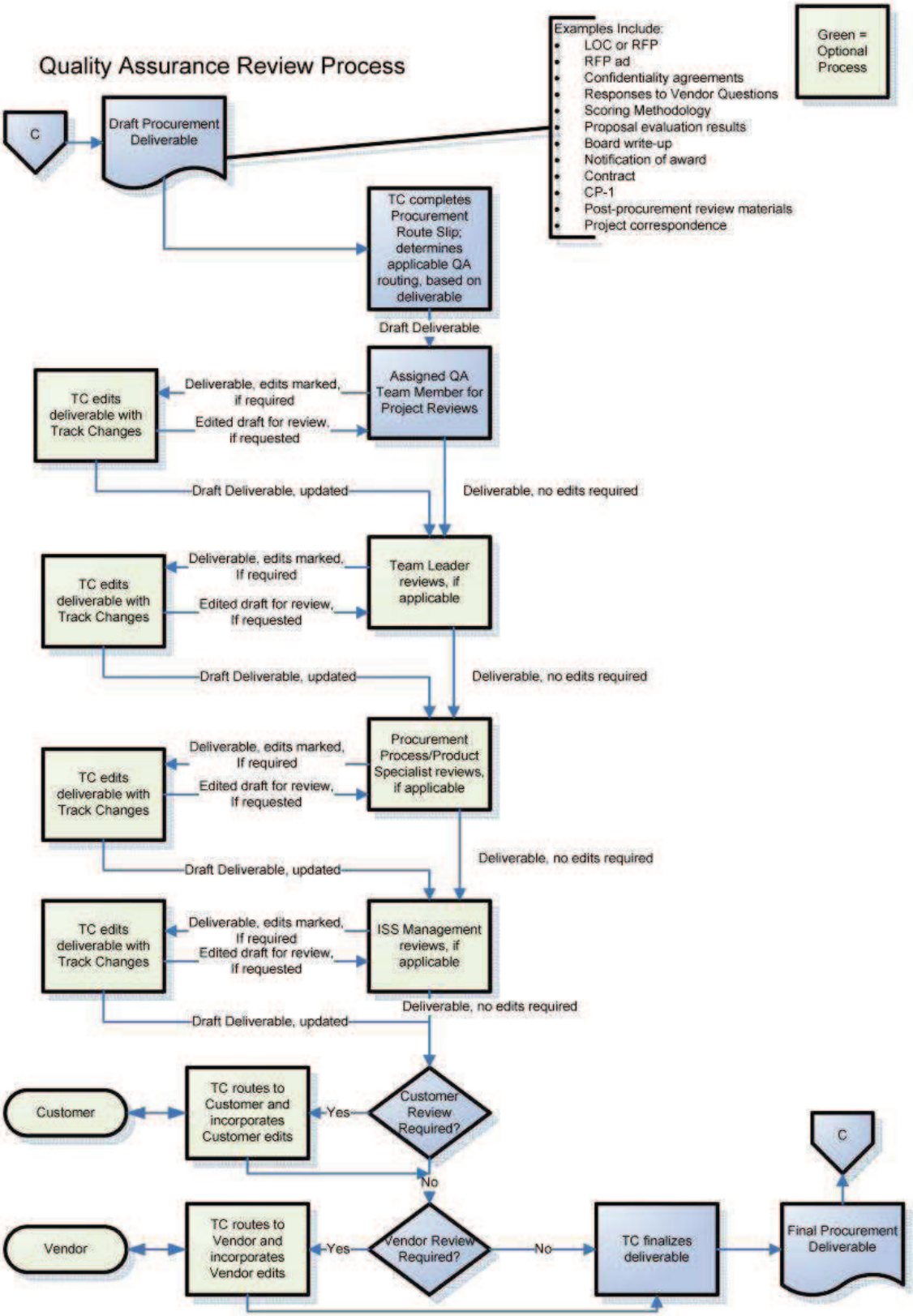



Exemption
A
Review Customer Documentation
Information on project scope and approach
Customer
Obtain or verify signature re compliance with exemption requirements from customer executive management
Signed Concurrence
Must certify by signature:
Agency will follow all laws; develop open specs; advertise; equitably evaluate responses
Agency will negotiate and sign contracts (cannot limit liability)
Agency will process open records requests
Agency will conduct Post Procurement Reviews
ITS must hear any resulting protest
Above ITS Director Approval Limit?
Yes
Customer submits Business Case
ITS/Customer Present to ITS Board for Approval of Exemption
Tabled by Board
No
ITS issues Non-vendor-specific CP-1 approval document
Board Approval
CUSTOMER advertises, evaluates, awards, notifies vendors
Proposing Vendors
Request for Review; Summary Evaluation; Feedback on proposal
CUSTOMER conducts Post Procurement Review
Final cost differential above Director Approval Limit?
Yes
Board Approval
No
Vendor Protest?
Yes
ITS handles according to ITS Protest Policy
B
No
MAGIC
MAGIC CUSTOMER provides award details to ITS
CUSTOMER Executes contract
Resolved Protest


Emergency Purchase
CUSTOMER executive management declares emergency under MS Code 31-7-13 (j)
Purchase delay threatens life or property?
Yes
No
CUSTOMER gets quotes, arranges for products/ services
CUSTOMER obtains Customer Board or Commission Approval (if applicable)
Customer executes contract (if required) and places order
CUSTOMER completes Emergency Purchase Request for Executive Mgmt Signature
ITS logs and files Emergency Purchase Certification
A
For Agencies
MAGIC
CUSTOMER gets quotes, arranges for products/ services
CUSTOMER obtains Customer Board or Commission Approval (if applicable)
CUSTOMER submits Emergency Purchase Request with Executive Management Signature
A
ITS reviews Emergency Purchase Request
ITS approves Emergency Purchase Request
No
Competitive Procurement Process
Yes
ITS certifies as Emergency
A


Planned Purchase
A
Verify project included in approved plan
Project Plan Information
ITS Planning System
Updates to Plan
Project in approved plan?
No
Request Plan Update from Customer
Customer
Yes
ITS EPLs
EPL and Purchase Data
Verify items are included on current EPLs
Above ITS Director Approval Limit?
Yes
Customer submits Business Case
ITS/Customer Present to ITS Board for Approval
Tabled by Board
No
Board Approval
Draft Customer Approval and Tracking Letter
A


Protest Process
Green = Optional Process
B
Notes:
(1) Interested Party: Any party documented interest in Protest; Awarded Vendor is automatically an Interested Party
(2) Protestor: Any actual or prospective participant in the procurement who is aggrieved and files a Protest
Protest Logged In & distributed per ITS Protest Policy
Protest with Protest Bond; Acknowledgement of Protest
Protestor
Copy of Protest
Interested Parties
Copy of Protest
Customer
NO: Returned Protest
Is Protest timely?
YES
ITS Executive Director determines whether to stay the procurement
Notice re Stay/No Stay
Interested Party
Customer Executive
Request not to stay; justification; Determination re stay of procurement
Notice re Stay/No Stay
Protestor
ITS Executive Director Reviews Protest
Evaluation Team
Questions/Answers re Procurement
Research
Procurement File and Documentation
Information on Procurement
ITS Executive Director conducts Protest Conference if Exec Dir deems needed
Protestor
Information re Protest
Information on Proposal
Interested Party
Decisions:
Protest lacks merit or harmless errors: uphold State's action; OR
Merit in Protest: Reevaluate OR Reissue RFP/LOC
ITS Executive Director issues Decision
Executive Director's Decision
Executive Director's Decision
Protestor
Appeal logged in & distributed per ITS Protest Policy
Appeal of Executive Director's Decision
Appeal to ITS Board of Executive Director's Decision
Appeal Timely?
NO:
Returned Appeal
YES
Exec Dir Decision
ITS Board Reviews Protest
Evaluation Team
Questions/Answers re Procurement
Research
Procurement File and Documentation
Information on Procurement
ITS Board conducts Protest Conference if Board deems needed
Protestor
Information on Proposal
Decisions:
Uphold Exec Director's Decision OR
Render new decision (same options as Exec Dir Decision above)
ITS Board issues Decision
Interested Party
Board's Decision
Board's Decision
Protestor
Court Appeal
B


Quality Assurance Review Process
Examples Include:
LOC or RFP
RFP ad
Confidentiality agreements
Responses to Vendor Questions
Scoring Methodology
Proposal evaluation results
Board write-up
Notification of award
Contract
CP-1
Post-procurement review materials
Project correspondence
Green = Optional Process
C
Draft Procurement Deliverable
TC completes Procurement Route Slip; determines applicable QA routing, based on deliverable
Draft Deliverable
Assigned QA Team Member for Project Reviews
TC edits deliverable with Track Changes
Deliverable, edits marked, if required
Edited draft for review, if requested
Draft Deliverable, updated
Deliverable, no edits required
Team Leader reviews, if applicable
TC edits deliverable with Track Changes
Deliverable, edits marked, If required
Edited draft for review, If requested
Draft Deliverable, updated
Deliverable, no edits required
Procurement Process/Product Specialist reviews, if applicable
TC edits deliverable with Track Changes
Deliverable, edits marked, If required
Edited draft for review, If requested
Draft Deliverable, updated
Deliverable, no edits required
ISS Management reviews, if applicable
TC edits deliverable with Track Changes
Deliverable, edits marked, If required
Edited draft for review, If requested
Draft Deliverable, updated
Deliverable, no edits required
Customer Review Required?
Yes
Customer
TC routes to Customer and incorporates Customer edits
No
Vendor Review Required?
Yes
Vendor
TC routes to Vendor and incorporates Vendor edits
No
TC finalizes deliverable
Final Procurement Deliverable
C

Part 2 Chapter 5: Procurement Process

Rule 205.2: 009-005 Procurement Process: Submitting a Request

Instructions for Preparing and Submitting a Procurement Request

Overview

Requested Information: General/Competitive Procurement

Additional Information: Cooperative Purchasing Supplement

Additional Information: Sole Source Certifications

Additional Information: Emergency Purchase Requests

Additional Information: Exemption Requests

Additional Information: Revision Requests

Additional Information: Planned Purchase Requests

OVERVIEW

Requests for the procurement of information technology hardware, equipment, systems, software or services by agencies or public universities under the purview of ITS may be submitted to ITS via the On-line Procurement Requests System or by faxing, mailing, or emailing the applicable request form.

The On-line Procurement Requests system is accessed from the ITS website under the "Procurement" link on the top of the home page, selecting “On-line Procurement Requests.” State employees should use their ACE user id and password to log in. Staff at IHLs, local governments, or other entities that do not use the ACE applications should contact the ITS Procurement Help Desk at (601) 432-8166 to obtain a user id.

Customers who do not use the On-line Procurement Requests System will find the forms needed for submitting a request under the "Procurement" link on the top of the ITS home page, by selecting Procurement Request Forms. All forms are available in PDF or Word format.

Note: The ITS procurement function occasionally has a queue of projects that have been submitted and are waiting assignment to the ITS Technology Consultant who will conduct or process the procurement request. ITS encourages customers to send in requests as early as possible to help ensure the products or services being procured are available when needed. Customers do not have to complete every item on the procurement request form prior to submitting a procurement. It is preferable to submit partial information than to hold the request for additional research and jeopardize the procurement schedule. Customers are encouraged to include the Agency IT Planning Project Name and Number that contains documentation related to the procurement request.

Each Procurement Request form consolidates the basic information ITS needs to manage and track your request through the ITS procurement process and allows detailed information concerning the procurement to be attached. Include all the information about your agency or public university requested on the form, including project contact name, phone, hand mail or mailing address, fax number, and email address. It is also important that you assign a Project Title to each request that ITS can use to reference your project in our communications with you. Most other fields on the form are not required for initial submission of a request. The more information you provide, however, the more quickly and easily your request can be processed once assigned.

ITS will need detailed background information about the needs to be met by this acquisition. ITS procurement personnel must fully comprehend what you are trying to accomplish with this acquisition to determine the best way to meet your needs. Detail as much as you know at the time of submitting the request. Your assigned Technology Consultant will work with you during the procurement process to obtain any additional information required.

The request form asks for information concerning alternative solutions and functional specifications for the acquisition. If you have researched and documented alternatives and specifications, include these details in your request. ITS can expedite procurement requests that are submitted with complete, correct, and specific background, alternatives, and specification information. However, as with other information requested on the forms, ITS staff will be glad to work with you to research alternatives and develop functional specifications for items to most appropriately meet your needs.

Procurements requiring ITS Board approval must have a completed Business Case submitted to ITS. To assist customers in preparing a Business Case, documentation and forms are located on the Agency Planning page of the ITS website:

http://www.its.ms.gov/Services/Pages/Agency-IT-Planning.aspx

The information listed below further defines the information to be provided on the various request forms. Call the ITS Help Desk at (601) 432-8166 if you have additional questions when filling out the forms.

REQUESTED INFORMATION: GENERAL

The following items are generally applicable across multiple request types.

Project Title - The project name used by the customer agency when referencing the project (up to 40 characters) that uniquely identifies a procurement request for the customer.

Stimulus (ARRA) Funds? - Mark "Yes" or "No" as to whether or not the project is ARRA-funded.

Customer Contact Information:

Agency/Institution - The full name of the agency or institution submitting the request.

Address - The complete address for the contact person listed below as the project contact. This may be a HANDMAIL address or a U.S. postal address.

Contact Person - The name and title of the individual whom ITS can contact should additional information be needed. This person should be involved in the preparation of the request and completely familiar with the background, requirements, project schedule, etc.

Phone - The telephone number of the contact person.

Fax - The fax number of the contact person.

E-mail address - The e-mail address of the of the contact person

MAGIC Customer Number Code (state agencies only) – to make sure that invoices for ITS procurement services are addressed and routed correctly to your agency

Division/Department - The department(s) and subdepartment(s) that will use the requested equipment or services.

Handmail - Mark "Yes" if the address listed in item is a handmail address for delivery by DFA's Office of Capitol Facilities. Mark "No" if the address listed is a postal address.

Project Summary:

Narrative Description of Project - Provide an overview of the project:

- What is being procured
- What business needs the product or services will meet
- Any applicable statutory mandates
- Is this a new function, replacement of current automation, automation of a manual function

ITS Acquisition Approval (CP-1**) should be effective through this date** - Date through which the requesting agency will need to pay vendor invoices. For example, if you anticipate that a software system will be implemented by December 31, 2013, and you will pay monthly hosting fees for three years beginning with implementation, the CP-1 must be in effect long enough after December 31, 2016 to allow payment of the final vendor invoice. Forty-five to sixty days after the anticipated completion of a project is a good rule-of-thumb in assigning this date.

Cost Estimates - This section of the request form is designed to capture your best estimates of one-time and recurring costs for the lifecycle of the project. Costs should be broken out by state fiscal year, for the lifecycle of the project. Note: These estimates should include total project costs to be paid to outside vendors for new hardware, software, and services, and do not include internal agency costs such as staff, floor space, and existing hardware.

Time Constraints:

Item Needed by - Date by which you need the requested equipment or software delivered or services to begin.

Funds Expire - Date funds expire, for state or federal funding year, grant end date, or other time-related funding constraints.

Discuss Funding -

- How much of total anticipated funding needed for the project is actually available at this time?
- What is your total project budget (external and internal)?
- What is the percent of federal matching funds, if applicable?
- Are there other funds that are not general fund monies?
- From what fund number will the payments be made?

Anticipated Lifecycle of Products/System (i.e. estimate years effective use) -

- How long do you anticipate using the product to be acquired before replacing?
- What types of upgrade options are needed?
- How long do you plan to pay maintenance/support?
- What do you anticipate the term of the initial contract will be
- What renewal options are desirable (i.e. number of renewals and length of each optional renewal term)

Acquisition Details:

Items Requested - Depending on what is being requested, you may either (1) detail the requested items on the form or (2) attach specifications. If detailing the items on the form, list the name, quantity, description, and building location(s) of the items being requested. Include the estimated dollar amount of each item or service. If more space is needed, you may include an itemized attachment. If you itemize on an attachment, be sure to summarize the acquisition in the space provided and reference the attachment. If attaching specifications, furnish as much of the information outlined below as practical and applicable. Remember: State law requires that procurements of information technology be open and competitive. ITS is prohibited by statute from issuing specifications that limit competition when there are multiple products available to meet your business needs. We are committed to working with you to develop the best possible specifications both to ensure your objectives are achieved and to protect you via a legal and defensible procurement.

- **Initial minimum functional specifications** - Based upon your agency or public university's initial needs, define in as much detail as possible what your minimum requirements are for the item(s) you are requesting. Outline those requirements you consider mandatory. Do not simply list specifications from a vendor's technical sheet. Instead, define those functions that correlate with your business needs. Where specifications are restrictive, be particularly specific as to why the requirements are necessary to meet your needs. If the item(s) requested must be compatible with existing equipment or interface with current applications, describe the equipment and applications

currently in place. For application software, are you seeking a COTS solution or custom development? How much customization of an existing package is acceptable? Note: The preferred format for detailed requirements is bulleted or paragraph form in a Word document. Do not insert the specifications into an ITS RFP or LOC template or develop an RFP or LOC document, as our templates change frequently and this step will create extra work for you as our customer.

- **Training, documentation, implementation, and related services** - In addition to the functional requirements for equipment or software, what services will be needed for the vendor during implementation? What are training requirements (number of staff, level of training, location of training, classroom versus online, etc.)?
- **Maintenance and support requirements** - Selection of lowest and best proposal in many instances is determined by the maintenance and support a vendor can offer on the item(s) he sells. Define what maintenance arrangement you deem most acceptable for the item(s) requested.

Describe platform and infrastructure - Provide relevant information depending on what is being procured:

- What voice/data/video network connectivity will be needed
- Provide information on transaction size, volume
- Describe utilization of State Data Center resources:
  - Mainframe
  - eGovernment portal
  - Payment engine
  - Document management
  - Hosting
- Describe security requirements based on classification of data and how these requirements will be met
- What database and programming language will be used
- Will any additional hardware, software, personnel be required at your agency (beyond what is included on this request)

ITS Statute and the ITS Board require that systems for state agencies be hosted at the State Data Center by default. If requesting approval for equipment to be located outside the State Data Center, provide justification. If requesting approval for hosting to be provided by other than the State Data Center, provide justification.

Progress to date - What has been done related to this project, including any communication with ITS staff (data/voice/procurement/other)? Your assigned project manager can process your request most effectively if he/she is aware of any decisions that have been made or information that has been obtained to date. If applicable, provide names and phone numbers of contacts within ITS or within the requesting organization who can provide additional information.

Vendors Contacted: Attach written estimates or other information received from vendors - Provide the names, addresses and telephone numbers of vendors whom you have talked with

regarding the procurement. Provide copies of any vendor proposals, configurations, recommendations, or literature you have received on the item(s) being requested.

Critical Factor(s) (in the selection of a vendor/brand/solution for this acquisition) - Section 25-53-5 of the ITS law specifies that acquisitions be made from the lowest and best proposal. Many factors can be considered in determining the lowest and best proposal. If selection of the proposal and products to meet your agency/public university's needs should be based on criteria in addition to price, you should furnish a listing of criteria upon which your agency/ public university believes the selection of "lowest and best" proposal should be based and the priority of each criterion. Discuss any manufacturer standards in place that were established in compliance with ITS policy. What are the most critical functional or technical requirements from your agency's perspective? Discuss budget/cost constraints.

Acknowledgement of procurement costs - Since ITS does not receive funding for the procurement function, we must bill for the time spent performing procurement-related tasks. This billing is done on a monthly basis for hours expended during the prior month and continues until the procurement project is closed. For larger procurement projects or for smaller projects that span more than one month, you will receive multiple bills for services for a given procurement. When proposals must be solicited for an acquisition, the requesting agency/ public university is responsible for the costs of the required advertisements in *The Clarion Ledger*. Advertising charges and procurement services will be billed to the customer on the same invoice. When submitting a procurement form via mail, fax, or email, enter the name and title of the agency head, public university CIO, or designee on the line to the bottom left of the form. This person must then sign and date the request. By signing the request, the authorized individual acknowledges understanding of the procurement charges and commits the agency/public university to paying all costs incurred. In the On-Line Procurement Requests System, the acknowledgement of charges is required when the request is submitted to ITS. Note: ITS must assume that persons submitting procurement requests under their signature or via the on-line request system have been authorized to do so by their agency or public university. The customer agency must establish its own internal procedures regarding signature and procurement request authority.

ADDITIONAL INFORMATION: COOPERATIVE PURCHASING SUPPLEMENT

See 011-070 Procurement Instruments: Cooperative Purchasing Agreements for additional information on cooperative purchasing.

Governmental Entity Establishing the Cooperative Agreement - Name of the specific governing body (level of government: state, local, federal; name of entity and department) or consortium (membership; type consortium) that initially established the cooperative agreement.

Name of Cooperative Agreement - Specific contract/purchase instrument reference name. Examples: GSA Schedule 70; WSCA Wireless Communication & Equipment Contract.

Contact at Sponsoring Governmental Entity - Name of person who can answer questions and provide any additional information required regarding the initial establishment and permissible use of the cooperative agreement.

Phone - Of contact

Fax - Of contract

Email Address - Of contact

Certification this cooperative agreement is available for use by the state - Requestor should obtain certification from the entity establishing the cooperative agreement, stating that the State of Mississippi may use the pricing and terms and conditions as a procurement vehicle and that the contract was awarded in an open and competitive manner. Optionally, the requestor may ask ITS to obtain this certification from the contact listed above as part of the procurement process.

Other Requirements for use of agreement - Requirements the purchaser must meet in order to use the cooperative agreement, including any necessary organizational memberships or other prerequisites.

Attach printout and/or Internet link for requested products or services, with contract pricing - Attach a printout of the page from the contract, attachment, or Internet that shows the specific products or services being procured and the associated pricing of those items.

Attach printout and/or Internet link for terms and conditions - Attach a copy of the contract, including any processes or procedures for negotiating state-specific terms and conditions as a modification or addition to the base contract. Provide a contact for contract questions and issues, if known and if different from the contact above.

Cost Benefit Justification - Discuss and quantify research regarding the pricing and terms of the cooperative agreement demonstrating that the use of this agreement for the requested products and services is in the best interest of the State.

ADDITIONAL INFORMATION: SOLE SOURCE CERTIFICATIONS

Note: Certification must be renewed for revisions to previous Sole Source Acquisitions. The marketplace may have changed since the original sole source acquisition. After an initial contract term, a competition may be required.

See 013-030 Procurement Types: Sole Source for additional information on Sole Source Certification.

Specific business requirements to be met by the requested products or services - The purchasing agency or institution is responsible for documenting its business needs in the sole source request. What are the business requirements, based on your agency's mission, enabling legislation, or external mandate, that are to be met via the sole source acquisition?

Include both an overview of the business requirements and details on the specific features of the requested product or service provider on which the sole source certification will be based.

Other products/vendors researched or evaluated - Before a product or service can be certified as single source, the market must be researched to identify alternate sources or products. Describe the competitive market and document the specific reasons why other products or service providers in this market cannot substantially meet your business needs. If similar products or services exist in the marketplace, the business case for the unique functionality or characteristics of the sole-sourced item must be compelling for the procurement to be sole-sourced under state statute.

Unique features (i.e. special functionality) of the requested product(s) or vendor - Document in detail the unique capabilities of the product or service to be sole-sourced. These features should be based on business requirements described above. As the requestor, you are responsible for demonstrating that only one product or supplier is capable of satisfying these requirements. The uniqueness must be based on functionality. The following are <u>not</u> acceptable as sole source determinants:

- Patented methodologies
- low cost
- special incentives
- largest user base
- other comparative features

Is the expenditure reasonable? Explain why or why not: Per Mississippi Code annotated Section 25-9-120 (3), purchasers requesting sole source approval of services must provide an explanation of why the amount to be expended for the service is reasonable. Section 25-9 directs the efforts of the Personal Services Contract Review Board, and by policy and procedure, ITS follows similar documentation requirements.

Negotiation Efforts: Per Mississippi Code annotated Section 25-9-120 (3), purchasers requesting sole source approval of services must provide an explanation of the efforts to obtain the best possible price for the service. Section 25-9 directs the efforts of the Personal Services Contract Review Board, and by policy and procedure, ITS follows similar documentation requirements.

Vendor's Certification of Sole Source attached - In addition to the requestor's certification of need and uniqueness of the requested product, a statement is required from the vendor, on the company's letterhead. This statement should certify both that (1) the product is unique in the specific ways documented by the customer above and (2) the product is available only through the manufacturer and not via resellers. Requestors should provide instructions to vendors on the type of certification that is required by Mississippi's sole source statute. Vendors should not include adjectival justification (best, largest, fastest) but should clearly describe unique functionality. If there are resellers but the product itself is certified as single source, a product-specific competition must be conducted among resellers to obtain competitive pricing.

Vendor's proposal attached - If the vendor has provided pricing and/or terms and conditions for a contract, attach these. Because the State is at a contractual disadvantage in an acquisition not based upon a competition with detailed specifications, it is especially important that the contract be based on the State's contract templates that meet Mississippi's statutory requirements. The proposal and vendor contracts provide a starting point for incorporating the specifics of the purchase into the State's paperwork as a solid contractual foundation that protects the purchaser for the life of the product.

MAGIC Vendor Code(s) - Vendor must be in MAGIC **before a** CP-1 **can be issued -** Because the vendor has already been determined in a Sole Source request, providing the following information in parallel with the documentation required for sole source certification may speed up the acquisition process.

Place order to: Vendor name and address

Remit to: Vendor name and address - Provide if different from "Place order to" information.

Signature of agency head or IHL CIO (or designee) - In addition to acknowledging procurement charges, as described in "REQUESTED INFORMATION - GENERAL", this signature, for a sole source request, is the requesting entity's certification that the request is in fact a sole source as defined in Mississippi Code and explained in Chapter 013-010 of the Procurement Handbook.

ADDITIONAL INFORMATION: EMERGENCY PURCHASE REQUESTS

See 013-060 Emergency Purchases for additional information on emergency purchase requests.

If applicable, attach a certified copy of the appropriate minutes of the agency's board meeting regarding the emergency purchase - Mississippi Code Section 31-7-13 (j) outlines the emergency purchase procedure for state agencies and IHLs. This paragraph specifically requires that any agency head or designee responsible to an agency board must ensure that each emergency purchase is documented in the minutes of the board meeting prior to the emergency purchase. The minutes should include a description of the product or service to be purchased, the cost, the vendor from whom the purchase will be made and the nature of the emergency. A copy of these minutes must be provided to ITS with the emergency purchase request.

Does the situation fall under the definition of an emergency set forth in Section 31-7-1 (f) of Mississippi Code**? -** The statutory definition of an emergency is as follows:

> f) "Emergency" shall mean any circumstances caused by fire, flood, explosion, storm, earthquake, epidemic, riot, insurrection or caused by any inherent defect due to defective construction, or when the immediate preservation of order or of public health is necessary by reason of unforeseen emergency, or when the immediate restoration of a condition of usefulness of any public building, equipment, road or bridge appears advisable, or in the case of a public utility when there is a failure of any machine or other thing used and useful in the generation, production or distribution of electricity, water or natural gas, or in the transportation or treatment of

sewage; or when the delay incident to obtaining competitive bids could cause adverse impact upon the governing authorities or agency, its employees or its citizens; or in the case of a public airport, when the delay incident to publishing an advertisement for competitive bids would endanger public safety in a specific (not general) manner, result in or perpetuate a specific breach of airport security, or prevent the airport from providing specific air transportation services.

The response to this item should outline the specific component of this definition that applies in the current emergency situation. Note: The definition applies only to events that could not have been reasonably anticipated. Failure to plan or to act in a timely and proactive manner to replace or upgrade equipment or other products does not fall within the statutory definition of "emergency."

What happened to cause the emergency? - This explanation should be an expansion on the events surrounding the specific emergency that is cited in response to question 2.

Is this specific emergency purchase directly related to the threatening of the health or safety of any person, or the preservation or protection of property? – As outlined in Mississippi Code 31-7-13 (j), procurement oversight approval is required prior to the emergency purchase when the emergency is not directly related to the threatening of the health or safety of any person, or the preservation or protection of property. ITS anticipates an emergency situation may include purchases that require prior approval along with purchases that do not, in accordance with Mississippi Code 31-7-13 (j). The purchasing agency or institution should pay careful attention as to whether an emergency purchase requires prior approval, and submit paperwork for each emergency purchase separately.

What would be the negative consequences of following normal purchasing procedures? - This section should include an explanation of the expected turnaround time for following a normal purchasing process, contrasted with the timeframe in which the products or services are required in order to perform the mission of the agency. Note: The law requires that the total purchases made under the emergency purchase procedure must only be for the purpose of meeting the needs created by the emergency.

Basis of selection of vendor(s) to be used - Even when using the emergency purchase procedure, agencies should use reasonable efforts to

- Compare vendor offerings
- Ensure the selected product or service provider meets the needs of the agency
- Obtain favorable pricing and contract terms using the following:
    - Written quotations
    - Use of state contract templates
    - Internet research
    - Reference checking
    - Other informal means that can be used within the time constraints imposed by the emergency

In response to this question, the agency should describe the research and selection process used for the requested emergency purchase.

Vendor's proposal attached

Remit to: Vendor name and address

Signature of agency head or IHL CIO (or designee) - In addition to acknowledging procurement charges, as describe in "REQUESTED INFORMATION - GENERAL", this signature, for an emergency purchase, is the requesting entity's certification that an extreme emergency exists to such an extent that delay incident to giving opportunity for competitive bidding would be detrimental to the interest of the state.

ADDITIONAL INFORMATION: EXEMPTION REQUESTS

See 013-040 Procurement Types: Exemption for additional information on exemption requests.

Planned Acquisition Method: Describe the manner in which this procurement will be conducted in fulfillment of state law - An exemption request is used by a purchasing entity to request that ITS delegate the procurement process for an acquisition that falls within ITS purview and has not been delegated to the agencies and institutions via a global delegation (See 015-010 Procurement Limits Policies: State Agencies and 015-020 Procurement Limits Policies: IHLs for information on global delegations) ITS cannot exempt a procurement from the competitive process required by state law. This section should be used to describe the competitive instrument that will be used for the acquisition (RFP, Request for Quotes, Bid), including a high-level description of the scope and content of that document, and a description of how the procurement will be handled by the requesting agency in accordance with such statutory requirements as advertisement in a newspaper with statewide circulation, receipt of sealed proposals, and fair and equitable determination of lowest and best response.

Signature of agency head or IHL CIO - In addition to acknowledging procurement charges, as described in "REQUESTED INFORMATION - GENERAL", this signature, for an exemption request, is the requesting entity's certification of the following:

- The agency/institution will follow all applicable laws for public purchasing in the acquisition, including the following:
  - Developing open specifications
  - Advertising according to public law
  - Ensuring a thorough and equitable evaluation of all responses
  - Responding in a timely manner to all public records and post-procurement review requests
- The agency/institution will negotiate any and all applicable contracts and contract amendments arising from the procurement, with signature authority for the State delegated by the ITS Executive Director to the agency/institution
- Any protests resulting from the procurement will be heard by the ITS Executive Director and/or ITS Board, in accordance with the ITS Protest Procedure and Policy.

The signature also acknowledges that the authority of the ITS Executive Director to negotiate limitation of liability cannot be delegated and does not apply to an exemption.

ADDITIONAL INFORMATION: REVISION REQUESTS

See 013-020 Procurement Types: Revision for additional information on revision requests.

Project History and Accounting:

CP-1 Number to be Revised - Full CP-1 number of current CP-1(s) (YYYYnnnn, where YYYY=Fiscal Year issued; nnnn = sequence number)

Total Amount Authorized on CP-1 to be Revised - Total dollar amount originally approved on the current CP-1(s) (Dollar amount labeled "Lifecycle" on last page of CP-1)

Reason(s) Revision Required - Check all that apply. For "Other," enter explanation as described below.

Project Accounting - Summarize expenditures to date from the original CP-1, to show the remaining balance, if any, from the initial approval. Note: Provide invoice details for at least the previous 12 months. Payments older than 12 months may be summarized by Fiscal Year. This information is intended to help the customer and ITS reconcile the change request with previous approvals and to ensure the new CP-1 is issued for the correct amount, bringing forward any remaining dollars from the previous CP-1 if appropriate. Include any invoiced or encumbered amounts in the payment history and subtract the total amount spent or encumbered from the original approval amount to represent the current remaining balance as accurately as possible.

Dollar Amount: *Complete this section if the revision includes an increase in the dollar amount.*

Original Amount Approved - Total dollar amount originally approved on the CP-1

Current Balance - Amount remaining, per Project Accounting above.

Amount of Increase - Total dollar amount of requested increase in project cost. Explain the reason for the increased cost in the section "Project Scope," as described below.

New Balance - Current Balance + Amount of Increase; New CP-1 will be issued for this amount.

Expiration Date: *Complete this section if the revision includes an extension to the CP-1 expiration date.*

Original - Provide the expiration date of the CP-1 that is being revised.

New - Provide the desired expiration date for the new CP-1. Allow time to process final invoices after project completion.

Vendor Information:

Vendor Name - *Complete this section if the revision includes a vendor name change*. If the name change is due to an acquisition or assignment, provide all relevant information and explanation.

Original - Vendor name as shown on current CP-1

New - Vendor name for new CP-1. If vendor is not in MAGIC under the new name, or if the project has been assigned to a vendor not in MAGIC, ITS will work with you and the vendor to acquire the W-9 form and any other documentation needed.

Vendor Address - *Complete this section if the revision includes an address change for the vendor.* Note whether the change applies to "Notice", "Remit To", and/or "Place Order To" addresses. If the address change impacts the vendor file record in MAGIC, ITS will work with you and the vendor to acquire the needed documentation and submit the update to DFA.

Original - Address as shown on current CP-1

New - Provide both physical and mailing addresses, if different.

Project Scope - *Complete this section if the revision includes any change in project scope from the scope defined in the original CP-1 and supporting contract documents.* All revision requests that include an increase in dollar amount should include an explanation of that increase in this section. Scope changes with no cost impact or that reduce the total cost should also be clearly documented in this section. Examples of requested scope changes include:

- More or fewer of specific items than originally planned
- Alternate products or services in lieu of those originally planned
- Additional consulting hours to provide additional services or services over a longer period of time.

Provide quantitative information and unit costs, such as

- Number of additional hours and hourly rates
- Model of equipment
- Unit cost
- Quantity required
- Description of new deliverable(s) and deliverable costs with vendor's methodology for determining that cost

Other - *Complete this section if the reason for revision included "Other."* Provide an explanation of the change needed and the circumstances that led to the change request. This section can also be used to provide additional supporting details that would be required to issue a revised CP-1.

ADDITIONAL INFORMATION: PLANNED PURCHASES

See 013-080 Procurement Types: EPL Planned Purchase for additional information on planned purchases.

Project Title - Planned Purchases for FY20__: This standard project title is used for an agency's planned purchases for a fiscal year.

ITS Project # (IT Plan) – From the Planning System

Vendors Contacted - Specific instructions are included on the form for Planned Purchases regarding attaching written quotes from EPL vendors. Note: A minimum of two quotes are required for total FY purchases up to $1,000,000 and a minimum of three quotes are required above $1,000,000 total FY purchases.

Selection and Justification: - Indicate the selected vendor(s) from the quotation received. See additional documentation on the Planned Purchases form. If the quotes requested were brand-specific, the request should include documentation on how the manufacturer standard was established in compliance with ITS policy. If the quote selected is not low cost, the requestor must supply substantial justification to support the selection.

Name and official title of agency head to whom Planned Procurement authorization letter will be addressed - The authorization to exceed the EPL purchasing limits using the planned purchases procedure is issued in the form of a letter from the ITS Executive Director to the requesting agency's executive director or officer. Provide the full name and title of the agency's executive. This letter should be maintained in the purchasing file for audit purposes.

Source: 25-53-5; 31-7-7; 31-7-13; 25-53-25 (2)

Part 2 Chapter 5: Procurement Process

Rule 205.3: 009-010 Procurement Process: Multi-Year Prepayment Approvals

In accordance with the authority granted under Section 7-7-27 Mississippi Code Annotated, the Department of Finance and Administration (DFA), by letter dated June 18, 2010, attached below, granted ITS the authorization to approve contracts for multi-year prepayment of information technology services and software licensing for ITS customer agencies. You may view this letter on page 74.

This authorization is specifically applicable to projects requiring ITS approval and does NOT apply to projects made under ITS' purchasing delegations to agencies.

Prior to granting any approval for a multi-year prepayment, ITS must carefully review the licensing or services to be provided to ensure prepayment is both a standard business model for the licenses or services being purchased and is advantageous to the State. If approved, ITS will ensure that contracts for these purchases contain appropriate protective language to reduce the risk of prepayment.

Once the prepayment has been approved, ITS will issue a project-specific approval letter to the customer agency, in addition to the usual CP-1 Acquisition Approval Document. The approval letter will cite the authorization granted to ITS by DFA.

Agencies must attach a copy of the ITS approval letter to the payment voucher (PV).

ITS Process for Approval of Prepayment for Technology Under a Blanket Waiver from DFA

1. ITS receives a request from a customer for technology services or software licensing that could potentially include a multi-year prepayment. The most common situations for consideration of prepayment are warranty extensions, prepaid hardware support or software licensing, and prepaid hosting when the vendor must make a significant up-front investment in infrastructure.
2. ITS includes language in the Request for Proposals (RFP), Letter of Configuration (LOC), Request for Quotations (RFQ), or Invitation to Bid (ITB) specifying that vendors must:
    a) provide pricing for one year as well as multi-year prepayment options that provide significant savings for the State so that the risks and benefits of prepayment can be evaluated; and/or
    b) define and justify any prepayment requirements in vendor's business model for these services or software
3. ITS evaluates proposals, including assessment of any significant cost benefits or vendor requirements for prepayment. If prepayment is required, ITS evaluates vendor's justification to ensure this is a standard business model supported by the industry and by the vendor's up-front investments. If prepayment is an option, ITS evaluates the cost savings to ensure the benefit of prepayment outweighs the risks.
4. ITS discusses the evaluation of prepayment options with the customer. If customer requests acceptance of a prepayment proposal, customer documents that decision in writing to ITS.

5. If a prepayment proposal is accepted, ITS includes language in the resulting project contract concerning the state's ability to terminate based on non-appropriation of funds and a requirement for a pro-rated refund of prepayment to the state upon any allowable termination of the contract.
6. ITS issues and uploads to MAGIC a CP-1 Acquisition Approval Document for the acquisition, documenting the services or licenses, amount and timeframe covered by the prepayment.
7. ITS sends a letter to the customer documenting the specifics of the prepayment authority, citing DFA's authorization for ITS to approve such contracts.
8. ITS sends a copy of the executed contract to the customer for upload to the Merlin Award/Contract Interface.
9. Customer proceeds with the purchase, using the information uploaded to MAGIC by the ITS CP-1 process to encumber funds and make payment. Customer will attach a copy of the project-specific prepayment approval letter from ITS to the payment voucher.

AUTHORIZATION LETTER FROM DFA: Waiver for ITS to approve multi-year payments

RECEIVED
2010 JUN 21 AM 11:15
MS DEPT OF ITS

STATE OF MISSISSIPPI
HALEY BARBOUR, GOVERNOR

DEPARTMENT OF FINANCE AND ADMINISTRATION
KEVIN J. UPCHURCH
EXECUTIVE DIRECTOR

June 18, 2010

Mr. David Litchliter, Executive Director
Mississippi Department of Information Technology Services
301 North Lamar Street, Suite 508
Jackson, MS 39201-1495

Dear Mr. Litchliter:

I am writing you in response to your request for an exemption of the terms set forth in Section 7-7-27 Mississippi Code Annotated (1972). In accordance with this section, I am granting your agency authorization to approve contracts for multi-year prepayment of information technology services and software licensing for ITS customer agencies. This authorization is specifically applicable to projects/contracts requiring ITS approval.

By law, ITS must approve all acquisitions of information technology products or services. ITS has delegated this responsibility to agencies for certain types of purchases and lifecycle cost limits based on thresholds established by ITS. This authorization is for projects/contracts where ITS has **not** delegated the responsibility to the agency.

We are of the understanding that prior to granting such approval ITS will carefully review the licensing or services to be provided to ensure prepayment is both a standard business model for the licenses or services being purchased and is advantageous to the State. If approved, ITS will ensure that contracts for these purchases contain appropriate protective language to reduce the risk of prepayment. Additionally, ITS will require that the agencies ensure that the prepayment conforms to the federal grant regulations and requirements.

Once the project/contract prepayment has been approved, ITS will issue a project specific approval letter to the customer agency. The project specific approval letter will cite the authorization granted by DFA. Agencies will need to attach a copy of the ITS approval letter to the payment voucher (PV).

If you have questions or need further assistance in regard to this waiver, please contact Donna McFarland at 601-359-2923.

Sincerely,

Kevin J. Upchurch

Kevin J. Upchurch

KJU:LM:dm
cc: Flip Phillips, DFA/Deputy Executive Director
Leila Malatesta, DFAOFM
Loretta Sebren, DFA/BFC

G:\OFM\OFMSHARE\Waivers\FY 2010\ITS\ITS Waiver.doc

POST OFFICE BOX 1060 • JACKSON, MISSISSIPPI 39215-1060 • TEL: 601-359-3538 • FAX: 601-359-3896

Source: 7-7-27

Part 2 Chapter 5: Procurement Process

Rule 205.4: 009-025 Procurement Process: CP-1 Approval Documents and MAGIC

ITS CP-1 Acquisition Approval Form

The ITS CP-1 Acquisition Approval form is used to notify agencies and institutions that ITS has approved the agency or institution's request for the acquisition of information technology equipment, software, or service or has approved the exemption of a procurement from ITS. Upon approval, ITS prepares the form and emails (default), mails, or faxes the CP-1 to the designated contact at the customer agency or institution. This form specifically identifies the name of the vendor, a list of the products approved, associated costs, and any additional pertinent information for acquisitions made through ITS, and specifies the nature of the purchase and the maximum expenditure amount for exempted procurements.

For acquisitions made through ITS, the form is the agency/institution's authorization to issue a purchase order and/or to make ongoing payments to the specified vendor for the products or services identified on the form and at the prices itemized. The agency/institution should promptly issue a purchase order upon receipt of the CP-1 as the CP-1 is based upon proposal pricing the vendor is bound to honor for a specified time period.

For acquisitions that involve recurring payments, the CP-1 form specifies an effective date and expiration date, authorizing payments throughout that time period. The frequency of payment, payment amount, and total number of payments to be made are also indicated on the CP-1.

The CP-1 form should be kept with related financial records to provide an audit trail of ITS approval. The CP-1 number must be referenced on each related purchase order(s). If a CP-1 approves payment of recurring costs, the dates covered by the payment should be specified on the purchase order.

CP-1 Form and MAGIC

For state agencies, ITS loads a contract into MAGIC that contains the CP-1 approval information. Customers reference the MAGIC contract for payment processing.

CP-1 Revisions **(Replacement CP-1s)**
It is necessary to contact ITS for revised or extended approval if any of the following occur:
(1) Major changes to the configuration;
(2) The vendor or vendor name changes;
(3) The CP-1 has expired and payments still need to be made;
(4) The cost exceeds the lifecycle cost authorized on the CP-1.

ITS approves a revision or extension by issuing a replacement CP-1. The replacement CP-1 has a different CP-1 number than the original CP-1 and voids the CP-1 being replaced. Once you have received a replacement CP-1, discontinue use of the CP-1 which was replaced.

It is not necessary to acquire revised ITS approval for price decreases or minor configuration changes.

Lifecycle Cost Authorization on the CP-1
The CP-1 contains a total lifecycle cost and details to show how the lifecycle was derived. The agency/institution is authorized to make payments to the vendor specified on the CP-1 up to this amount.

CP-1 Lifecycle Limit:
(1) Base Price:

- For ongoing CP-1s authorizing monthly, quarterly, semi-annual, or annual licensing, hosting, maintenance, support, rental, or lease purchase payments, the base price is calculated as follows:
  base price = number of payments (determined by predicted lifecycle**) x payment amount**
- For purchase or one-time CP-1s, the base price is calculated as follows:
  base price = the purchase or one-time price
- For not-to-exceed CP-1s (for instance, a CP-1 authorizing a maximum number of hours for programming services charged by the hour, payable as incurred in varying amounts and/or at non-cyclic times) the base price is calculated as follows:
  base price = sum of all payments (if applicable, calculated as hourly rate or average hourly rate x the maximum number of hours of service)

(2) Cost increases allowed per the RFP and/or the contract:
For CP-1s (typically only ongoing CP-1s) based upon an RFP and/or contract that allows a periodic percentage increase in hourly rates, annual maintenance, or other ongoing cost, this increase is included in the amount authorized on the CP-1.

Source: 25-53-5 (o)

Part 2 Chapter 5: Procurement Process

Rule 205.5: 009-070 Procurement Process: Deadlines for Submitting Requests

Each year, ITS sends a reminder to our customers of approximate turnaround times required to conduct IT procurements, as well as the corresponding deadlines for submitting projects that must be completed during the current state and federal fiscal years. These timelines are intended to help ensure procurement requests are submitted to ITS in time for completion within the customer's desired time frames and in time to receive approval for any expenditure with a funding deadline or other external time constraints.

This handbook shows an estimate of projected time required for processing each procurement type and dollar amount (Procurement Limits Policies: Section 015-010 and 015-020). Unless you have already had specific discussions with ITS procurement staff regarding a project schedule, the high end of each range should be used as a guideline for when requests should be submitted to ITS to ensure the procurement is completed in time to meet your needs.

In addition, the associated deadlines for **State** and **Federal Fiscal Year** acquisitions are listed in the table below. Note that requests for personnel services and maintenance contracts under the purview of ITS that are to be paid from either the old or new fiscal year funds and that begin on or near the beginning of the state or federal fiscal year should also be submitted by the fiscal year deadline. (e.g. maintenance that should be renewed effective July 1)

Continually review your state and federal funding and your information systems needs and submit all procurement requests to ITS according to the deadlines and timeframes shown. Some complex requests, such as those requiring extensive systems analysis or engineering surveys prior to RFP development, take more time than indicated on the schedules below. ITS will work with you to develop a project plan and timetable to address these types of requests. ITS will work with you to have all other requests submitted by the deadline dates completed within the timeframes shown and by the June 30 and September 30 funding deadlines when applicable.

We believe the schedules shown below give you and our staff sufficient time to ensure each project receives adequate attention for the size and complexity of the acquisition. Each June and September, procurement requests are at risk of not meeting the funding deadlines because they were not submitted in time to complete the purchase in compliance with state and federal laws. When the procurement timeline is too compressed, ITS staff cannot complete procurements that (a) meet all legal requirements for competitive proposals; (b) provide a thorough and legally defensible evaluation of vendor proposals; and (c) develop project contracts that adequately protect the customer’s interests. Also, ITS develops staffing plans based on the requests we have received and may not have adequate staff resources available to process requests received after these deadlines.

ITS understands that our customers sometimes don’t have information concerning the availability of funds for technology acquisitions until after these deadlines. ITS is committed to assisting you at any time, to the best of our ability. The options (we are aware of) for helping you to complete your purchases with tighter timeframes and/or those submitted after these deadlines are: (1) you can use your own staff and/or contract staff for more of the preliminary research and

preparation of the request and to assist available ITS staff throughout the procurement; or (2) you may request an exemption on a Procurement Request Form and, with ITS' approval, make the purchase yourself, assuming the responsibility for following all purchasing laws. **ITS assistance for projects requiring a tighter timeframe or received after the deadlines may be charged at a higher hourly rate to cover our additional expenses.**

If you are unable to have the formal request prepared by the scheduled submission date but are aware of upcoming purchases that have a funding deadline, call Lynn Ainsworth at 601-432-8150 or Tina Wilkins at 601-432-8161 on or before these deadline dates. We will work to help you meet your objectives in the required time frame.

Category	**Time Required for Procurement Process:**	**Submission Deadline for June 30 Funds:**	**Submission Deadline for September 30 Funds:**
Requests requiring Board approval and an RFP	3 - 8 months	January 1	April 1
Requests not requiring Board approval but requiring an RFP	2 - 5 months	February 1	May 1
Sole Source or Exemption requests requiring ITS Board approval; Requests for competitive procurements not requiring Board approval and using existing procurement instruments	1 - 3 months	April 1	July 1
All other procurement requests	1 month +/-	June 1	September 1

Notes:

(a) The lifecycle cost includes all costs associated with obtaining the item or service and with maintaining and operating it for its projected lifecycle. Examples of costs in each category include: (1) Initial and/or one-time costs: purchase price, freight, installation, and cost to exercise purchase option; (2) Ongoing costs: maintenance, lease, rental, associated personnel costs, and telephone line charges. Lifecycle costs are computed over a three to five year period, unless factors relevant to a specific project dictate a different time period.

(b) Contact ITS to see if there is an existing procurement instrument that can be used for your acquisition.

Source: 25-53-5 (o)

Part 2 Chapter 5: Procurement Process

Rule 205.6: 009-080 Procurement Process: Public Records Requests

The diagrams below detail the ITS Public Records Request Process.

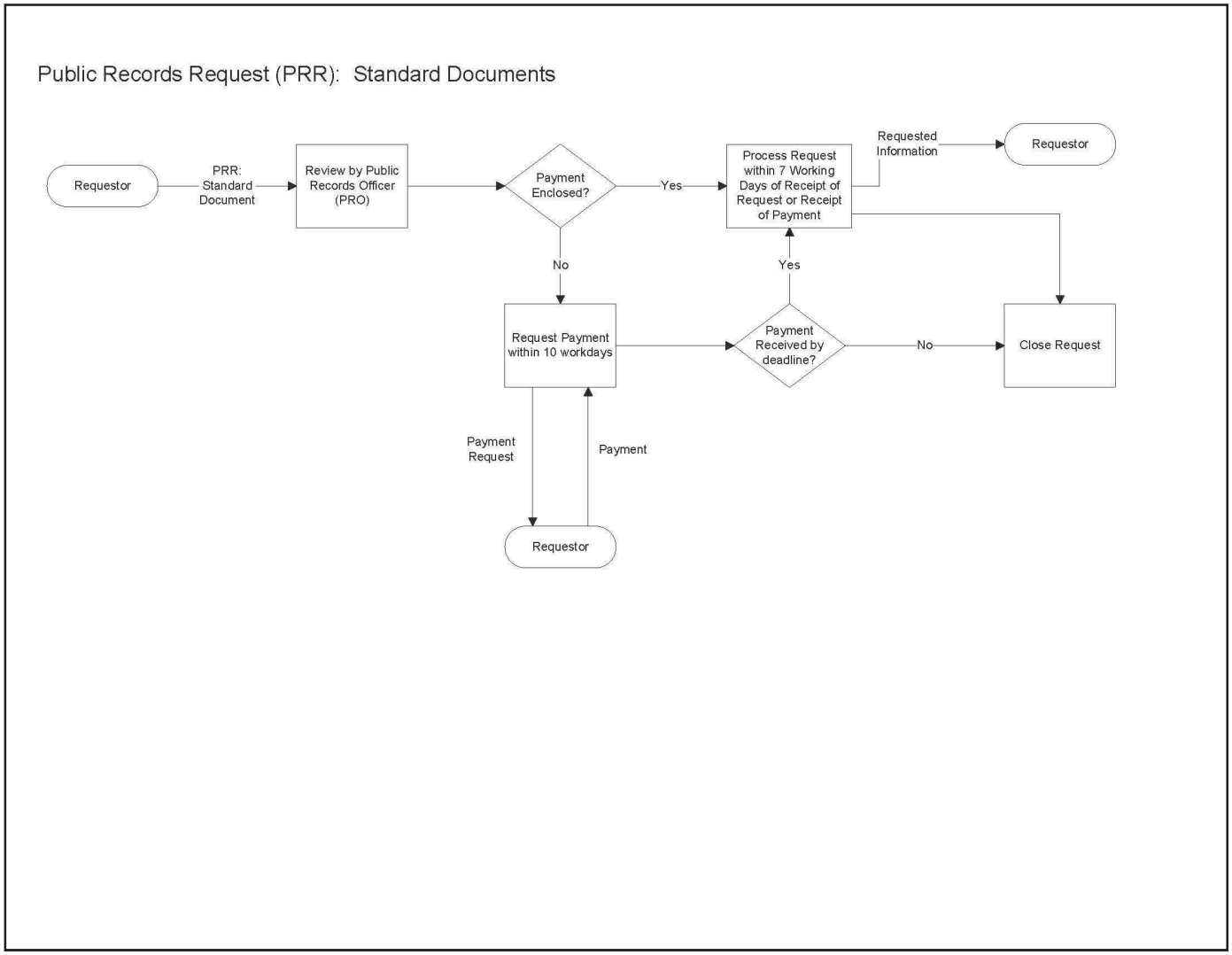
Table of Contents:

Request for Standard Documents
Custom Request without 3rd party notification
Custom Request with 3rd party Notification

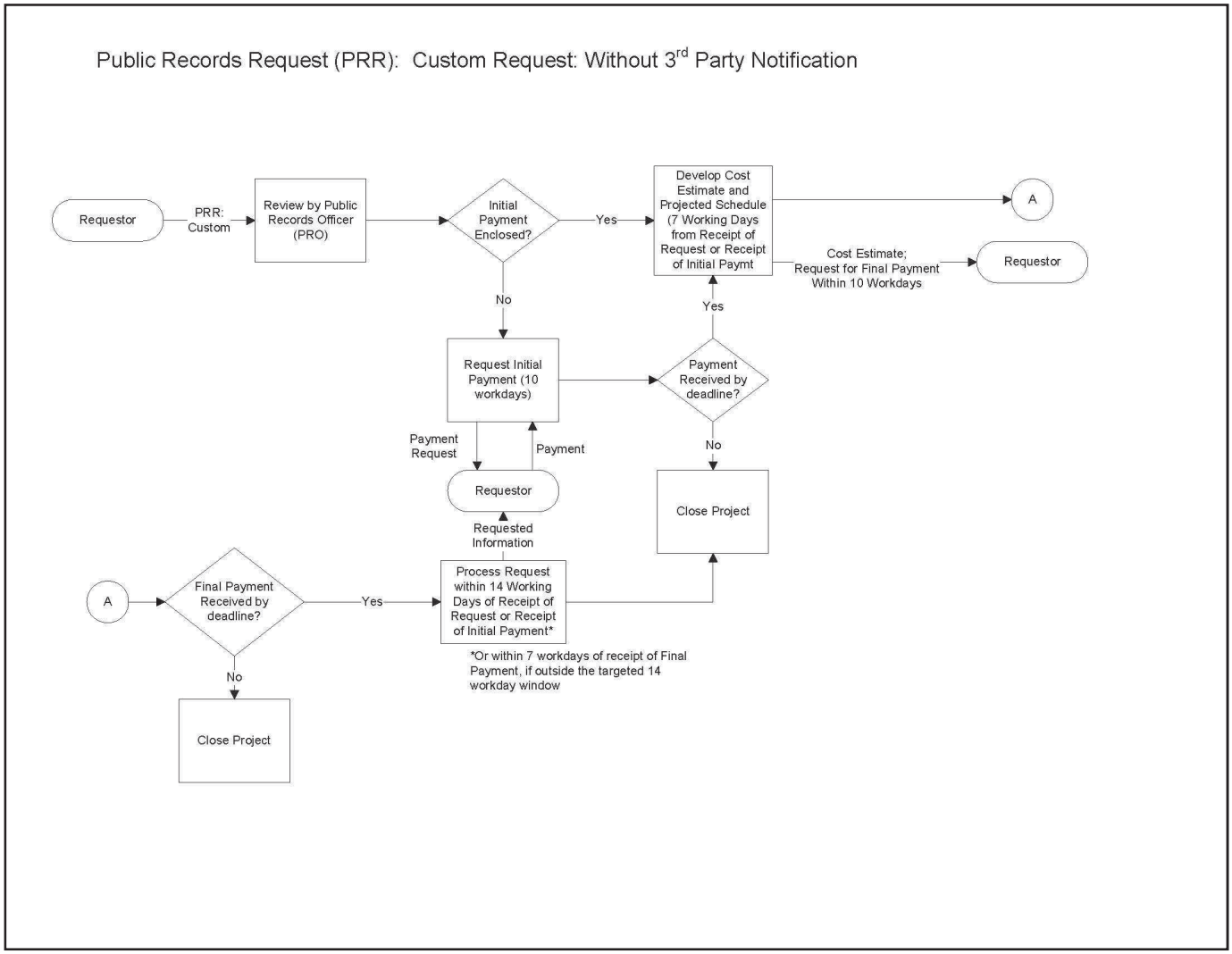
Public Records Process Flow:

You may download a PDF version of the ITS Public Records Process diagrams from the ITS website by clicking the following link: Public Records Process.pdf

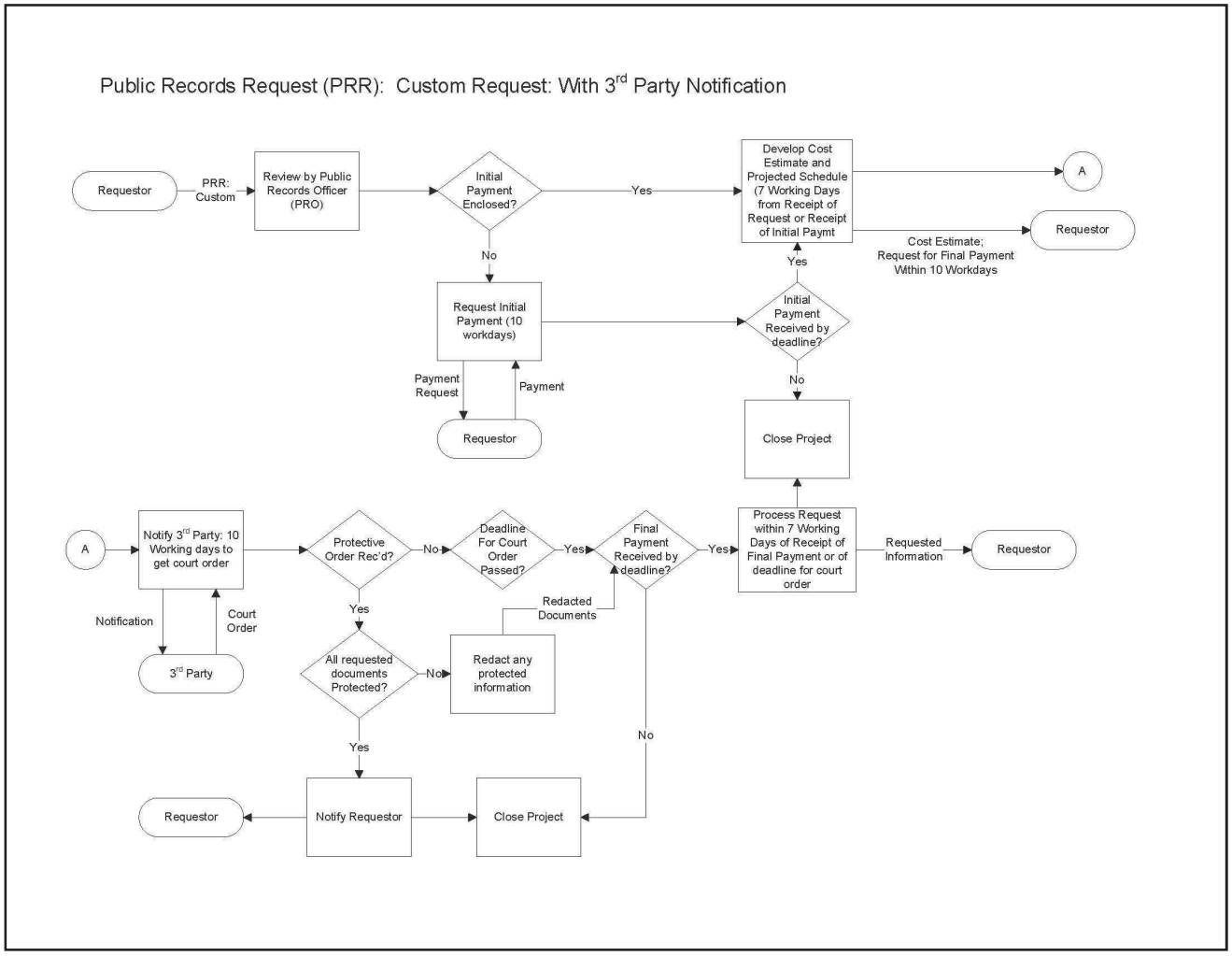
Request for Standard Documents



Custom Request without 3rd party notification



Custom Request with 3rd Party Notification



Source: 25-61-1, et seq

Part 2 Chapter 5: Procurement Process

Rule 205.7: 009-090 Procurement Process: Vendor Protests

The ITS Protest Procedure and Policy outlines the process by which any party who is aggrieved in a procurement process may file a formal protest. ITS makes every effort to conduct fair and open procurements and to be proactive in responding to any vendor concerns throughout the process. Vendors are urged to contact the designated ITS project manager for the procurement as soon as an issue or concern is noted. ITS will make every effort to evaluate the concern and to respond appropriately without requiring the vendor to file a formal protest.

Before filing a protest, vendors are strongly encouraged to meet with ITS staff to review ITS process documentation for the relevant procurement. Per the ITS Protest Procedure and Policy, vendors are required to attend a Post Procurement Review before filing a formal protest of any contract award.

Refer to 009-001 ITS Procurement Process Flows for additional information, specifically the flow labeled Protest Process.

Source: 25-53-5 (n)

Part 2 Chapter 5: Procurement Process

Rule 205.8: 009-100 Procurement Process: Disposals

Disposals of Information Technology Equipment

Agencies and institutions should dispose of computer and telecommunications equipment in accordance with guidelines published by the State Auditor's Office in the Property Officers Manual. Procedures for the disposal of state property are further detailed in the Department of Finance and Administration's Office of Purchasing, Travel, and Fleet Management Procurement Manual, Chapter 8.

The Department of Environmental Quality also provides Computer Recycling Guidelines on its website, including information on environmental issues related to the disposal of computer equipment.

Agencies and institutions need to consider the following when disposing of or canceling leases for computer and telecommunications equipment:

(1) Cancellation of Insurance and/or Maintenance Coverage

- If you dispose of or transfer equipment covered by insurance, be sure to coordinate cancellation/transfer of insurance as well so that you will not be liable to pay insurance coverage on equipment that has been disposed of or transferred.
- If you dispose of or transfer equipment covered by vendor maintenance, be sure to cancel this maintenance so that you will not be liable to pay for maintenance on equipment you no longer have.

(2) Disposal of Equipment with Accruals

If your agency/institution has been renting or leasing equipment that is still of value and has accruals that can be applied toward a purchase, you should attempt to locate another state agency or institution that would like to take advantage of those accruals.

(3) Disposal of Equipment With Value

If your agency/institution is disposing of equipment that is still working or that could be of some value, you should attempt to locate another state agency or institution that would like to have the equipment. The recipient should be aware, however, of any costs associated with operating or maintaining the equipment that might result in more expense to the recipient than newer technology. The recipient should also be aware that these associated costs may require ITS approval.

(4) Disposal of Equipment as Salvage

Training centers such as those at state community colleges and high schools can often use broken or old equipment for spare parts or to train students on equipment assembly and repair.

Regardless of the disposal method used, each agency or institution must ensure that all proprietary computer programs and all data have been completely erased from storage devices prior to disposal or transfer of the equipment, using industry best practices to ensure the information cannot be reconstructed.

Source: 25-53-5 (c)

Part 2 Chapter 6: Procurement Instruments

Rule 206.1: 011-010 Procurement Instruments: Requests for Proposals (RFPs)

ITS law requires that all acquisitions of computer equipment and services involving a lifecycle cost of more than $50,000.00 ($25,000.00 for projects funded by the American Recovery and Reinvestment Act) be awarded based on competitive and open specifications. Statute also requires that the procurement be advertised in a newspaper having a general circulation in the state (i.e. *The Clarion Ledger*) at least fourteen calendar days prior to receiving vendor bids and proposals.

ITS uses the Request for Proposals (RFP) as the instrument of choice for obtaining competitive pricing and offerings in compliance with this state statute. The RFP outlines the functional requirements for the equipment, software, and services needed, and vendors respond by proposing solutions and pricing that satisfy these requirements. Proposals and vendors are evaluated in terms of the ability of the solution to satisfy the stated requirements and best meet the needs of the purchasing agency over the expected life of the equipment or system. The evaluation is based on predefined evaluation criteria in which price is not the only factor. Some of the criteria for assessing the proposals received are necessarily subjective. It is the responsibility of ITS and the purchasing entity to ensure the evaluation process is fair and defensible.

Custom RFPs may be developed for the procurement of high-dollar, complex, unique acquisitions by a single agency. The ITS staff and the requesting agency or institution develop an RFP detailing the specific equipment, system, software, and/or service requirements. General RFPs, Special RFPs, and RFPs issued for Express Products Lists (EPLs) are prepared by ITS to meet the needs of multiple customers. See the Multi-Use RFP Index (MURI) for a list of current general, special, and EPL RFPs. While some smaller project may require custom RFPs, ITS makes every effort to use the instruments on the MURI for purchases of products and services within the scope of these instruments, to lower the procurement costs for both customer and vendor.

Solicitations of proposals are published in *The Clarion Ledger* and on the ITS website. Any vendor may request a printed copy of the RFP (usually with an associated fee) or download the contents from the Internet at no cost in either MS Word or Adobe format. The link is RFPs and Sole Sources Advertised. (Note: This is also a Quick Link on the right hand side of the homepage.)

Some RFPs include a mandatory or optional pre-proposal vendor's conference. The date and location of the conference will be published in the newspaper and Internet ads and will also be printed on the front page of the RFP. For mandatory conferences, only companies who had representatives sign in at the vendor's conference will be allowed to submit proposals as the primary contractor.

Proposals are due at 3:00 p.m. on the specified date and are submitted to the ITS administrative office at 3771 Eastwood Drive, Jackson, Mississippi 39211, per instructions on the cover sheet of the RFP. ITS opens, logs in, and performs a preliminary validation of proposals received. A Register of Proposals is posted on the Internet following the proposal opening.

ITS and the procuring agency jointly evaluate the proposals received, obtain ITS Board approval if required, and negotiate a contract with the awarded vendor.

Although most RFPs developed for specific customer agency projects are used for a single purchase, the ITS RFP template contains language allowing the reuse of any award at the discretion of the State and with the concurrence of the vendor.

Refer to 009-001 ITS Procurement Process Flows for additional information, specifically the flow labeled Competitive Procurements: RFPs.

Source: 25-53-3 (g)

Part 2 Chapter 6: Procurement Instruments

Rule 206.2: 011-030 Procurement Instruments: Express Products Lists (EPLs)

Express Products Lists (EPLs) are compilations of proposals competitively solicited by ITS, evaluated, and awarded, usually to multiple vendors, for the purchase of IT commodity products. These lists, when used in accordance with ITS instructions, meet all requirements of Mississippi law for legal competitive procurement of technology products.

EPL categories are added, changed and dropped based upon purchasing demand. Agencies, public universities, community/junior colleges, K-12 schools, and other governing authorities may, but are not required to, use the lists to make information technology purchases in accordance with ITS procedures and guidelines.

Note: When an ITS customer uses an EPL as their procurement authority, that customer is accepting, by their use of the instrument, the requirements as described in the published EPL, the underlying Request for Proposal, and, when applicable, the EPL Purchase Agreement or contract executed by the EPL vendor and ITS on the customer's behalf.

EPL Distribution

ITS publishes selected Express Products Lists on the ITS website.

ITS will distribute single copies of some EPLs upon request to the individual designated by the agency/institution to receive EPLs (typically the purchasing agent). Distribute additional copies to interested persons in your agency/institution.

Procedures for Using Express Products Lists

Agencies may make purchases from an EPL up to the dollar limit specified in that EPL without advance approval from ITS. For further information regarding dollar limits and use of EPLs, see the following sections of this handbook:
(1) Procurement Limits Policies: State Agencies, Section 015-010
(2) Procurement Request Types: Planned Purchase, Section 013-080
(3) ITS Telecommunications Contracts and Services for State Agencies, Section 011-080.

Public universities may make purchases from an EPL up to the dollar limit specified in the EPL without advance approval from ITS. For further information see the following sections of this handbook: (1) Procurement Limits Policies: IHLs, Section 015-020
(2) ITS Telecommunications Contracts and Services for IHLs, Section 011-085.

Governing authorities may make acquisitions from an EPL up to the dollar limit specified in the EPL.

Purchase orders using an EPL must be coded with the EPL Number (RFP Number) and a copy of the applicable EPL pages should be retained with the purchasing documentation to provide an

audit trail. Each EPL has its own “Instructions for Use”. Within this document are sections addressing “best practices” and “what goes in your purchase/audit file”.

Items included on ITS EPLs are based upon customer buying demands. ITS does not necessarily endorse or support products appearing on an EPL.

Responsible Use of EPLs

EPLs are excellent tools for making routine purchases. They are, however, general purpose in nature and must be used responsibly and in good faith. The larger the dollar amount purchased from an EPL, the more evaluation and documentation is recommended. The following are guidelines for responsible use of an EPL:

- Always consider the alternative of bidding the purchase, especially large purchases, if you reasonably expect that you would get better pricing or contractual terms and conditions that obligate the vendor to meet your specific requirements. Document for the purchasing file the rationale for using the EPL versus bidding the purchase.

- ITS encourages purchasers to aggressively seek the best possible value from an EPL based upon established EPL specifications and proposals. Pricing is one major factor in selecting vendors for the EPL. However, because pricing for information technology hardware generally tends to decrease, ITS strongly encourages purchasers to check with the vendor before placing an order. Vendors are required by the terms of the EPL to pass price decreases to the State. If purchasing multiple items from the list, check with the vendor about quantity pricing. Many vendors price their proposals based upon "quantity of one" purchases and may be able to provide a better price based upon quantity purchases. Purchasers should be aware that it is often appropriate to negotiate with EPL vendors for better pricing, especially when multiple units are being acquired or the EPL is approaching the end of its cycle.

- EPL customers are encouraged to secure these “best possible value” scenarios in writing from all EPL vendors meeting their specifications within a given class. Award the purchase to the lowest and best bidder and maintain all documentation with the purchasing file as an audit trail.

- To maintain the integrity of the EPL process, EPL customers and vendors must adhere to all requirements of the RFP and the Instructions for Use memo issued for each EPL. If you have questions, Contact the ITS Procurement Help Desk at 601-432-8166.

Tips for Making a Successful EPL Purchase

Compatibility can be a major issue in configuring information technology. ITS strongly advises you to contact the vendor to make sure components you purchase from any EPL will be compatible with each other or with your existing equipment.

Technical specifications may not all be represented on the EPL printout. ITS strongly advises that you contact the vendor to verify all critical specifications about the product you intend to purchase.

Vendors are required by the terms of their EPL proposals to provide timely delivery of items on the list. There are occasionally circumstances that prevent a vendor from making timely delivery. Report problems with timely delivery to ITS. Vendors who have chronic difficulties delivering will be excluded from future EPLs. However, to mitigate any delivery problems, **ITS strongly encourages you to check with the vendor before you place an order, especially near the end of the fiscal year or when you have other critical delivery requirements.**

If there is a problem with item availability, the vendor is expected, within reason, to offer you an equivalent or better substitute at or below the original price. It is your responsibility to make sure that the substitution is equivalent to or better than the original offering.

If you have difficulties using or suggestions regarding an EPL let ITS know. Our address is:

Information Technology Services
ATTN: EPL
3771 Eastwood Drive
Jackson, MS 39211
FAX: (601) 713-6380
You may also contact the ITS Procurement Help Desk at 601 432-8166 or isshelp@its.ms.gov.

Source: 25-53-5 (o)

Part 2 Chapter 6: Procurement Instruments

Rule 206.3: 011-050 Procurement Instruments: General RFPs and Letters of Configuration

ITS uses general RFPs for multiple routine acquisitions by agencies of such items as LAN/UNIX hardware and software, cabling, telephone equipment, mainframe/midrange components, and IT consulting services. To avoid the time and expense involved in soliciting individual proposals for each such acquisition, ITS advertises periodically to receive proposals on these high-volume categories of information technology.

Proposals received in response to a General RFP are used for a specified period of time, usually one year, to establish a pool of vendors that can provide a certain scope of product categories and expertise. There is no sole winning vendor. Product and pricing are not included in a vendor's response to a General RFP. Therefore, ITS validates the proposal but does not perform an evaluation or selection at the time proposals are submitted.

ITS uses General RFPs in conjunction with Competitive Procurement Requests received from customer agencies and institutions. ITS works with the customer to define the specifications. Once the specifications are defined, an abbreviated solicitation, called a Letter of Configuration (LOC), is sent to the vendor pool, and each vendor has the opportunity to submit a proposal with pricing and other requested information. Selection of the lowest and best alternative submitted in response to the LOC is based upon the requestor's unique project requirements detailed in the LOC.

General RFPs are for use by the ITS staff on behalf of the procuring agency or institution. General RFPs are NOT for use by agencies, institutions, and governing authorities without ITS involvement.

Refer to 009-001 ITS Procurement Process Flows for additional information, specifically the flow labeled Competitive Procurements: LOCs.

Source: 25-53-3 (g)

Part 2 Chapter 6: Procurement Instruments

Rule 206.4: 011-060 Procurement Instruments: Special RFPs

ITS issues RFPs on request of a customer or customers to establish a multi-use award for a single agency or group of agencies or institutions. The terms and intended users and uses of special RFPs are spelled out in the specifications within the RFP. Special RFPs are administered by ITS or by the requesting agency. A list of current Special RFPs is contained in the Multi-Use RFP index on the ITS website.

Source: 25-53-3 (g)

Part 2 Chapter 6: Procurement Instruments

Rule 205.6: 011-070 Procurement Instruments: Cooperative Purchasing Agreements

ITS statute requires that acquisitions of technology hardware, software, and services involving the expenditure of funds in excess of $50,000 lifecycle cost ($25,000 for projects funded by the American Recovery and Reinvestment Act) be based upon competitive and open specifications. This statute further requires that contracts for these acquisitions be entered into only after advertisements of proposal solicitations are published in one or more **daily newspapers having a general circulation in the State** not less than fourteen days prior to receiving proposals. This section of the Mississippi Code, with its requirement for advertisement in a local newspaper, has limited the ability of Mississippi agencies to use cooperative purchasing agreements established by other local, state, and federal entities for technology purchases.

In recent years, changes to Mississippi public purchasing code and subsequent interpretation of new and existing statute by the Mississippi Attorney General have provided two avenues for the utilization of cooperative purchasing agreements for the acquisition of information technology products and services:

(1) Certified Purchasing Offices:
Senate Bill 2344, 2003 Regular Legislative Session, added Section 31-7-13 (m) (xxix) to Mississippi Code, exempting from bid requirements purchases made by **certified purchasing offices** of state agencies pursuant to qualifying cooperative purchasing agreements. Attorney General Opinion No. 2004-0572 affirmed that ITS has the authority to establish rules and procedures for the utilization of cooperative purchasing agreements by certified purchasing offices for information technology purchases. See Certified Purchasing Office Guidelines on the DFA website for the requirements for certification and for a list of certified purchasing offices in the state.

(2) Cooperative Purchasing Agreements approved by DFA:
Mississippi Code Section 31-7-7 (b), charges the Department of Finance and Administration (DFA) with arranging purchasing agreements for the acquisition of commodities by Mississippi public entities. Once these agreements are established, purchases may be made through the provisions of Mississippi Code Section 31-7-13 (m) (i), which provides an exemption from bid requirements for acquisitions made from such agreements. Attorney General Opinion No. 2006-0159 states that DFA may adopt as its own approved purchase agreements the cooperative agreements that have been developed by other states and local governments. Attorney General Opinion No. 2006-0457 provides that ITS has the authority to adopt procedures for submitting purchasing agreements to DFA for approval to be utilized by ITS on behalf of agencies and institutions of the state.

To initiate a technology purchase from any cooperative purchasing agreement utilizing either of the two approaches outlined above, submit a procurement request to ITS.

Procedure for making technology acquisitions from cooperative purchasing agreements:

- Submit a Competitive Procurement Request form, including the Cooperative Purchasing Agreement Supplement to the request form.
- Indicate whether your agency or institution is a Certified Purchasing Office.

- ITS will evaluate the request, including the agency's justification that use of the cooperative agreement is "in the best interest of the government entity" (a statutory requirement in Mississippi Code Section 31-7-13 (m) (xxix)). Considerations will include an evaluation of comparable market pricing; comparisons with any existing ITS purchase instruments that cover the same products; the uniqueness of the product or service in the marketplace; contract terms and conditions; and cost and time requirements for acquiring the product or services in another manner.
- If the requesting agency or institution is not a Certified Purchasing Office and the cooperative agreement has not been previously approved by DFA, ITS will submit the cooperative purchasing agreement to DFA for approval as a DFA purchase agreement.
- If this is the first time this cooperative agreement has been used for a technology procurement through ITS, ITS will research the requirements for use, including any necessary organizational memberships or other prerequisites. The requestor should provide any known information concerning these requirements on the Cooperative Purchasing Agreement Supplement form submitted to ITS.
- ITS will issue a CP-1 with special "cooperative purchasing" language included. (NOTE: ITS approvals for using a cooperative purchasing agreement are project-specific and on a project-by-project basis.)
- ITS will work with the customer on any contract supplement required.
- ITS will work with the vendor to register in MAGIC, if the vendor is not in MAGIC, and to provide the vendor with information on the State's requirement for receiving payment through PayMode.

Source: 31-7-13 (m); 31-7-7 (b)

Part 2 Chapter 6: Procurement Instruments

Rule 206.6: 011-080 ITS Telecommunications Contracts and Services for State Agencies

Per state statute, all telecommunications systems and services affecting the management and operations of the State must be acquired through ITS. The following table lists the major voice and data telecommunications services provided to state agencies through ITS and/or through ITS contracts.

Note that the standard procurement delegations do not apply to telecommunications services and systems. See Acquisition of Telecommunications Services by State Agencies for details.

Senate Bill 2514, 2005 Regular Session [codified as Mississippi Code § 25-53-171], established the Mississippi Wireless Communication Commission and tasked the Commission with the responsibility for approving all wireless communication purchases within State Government and for setting forth rules and regulations governing these purchases. See Purchasing Rules, Guidelines, and Procedures on the WCC website for additional information regarding wireless communication purchases.

For price or other information for Service Areas 1-5 or 7, contact TelecomRequest@its.ms.gov. See ITS EPLs for products and pricing in Service Area 6. For any telecommunications services or systems not listed, contact TelecomRequest@its.ms.gov.

Product/Service Area:	**Includes:**	**ITS Approval Process:**
(1) Local Area Access: Line charges for traditional voice communication services (any voice communication line other than radio circuits)	Business Lines ("dial tone") Trunking (DID, ISDN-PRI, OGO, or any combination) Centrex Lines Basic telephone installation: Greater Jackson Area only Basic data cable Installation: Greater Jackson Area only Voice Mail services	No delegation. ITS has conducted these procurements on behalf of the State and has contracts in place for these services. Contact ITS directly as outlined above for additional details and to arrange for these services.
(2) Long Distance Toll Services	Intra-LATA calls Inter-LATA calls Interstate calls International calls Toll-free service (i.e. "800" type service) Calling cards	No delegation. ITS has conducted these procurements on behalf of the State and has contracts in place for these services. Contact ITS directly as outlined above for additional details and to arrange for these services.
(3) Audio and Web Conferencing	Operator Assisted Reservationless Document Sharing Streaming video	No delegation. ITS has conducted these procurements on behalf of the State and has contracts in place for these services. Contact ITS directly as outlined above for additional details and to arrange for these services.
(4) Data Communication Services	Inter-LATA circuits Intra-LATA circuits MPLS circuits State backbone Internet access DSL	No delegation. ITS has conducted these procurements on behalf of the State and has contracts in place for these services. Contact ITS directly as outlined above for additional details and to arrange for these services.
(5) Data Communication Equipment	Routers providing connection to the statewide backbone network	Submit Procurement Request to ITS for any router that is a direct connection to the statewide backbone. NOTE: If not a State backbone network border device, purchase using standard delegation limits and procurement procedures.
(6) Telecommunication Express Products Lists	Two-way radios	Delegation to purchase outside EPL up to $50,000 (up to $25,000 for projects funded by the American Recovery and Reinvestment Act [ARRA]). You must select the lowest quotation.

		Submit standard procurement request or use EPL above $50,000 (above $25,000 for projects funded by ARRA); Requires WCC approval above $100,000 per project or per fiscal year; May use MSWIN Contract as EPL for equipment on Mobile, Portable, and Dispatch Console Equipment List; Submit standard procurement request above EPL fiscal year spending limit ($200,000).
	Cellular and other wireless devices and services	Agencies and IHLs must purchase cellular devices and services from the Master Cellular Agreement; No dollar limit to purchases from Master Cellular Agreement by any government entity; All exceptions to Master Cellular Agreement by agencies and IHLs require ITS approval; Competitive procurement required for any exception with a cost > $50,000 per fiscal year (> $25,000 for projects funded by ARRA)
	Pager equipment and services	Delegation to purchase up to $50,000 (up to $25,000 for projects funded by ARRA).without ITS involvement if obtaining 2 written quotations; You must select the lowest quotation. Submit standard procurement request above $50,000 (above $25,000 for projects funded by ARRA), or for sole-source acquisitions above $5,000.
	E-911equipment and services	Delegation to purchase outside EPL up to $50,000 (up to $25,000 for projects funded by ARRA). Submit standard procurement request or use EPL above $50,000 (above $25,000 for projects funded by ARRA); You must select the lowest quotation.

		Submit standard procurement request above EPL spending limit. Wireless communication purchases from E-911 EPL require WCC approval above $100,000.
(7) Telephone Equipment, Systems, and Maintenance	Telephone sets (single and multi-line)	Delegation to purchase using standard delegation limits and procurement procedures.
	Key Systems	Delegation to purchase using standard delegation limits and procurement procedures.
	PBXs	Delegation to purchase using standard delegation limits and procurement procedures.
	Hybrid Systems	Delegation to purchase using standard delegation limits and procurement procedures.
	Phone system maintenance	Delegation to purchase using standard delegation limits and procurement procedures.
	Pay Phones	Delegation to purchase using standard delegation limits and procurement procedures.

Source: 25-53-101 through 125; 25-53-171

Part 2 Chapter 6: Procurement Instruments

Rule 206.7: 011-085 ITS Telecommunications Contracts and Services for Institutions of Higher Learning (IHLs)

Per state statute, all telecommunications systems and services affecting the management and operations of the state must be acquired through ITS. The following table lists the major voice and data telecommunications services that can be provided to state institutions of higher learning through ITS and/or through ITS contracts.

Note that, for the acquisition of telecommunications services and systems, the normal delegation of procurement authority by ITS to the institution of higher learning does not apply. See Acquisition of telecommunications Services by IHLs for details.

For certain telecommunication products and services, ITS has compiled and published Express Products Lists (EPLs) that can be used by IHLs in these acquisitions.

Senate Bill 2514, 2005 Regular Session [codified as Mississippi Code § 25-53-171], established the Mississippi Wireless Communication Commission and tasked the Commission with the responsibility for approving all wireless communication purchases within the state and for setting forth rules and regulations governing these purchases. See Purchasing Rules, Guidelines, and Procedures on the WCC website for additional information regarding wireless communication purchases.

For price or other information for Service Areas 1-5 or 7, contact TelecomRequest@its.ms.gov. See ITS EPLs for products and pricing in Service Area 6. For any telecommunications services or systems not listed, contact TelecomRequest@its.ms.gov.

Service Area:	Includes:	ITS Approval Process:
(1) Local Area Access: Line charges for traditional voice communication services (any voice communication line other than radio circuits)	Business Lines ("dial tone") Trunking (DID, ISDN-PRI, OGO, or any combination) Centrex Lines	No delegation. ITS has conducted these procurements on behalf of the State and has contracts in place for these services. Contact ITS directly as outlined above for additional details and to arrange for these services.
(2) Long Distance Toll Services	Intra-LATA calls Inter-LATA calls Interstate calls International calls Toll-free service (i.e. "800" type service) Calling cards	No delegation. ITS has conducted these procurements on behalf of the State and has contracts in place for these services. Contact ITS directly as outlined above for additional details and to arrange for these services.
(3) Audio and Web Conferencing	Operator Assisted Reservationless Document Sharing Streaming video	No delegation. ITS has conducted these procurements on behalf of the State and has contracts in place for these services. Contact ITS directly as outlined above for additional details and to arrange for these services.
(4) Data Communication Services	Inter-LATA circuits Intra-LATA circuits MPLS Circuits State backbone Internet access DSL	No delegation. ITS has conducted these procurements on behalf of the State and has contracts in place for these services. Contact ITS directly as outlined above for additional details and to arrange for these services.
(5) Data Communication Equipment	Routers providing connection to the statewide backbone network	For any router that is a direct connection to the statewide backbone: (a) Delegation to purchase, following applicable procurement laws, up to $250,000 without ITS involvement. MUST name Cisco as manufacturer. OR (b) Submit procurement

		request to ITS. NOTE: If not a border device, purchase using standard delegation limits and procurement procedures.
(6) Telecommunications Express Products Lists	Two-way radios	Delegation to purchase outside EPL following applicable procurement laws up to $250,000 without ITS involvement. Submit standard procurement request above $250,000; Requires WCC approval above $100,000 per project or per fiscal year; May use MSWIN Contract as EPL for equipment on Mobile, Portable, and Dispatch Console Equipment List; Submit procurement request to buy from EPL above EPL spending limit ($200,000).
	Cellular equipment and services	Agencies and IHLs must purchase cellular devices and services from the Master Cellular Agreement; No dollar limit to purchases from Master Cellular Agreement by any government entity; All exceptions to Master Cellular Agreement by agencies and IHLs require ITS approval; Competitive procurement required for any exception with a cost > $50,000 per fiscal year ($25,000 for projects funded by the American Recovery and Reinvestment Act [ARRA]);
	Pager equipment and services	Delegation to purchase following applicable procurement laws, up to $250,000 without ITS involvement
	E-911	Delegation to purchase outside EPL, following applicable procurement laws, up to

		$250,000 without ITS involvement
(7) Telephone Equipment and Systems	Telephone sets (single and multi-line)	Delegation to purchase using standard delegation limits and procurement procedures
	Key Systems	Delegation to purchase using standard delegation limits and procurement procedures
	PBXs	Delegation to purchase using standard delegation limits and procurement procedures
	Hybrid Systems	Delegation to purchase using standard delegation limits and procurement procedures
	Phone system maintenance	Delegation to purchase using standard delegation limits and procurement procedures
	Pay Phones	Delegation to purchase using standard delegation limits and procurement procedures
	Voice Mail services	Delegation to purchase using standard delegation limits and procurement procedures

Source: 25-53-101 through 125; 25-53-171

Part 2 Chapter 7: Procurement Types

Rule 207.1: 013-020 Procurement Types: Revision

Request for Revised or Extended Approval

Agencies and institutions should complete and send a completed Request for Revision to Previous Approval and appropriate attachments as listed on the form to ITS to request changes to a previously issued CP-1. A copy of the revision request form is available in PDF and Word formats on the ITS website. Customers may also submit revision requests via ITS' online procurement request system.

ITS approves a revision or extension by issuing a new CP-1. The new CP-1 will have the same Contract Number as the original CP-1 and any other revision CP-1s previously issued for the same project. For state agencies, the new CP-1 updates the information in MAGIC for that contract record. Customers should continue to reference the same contract number when making payments related to the project.

When to Request Revised ITS Approval

It is necessary to request revised ITS approval and obtain a replacement CP-1 in the following instances:

- **Expired Purchase CP-1** that you still need to use. Attach a letter from the vendor stating that equipment can still be delivered at (or below) the pricing on the CP-1. Try to issue purchase orders promptly upon receipt of a CP-1 to avoid the problem of expired CP-1s. Vendors submit pricing that they will honor for only a limited amount of time. Also, equipment may not be available after long periods of time. If the vendor can no longer deliver the equipment at or below the price approved on the original CP-1, it may be appropriate to handle your revision request as a new procurement.

- **Expired Ongoing CP-1** for hardware or software maintenance, software licensing fees, etc. The CP-1 from which you make ongoing payments has expired but you still need the coverage. In this instance, ITS will confer with the agency or institution and reference the terms of the original proposal solicitation and contract to assess whether it is appropriate to extend the current contract with the existing vendor or to initiate a new procurement.

- **Vendor Change.** Whether for a purchase CP-1 or for an ongoing CP-1, you need to acquire revised ITS approval to change vendors. A change of vendors will typically require that ITS handle the request as a new procurement unless it is a name or address change only.

- **Price Increase.** It is necessary to seek revised ITS approval for price increases over the lifecycle amount authorized on the CP-1. See Terms: Lifecycle Cost and Procurement Process: CP-1 Approval Documents and MAGIC for an explanation of the lifecycle amount authorized on the CP-1.

- **Major Configuration Change**. It is necessary to acquire revised ITS approval for major configuration changes.

It is not necessary to acquire revised ITS approval for price decreases or minor configuration changes.

Minor Configuration Changes

On Purchase CP-1s and CP-1s for a maximum amount, ITS itemizes the configuration, typically submitted in a proposal by the vendor and requested by the agency or institution. It is not necessary to request that ITS issue a replacement CP-1 to reflect minor changes made to the configuration. Minor configuration changes must generally meet the following criteria:

- Does not exceed the total lifecycle cost specified on the CP-1,
- In line with the proposal solicitation, the vendor's proposal and the resulting contract,
- More or better capability at or below the original price,
- In the best interest of the state, and
- Acceptable to the agency.

An example of such a minor configuration change would be an offer by a vendor to substitute newly available microcomputers of the same brand with a faster processing speed and/or with a larger hard drive than those proposed within the lifecycle cost authorized by the CP-1.

On CP-1s of an ongoing nature, typically those for maintenance, it is not necessary to request a replacement CP-1 to reflect minor additions/deletions within the lifecycle amount authorized by the CP-1.

An example of such a minor configuration change would be an agency's addition of several new PCs which have recently rolled off of warranty along with the deletion of several old printers which have been disposed of by the agency.

The agency should document and keep in its file for audit trail purposes the reason for all such minor configuration changes and document that the changes are in line and are in the best interest of the state. The agency will need to furnish this documentation to ITS if a replacement CP-1 should later become necessary.

Major Configuration Changes

Major configuration changes do require ITS approval.

An example of a major configuration change on a purchase would be one where the agency has decided to considerably change workstation and server configurations.

An example of a major configuration change on a maintenance CP-1 would be the need to add 25 microcomputers that have recently rolled off warranty to an existing contract with a maintenance vendor.

A New Procurement is Required

It is appropriate for ITS to revise or extend approval and to issue a replacement CP-1 only where the revision or extension is within the scope of the original procurement. There may be situations where you request a replacement CP-1 but the situation merits a new procurement. ITS will work with you to solicit the additional information needed if it is determined that your request should be processed as a competitive procurement.

Refer to 009-001 ITS Procurement Process Flows for additional information, specifically the flow labeled Revisions to Previous Approvals.

Source: 25-53-5 (o)

Part 2 Chapter 7: Procurement Types

Rule 207.2: 013-030 Procurement Types: Sole Source

ITS enabling legislation requires that information technology equipment 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 vendor 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.

Mississippi Public Purchasing Law (Section 31-7-13) specifies that noncompetitive items available only from one source may 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. In certain limited situations, with appropriate written documentation and proper approval, information technology acquisitions may be sole-sourced.

A Sole Source Certification Request is an agency's or public university's statement, with accompanying documentation, that there is no competition in the marketplace for the requested product or service. Single source acquisitions awarded without competition are exceptions that can only be certified after thorough marketplace research. ITS applies a strict interpretation of the single source definition and is a strong advocate for conducting a competitive process unless the reasons for not competing are **overwhelming and incontrovertible**.

ITS Sole Source Procedure

The ITS Sole Source procedure is designed to allow agencies and public universities to submit requests to ITS instead of to DFA when state-level sign off of sole source information technology acquisitions is required per Section 31-7-13 of the Mississippi Code. The ITS Sole Source Procurement Request Form, in conjunction with the Sole Source Certification signed by the agency head or public university CIO, has been designed to collect the necessary justification and certification for an information technology sole source acquisition. A Sole Source Certification Request Form should be completed for all information technology sole source acquisition requests other than those delegated to the agency or institution (See Section 015-010: State Agencies and Section 015-020: IHLs for specific dollar limits for the delegation of Sole Source approval to Agencies and Institutions of Higher Learning, as applicable).

Submit the Sole Source Certification Request to ITS rather than to DFA. It is not necessary to submit duplicate paperwork to the DFA Office of Purchasing, Travel, and Fleet Management for approval of sole source acquisitions. A copy of the Sole Source Certification Request Form is available in PDF or Word format on the ITS website. Customers may also submit sole source requests via ITS' online procurement request system. All sole source certifications must be signed by the Executive Director of the agency or the CIO of the public university, or that person's designee. Designees must be identified by the agency or public university through formal written correspondence to the ITS Executive Director.

ITS thoroughly reviews Sole Source Certification Requests, determining if competing products and/or services exist. If so, ITS will conduct a competitive procurement. If ITS' review confirms the sole source, then a Sole Source advertisement will be issued, giving other vendors 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.

A CP-1 Acquisition Approval Document issued by ITS for the amount of the sole source acquisition. Agencies that issue purchase orders through DFA should note that this CP-1 is uploaded by ITS into MAGIC to authorize payment of the sole source purchase.

Sole Source Criteria and Required Documentation

Sole source acquisitions must meet certain criteria. Per public purchasing law, the following criteria must be met for a procurement 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 purchasing agency or public university is responsible for documenting its business needs in the sole source request, as well as the ways in which the requested product or services meets those needs. In addition, the purchaser should document why other products or services cannot substantially meet the documented needs. If similar products or services exist in the marketplace, the business case for the unique functionality or characteristics of the sole-sourced item must be compelling for the procurement to be sole-sourced under state statute.

The purchasing agency/public university should obtain and submit to ITS a written proposal from the sole source provider. This proposal should clearly document the exact product and services to be provided, timeframes for delivery or service provision, and all associated pricing information, including retail price, discount structure, volume-related tiered pricing structures, ongoing support costs, and price escalation caps. If the purchasing agency/public university prefers, the ITS staff assigned to the sole source request can work with the vendor to obtain this information.

In addition to the above documentation from the purchaser, certification from the manufacturer should accompany the Sole Source Certification Request. This documentation supplements the sole source justification but does not replace the purchaser's documentation of business need. The manufacturer must certify, on company letterhead, the unique features of the product or service within the marketplace and must also certify that the product or service is available only through the manufacturer or from a single specified distributor or reseller.

Additionally, 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.

Per Mississippi Code annotated Section 25-9-120 (3), purchasers requesting sole source approval of services must provide an explanation of why the amount to be expended for the service is reasonable, and an explanation of the efforts to obtain the best possible price for the service. Section 25-9 directs the efforts of the Personal Services Contract Review Board and by policy and procedure, ITS follows similar documentation requirements.

The following factors do **NOT** constitute valid criteria for sole source designations:

- Quality of the product or services: The competitive process has been established to determine the lowest and best offering.
- Price of the product or services: The competitive process has been established to determine the lowest and best offering.
- Product that performs in a unique way but does not provide unique functionality: A unique algorithm or patented search process is not a sole source unless there is significant **functionality** that is only available through the requested product.
- Project timetable or other scheduling constraints: The emergency purchase statute was established for situations meeting the statutory definition of "emergency," in which the delay incident to following a competitive process would be detrimental to the interests of the state. See 013-060 Emergency Purchases. In some situations in which the need is immediate but an emergency purchase cannot be justified, ITS can assist the purchasing entity in acquiring a temporary or interim solution until a competition can be conducted.
- Incumbent products or service providers: An award from a competitive process for the acquisition of products or services does not constitute a permanent purchasing mechanism. All products and services are re-evaluated from time to time to determine when a full competition and potential replacement are warranted. For service providers, this competition may include a reasonable learning curve for time required by non-incumbents to become acclimated to the particular customer, product, and/or environment.
- Sole source designation by other states: Mississippi's sole source requirements are more stringent than those in many other states.

Remember: The law says single source, not best source. Competition is used to determine best source.

Benefits of Soliciting Proposals

It is always acceptable, and usually preferable, to solicit bids or proposals for an acquisition even if the product or services requested are believed to be unique in the marketplace. The benefits of soliciting proposals for a sole source item include:

- The purchaser develops a written statement of requirements against which to evaluate the sole source offering

- The vendor submits a written statement of commitments and pricing for both initial and ongoing costs, against which the purchaser can evaluate vendor and product performance and which can be incorporated into a negotiated contract
- The solicitation of written proposals increases the potential of reduced price offerings and/or written guarantees against excessive price escalation for a set contract period

Agency/Public University Responsibility
The purchasing agency/public university is responsible for providing all necessary documentation and justification required to support a sole source acquisition, as described above. If adequate documentation is not provided with the request, ITS staff will work with the requestor's staff to obtain sufficient information to certify the sole source. Note that ITS must charge an hourly rate for the time required to obtain this additional documentation.

The purchasing agency/public university is responsible for making the sole source procurement within the amount and from the vendor specified on the CP-1 Acquisition Approval Document.

Delegation of Sole Source Certification
State Agencies: 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 require a minimum of two competitive written bids or proposals for technology purchases with a lifecycle cost over $5,000 but not over $50,000 (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 sign off on all sole source acquisitions of information technology with a lifecycle cost greater than $5,000.

IHLs: 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. Institutions certifying a sole source purchase must ensure the criteria listed above are met and documented in writing by the institution and the vendor 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 cannot exempt a sole source request--the ITS Exemption Request and ITS Sole Source Request are mutually exclusive.

Refer to 009-001 ITS Procurement Process Flows for additional information, specifically the flow labeled Sole Source Certifications.

Source: 25-53-5 (p); 31-7-13; 25-9-120

Part 2 Chapter 7: Procurement Types

Rule 207.3: 013-040 Procurement Types: Exemption

The Exemption procedure allows agencies and institutions to request exemption from ITS to handle specific information technology procurement projects that, by law, require solicitation of bids or proposals, without the involvement of ITS. The exemption procedure is designed for projects involving traditional information technology equipment, software, or services which the agency/institution has the in-house resources and expertise to procure without ITS involvement. **The exemption should be approved by ITS before an advertisement is issued for the procurement.** A request for exemption should be submitted on an Exemption Request form. A copy of the exemption request form is available in PDF and Word formats on the ITS website. Customers may also submit exemption requests via ITS' online procurement request system.

All exemption requests must be signed by the Executive Director of the agency or the CIO of the institution of higher learning, or that person's designee. The name and title of the agency head, institution CIO, or designee should be entered on the line to the bottom left of the request form and the form should be signed and dated on the bottom right.

ITS staff reviews the information submitted on the exemption request form concerning the acquisition, including the procurement approach that will be used and the estimated total lifecycle cost. The exemption request will be approved by the ITS Executive Director, or will be presented to the ITS Board for approval if the total lifecycle cost exceeds the Director Approval threshold.

A CP-1 Acquisition Approval Document is issued for the amount of the exemption, based on the agency's estimate of the total lifecycle cost. Agencies that issue purchase orders through DFA should be aware that this CP-1 is uploaded by ITS into MAGIC to authorize processing payment for an exempted procurement. This approval is not vendor specific, as it is issued prior to the procurement process. When exempting a procurement, ITS will specify the maximum amount exempted on the CP-1 Acquisition Approval Document. **The agency/institution must submit a request for approval of the additional dollar amount if the procurement results in a cost greater than the estimated total used in the original exemption.**

When approval is received, the agency/institution may proceed with the procurement without further involvement from ITS, as outlined under "Agency/Public University Responsibilities" below.

An exemption cannot be used in conjunction with a sole source acquisition. Sole source acquisitions should be submitted to ITS on a Sole Source Certification Request form.

The requirement of soliciting bids or proposals for services that can be competitively provided is NOT waived by an ITS exemption. All applicable statutes for competitive procurements must still be followed by the purchasing entity.

Agency/Public University Responsibilities

For exempted acquisitions, the purchasing agency/institution is responsible for making the purchase within the dollar amount authorized by ITS on the CP-1 Acquisition Approval Document and for following all applicable statutory requirements throughout the procurement process, including but not limited to those outlined in Title 25, Chapter 53 of Mississippi Code. These requirements include: (1) development of competitive and open specifications; (2) issuing an advertisement to solicit bids or proposals according to Section 25-53-5 (o) of the Mississippi Code; (3) conducting a thorough and equitable evaluation of all proposals received; (4) responding in a timely manner to all public records and post-procurement review requests; and (5) negotiating and signing a contract, if applicable, within the scope and intent of the specifications. ITS does not participate in any of these steps for exempted procurements.

In the negotiation of contracts for the products and services being obtained, agencies and public universities should be aware that, per a 1993 Attorney General Opinion, state agencies do not have the authority to allow a vendor to limit its liability. Pursuant to Section 25-53-21(e) of the 1972 Mississippi Code Annotated, as amended, the Executive Director of ITS may negotiate a limitation on the liability to the State of prospective contractors provided such limitation affords the State reasonable protection. This authority to negotiate a limitation of liability applies ONLY to contracts negotiated by ITS for execution by the ITS Executive Director and does **not** apply to contracts negotiated for exempted procurements.

If a vendor protest results from the exempted procurement, however, the rules and guidelines of the ITS Protest Procedure and Policy apply, with the ITS Executive Director receiving and responding to the protest.

Refer to 009-001 ITS Procurement Process Flows for additional information, specifically the flow labeled Exemption Approvals.

Source: 25-53-25 (2)

Part 2 Chapter 7: Procurement Types

Rule 207.4: 013-050 Acquisition of Telecommunications Services by State Agencies

ITS statute, Mississippi Code Section 25-53-111, requires that ITS:

- Establish and coordinate through either state ownership or commercial leasing, all telecommunications systems and services affecting the management and operations of the state
- Act as the sole centralized customer for the acquisition, billing and record keeping of all telecommunications systems or services provided to state agencies whether obtained through lease or purchase
- Charge the respective user agencies for their proportional cost of the installation, maintenance and operation of the telecommunications systems and services

To fulfill this statutory mandate, ITS issues Requests for Proposals to obtain the lowest and best provider of local and long distance voice access services and of data communications services. The resulting contracts are for the use of ITS in furnishing these services to all state agencies. The contracts aggregate all telecommunications traffic into one account with ITS as the sole customer on behalf of the state, as required in the above statute. This aggregation allows ITS to get the best possible pricing for the state as a whole; to better manage telecommunications facilities within the state; and to have an accurate inventory of all telecommunications services within state government.

There is no delegation of procurement authority for telecommunications services for state agencies. All such services must be obtained through the Telecom Services and Data Services Divisions of ITS. See ITS Telecommunications Contracts and Services for State Agencies for a list of products and services within the scope of this policy and for links to the associated pricing.

In addition to the line and access services provided via vendor contracts, ITS is the direct provider of basic telephone installation services and basic data cable installation services for customers in the Capitol Complex and greater Jackson area. Note that neither agency staff nor third-party vendors are to provide any cabling or telephone installation or update services unless prior written approval has been obtained from ITS on a case-by-case basis.

As an ITS telecommunications customer, a state agency receives the following "value-add" services:

- Contractual terms and conditions negotiated and enforced by ITS on behalf of the state
- Renegotiation for lower pricing at set intervals throughout the life of each contract
- Uniform service and cost to all areas of the state
- Facility reviews on request to evaluate opportunities for cost savings (voice and data)
- Statewide authorization codes for long distance
- Customized telephone billing to accommodate the accounting requirements of the individual agency, including electronic billing options
- State government telephone operator services
- Trouble/Help Desk support (voice and data)
- Customer service support (voice and data)
- Telecommunications training on request

- Voice communications needs analysis on request
- On-line state telephone directory listings and service
- Network Operations Center
- Core security administration (IDS and VPN)
- Domain name services
- System design and configuration (voice and data)
- 24x7x365 operations (voice and data)
- Problem determination (voice and data)
- Disaster recovery (voice and data)
- Capacity planning
- Telecommunications Express Products Lists (2-way radios, E-911)
- Master Cellular Contract

To request additional information or to order services, contact TelecomRequest@its.ms.gov.

Source: 25-53-111

Part 2 Chapter 7: Procurement Types

Rule 207.5: 013-055 Acquisition of Telecommunications Services by IHLs

ITS statute, Mississippi Code Section 25-53-111, requires that ITS:

- Establish and coordinate through either state ownership or commercial leasing, all telecommunications systems and services affecting the management and operations of the state
- Act as the sole centralized customer for the acquisition, billing and record keeping of all telecommunications systems or services provided to state institutions whether obtained through lease or purchase
- Charge the respective user institutions for their proportional cost of the installation, maintenance and operation of the telecommunications systems and services
- Approve or provide state telephone services on a reimbursable basis to full-time students at state institutions of higher learning, including where such services are provided by the state or the institution

To fulfill this statutory mandate, ITS issues Requests for Proposals to obtain the lowest and best provider of local and long distance voice access services and of data communications services. The resulting contracts are for the use of ITS in furnishing these services to all state agencies and institutions of higher learning. The contracts aggregate all telecommunications traffic into one account with ITS as the sole customer on behalf of the state, as required in the above statute. This aggregation allows ITS to get the best possible pricing for the state as a whole; to better manage telecommunications facilities within the state; and to have an accurate inventory of all telecommunications services within state government. See ITS Telecommunications Contracts and Services for IHLs for a list of products and services within the scope of this policy.

As an ITS telecommunications customer, an IHL receives the following "value-add" services:

- Contractual terms and conditions negotiated and enforced by ITS on behalf of the state
- Renegotiation for lower pricing at set intervals throughout the life of each contract
- Uniform service and cost to all areas of the state
- Statewide authorization codes for long distance
- Capacity planning
- Telecommunications Express Products Lists (2-way radios, E-911)
- Master Cellular Contract

To request additional information or to order services, contact TelecomRequest@its.ms.gov.

Source: 25-53-111

Part 2 Chapter 7: Procurement Types

Rule 207.6: 013-060 Procurement Types: Emergency Purchases

Mississippi Public Purchasing Law, in Section 31-7-13 (j) of Mississippi Code, outlines the emergency purchase procedure. The need to purchase technology products or services under the emergency purchase procedure as outlined in this code section is a decision made by the agency or public university's board or executive director/president, or that person's designee, when the emergency threatens the health or safety of any person, or the preservation or protection of property. All other situations meeting the definition of an Emergency in 31-7-1 (f) of Mississippi Code require prior approval from ITS. The agency head or public university president must first determine that an emergency exists such that "the delay incident to giving opportunity for competitive bidding would be detrimental to the interests of the state." Once that determination is made, the executive director/president or designee may request approval to make the purchase without following the competitive bid requirements.

The definition of "emergency" as it applies to purchasing is located in Section 31-7-1 (f) of Mississippi Code, as follows:

> (f) "Emergency" shall mean any circumstances caused by fire, flood, explosion, storm, earthquake, epidemic, riot, insurrection or caused by any inherent defect due to defective construction, or when the immediate preservation of order or of public health is necessary by reason of unforeseen emergency, or when the immediate restoration of a condition of usefulness of any public building, equipment, road or bridge appears advisable, or in the case of a public utility when there is a failure of any machine or other thing used and useful in the generation, production or distribution of electricity, water or natural gas, or in the transportation or treatment of sewage; or when the delay incident to obtaining competitive bids could cause adverse impact upon the governing authorities or agency, its employees or its citizens; or in the case of a public airport, when the delay incident to publishing an advertisement for competitive bids would endanger public safety in a specific (not general) manner, result in or perpetuate a specific breach of airport security, or prevent the airport from providing specific air transportation services.

Note that the definition applies only to events that could not reasonably have been anticipated. Failure to plan or to act in a timely and proactive manner to replace or upgrade equipment or other products does not fall within the statutory definition of "emergency." The purchases made under the emergency purchase procedure must be solely for the purpose of meeting the needs created by the emergency situation.

The law requires that the agency or public university file documentation requesting approval to make the emergency purchase with the appropriate oversight agency. In accordance with the referenced statutes, ITS has developed an Emergency Purchase Request Form for requesting approval for **any technology products or services** purchases to be made under the emergency purchase statute by state agencies or public universities under ITS purview. A copy of the emergency purchase request form is available in PDF and Word formats on the ITS website.

Customers may also submit emergency purchase request documentation via ITS' online procurement request system.

Note that Mississippi Code Section 31-7-13 (j) also requires that any agency head or public university president responsible to a board or commission document any emergency purchase in the minutes of the meeting prior to the emergency purchase request being made to ITS. A copy of these minutes should be provided to ITS with the emergency purchase request.

Submission of the completed form, along with the necessary documentation by the agency head or public university president or designee, gives ITS the necessary information to review the emergency purchase request. If approved, ITS issues a CP-1 Acquisition Approval Document to facilitate payment processing. For state agencies, these approvals are uploaded into MAGIC.

Refer to 009-001 ITS Procurement Process Flows for additional information, specifically the flow labeled Emergency Purchases.

Source: 31-7-1 (f); 31-7-13 (j) (k)

Part 2 Chapter 7: Procurement Types

Rule 207.7: 013-080 Procurement Types: EPL Planned Purchase

The EPL Planned Purchase Procedure allows an agency to make purchases that exceed the cost limit of an Express Products List (EPL). As the coordinator of the information technology planning effort for state government agencies, ITS works with agencies during the planning process to determine procurements that can be appropriately made using EPLs. The EPL planned purchases procedure is limited to:

(1) Projects in the agency's current technology plan
(2) Equipment or software appearing on a current EPL

An agency using the EPL Planned Purchase Procedure is given authorization, up to a specified dollar amount, to make the identified procurements from the EPLs without further ITS involvement. The approval is issued in the form of a letter from the ITS Executive Director and a CP-1 Acquisition Approval Document. The purchasing agency should retain the approval letter in its purchasing documentation.

Since agencies often make their purchases under the EPL Planned Purchase approval over the course of the fiscal year and to multiple vendors, ITS also sends a Planned Purchases Tracking Form with the approval letter and CP-1. This form should be used to record the date, purchase order number, and dollar amount of each expenditure made under the EPL Planned Purchases approval. This form serves as a tracking tool for the agency, and the agency is required to retain the completed form in its purchasing documentation for audit purposes.

The purchasing agency should also document that an effort was made to obtain a lower price than the published EPL price, since the volume purchased under an EPL Planned Purchase approval is higher than the typical EPL amount. Each EPL has instructions relevant to negotiating volume discounts with vendors. EPL Planned Purchase requests must be accompanied by a minimum of two vendor quotes for purchases up to $1,000,000 and three quotes for purchases over $1,000,000. Additional instructions for submitting EPL Planned Purchase requests are contained on the EPL Planned Purchase procurement form. EPL Planned Purchases with a lifecycle cost above the Director Approval thresholds defined in Section 018-030 require ITS Board approval.

During review of your agency's IT plan, it may be determined that a project might benefit from a Planned Purchase Procurement. If so, an IT Planning Coordinator will contact your agency. To initiate an EPL Planned Purchase prior to being contacted, call Debra Brown, IT Planning Coordinator, at 601-432-8128; contact the ITS Procurement Help Desk at 601-432-8166; or submit a Planned Purchase Procurement Request to ITS Procurement. Additional information and contact information for agency planning is located on the ITS website.

Although the Planned Purchase Procedure was primarily established for state agencies who submit technology plans to ITS annually, IHLs, community colleges, local governments, K-12 schools, and other government entities who have shown due diligence in technology planning and who want to use the ITS EPLs above the default spending thresholds may be eligible for planned purchases. These public entities may submit a request for a planned purchase to ITS

along with a copy of their current technology plan in the format required by their regulatory agent. The request should also include detailed information regarding the items to be purchased and the EPL quotations received. ITS will review the plan information and the specific procurement details to see if a planned purchase is appropriate.

Refer to 009-001 ITS Procurement Process Flows for additional information, specifically the flow labeled Planned Purchases.

Source: 25-53-25 (2)

Part 2 Chapter 8: Procurement Limits Policies

Rule 208.1: 015-010 Procurement Limits Policies: State Agencies

Procedures for the Acquisition of Information Technology Equipment, Software, and Services by Procurement Type and Total Lifecycle Cost for State Agencies

By law, all acquisitions of information technology must be approved by ITS. ITS has delegated this responsibility to agencies for certain types of purchases and lifecycle cost limits. Note that these thresholds are based upon **total lifecycle costs** and that **there are situations in which actual monies paid is not the sole determinant of the requirement for a competitive procurement process**. For purchases in which (1) the value of the goods and services exceeds bid limit, (2) there is a competitive market, and (3) there is potential for vendor profit from the project, contracts must be awarded based on an open and competitive process that allows the state to compare offerings to obtain the best product, service, and value, regardless of monies paid directly to the vendor by the state entity. The competitive process ensures the state's requirements are well-defined, project contracts are negotiated to protect the state's interest, and the vendor selected is the one with the most advantageous combination of cost and services.

The table below defines the procedures and the required approvals for each category and project lifecycle cost range. For current Director Approval thresholds, see Section 018-030.

Procurement Type/Lifecycle Cost	**$.01 - $5,000.00**	**$5,000.01 - $50,000.00**	**Greater than $50,000, up to** Director Approval Threshold	**Above** Director Approval Threshold
Regular Competitive Procurement	• Delegated to Agency • May purchase without advertising or otherwise requesting competitive bids	• Delegated to Agency • May purchase without advertisement for bids, provided at least two competitive written bids have been obtained • You must select the lowest quote **EXCEPTION**: By state statute, all American Recovery and Reinvestment Act (ARRA) projects in excess of $25,000.00 must be bid.	• Requires ITS approval: CP-1 in MAGIC • Advertisement & receipt of competitive bids required by law • Submit Procurement Request to ITS 2-5 months before purchase **EXCEPTION**: By state statute, all American Recovery and Reinvestment Act (ARRA) projects in excess of $25,000.00 must be bid.	• Requires ITS Board approval • Requires ITS approval: CP-1 in MAGIC • Advertisement & receipt of competitive bids required by law • Submit Procurement Request to ITS 3-8 months before purchase • Requires Business Case
Telecommunications Systems and Services (See Acquisition of Telecommunications Services by State Agencies for more information)	**No delegation.** ITS has conducted these procurements on behalf of the state and has contracts in place that must be used by agencies for telecommunications systems and services (voice and data). See ITS Telecommunications Contracts for State Agencies for details.	**No delegation.** ITS has conducted these procurements on behalf of the state and has contracts in place that must be used by agencies for telecommunications systems and services (voice and data). See ITS Telecommunications Contracts for State Agencies for details.	**No delegation.** ITS has conducted these procurements on behalf of the state and has contracts in place that must be used by agencies for telecommunications systems and services (voice and data). See ITS Telecommunications Contracts for State Agencies for details.	**No delegation.** ITS has conducted these procurements on behalf of the state and has contracts in place that must be used by agencies for telecommunications systems and services (voice and data). See ITS Telecommunications Contracts for State Agencies for details. **Note: ITS contracts have already received** Board approval**. Agency acquisitions of services from these**

				contracts do not require additional Board action.
Sole Source Procurement	• Delegated to Agency • May purchase without advertising or otherwise requesting competitive bids	• Requires ITS approval: CP-1 in MAGIC • Submit Sole Source Certification Request with vendor and agency documentation to ITS 3-5 weeks before purchase (Note: Agency Head or Designee must sign the sole source request)	• Requires ITS approval: CP-1 in MAGIC • Submit Sole Source Certification Request with vendor and agency documentation to ITS 3-5 weeks before purchase (Note: Agency Head or Designee must sign the sole source request)	• Requires ITS Board approval • Requires ITS approval: CP-1 in MAGIC • Submit Sole Source Certification Request with vendor and agency documentation to ITS 2-4 months before purchase • Requires Business Case (Note: Agency Head or Designee must sign the sole source request)
Exemption **from ITS**	Not applicable: Already delegated to agency	Not applicable: Already delegated to agency (**Note**: ITS cannot exempt a sole source procurement > $5,000)	• Requires ITS approval: CP-1 in MAGIC • Advertisement & receipt of competitive bids required by law (conducted by the Agency after exemption is approved by ITS) • Submit Exemption Request to ITS 2-4 weeks prior to advertising the procurement	• Requires ITS Board approval • Requires ITS approval: CP-1 in MAGIC • Advertisement & receipt of competitive bids required by law (conducted by the Agency after exemption is approved by ITS) • Submit Exemption Request to ITS 4-6 weeks prior to advertising the procurement • Requires Business Case
Express Products Lists (EPLs)	• Delegated to Agency • Access EPL on ITS website	• Delegated to Agency • Access EPL on ITS website	• Delegated to Agency up to EPL limit • Access EPL on	• See EPL Planned Purchase

	• Follow instructions on specific EPL	• Follow instructions on specific EPL	ITS website • Follow instructions on specific EPL	
EPL Planned Purchase	Not applicable	Not applicable	<u>Purchase above EPL limit:</u> • Requires approval letter from ITS Executive Director and CP-1 • Requires that project be in current IT Plan submitted by agency to ITS & equipment /software needed must appear on a current EPL • ITS planner contacts agency concerning Planned Purchases during review of agency's plan. Call your planner or submit an EPL Planned Purchase Request to ITS to initiate a Planned Purchase prior to being contacted.	Requires ITS Board approval • Requires approval letter from ITS Executive Director and CP-1 • Requires that project be in current IT Plan submitted by agency to ITS & equipment /software needed must appear on a current EPL • ITS planner contacts agency concerning Planned Purchases during review of agency's plan. Call your planner or submit an EPL Planned Purchase Request to initiate a Planned Purchase prior to being contacted (at least 2 weeks prior to ITS Board Meeting). • Requires Business Case
Emergency Procurement (where purchase delay does not threaten life or property)	Not applicable	• Requires ITS approval: CP-1 in MAGIC • Submit Emergency Purchase Request with vendor and agency documentation to ITS before purchase	• Requires ITS approval: CP-1 in MAGIC • Submit Emergency Purchase Request with vendor and agency documentation to ITS before purchase	• Requires ITS Board approval • Requires ITS approval: CP-1 in MAGIC • Submit Emergency Purchase Request with vendor and agency documentation to

		• (Note: Agency Head or Designee must sign the Emergency Purchase Request)	• (Note: Agency Head or Designee must sign the Emergency Purchase Request)	ITS before purchase • (Note: Agency Head or Designee must sign the Emergency Purchase Request)
Emergency Procurement (where purchase delay threatens life or property)	Not applicable	• Inform ITS in writing, using ITS' Emergency Purchase Request Form signed by the agency executive director, as soon as possible **after** the emergency procurement	• Inform ITS in writing, using ITS' Emergency Purchase Request Form signed by the agency executive director, as soon as possible **after** the emergency procurement • ITS loads a CP-1 to MAGIC so the vendor payment can be processed	• Inform ITS in writing, using ITS' Emergency Purchase Request Form signed by the agency executive director, as soon as possible **after** the emergency procurement • ITS loads a CP-1 to MAGIC so the vendor payment can be processed • ITS Board informed of emergency
E-Government Procurement NOTE: Due to the different vendor business models for E-Government services and products, the procurement approach is not governed by the total expenditure but by the **true market value,** as determined by the complexity and size of the project. See Sections 001-020 and 001-025 of this handbook for additional information on Electronic Government procurements.	• Cost category must be based on **true market value**, not funds paid to vendor by agency • Requires DFA approval for any payment functionality • Follow process outlined in 001-025 Approvals for Internet-based Applications and Services	• Cost category must be based on **true market value**, not funds paid to vendor by agency • Requires DFA approval for any payment functionality • Follow process outlined in 001-025 Approvals for Internet-based Applications and Services	• Cost category must be based on **true market value**, not funds paid to vendor by agency • Requires DFA approval for any payment functionality • Follow process outlined in 001-025 Approvals for Internet-based Applications and Services	• Cost category must be based on **true market value**, not funds paid to vendor by agency • Requires DFA approval for any payment functionality • Requires ITS Board approval if true market value exceeds Director Approval Threshold • Follow process outlined in 001-025 Approvals for Internet-based Applications and Services • Requires Business

				Case

Source: 25-53-5; 25-53-25 (2); 25-53-151; 31-7-13 (c)

Part 2 Chapter 8: Procurement Limits Policies

Rule 208.2: 015-020 Procurement Limits Policies: IHLs

Procedures for the Acquisition of Information Technology Equipment, Software, and Services by Procurement Type and Total Lifecycle Cost for Institutions of Higher Learning

By law, all acquisitions of information technology products or services by IHLs must be approved by ITS. ITS has delegated this responsibility to the Chief Information Officers (CIOs) of the State's Institutions of Higher Learning for certain types of purchases and lifecycle cost limits. Note that these thresholds are based upon **total lifecycle costs** and that **there are situations in which actual monies paid is not the sole determinant of the requirement for a competitive procurement process**. For purchases in which (1) the value of the goods and services exceeds bid limit, (2) there is a competitive market, and (3) there is potential for vendor profit from the project, contracts must be awarded based on an open and competitive process that allows the state to compare offerings to obtain the best product, service, and value, regardless of monies paid directly to the vendor by the state entity. The competitive process ensures the state's requirements are well-defined, project contracts are negotiated to protect the state's interest, and the vendor selected is the one with the most advantageous combination of cost and services.

The only statutory exception to the requirement for ITS approval is for acquisitions of computer equipment and services made by IHLs wholly with federal funds. These acquisitions do NOT fall within ITS' purview. In addition, Mississippi Code Section 25-53-5 (b) directs ITS, in establishing procedures and carrying out its statutory charges in relation to IHLs, to take into consideration the special needs of these institutions in relation to the fields of teaching and scientific research. In accordance with this directive, ITS has delegated procurement oversight for IT purchases to IHLs at 5 times the level of delegation for state agencies. These delegation thresholds and associated oversight requirements are outlined in the table that follows.

The table below defines the procedures and the required approvals for each category and project lifecycle cost range. For current Director Approval thresholds, see Section 018-030. Note that all Procurement Requests submitted to ITS must be signed by the Institution's CIO or that person's designee.

Procurement Type/Lifecycle Cost	**$.01 - $5,000.00**	**$5,000.01 - $50,000.00**	**$50,000.01 - $250,000.00**	**>$250,000.01 but below** Director Approval Threshold	**Above** Director Approval Threshold
Regular Competitive Procurement	• Delegated to Institution's CIO • May purchase without advertising or otherwise requesting competitive bids	• Delegated to Institution's CIO • May purchase without advertisement for bids, provided at least two competitive written bids have been obtained • You must select the lowest quote **EXCEPTION**: By state statute, all American Recovery and Reinvestment Act (ARRA) projects in excess of $25,000.00 must be bid.	• Delegated to Institution's CIO • Advertisement & receipt of competitive bids required by law **EXCEPTION**: By state statute, all American Recovery and Reinvestment Act (ARRA) projects in excess of $25,000.00 must be bid.	• Requires ITS approval: CP-1 • Advertisement & receipt of competitive bids required by law • Submit Procurement Request to ITS 2-5 months before purchase	• Requires ITS Board approval and CP-1 • Advertisement & receipt of competitive bids required by law • Submit Procurement Request to ITS 3-8 months before purchase • Requires Business Case
Telecommunications Systems and Services (See Acquisition of Telecommunications Services by IHLs for more information)	**No delegation.** ITS has conducted these procurements on behalf of the state and has contracts in place that can be used by IHLs for telecommunications systems and services (voice and data). See ITS Telecommunications Contracts for IHLs for details. To acquire these services other than via an ITS	**No delegation.** ITS has conducted these procurements on behalf of the state and has contracts in place that can be used by IHLs for telecommunications systems and services (voice and data). See ITS Telecommunications Contracts for IHLs for details. To acquire these	**No delegation.** ITS has conducted these procurements on behalf of the state and has contracts in place that can be used by IHLs for telecommunications systems and services (voice and data). See ITS Telecommunications Contracts for IHLs for details. To acquire these	**No delegation.** ITS has conducted these procurements on behalf of the state and has contracts in place that can be used by IHLs for telecommunications systems and services (voice and data). See ITS Telecommunications Contracts for IHLs for details.	**No delegation.** ITS has conducted these procurements on behalf of the state and has contracts in place that can be used by IHLs for telecommunications systems and services (voice and data). See ITS Telecommunications Contracts for IHLs for details. **Note: ITS**

	contract, submit an exemption request to ITS prior to acquiring the service.	services other than via an ITS contract, submit an exemption request to ITS prior to acquiring the service.	services other than via an ITS contract, submit an exemption request to ITS prior to advertising for the service.		**contracts have already received** Board approval**. IHL acquisitions of services from these contracts do not require additional Board action**. **Exemptions to acquire these services other than via ITS contracts require Board approval. Submit an** exemption request **to ITS 6-8 weeks prior to advertising for the service.** • Requires Business Case
Sole Source Procurement	• Delegated to Public University's CIO • May purchase without advertising or otherwise requesting competitive bids	Sole Source Certification Delegated to Public University's CIO	Sole Source Certification Delegated to Public University's CIO	• Requires ITS approval: CP-1 • Submit Sole Source Certification Request with vendor and institution documentation to ITS 3-5 weeks before purchase (Note: Public University's CIO or Designee must sign the sole source request)	• Requires ITS Board approval and CP-1 • Submit Sole Source Certification Request with vendor and Public University's documentation to ITS 2-4 months before purchase • Requires Business Case (Note: Public University's CIO or Designee must sign the sole

					source request)
Exemption **from ITS**	Not applicable: Already Delegated to Institution's CIO	Not applicable: Already Delegated to Institution's CIO	Not applicable: Already Delegated to Institution's CIO	• Requires ITS approval: CP-1 • Advertisement & receipt of competitive bids required by law (conducted by the Institution after the exemption is approved) • Submit Exemption Request to ITS 2-4 weeks prior to advertising the procurement (**Note:** ITS cannot exempt a sole source procurement > $250,000)	• Requires ITS Board approval and CP-1 • Requires Business Case • Requires ITS approval • Advertisement & receipt of competitive bids required by law (conducted by the Institution after the exemption is approved) • Submit Exemption Request to ITS 4 - 6 weeks prior to advertising the procurement
Express Products Lists (EPLs)	• Delegated to Institution's CIO • Access EPL on ITS website • Follow instructions on specific EPL	• Delegated to Institution's CIO • Access EPL on ITS website • Follow instructions on specific EPL	• Delegated to Institution's CIO up to EPL limit • Access EPL on ITS website • Follow instructions on specific EPL	• Delegated to Institution's CIO up to EPL limit • Access EPL on ITS website • Follow instructions on specific EPL	• See EPL Planned Purchase
EPL Planned Purchase	Not applicable	Not applicable	<u>Purchase above EPL limit:</u> • Requires ITS approval: Letter from ITS Executive Director • Requires submitting IT Plan to ITS for review; equipment /software needed must appear on a	• Requires ITS approval: Letter from ITS Executive Director • Requires submitting IT Plan to ITS for review; equipment/software needed must appear on a current EPL • ITS planners and	• Requires ITS Board approval • Requires Business Case • Requires approval letter from ITS Executive Director • Requires submitting IT Plan to ITS for review;

			current EPL • ITS planners and procurement analysts assess the plan and the procurement request • See EPL Planned Purchase for further details.	procurement analysts assess the plan and the procurement request • See EPL Planned Purchase for further details.	equipment /software needed must appear on a current EPL • ITS planners and procurement analysts assess the plan and the procurement request • See EPL Planned Purchase for further details.
Emergency Procurement (where purchase delay does not threaten life or property)	Not applicable	• Requires ITS approval: CP-1 • Submit Emergency Purchase Request with documentation to ITS before purchase (Note: IHL President or Designee must sign the Emergency Purchase Request)	• Requires ITS approval: CP-1 • Submit Emergency Purchase Request with documentation to ITS before purchase (Note: IHL President or Designee must sign the Emergency Purchase Request)	• Requires ITS approval: CP-1 • Submit Emergency Purchase Request with documentation to ITS before purchase (Note: IHL President or Designee must sign the Emergency Purchase Request)	• Requires ITS Board approval and CP-1 • Submit Emergency Purchase Request with documentation to ITS before purchase • (Note: IHL President or Designee must sign the Emergency Purchase Request)
Emergency Procurement (where purchase delay threatens life or property)	Not applicable	• Inform ITS in writing, using ITS' Emergency Purchase Request Form signed by the IHL President or Designee, as soon as possible **after** the emergency procurement	• Inform ITS in writing, using ITS' Emergency Purchase Request Form signed by the IHL President or Designee or designee, as soon as possible **after** the emergency procurement	• Inform ITS in writing, using ITS' Emergency Purchase Request Form signed by the IHL President or Designee, as soon as possible **after** the emergency procurement • ITS issues a CP-	• Inform ITS in writing, using ITS' Emergency Purchase Request Form, signed by the IHL President or Designee, as soon as possible **after** the emergency procurement

				1 so the vendor payment can be processed	• ITS issues a CP-1 so the vendor payment can be processed • ITS Board informed of emergency procurement and surrounding circumstances
E-Government Procurement NOTE: Due to the different vendor business models for E-Government services and products, the procurement approach is not governed by the total expenditure but by the **true market value,** as determined by the complexity and size of the project. See Section 001-020 of this handbook for additional information on Electronic Government procurements.	• Delegated to Institution's CIO • Advertisement & receipt of competitive bids required if **true market value** of services exceeds $50,000 (25,000 for ARRA projects), **regardless of funds expended**	• Delegated to Institution's CIO • Advertisement & receipt of competitive bids required if **true market value** of services exceeds $50,000 ($25,000 for ARRA projects), **regardless of funds expended**	• Delegated to Institution's CIO • Advertisement & receipt of competitive bids required	• Requires ITS approval: CP-1 • Advertisement & receipt of competitive bids required by law • Submit Procurement Request to ITS 2-5 months before purchase	• Requires ITS Board approval and CP-1 • Advertisement & receipt of competitive bids required by law • Submit Procurement Request to ITS 3-8 months before purchase • Requires Business Case

Source: 25-53-5; 25-53-25 (2); 25-53-151; 31-7-13 (c)

Part 2 Chapter 9: Awards and Contracts

Rule 209.1: 018-010 Proposal Evaluation Process

Each Request for Proposals (RFP) and Letter of Configuration (LOC) issued by ITS contains a **summary-level** description of the criteria and process that will be used in the evaluation of submitted proposals to determine the winning proposal. The **details** of the evaluation process and scoring methodology for each RFP are developed prior to the receipt of proposals, and the summary point allocation by category is posted on the ITS website when proposals are received. The LOC evaluation process and scoring methodology are documented to the project file prior to receipt of proposals and posted on the LOC database for access by General RFP vendors.

While the evaluation process used for a specific RFP or LOC will be customized to fit the particular procurement, ITS generally applies the evaluation practices outlined below for proposal evaluation. Steps may be combined, added, or eliminated at the sole discretion of the State based on attributes of the specific procurement project. Once the evaluation process has been defined for a given RFP or LOC, each proposal received is evaluated in a consistent and defensible manner according to that evaluation process.

The intent of the evaluation process is to establish a ranking of proposals based on the requirements of the RFP or LOC. See 018-020 Proposal Evaluation Criteria and Scoring Formula for details on the numerical scoring of proposals.

Proposal Evaluation Practices:

1. The ITS Technology Consultant assigned to the procurement project leads the evaluation process and ensures that the evaluation process and scoring methodology are consistently followed and documented.

2. The ITS Technology Consultant has primary responsibility for validating each proposal to ensure that all essential elements are present: e. g. number of copies, proposal bond, signatures. Such validation should occur on the day the proposals are received. Vendors may, at the State's sole discretion, be allowed to remedy some procedural deficiencies by immediate delivery of additional copies, valid bonds, or signed cover sheets within the timeframe established by the State, typically within twenty-four hours or less of proposal opening. In no case, however, will a vendor be allowed to submit additional price information that cannot be derived from the original proposal, nor will unsolicited clarifications be accepted outside the process defined in the RFP or LOC. Proposals that are non-responsive due to missing components or failure to follow critical instructions are eliminated from further consideration. If costs are required to be submitted and sealed separately, proposals that include any cost information in the unsealed portion of the technical proposal will be eliminated from further consideration

3. The ITS Technology Consultant, in conjunction with the customer, names an evaluation team prior to the receipt of proposals. Members of the evaluation team may be asked to participate in the scoring of entire proposals or in the scoring of only portion(s) of proposals that correspond with the member's particular knowledge and expertise.

4. If appropriate, the ITS Technology Consultant conducts an evaluation orientation session, explaining the evaluation process and scoring methodology and distributing copies of the proposals to the team members.

5. Proposal confidentiality statements are obtained from each team member before distribution of the proposals.

6. Each evaluator individually reviews the proposals, or portions of proposals assigned, prior to the evaluation scoring work sessions. Evaluators review, take notes, and prepare questions for discussion.

7. The evaluation team may determine from their initial review that some proposals are non-responsive and will not be included in the evaluation. Proposals may be deemed non-responsive by the following ways:
   - The vendor did not follow the instructions in the RFP in preparing the proposal
   - Required information or critical components are omitted
   - Total cost cannot be determined
   - The proposal is clearly outside the scope of the RFP or LOC and/or proposes an alternate approach unacceptable to the State
   - The proposal offers only a partial solution to the State's requirements
   - The overall quality of the response is too poor to be evaluated with reasonable effort
   - Other significant shortfalls determined by the evaluation team.

   If a proposal is determined to be non-responsive, the evaluation team documents the reasons the proposal is eliminated from consideration and does not proceed further with the evaluation and scoring of the proposal.

8. For RFPs that do not have sealed costs, the ITS Technology Consultant and evaluation team may determine that a proposal's costs that are outside the project budget and/or out of the competitive range may not be included in the initial round of scoring.

9. For RFPs that contain Mandatory Provisions, as identified on the cover page and detailed in the Technical Specifications section of the RFP, proposals that do not meet one or more of the Mandatory Provisions are subject to immediate disqualification and elimination from further consideration, at the sole discretion of the State.

10. The ITS Technology Consultant facilitates consensus scoring sessions for the technical components of each proposal. During the technical evaluation, the evaluation team discusses each item to be scored and arrives at an overall consensus score for the technical portion of the RFP. The ITS Technology Consultant records the scores assigned by the team and documents specific ways in which any item exceeds or does not meet specifications. Proposals may be scored based only on criteria and specifications outlined in the RFP or LOC.

11. The ITS Technology Consultant, in conjunction with the evaluation team, determines the clarifications required for each proposal and solicits these clarifications from the vendor(s) in writing. The information in clarifications is then reviewed to determine whether the

scoring is impacted by the additional information. All written clarifications become part of the vendor's proposal.

12. If references are to be verified, the ITS Technology Consultant, in conjunction with the evaluation team, develops a reference questionnaire. References are checked by telephone or email. Records of each vendor reference contacted are retained for the evaluation file.

13. Scores from the consensus scoring sessions are tallied by the ITS Technology Consultant. The ITS Technology Consultant reviews the consensus findings with the designated Quality Assurance (QA) Coordinator to ensure the process was followed and scores were assigned consistently. If there is a required threshold ("gate"), typically expressed as a minimum percentage of the technical requirements that must be met or of the non-cost points that must be obtained to proceed to vendor presentations and/or the cost evaluation phase, the proposals not reaching that threshold are eliminated from further consideration.

14. For proposals within the competitive range, the evaluation team reviews each proposal's exception summary and determines which exceptions are acceptable to the State, which cannot be accepted, and which can be negotiated after contract award. Proposals with a substantial number of material exceptions and/or with exceptions that are not acceptable to the State may, at the sole discretion of the evaluation team, be eliminated from further consideration at any point in the evaluation process.

15. The ITS Technology Consultant, in conjunction with the customer and other scoring team members, schedules vendor presentations, if required. If there is a possibility that vendor presentations will be required during the evaluation process, this possibility will be stated in the underlying RFP or LOC. All vendors who have submitted responsive proposals in the competitive range will be asked to schedule a presentation. Oral presentations are typically recorded and become part of the vendors' proposals. Following all presentations, the evaluation team reviews the scoring of each proposal to see if information from the presentation impacted the consensus score for any item.

16. The ITS Technology Consultant, with assistance as needed from the evaluation team, compiles the cost information, ensuring that all applicable costs are included in the price evaluation of each proposal, verifying quantities and calculations, and ensuring the cost proposal is consistent with the functional/technical proposal. The evaluation team may request vendor clarifications on inconsistencies or on what is included or not included in a particular cost item. No new pricing can be accepted after the proposal opening, except as defined in the underlying RFP or LOC. Any proposal for which the cost cannot be precisely determined will be eliminated from further consideration. See 018-020 Proposal Evaluation Criteria and Scoring Formula for details on cost calculation and scoring formula.

17. The evaluation team determines whether a Best and Final Offer (BAFO) will be requested. The State reserves the right to request a BAFO on any procurement. The decision of whether to request a BAFO is solely the decision of the State. If a BAFO is to be required from the vendors, the ITS Technology Consultant and the evaluation team develop a written request that outlines the information to be provided and the deadline for submitting

the BAFO. This document is provided to all vendors who have submitted responsive proposals in the competitive range and who could be reasonably expectant of award. BAFOs are evaluated in the same manner as the original proposals.

18. The ITS Technology Consultant compiles and verifies all scores (technical and cost) and determines the apparent winning proposal. After this information has been verified by the Technology Consultant's QA Coordinator, it is sent to the evaluation team for verification.

19. Once the scoring has been reviewed and accepted by the evaluation team, the ITS Technology Consultant formally requests customer concurrence with the award recommendation, posts a notification of the award to the ITS website, and emails participating vendors a notice of intent to award pending ITS Board approval and/or successful contract negotiations.

20. Depending on the project cost, either the ITS Executive Director or the ITS Board must approve the award. This approval is independent of any approvals required by the customer agency or other regulatory or oversight entities. See 018-030 ITS Director Approval & ITS Board Approval of Procurements for additional information.

21. The ITS Technology Consultant, the Special Assistant Attorney General assigned to ITS, and the designated customer representatives begin contract negotiations with the awarded vendor. Should negotiations not be successful within a reasonable amount of time, the State may discontinue negotiations and begin negotiations with the vendor that provided the next most competitive proposal.

Source: 25-53-5 (o)

Part 2 Chapter 9: Awards and Contracts

Rule 209.2: 018-020 Proposal Evaluation Criteria and Scoring Formula

Section 25-53-5 (o) of the Mississippi Code specifies that any contract for a technology acquisition be awarded to the vendor submitting the "lowest and best" proposal. This requirement means the evaluation criteria and scoring formula for evaluating vendor proposals include both quantitative and qualitative measures.

For each Request for Proposals (RFP) and Letter of Configuration (LOC) issued, ITS works with the customer agency/public university to develop a scoring formula, based on 100 points, prior to receipt of proposals. For RFPs, the categories to be used as evaluation criteria and the number of points allocated to each category and item are finalized and time-stamped prior to the proposal opening and posted on the ITS website at the time of the proposal opening.

The initial determination in any scoring formula is the division of the 100 points between cost and non-cost components. Cost identifies the "lowest" proposal, but many other components applicable to determining the quality of the proposal are also considered in determining which proposal is both "lowest and best." The number of points allocated to cost is typically between 25 and 90 (i.e. 25% to 90% of the basis for determining the winning proposal). The cost points assigned for a particular procurement depend upon the nature of the products or services being acquired. This allocation is a business decision made by ITS and the customer agency or public university.

For a small number of LOCs or Invitations to Bid, the specifications consist of a list of specific hardware or software components and cost is the only determinant. A cost-only evaluation methodology is the exception for procurements under the purview of ITS. The higher the service component, the larger and more complex the project, and the greater the risk to the State, the higher the percentage of points allocated to the non-cost portion of the scoring formula.

Examples of factors other than cost that are considered for inclusion in the scoring formula are:

- Quality and responsiveness of the proposal
- Technical merit of the proposed solution
- References
- Company information
- Quality of the project plan
- Qualifications of proposed staff

Once the relevant non-cost evaluation criteria for the given RFP or LOC are selected, each criterion is assigned a weight. For some procurements, the evaluation criteria are applied in steps. In these evaluations, each step may designate a threshold or pass/fail criteria that must be met for the proposal to be considered further.

ITS reserves the ability to add up to five "value-add" points for features of significant value to the State that are over-and-above the requirements of the RFP or LOC and are offered at no additional cost to the State. The scoring criteria developed for each procurement will specify

whether value-add points are available and how they will be assigned. Value-add points are in addition to the 100 base points. In practice, Value-add points are rarely used.
Other procurements have optional evaluation steps, such as an onsite interview or oral presentation, built in as contingencies. These steps are exercised or bypassed at the State's sole discretion, based on an assessment by the evaluation team as to whether the extra information is needed for an adequate evaluation and determination of the award.

Scoring of the non-cost components in the evaluation criteria is always somewhat more subjective than the quantitative scoring of proposal cost information. Each valid proposal is evaluated against the requirements of the RFP. Proposals are not compared with each other. Unless otherwise justified by the nature of the project, ITS uses a consensus scoring approach to assign points to non-cost criteria. See 018-010 Proposal Evaluation Process for a description of consensus scoring.

Cost scores are computed using lifecycle costs (See 005-400 Terms: Lifecycle cost). The cost score is computed as a ratio of the difference between a given proposal's lifecycle cost and the lifecycle cost of the lowest valid proposal. The following cost scoring formula is used for every proposal evaluation:

Points awarded for cost = (1-((B-A)/A))*n
Where:
A = Total lifecycle cost of lowest valid proposal
B = Total lifecycle cost of proposal being scored
n = number of points allocated to cost for this procurement

In simpler terms, lowest price gets a perfect score. A proposal that is 20% more expensive than the lowest priced offering gets 20% fewer points.

When the above formula would result in a negative cost score (i.e. the lifecycle cost of the proposal being scored is more than twice that of the lowest valid proposal), <u>the cost score is set to zero, rather than deducting points from the vendor's score.</u>

Source: 25-53-5 (o)

Part 2 Chapter 9: Awards and Contracts

Rule 209.3: 018-030 ITS Director Approval & ITS Board Approval of Procurements

Mississippi Code Annotated, Section 25-53-5 (k), requires that contracts for information technology purchases be approved by the ITS Board. The Board is authorized to delegate this approval to the ITS Executive Director for projects costing less than a specified amount.

The ITS Board is charged in state statute with the responsibility for maximizing the use and benefit of information technology by the agencies, boards, commissions, and public universities of the state. To address this directive, the ITS Board, during state fiscal year 2004, outlined a plan to redirect its focus to place more attention on strategic technology initiatives and to be more involved in the planning stages of mission-critical projects. The ITS Board expressed its intent to increase its ability to impact the responsible use of scarce technology dollars for more effective solutions that leverage state infrastructure investments and promote technical compatibility and coordination among agencies and public universities.

As an important component of this redirection of its role, the ITS Board revised the content and format of board meetings. As the Board shifted its focus from the approval of contract awards at the end of a procurement process to the review, analysis, and approval of strategic technology initiatives, the Board set new thresholds for approval of procurement projects by the ITS Executive Director. With fewer procurement project presentations, the Board will have time to work with ITS and ITS customers on strategic planning, best practices, and leveraging the state's investment in enterprise technology resources.

A business case must be completed on all IT projects requiring ITS Board Approval. ITS has developed an IT Project Business Case Workbook to assist agencies in preparing the business case. Other advanced planning documentation such as a grant application might be substituted for the Business Case if it provides the necessary justification for the technology project. Please work with the IT Planning Coordinator at ITS to determine if the documentation may be substituted.

Business case documentation may be found on the ITS website at http://www.its.ms.gov/Services/Pages/Agency-IT-Planning.aspx. For more information or assistance, please contact the IT Planning Coordinator at ITS.

Due to the importance the Board places on technology planning, the new Director Approval thresholds do not apply to agencies without approved technology plans.

ITS Board Approval and Reporting Requirements/ Director Approval Thresholds
Effective July 2004

Board Approval Requirements for <u>Agencies with approved IT plans</u> and for IHLs	**Director Approval Thresholds**
Procurement Category	**Board Approval Required if Total Project** Lifecycle Cost **is Greater Than:**
Default	$1,000,000*
Manufacturer Maintenance	No limit: Board approval not required
Bureau of Buildings Projects	No limit: Board approval not required
Consulting Services: Includes all projects that include either 'body shop' or deliverable-based technology consulting, other than incidental services provided in conjunction with another acquisition.	$500,000*
Projects identified by Board, ITS Director, ITS staff, and/or customer agency staff for special consideration: These projects will be identified at the direction of the ITS Board. The ITS Board may determine focus areas based on Enterprise Architecture initiatives, analysis of agency IT plans, and continued assessment of emerging technologies and opportunities for interoperability and leveraging state IT infrastructure investments.	Board input and/or approval required
Board Approval Requirements: for <u>Agencies without approved IT plans</u>	
Default	$250,000
Board Reporting Requirements	
Consulting Services	**Semi annually**: Total consulting services approved, by agency, with list of individual CP-1s **Annually:** IT PINS by agency: filled and vacant, with salaries IT PINS by position across all state agencies

*Note: The ITS Executive Director only approves state agency projects with a lifecycle cost above $250,000 if those projects are in the current technology plan on file with ITS. Approvals by the ITS Executive Director of projects costing more than $250,000 are designated "Director

Approved Planned Purchases." The CP-1 Acquisition Approval Documents for these procurements contain the project number from the agency's IT plan and have special language documenting that the acquisition was authorized under the Director Approval Planned Purchases Procedure.

The **total project lifecycle cost** is used to determine whether a contract can be approved by the ITS Executive Director ('Director Approval') or must be submitted to the ITS Board for approval (see 005-400 Terms: Lifecycle cost).

Because there are many types of projects and associated payment models and because contracts are frequently modified over the life of a project, the table below has been developed to describe situations in which ITS Board approval would be required. The table is not exhaustive. A customer who is uncertain whether ITS Board approval is required for a specific procurement is encouraged to discuss the procurement details with the ITS Technology Consultant assigned to the project after the request has been submitted.

Type Contract:	**Board Approval Required if:**
(1) Initial: Single Phase	The total initial and ongoing costs (maintenance, support, annual license fees, etc.) to be paid to vendor(s) for the projected lifecycle of the technology exceed the Director Approval threshold.
(2) Initial: Multi-Phase	The total cost of the initial phase is less than the Director Approval threshold, but the RFP/LOC included an option for the contract to continue for subsequent phases at the State's discretion, with the vendor providing a cost proposal for the next phase as a deliverable in Phase I; the total cost of the initial phase and subsequent phases can reasonably be expected to exceed the Director Approval threshold
(3) Modification/continuation: Amendment or change order to ongoing project	a. Cost increase for the amendment or change order is above the Director Approval threshold; or b. Cost increase for the amendment or change order is less than the Director Approval threshold, but the new project total is above the Director Approval threshold, and there has been no previous Board approval for the project; or c. Cost increase for the amendment or change order is less than the Director Approval threshold; the project was approved by the Board; the sum of changes since the last Board approval exceeds the Director Approval threshold

Source: 25-53-5 (k)

Part 2 Chapter 10: Procurement Policies

Rule 210.1: 019-001 ITS Procurement Ethics

Principles and Standards

Procurement Code of Ethics

Procurement Code of Conduct

Principles and Standards for Ethical Procurement

ITS has adopted the following overriding principles and standards to guide individual and group decisions and actions related to technology procurements. These principles and standards are established to (1) encourage adherence to uncompromising ethical behavior, (2) increase awareness and acceptance of ethical conduct, and (3) emphasize the role of ethics when formulating decisions.

These standards are guidelines for everyone involved in technology procurements, whether they represent ITS, an ITS customer, or a technology vendor.

These principles and standards, along with the attached Code of Ethics and Code of Conduct, should be applied with good judgment, management support, and personal conscience when making decisions concerning actions that affect or influence public procurement.

Principles and Standards:
Perceived Impropriety: Prevent the intent and appearance of unethical or compromising conduct in relationships, actions, and communications. Interactions among ITS, customers, and vendors must be honest and fair-minded. Avoid actions that appear to, or actually, diminish ethical conduct. Consequences of a perceived impropriety can be the same as consequences of an actual impropriety.

Conflicts of Interest: Ensure that any personal, business, or other activity does not conflict with the interests of the State or your role in technology procurement. Persons responsible for technology procurements must not use their positions to induce another person to provide inappropriate benefits to themselves or others. This standard applies to family, business, personal, or financial relationships. Even the appearance of a conflict must be avoided.

Issues of Influence: Avoid behaviors or actions that may negatively influence, or appear to influence, procurement decisions. Avoid any activity that reduces the objectivity of the decision-making process.

Responsibilities to the State: Uphold your responsibilities using reasonable care and granted authority to deliver value to the State. As employees of the State and public servants, technology procurement professionals serve the interests of the State of Mississippi to the exclusion of personal gain.

Vendor and Customer Relationships: Promote positive vendor and customer relationships. ITS procurement staff members are responsible for developing and maintaining effective business relationships with vendors and ITS customers. Impartiality across all business interactions enhances the reputation of ITS and of the public procurement process.

Confidential and Proprietary Information: Protect confidential and proprietary information and share it with others only when needed. ITS procurement staff members should ensure that recipients of confidential and proprietary information know that they have an obligation to protect it.

Applicable Laws and Procedures: Know and follow the letter and spirit of Mississippi public procurement statutes, as well as the processes, procedures, rules, and guidelines applicable to technology procurement. ITS procurement staff members should develop and maintain an understanding of the statutory requirements for technology procurement for the State of Mississippi. Customers and vendors should seek to understand the basic guidelines and legal constraints inherent to public procurement in Mississippi.

(Source: *Principles and Standards of Ethical Supply Management Conduct with Guidelines*, Institute for Supply Management, Inc. TM, ©2008. Used by permission.)

ITS Procurement Code of Ethics

Section 1: Background and Purpose

1.1 Section 25-4-101, Mississippi Code of 1972, as amended states, "The legislature declares that elective and public office and employment is a public trust and any effort to realize personal gain through official conduct, other than as provided by law, or as a natural consequence of the employment or position, is a violation of that trust. Therefore, public servants shall endeavor to pursue a course of conduct which will not raise suspicion among the public that they are likely to be engaged in acts that are in violation of this trust and which will not reflect unfavorably upon the state and local governments."

1.2 ITS expects and promotes full compliance with the statutory directives in Mississippi Code Sections 25-4-101 through 25-4-119, by all ITS staff members, ITS customers, and members of the vendor community who do business with ITS. This Code of Ethics and associated Code of Conduct are provided as a reminder to each of these groups of the high ethical standards to which they and their actions are held by the members of the public; the legislative, executive, and judicial branches of Mississippi government; and the executive management and board of ITS. This policy is intended to be applied in conjunction with and shall not be considered as superseding any laws or regulations administered and enforced by the Mississippi Ethics Commission.

Section 2: Expectations of ITS Procurement Staff

2.1 ITS considers public employment to be a public trust and expects each ITS employee, including but not limited to those involved in the procurement process, to exhibit the highest standards of honesty, integrity, impartiality, courtesy and ethical conduct in all actions and decisions.

2.2 ITS procurement staff will work professionally, cooperatively, and respectfully with ITS customers and with prospective and incumbent vendors.

2.3 ITS procurement staff will manage procurements fairly and in a transparent manner, adhering to all statutes, policies, and rules.

2.4 ITS management will promote and foster the highest standards of professional competence and knowledge for all personnel involved in the procurement process.

2.5 ITS procurement staff will seek to work as efficiently as possible while producing a quality product that meets the objectives of the State of Mississippi, minimizing delays and costs for both vendors and customers.

2.6 ITS procurement staff will work with the customer and, if applicable, the vendor community, to develop responsible and realistic project schedules and then to ensure commitments are fulfilled in a timely manner to meet published procurement schedules.

2.7 ITS procurement staff will protect confidential and proprietary information throughout the procurement process.

2.8 ITS procurement staff will not solicit or accept gifts, gratuities, loans, offers of employment, or anything else of monetary value from a vendor.

2.9 ITS procurement staff will identify any procurement situation which creates a potential conflict of interest or appearance of such conflict for the staff member. ITS management will take measures to appropriately mitigate the conflict. Conflict of interest is defined as any personal interest, directly or indirectly, through business, family, friend, or other associations, that may influence or may reasonably appear to others to influence a person's judgment and impartiality, in any matter relevant to that person's duties.

Section 3: Expectations of ITS Customers

3.1 ITS expects customers, as public servants, to exhibit the highest standards of integrity and ethical conduct in all aspects of the procurement process.

3.2 ITS expects customer staff to work professionally, cooperatively, and respectfully with ITS and with vendors.

3.3 ITS expects customers to be fully open and forthcoming with all information related to an acquisition, including but not limited to customer executive's objectives, direction and support; budget and funding; business and technical issues and objectives; vendor contacts; and all other influences, drivers, expectations, schedules, and other potential influences on the procurement process or outcome.

3.4 ITS expects customer entities to provide requested information in a complete and accurate form and in a timely manner.

3.5 ITS expects customers to maintain the confidentiality of information acquired during the procurement process as appropriate.

3.6 ITS expects customers to accurately represent their true business requirements and to work with ITS to ensure specifications are open and competitive.

3.7 ITS expects customers to uphold the public trust by procuring solutions that meet their business needs without paying for features that exceed the procuring entity's true requirements.

3.8 ITS expects customers to initiate only procurements the customer has a clear intent to award.

3.9 ITS expects customers to responsibly and proactively manage vendors and project contracts to ensure all provisions are upheld and to protect the interests of the State.

3.10 ITS expects customers to identify any situation with a potential conflict of interest or appearance of such conflict related to the procurement process. Conflict of interest is defined as any personal interest, directly or indirectly, through business, family, friend, or other associations, that may influence or may reasonably appear to others to influence a person's judgment and impartiality, in any matter relevant to that person's duties.

Section 4: Expectations of Prospective and Incumbent Vendors

4.1 Vendors are expected to promote the highest standards of ethical behavior in all business dealings and in every phase and aspect of the procurement process.

4.2 Vendors are expected to fully respect the need for public sector procurement to be conducted in a structured, consistent, fair, open, and transparent manner.

4.3 Vendor representatives are expected to work professionally, cooperatively, and respectfully with ITS and ITS' customers, providing information in the form requested and in a timely manner.

4.4 Vendors are expected to raise valid issues or concerns regarding a procurement vehicle or process as soon as they become aware of the issue and to work with the State's representatives to resolve issues in a constructive manner.

4.5 Vendors are expected to present complete and accurate information concerning their experience, products, and capabilities and to propose only solutions they can successfully deliver for the cost and within the timeframe proposed.

4.6 Vendors are expected to read, understand, and comply with ITS' procurement policies and procedures, as well as all instructions and requirements in the specific procurement vehicle to which the vendor is responding.

4.7 Vendors are expected to negotiate project contracts in good faith and to uphold all commitments made in a project proposal, including but not limited to project timeframes, costs, and staffing, and to ensure projects are resourced and supported to a successful outcome.

4.8 Vendors must not attempt to unduly influence any part of the procurement process or content in a manner that violates generally accepted business ethics.

4.9 Vendors must not work in concert with any competing vendor when preparing a bid or proposal.

4.10 Vendors must not distribute marketing or sales-related information related to an ITS procurement instrument, contract, project, or award without the prior review and written permission of ITS. Vendors who violate this provision, especially if the information distributed is fraudulent or misleading, are subject to disqualification or other penalties.

4.11 Vendors must not offer, give or agree to give a gratuity, gift, or anything of monetary value, including any offer of employment, to anyone involved in the procurement process within one year of the conclusion of the procurement process. ITS will consider any such offer a breach of process, and the offering vendor will be subject to disqualification and other penalties.

Section 5: Expectations for the Procurement Process

5.1 Every procurement overseen by ITS will be conducted in accordance with all applicable statutes and with the policies and procedures of ITS.

5.2 Procurements will be conducted using a competitive process. Exceptions will require substantial and compelling documentation.

5.3 Specifications developed for technology procurements will be open and competitive and will represent the actual business requirements of the customer entity. The process will not favor or exclude qualified vendors other than by criteria that are true requirements of or value to the State.

5.4 The procurement process will be transparent, with appropriate information shared with stakeholders in a timely manner.

5.5 The selection in a procurement process will be based on the best combination of cost and value to the State and will be determined based on the criteria defined in the underlying procurement vehicle.

5.6 All potential vendors will be treated fairly and equitably and will have equal access to information throughout the procurement process.

5.7 Contractual terms will be clear and fair, taking into account the interests of the vendor while protecting the substantial interests of the State.

5.8 The procurement process will offer and encourage opportunities for both successful and unsuccessful candidate vendors to receive feedback that is specific and relevant to the vendor's offering and the procurement process, with the objective of improving future offerings by that vendor and of incorporating applicable vendor feedback into the procurement process.

Source: Sections 25-4-101 through 25-4-119

ITS Procurement Code of Conduct

Section 1: ITS Statutory Responsibilities and Charge

1.1 ITS is dedicated to providing the best possible service to government customers. ITS strives to balance the following aspects of our role in government:

- The need to develop strong partnerships with vendors who provide IT hardware, software, and services to government
- The need to deliver quality IT hardware, software, and services for the lowest possible cost to the State as a whole
- The requirement to manage open and competitive procurement efforts for IT hardware, software, and services.

1.2 ITS employees conduct themselves in a manner to instill public confidence in the integrity of state government employees. It is impossible to anticipate every example of ethics decisions that may be presented to ITS employees. It is the responsibility of the employee to exercise good judgment and to be sensitive to any possible appearance of impropriety when conducting business with customers and vendors.

1.3 ITS employees are encouraged to err on the side of excess diligence regarding any business situation to avoid even the appearance of a violation of the public trust.

Section 2: Gifts and Gratuities

2.1 ITS recognizes there is a cost for vendors to provide IT hardware, software, and services to government. ITS also recognizes that as the cost for a vendor to do business increases, the cost for government to do business increases. ITS employees strive to lower the cost of doing business wherever possible.

2.2 Acceptance of anything of tangible value from a vendor contributes to the vendor's expenses and unnecessarily presents an opportunity for misinterpretation of the relationship between the vendor and the employee. Therefore, ITS procurement staff members do not accept any offer of a product, service, or favor of tangible value from a vendor.

2.3 ITS procurement staff members refuse gifts and gratuities, including but not limited to, money, credit, loans, discounts not generally available, and entertainment. Some examples of unacceptable gifts and offerings are listed below:

- Free tickets to the theater, sports events, or other entertainment venues.
- Paid travel costs or accommodations.
- Gift cards or gift certificates.

2.4 ITS procurement staff members do not accept offers of employment from any awarded vendor within one year of the conclusion of a procurement process in which that vendor and staff member mutually participated.

2.5 ITS procurement staff members do not solicit anything from vendors for any reason. Examples include, but are not limited to:

- Purchases by vendors from side businesses in which the staff member is involved
- Donations by vendors for charitable and/or civic events or organizations in which the ITS employee and/or his/her immediate family is involved
- Purchases by vendors from fund raisers in which ITS employees and/or their families are involved

2.6 ITS procurement staff may accept items of nominal value offered by suppliers to a substantial number of their customers for public relations purposes when there could be no perception of monetary value, inappropriate influence, or other ethical breach. Examples might include a t-shirt, pen, notepad, or other inexpensive trinket.

2.7 ITS procurement staff members may sometimes be required to conduct business during meals or to participate in modest hospitality as a courtesy in a business relationship. Staff members will avoid frequent meals with the same vendor and avoid any situation in which he/she might be perceived to have been influenced as a result of accepting or participating in a particular vendor's hospitality. However, any and all vendor contacts with ITS procurement staff and ITS customer staff must be discontinued during any active procurement process in which the vendor is a potential proposer for the customer's project and/or the ITS procurement staff member is involved in the procurement project.

2.8 ITS procurement staff may participate in lunch-and-learn and similar meetings sponsored by vendors.

2.9 ITS procurement staff members may participate in raffles or drawings held by vendors in public forums but will not encourage or initiate a vendor raffle.

Section 3: Confidential Information

3.1 The assigned ITS project manager is responsible for ensuring that all ITS and customer employees involved in the procurement process execute the appropriate confidentiality agreements in a timely manner and that these agreements are maintained in the project file.

3.2 The assigned ITS project manager is responsible for protecting and controlling the distribution of all proprietary or confidential materials throughout the procurement process, including physical security of printed documents, security of electronic documents, and accounting for all copies of the same.

3.3 The assigned ITS project manager is responsible for instructing each team member regarding the need to protect and secure proprietary and confidential information.

3.4 The assigned ITS project manager is responsible for ensuring any external requests for project information are directed to and processed by the ITS Public Records Officer in accordance with the ITS Public Records Policy.

Section 4: Conflict of Interest

4.1 ITS procurement staff members strive to collectively and individually maintain an open and competitive environment for awarding and conducting government business. An ITS procurement staff member with a perceived or actual conflict of interest in a certain procurement effort will make a formal declaration of disqualification and promptly withdraw from further participation in the procurement.

4.2 ITS procurement staff members avoid engaging in personal business with a vendor who provides IT hardware, software, or services to government in Mississippi.

4.3 ITS procurement staff members do not lend money to or borrow money from any vendor.

4.4 ITS procurement staff members avoid outside employment or other activities that might create demands incompatible with their procurement assignments, cast doubt on their ability to perform these assignments objectively, or otherwise create a conflict of interest.

4.5 Conflicts of interest for members of the procurement staff include but are not limited to:

- The ITS procurement staff member or any member of that person's immediate family has a financial interest pertaining to the procurement and/or an association with any potential vendors
- A business or organization with which the ITS procurement staff member or any member of that person's immediate family is associated has a financial interest pertaining to the procurement and/or is a potential vendor
- Any other person, business, or organization with whom the ITS procurement staff member or any member of that person's immediate family is negotiating or has an arrangement concerning prospective employment is involved in the procurement

Source: Sections 25-4-101 through 25-4-119

Part 2 Chapter 10: Procurement Policies

Rule 210.2: 019-010 ITS Public Records Policy and Procedures

Public Records Policy

Public Records Procedures

Public Records Request Form

ITS Public Records Policy

1. Statutory Authority and Purpose

(a) **Introduction**

The Mississippi Department of Information Technology Services (ITS) is the state agency created by Section 25-53-1 et seq., Mississippi Code of 1972, to maximize the use and benefit of information technology by promoting full cooperation, coordination, cohesive planning, and maximum compatibility of technology among all state agencies and institutions of higher learning. ITS' central office is located at 3771 Eastwood Drive, Jackson, Mississippi 39211.

These public records procedures are promulgated by ITS in compliance with the Mississippi Public Records Act of 1983, Mississippi Code Section 25-61-1, et seq.

"It is the policy of the Legislature that public records must be available for inspection by any person unless otherwise provided by this act. Furthermore, providing access to public records is a duty of each public body and automation of public records must not erode the right of access to those records." Section 25-61-1, Miss. Code of 1972.

"[A]ll public records are hereby declared to be public property, and any person shall have the right to inspect, copy or mechanically reproduce or obtain a reproduction of any public record of a public body in accordance with reasonable written procedures adopted by the public body concerning the cost, time, place and method of access, and public notice of the procedures shall be given by the public body." Section 25-61-5, Miss. Code of 1972.

The act defines "public record" to include "all books, records, papers, accounts, letters, maps, photographs, films, cards, tapes, recordings or reproductions thereof, and any other documentary materials, regardless of physical form or characteristics, having been used, being in use, or prepared, possessed or retained for use in the conduct, transaction or performance of any business, transaction, work, duty or function of any public body, or required to be maintained by any public body." Section 25-61-3(b), Miss. Code of 1972.

The purpose of these rules is to establish the guidelines and procedures ITS will follow in order to provide full access to public records. These rules provide information to persons wishing to request access to public records of ITS and establish processes for both requestors and ITS staff that are designed to best assist members of the public in obtaining such access.

The purpose of the act is to provide the public full access to information concerning the conduct of government, mindful of individuals' privacy rights and the desirability of the efficient administration of government. Because the purpose of the act is to allow people to be informed about governmental decisions (and therefore help keep government accountable) while at the same time recognizing certain exemptions, it should not be used to obtain records containing purely personal information that has no bearing on the conduct of government.

The act and these rules will be interpreted in favor of disclosure. In carrying out its responsibilities under the act, ITS will be guided by the provisions of the act describing its purposes and interpretation.

(b) **Definitions**

(i) "Custom Request" means any public records request for information other than what is contained in the list of Standard Documents as specified in the ITS Public Records Request Procedures Attachment to this document.

(ii) "Exempt Record" means a record held by a public body that may contain information that impacts the rights of others and has been excluded from disclosure under the Mississippi Public Records Act.

(iii) "Initial Fee" means the evaluation and research payment in the amount specified in the ITS Public Records Request Procedures Attachment to this document. This fee is due with the submission of Public Records Requests for Custom Requests and is applied toward the actual cost of filling the Public Records Request.

(iv) "Standard Document" means any public record listed in the ITS Public Records Request Procedures Attachment to this document and available for immediate release at either no cost or a fixed charge.

(v) "Standard Document Fee" means the fixed cost for a particular Standard Document, as shown in the ITS Public Records Request Procedures Attachment to this document.

(vi) "Working Days" means Monday through Friday but excludes State recognized holidays mandated by Mississippi Code Annotated, Section 3-3-7 (1972), other holidays identified in holiday proclamations published or distributed by the Mississippi Secretary of State, and any other day the offices of state agencies are officially closed for business.

2. ITS Public Records Officer and Contact Information

(a) Any person wishing to request access to public records of ITS, or seeking assistance in making such a request should contact the Public Records Officer of ITS in one of two ways – via the Public Records On-Line Application or in writing to:

Public Records Officer
Mississippi Department of Information Technology Services
3771 Eastwood Drive, Jackson, MS 39211
Phone: 601-432-8000
Fax: 601-713-6380
Email: open.records@its.ms.gov

Information is also available at the ITS website.

(b) The ITS Public Records Officer will oversee compliance with the act but other ITS staff members may process the request. Therefore, these rules will refer to the Public Records Officer "or designee." The Public Records Officer or designee and ITS will provide the "fullest assistance" to requestors; ensure that public records are protected from damage or disorganization; and prevent the fulfilling of public records requests from causing excessive interference with essential functions of ITS. All references in this policy to "Public Records Officer" should be construed as "Public Records Officer or designee."

3. Availability of public records

(a) **Records available through** ITS website**.** Many public records maintained by ITS are available for access and/or download at no charge via the ITS website. Requestors are encouraged to view the documents available on the website prior to submitting a public records request. Requestors without access to the internet may request to use a computer at the ITS offices for this purpose.

(b) **Hours for inspection of records:** With prior written notice to the Public Records Officer, public records are available for inspection and copying during normal business hours of ITS, Monday through Friday, 8:00 a.m. to 5:00 p.m., excluding state holidays. Records must be inspected at the offices of ITS with an ITS employee present.

(c) **Organization of records:** ITS will maintain its records in a reasonably organized manner. ITS will take reasonable actions to protect records from damage and disorganization. A requestor shall not take ITS records from ITS offices.

(d) **Making a request for public records**

(i) Any person wishing to inspect or copy any public records maintained by ITS, or to request copies of such information from ITS, should make the request via the Public Records On-Line Application, in writing using the ITS Public Records Request Form, or by letter addressed to the ITS Public Records Officer and include the following information:

- Name of requestor
- Address of requestor
- Other contact information, including telephone number and e-mail address
- Identification of the public records adequate for the Public Records Officer to locate the records
- The date of the request
- A check for the appropriate amount, as specified in the ITS Public Records Request Procedures Attachment to this document

(ii) If the requestor wishes to have copies of the records made instead of simply inspecting them, he or she should so indicate and make arrangements to pay for copies of the records at

the time they are copied. Standard photocopies will be provided at the per page cost specified in the ITS Public Records Request Procedures Attachment to this document.

(iii) A Public Records Request Form is available for use by requestors at the office of the Public Records Officer. Word and pdf versions of this document are attached to this policy. Because an Initial Payment must accompany the request, verbal, telephone, email, and fax requests cannot be accepted.

(iv) Public Records On-Line Application – The on-line application allows requestors to make requests and payments electronically through a secure payment processor.

(e) **Obligations of ITS**

(i) ITS has a duty to promptly provide access to all nonexempt public records. ITS will treat all requestors similarly, regardless of the purpose of the request or the identity of the requestor.

(ii) Public records used or created by ITS will be retained according to retention schedules approved by the Mississippi Department of Archives and History. These schedules are specific to ITS and to the type and contents of the public record. The destruction of ITS public records is governed by the retention schedules.

(iii) ITS will not destroy any public record, even if it is eligible to be lawfully destroyed under a retention schedule, if a public records request has been made for that record. ITS will retain the record until the Public Records Request has been resolved.

(iv) ITS will use technology to provide public records in electronic form where possible.

(v) ITS will conduct an objectively reasonable search for responsive records.

(vi) ITS is not obligated to create a new record to satisfy a public records request.

(f) **Obligations of Requestor**

(i) A requestor must request an identifiable record or class of records. An "identifiable records" is one the ITS staff can reasonably locate. The Public Records Act does not allow the requestor to search through ITS files for records that cannot be reasonably identified or described to ITS.

(ii) A requestor must be as specific as possible in making the request. Requests using inexact and comprehensive phrases such as "all records relating to" a topic, requests requiring legal research, or requests asking for information rather than records will be clarified or denied by ITS.

4. Processing of Public Records Requests

(a) **Providing access:** ITS acknowledges that "providing access to public records is a duty" and that "any person shall have the right to inspect, copy or mechanically reproduce or obtain a reproduction of any public record" in accordance with these policies (Mississippi Code Sections 25-61-1 and 25-61-5). The Public Records Officer will process requests in the order allowing the most requests to be processed in the most efficient manner.

(b) **Acknowledging receipt of request:** Within seven (7) Working Days of receipt of the request, the Public Records Officer will do one or more of the following:

(i) Make the records available for inspection or copying.

(ii) If copies are requested and full payment is received in accordance with the ITS Public Records Request Procedures Attachment to this document, send the copies to the requestor.

(iii) Acknowledge the receipt of the request and provide a reasonable estimate of the time and cost that will be required to make the records available; for records that do not fall under the provisions of Mississippi Code Section 25-61-9 regarding third party notification requirements, ITS will provide a written explanation if the records cannot be produced within the seven Working Day period.

(iv) If the request is unclear or does not sufficiently identify the requested records, request clarification from the requestor. Such clarification may be requested and provided by telephone, with written follow-up. The Public Records Officer may revise the estimate of when records will be available.

(v) Deny the request, with documentation to the requestor as to the reason for denial.

(c) **Consequences of failure to respond:** If ITS does not respond in writing within seven (7) Working Days of receipt of the request for disclosure, the requestor should contact the Public Records Officer to determine the reason for the failure to respond.

(d) **Protecting rights of others:** In the event the requested records contain information that may affect rights of others and may be exempt from disclosure, the Public Records Officer will, prior to providing the records, give notice to such others whose rights may be affected by the disclosure ("Third Party Notice"). Such notice will be given so as to make it possible for those other persons to contact the requestor and ask him or her to revise the request, or, if necessary, seek an order from a court to prevent or limit the disclosure. The notice to the affected persons will include a copy of the request. See Section 7 of this policy for additional information on Third Party Information.

(e) **Denial of Request:** ITS may deny a Public Records Request for the following reasons**:**

(i) **Records exempt from disclosure:** Some records are exempt from disclosure, in whole or in part. If ITS believes that a record is exempt from disclosure and should be withheld, the Public Records Officer will state the specific exemption and provide a brief explanation of why the record or a portion of the record is being withheld. If only a portion of a record is exempt from disclosure, but the remainder is not exempt, the Public Records Officer will redact the exempt portions, provide the nonexempt portions, and indicate to the requestor why portions of the record are being redacted. See Section 6 of this policy for additional information on exemptions.

(ii) **Record does not exist or ITS does not have the record:** ITS must only provide access to public records in existence at the time of the request. If a public record is created or comes into the possession of ITS after the request is received by ITS, that record will not be provided. The requestor must make a new request to obtain subsequently created public records. Sometimes more than one public body holds the same record. When more than one public body holds a record and a requestor makes a request to ITS, ITS will provide access to the record it holds regardless of its availability from another public body.

(f) **Inspection of records**

(i) Consistent with other demands and with prior written notice by the requestor to the Public Records Officer, ITS shall promptly provide space to inspect nonexempt public records with an ITS employee present. No member of the public may remove a document from the viewing area or disassemble or alter any document. The requestor shall indicate which documents he or she wishes ITS to copy and must provide payment for copies at the time copies are made.

(ii) The requestor must claim or review the assembled records within ten (10) Working Days of ITS' notification to him or her that the records are available for inspection or copying. ITS will notify the requestor in writing of this requirement and inform the requestor that he or she should contact ITS to make arrangements to claim or review the records. If the requestor or a representative of the requestor fails to claim or review the records within the ten (10) Working Day period or make other arrangements, ITS may close the request and refile the assembled records. Other public records requests can be processed ahead of a subsequent request by the same person for the same or almost identical records, which can be processed as a new request.

(iii) **Providing copies of records:** After inspection is complete, the Public Records Officer shall make the requested copies or arrange for copying. The requestor must provide payment for copies at the time copies are made. Alternately, the requestor may ask that ITS provide the requested information directly to the requestor, in printed or electronic form, without prior inspection of the information by the requestor.

(iv) **Providing records in installments:** When the request is for a large number of records, the Public Records Officer will provide access for inspection and/or copying in installments, if he or she reasonably determines that it would be practical to provide the records in that way. If, within ten (10) Working Days, the requestor fails to inspect the

entire set of records or one or more of the installments or fails to make payment as required, the Public Records Officer may stop searching for the remaining records and close the request.

(v) **Completion of inspection:** When the inspection of the requested records is complete and/or all requested copies are provided to the requestor, the Public Records Officer will indicate that ITS has completed a diligent search for the requested records and made any located nonexempt records available for inspection.

(vi) **Closing withdrawn or abandoned request:** When the requestor either withdraws the request or fails to fulfill his or her obligations to inspect the records or to make payment as required, the Public Records Officer will close the request and indicate to the requestor that ITS has closed the request.

(vii) **Later discovered documents:** If, after ITS has informed the requestor that it has provided all available records, ITS becomes aware of additional responsive documents existing at the time of the request, it will promptly inform the requestor of the additional documents and provide them on an expedited basis.

5. Processing of public records requests: Electronic records

(a) **Requesting electronic records:** The process for requesting electronic public records is the same as for requesting paper public records (Section 4 of this policy, Processing of Public Records Requests).

(b) **Providing electronic records:** When a requestor requests records in an electronic format, the Public Records Officer will provide the nonexempt records or portions of such records that are reasonably locatable in an electronic format that is used by ITS and is generally commercially available, or in a format that is reasonably translatable from the format in which ITS keeps the record. Costs for providing electronic records are governed by the ITS Public Records Request Procedures Attachment to this document. ITS will produce records that can be located based on a description provided by the requestor, using standard search features in ITS' current software.

(c) **Customized access to databases:** With the consent of the requestor, ITS may provide customized access if the record is not reasonably locatable or not reasonably translatable into the format requested. ITS may charge the actual cost for such customized access.

6. Exemptions

(a) The Mississippi Public Records Act, as well as other statues and court decisions, provides that a number of types of documents are exempt from public inspection and copying. In addition, other statutes or rules of law, such as various privacy restrictions, may prohibit disclosure. Requestors should be aware of the following exemptions, outside the Public Records Act, that restrict the availability of some documents held by ITS for inspection and copying. This list is provided for informational purposes only and may not be all-inclusive:

- Academic records exempt from public access, see § 37-11-51

- Appraisal records exempt from access, see § 31-1-27
- Archaeological records exempt from public access, see § 39-7-41
- Attorney work product, examination, exemption, see § 25-1-102
- Birth Defects Registry, see § 41-21-205
- Bureau of vital statistics, access to records, see § 41-57-2
- Charitable organizations, registration information, exemption from public access, see § 79-11-527
- Concealed pistols or revolvers, licenses to carry, records, exemption, see § 45-9-101
- Confidentiality, ambulatory surgical facilities, see § 41-75-19
- Defendants likely to flee or physically harm themselves or others, see § 41- 32-7
- Environmental self-evaluation reports, public records act, exemption, see § 49-2-71
- Hospital records, Mississippi Public Records Act exemption, see § 41-9-68
- Individual tax records in possession of public body, exemption from public access requirements, see § 27-3-77
- Insurance and insurance companies, risk based capital level requirements, reports, see § 83-5-415
- Judicial records, public access, exemption, see § 9-1-38
- Jury records exempt from public records provisions, see § 13-5-97
- Licensure application and examination records, exemption from Public Records Act, see § 73-52-1
- Medical examiner, records and reports, see § 41-61-63
- Personnel files exempt from examination, see § 25-1-100
- Public records and trade secrets, proprietary commercial and financial information, exemption from public access, see § 79-23-1
- Workers' compensation, access to records, see § 71-3-66

(b) ITS will describe why each withheld record or redacted portion of a record is exempt from disclosure.

7. Third Party Information

(a) Documents submitted to ITS by commercial entities in conjunction with the procurement process and with enterprise technology initiatives often contain trade secrets or confidential commercial or financial information subject to the protection of the Public Records Act (Mississippi Code Section 25-61-9). Upon request to inspect or copy any third-party document, ITS shall notify the person who filed the document ("Third Party"). Ten (10) Working Days after such notice, the document will be made available for public inspection and/or copying unless the Third Party shall have either (i) obtained a court order protecting such records as confidential pursuant to Section 25-61-9, Miss. Code of 1972 or (ii) furnished ITS a copy of the filed petition for a protective order, providing the petition was filed timely upon Third Party's receipt of notification from ITS regarding the request for information.

(b) The Third Party must prove to the court's satisfaction that the record or portion of the record is exempt from disclosure and must deliver the court order preventing the release of all or part of

the information to ITS prior to the deadline to prevent disclosure of the information. The Third Party must name the requestor as a party to any action to enjoin disclosure.

(c) ITS will not make a determination as to whether a requested record provided by a Third Party contains trade secrets or confidential commercial or financial information. ITS will provide Third Party Notice as outlined above and allow the court to determine if a protective order should be issued.

(d) Documents are frequently produced by ITS that contain specific information obtained directly from a Third Party and, as such, may be subject to Third Party Notice as described above. Examples include, but are not limited to, detailed proposal evaluation documentation; line-item pricing spreadsheets; and contract exhibits containing proprietary vendor information and marked "confidential." In no event, however, will ITS be obligated to provide Third Party Notice prior to the release of ITS-generated documents containing summary-level information or other information as may be required to be made public record as part of the fulfillment of ITS' statutory mission.

(e) All ITS employees are Confidentiality Officers, as defined in Section 25-53-51 of Mississippi Code, and have been duly sworn in accordance with the oath contained therein. Information and data owned by another agency or institution and residing at ITS must not be disclosed by ITS employees, as mandated in the oath taken as Confidentiality Officers. Requests for such data must be made to the originating agency or institution.

8. Costs of providing public records

(a) **Costs for fulfilling a request:** Section 25-61-7(1), Miss. Code of 1972, reads in part as follows: "Except as provided in subsection (2) of this section, each public body may establish and collect fees reasonably calculated to reimburse it for, and in no case to exceed, the actual cost of searching, reviewing and/or duplicating and, if applicable, mailing copies of public records." ITS is a 100% special fund agency and bills by the hour for services provided to customers. Because time spent fulfilling public records requests is time that would otherwise be spent on customer projects, this time will be invoiced at the hourly billing rate of the staff members performing tasks required to fulfill the request. Billing rates are established in compliance with federal cost allocation guidelines. The current range of billing rates for ITS staff is shown in the ITS Public Records Request Procedures Attachment to this document. ITS commits to providing standard information on the ITS website at no cost to the requestor and to fulfilling Custom Requests as expeditiously and efficiently as possible. ITS will provide a cost estimate to the requestor prior to the requestor's incurring any charges above those of the initial research fee discussed below.

(b) **Initial Evaluation and Research Fee:** ITS charges an initial fee, in the amount specified in the ITS Public Records Request Procedures Attachment to this document, for every customized public records request. This fee covers the cost of coordinating with the applicable project team to ascertain documents that are available within the scope of the request; reviewing the requested records; determining based on the content of the records whether Third Party Notification must be provided; providing required notifications; and developing a cost estimate and timetable for

fulfilling the request. A Custom Public Records Request cannot be processed until this initial fee is received. The initial fee is non-refundable.

(c) **Charges for staff services:** The actual cost of searching for and reviewing the information, providing Third Party Notice if required, copying or scanning, redacting exempt information from public records, and other services required to fulfill the Custom Request, shall be based upon the applicable hourly rate, as described in 8.a. above, which shall be multiplied by the actual time to complete the tasks. If a request requires legal analysis and advice to determine possible exemptions, ITS will include the actual cost of the attorney's time in the cost of fulfilling the request.

(d) **Costs for paper copies:** A requestor may obtain standard black and white photocopies for the amount specified in the ITS Public Records Request Procedures Attachment to this document. Before copies can be made and/or provided to the requestor, the requestor must pre-pay all reasonably estimated costs of copying all the records selected by the requestor. ITS will not charge sales tax when it makes copies of public records.

(e) **Costs for electronic records:** The cost of electronic copies of records and/or scanned copies of non-electronic records shall be the amount specified as the media cost for a CD in the ITS Public Records Request Procedures Attachment to this document. The cost of the scanning process will be calculated at the hourly service rate. There will be no charge for e-mailing electronic records to a requestor, unless another cost applies, such as research and scanning fees.

(f) **Costs of mailing:** ITS will charge actual costs of mailing, including the cost of the shipping container.

(g) **Payment:** Payment may be in the form of an electronic payment via the Public Records On-Line Application, a certified check, money order, or corporate check made payable to ITS for the amount specified. No cash or personal checks can be accepted.

9. Review of denials of public records

(a) **Petition for internal administrative review of denial of access:** Any person who objects to the initial denial or partial denial of a records request may petition in writing (including e-mail) to the Public Records Officer for a review of that decision. The petition must include a copy of or reasonably identify the written statement by the Public Records Officer or designee denying the request.

(b) **Consideration of petition for review:** The Public Records Officer must promptly provide the petition and any other relevant information to the ITS Executive Director. That person will immediately consider the petition and either affirm or reverse the denial within two (2) Working Days following ITS' receipt of the petition, or within such other time as ITS and the requestor mutually agree to.

(c) **Review by the Ethics Commission:** Pursuant to Section 25-61-13, Miss. Code of 1972, if ITS denies a requestor access to public records, the requestor may ask the Ethics Commission to review the matter. The Ethics Commission has adopted rules on such requests. They may be found at http://www.ethics.state.ms.us/ethics/ethics.nsf.

(d) **Judicial review:** Any person whose request for public records was denied may institute a suit in the Chancery Court of Hinds County, seeking to reverse the denial, as set forth in Section 25-61-13, Miss. Code of 1972.

Attachment: ITS Public Records Request Procedures

NOTE: Refer to "ITS Public Records Policy" above for the rules and guidelines under which these procedures were developed and are administered.

STEP 1a: Requestor submits a written request for the information and includes payment:

a. Use the ITS Public Records Request Form [attached below] or your own format.
b. Include the information requested on the ITS Public Records Request form: Name of requestor; address of requestor; other contact information, including telephone number and e-mail address; identification of the public records adequate for the Public Records Officer to locate the records; and date of the request;
c. Address the request to: ITS Public Records Officer, Mississippi Department of Information Technology Services, 3771 Eastwood Drive, Jackson, MS 39211.
d. For documents listed on the attached Schedule of Fees under "Standard Documents," each request must be accompanied by payment in the amount specified on the payment schedule.
e. For any Custom Request (i.e. any request for information not included in the list of Standard Documents), the request must be accompanied by payment in the amount of $70 to cover the first hour of staff time involved in evaluation and research of the request. This payment is non-refundable and is applied toward the total actual cost of filling the Public Records Request.
f. Payment must be in the form of a certified check, money order, or corporate check made payable to ITS for the amount specified. No cash or personal checks can be accepted.
g. Note that, because payment must be submitted with the request, no verbal, telephone, email, or fax requests can be accepted for either standard documents or custom requests.
h. Requests not accompanied by payment in the amount specified for Standard Documents or in the amount of $70 for Custom Requests will be closed within ten (10) Working Days of the date of notification to the requestor, if payment is not received.
i. Frequently requested information, including current Express Products Lists, current and recent RFPs, procurement status and award information, the Procurement Handbook, and vendor information on how to do business with the State, is available free of charge on the ITS website. Refer to “Vendor Information” within the “PROCUREMENT” tab. Requestors are urged to review the website prior to submitting a request. For assistance in locating information on the website, call the Procurement Help Desk, (601) 432-8166.

STEP 1b: Requestor submits an on-line request for the information via the Public Records On-Line Application (including payment) at the link below.

https://www.ms.gov/its/public_record_request

STEP 2: ITS evaluates and researches the request:

a. The ITS Public Records Officer determines whether the request is for a Standard Document or is a Custom Request. For Standard Documents, skip to Step 3.

b. For Custom Requests, the ITS Public Records Officer evaluates the request; coordinates with the ITS project manager for the applicable project to ensure all relevant information is reviewed; researches the project file and other sources to see what information is available and in what format the information is stored; and estimates the effort that will be required to reproduce the information. This research may require the retrieval of files that have been archived or the search of electronic records.
c. The ITS Public Records Officer prepares a schedule and estimated cost for the Public Records Request, based upon the volume of information, the format in which the information is stored, and whether Third Party information has been requested. The Initial Payment covers the first hour of ITS staff time involved in researching the request, retrieving files, preparing the estimate, and providing Third Party Notice. The Initial Payment is non-refundable if the requestor decides not to proceed with the request after receiving the schedule and estimated cost.

STEP 3: ITS provides Requested Documents or Feedback to Requestor:

a. For a request for **Standard Documents** accompanied by the appropriate payment, ITS will provide the requested **Standard Document** within seven (7) Working Days of ITS' receipt of the request.
b. For a **Custom Request** not accompanied by the appropriate initial payment as described above, ITS will notify the requestor and request payment before proceeding.
c. For **a Custom Request** that does NOT require Third Party notice:
    - If the request is accompanied by the appropriate initial payment and the initial payment covers the full cost of producing the records, ITS will furnish the records to the requestor within seven (7) Working Days of receipt of the request. If ITS cannot produce the records within seven (7) Working Days of ITS' receipt of the request, ITS will provide a written explanation for the delay.
    - If the initial payment does not cover the cost of producing the records, ITS will furnish the requestor an acknowledgement of receipt of the request, with the cost and schedule for providing the requested information. When payment in the amount of the remaining balance is received from the requestor, ITS will provide the requested information according to the schedule provided. ITS will provide a written explanation if the records cannot be produced within seven (7) Working Days of receipt of payment.

d. For a **Custom Request** requiring Third Party notification, ITS will furnish the requestor an acknowledgement of receipt of the request and a copy of the Third Party Notice (under separate cover). The cost and schedule for providing the information will be provided to the requestor once the deadline has passed for the Third Party to obtain a court order and ITS knows what portion of the material can be released. See additional information in Step 4 below.
e. ITS staff will make a good faith effort to provide the requested information within seven (7) Working Days of receipt of a request. Note, however, that if Third Party Information is requested, ITS is required to notify the Third Party and to provide this party the opportunity to protect any confidential information. ITS cannot accept payment for the balance of the request until the deadline for obtaining a court order to block release of

Third Party Information has passed. (See discussion of Third Party Information in Step 4 below).

STEP 4: ITS provides Third Party Notice **as needed:**

a. All information and documents produced or received by ITS, including those associated with competitive procurements, may be requested by any business or individual under the ITS Public Records Policy in accordance with these Public Records Procedures. Proposals and information extracted directly from proposals during the evaluation process, as well as certain other documents prepared by vendors and submitted to ITS, will be considered Third Party information and will not be released until notice has been given to the party submitting the information, as described below.
b. When ITS receives a request to release information provided by a Third Party, which may contain trade secrets or confidential commercial or financial information, the owner of this information is notified of the name and address of the party requesting the information and provided a copy of the request.
c. The owner of the information ("Third Party") is given ten (10) Working Days to obtain a court order protecting the information, or portions of the information, as confidential.
d. If the owner of the information seeks a court order, the party seeking the court order must name the requestor as a party to any action to enjoin disclosure.
e. If a court order is delivered to ITS by the deadline protecting all requested information, ITS will notify the requestor that the information is protected and cannot be furnished. If the Third Party is unable to obtain a final protective order by the deadline, ITS will accept a copy of the filed petition for a protective order in lieu of the final order, providing the petition was filed timely upon Third Party's receipt of notification from ITS regarding the request for information and providing the final order is furnished to ITS as soon as the court acts on the request.
f. If no court order is received by the deadline, or if portions of the requested information are excluded from the court order, ITS will send the requestor an invoice with the cost and schedule for providing any unprotected information. ITS will release the unprotected information to the requestor as soon as payment has been received from the requestor.

STEP 5: Requestor submits payment of remaining balance for Custom Requests:

a. For a Custom Request, ITS will have provided the requestor, as outlined in Steps 2 through 4 above, cost and schedule information for producing and delivering the records requested. Such costs include, but are not limited to, staff time to evaluate and research the request, retrieve any relevant files, organize the information, notify any Third Parties, and produce the information in final form for delivery. The Initial Fee is deducted from the total estimated cost for a net balance due, if any.
b. Requestor remits payment for the remaining balance, if any. Payment must be in the form of a certified check, money order, or corporate check made payable to ITS for the amount specified. No cash or personal checks can be accepted.

STEP 6: ITS provides the information for Custom Requests to the requestor:

a. ITS sends the requested information via U.S. mail, unless the requestor has specified another form of delivery.
b. ITS provides the requested information in pdf format on CD-ROM, unless another format has been specified by the requestor.
c. Once the information has been provided, ITS closes the request.

SUGGESTIONS FOR MINIMIZING COSTS FOR PUBLIC RECORDS REQUESTS:

1. Make the request as specific as possible. The less defined and/or more inclusive the scope of the Public Records Request, the more documents and files that have to be searched and evaluated by the ITS staff. For example, wording in requests asking for "all records, papers, documents, messages, correspondence, notes, etc. related to this or similar projects" is extremely open-ended and requires staff to interpret what time-frame, sources of information, and project files are reasonable to research and evaluate. The wider the "net," the greater the effort required, and, thus, the greater the cost to the requestor.
2. Provide information and payment timely. Sometimes the requestor will submit a written Public Records Request and then not respond with payment during the required time frame once the schedule and estimate are provided. If the requestor later decides to proceed with the request, ITS staff must again locate the information and develop a new schedule and cost estimate. The requestor must submit a new request with the $70 initial payment.
3. Request information as soon as possible after ITS creates or receives the information. Project files are archived off-site after a reasonable time period. Requests for information on projects for which a contract has been signed for several months are typically more expensive to respond to than requests for information on projects that have been recently awarded.

Schedule of Fees

Standard Documents:	
Vendor information packet	No Charge
Paper copy of an Express Products List (EPL) where applicable	$25
EPL Marketing Report	$25
Paper copy of ITS master mailing list in mailing label format: Includes IT directors, agency heads, and purchasing agents of state agencies, public universities, and community colleges	No Charge
Printed Copy of RFPs	$25, plus actual cost of reproducing any oversized diagrams or other special attachments
Copy of RFPs on CD in Microsoft Word format	$25 for Word document; any oversized diagrams or other special attachments will be reproduced on paper or electronically at actual cost
Paper copy of a project contract, excluding confidential exhibits (executed after November 2007)	$25
ITS Monthly Board Meeting Packet	No Charge
Paper copy of Procurement Handbook	$50
Custom Requests and Variable Costs:	
Evaluation & research payment ("Initial Fee"): Due with the submission of Public Records Requests for Custom Requests and is applied toward the actual cost of filling the Public Records Request	$70
Fees for fulfilling Custom Requests, based on the expense categories below:	Quoted individually upon receipt of written request and $70 evaluation and research payment (above).
In-house standard black & white photocopies	$0.15 per page (paper/copier fee)
CD (with .doc, .xls, or .pdf files of requested information)	$5.00 per CD (media fee)
Postage, UPS, Federal Express[1]	Actual cost
Staff time	Actual staff time required to provide all services to fulfill the Public Records Request, including but not limited to researching; providing notifications; and compiling, copying, scanning, and delivering requested information, at staff members' hourly rates ($70 - $80 per hour)
Computer processing	Actual Cost

Standard Documents:	
Temporary agency personnel[1,2]	Actual Cost
Reproduction cost by outside print facility[1]	Actual Cost

[1]ITS may request that payments for outside services be made by the requestor directly to the company providing the services.
[2]ITS reserves the right to use temporary personnel and services, the cost of which will be passed on to the requestor, if sufficient in-house personnel are not available to respond to the request in a timely manner.

PUBLIC RECORDS REQUEST FORM:

You may download a PDF version of this form from the ITS website by clicking the following link, Public Records Request Form.pdf

A blank form is shown on the following page.

PUBLIC RECORDS REQUEST FORM
Mississippi Department of Information Technology Services
ATTN: Public Records Officer
3771 Eastwood Drive
Jackson, MS 39211
(601) 432-8000 Telephone – (601) 713-6380 Fax

Information available on our website for no charge:

- ✓ RFPs (Word & pdf)
- ✓ RFP register of proposals
- ✓ RFP scoring criteria
- ✓ Contract award information
- ✓ ITS Board agendas and minutes

If you need assistance in locating these documents on our website please call our Procurement Helpdesk at (601)432-8166 or isshelp@its.ms.gov

Custom Public Record Requests available for a fee:

- Copy of RFP response(s)*
- Copy of contracts (excluding confidential exhibits)
- EPL Marketing Reports
- Copy of advertised RFPs on CD in Word format

*Requires 3rd Party Notification

Whenever possible ITS will supply the requested documents in electronic format. You may request paper copies for an additional fee.

If you have any questions, please contact Jeanette Crawford at (601)432-8179, or email open.records@its.ms.gov

Name: _____

Company: _____

Address: _____

City/State/Zip Code: _____

Telephone Number: _____

Fax Number: _____

Email Address: _____

Custom requests must be made in writing and accompanied by a fee of $70 to cover the first hour of staff time involved in the research of the request. Refer to the ITS Procurement Handbook for further details and a fee schedule (019-010 ITS Public Records Procedures). You may use this form or submit a letter detailing your request.

Documents Requested: (Please be as specific as possible in describing the documents being requested.)

Source: 25-61-1, et seq

Part 2 Chapter 10: Procurement Policies

Rule 210.3: 019-020 ITS Protest Policy and Procedures

A. Purpose of Policy - The policies and procedures set forth herein and issued by the Department of Information Technology Services (hereinafter referred to as "ITS"), establish the guidelines relating to the filing, hearing, decision and appeal of protests by any actual or prospective participant in the procurement process who is aggrieved in connection with the solicitation or award of a contract.

B. Definitions - When used in reference to this policy:

1. "Attorney General" means the individual assigned by the Attorney General of the State of Mississippi to provide legal assistance to ITS.
2. "Award of Contract" means
   a) approval of the lowest and best proposal by the ITS Executive Director via
      i) written notification to proposers on ITS letterhead or
      ii) the execution of a CP-1 for the project, whichever of (i) or (ii) occurs first, OR
   b) the ITS Board's approval of same during an open session of the Board.
   c) ITS statute specifies whether (a) or (b) is applicable for a given project, depending on the total lifecycle cost of the contract.
3. "Customer" means the procuring state agency, institution, or governmental entity.
4. "Disclosure of Information" means the inadvertent or intentional divulgement of information in a vendor's proposal that is clearly marked "confidential" to any individual or group outside the proposal evaluation team, comprised of ITS and Customer staff who participate directly or indirectly in the assessment and scoring of the proposals.
5. "General RFP" means a Request for Proposal issued by ITS to be used in satisfying routine recurring requests for acquisitions of information technology hardware, software, or services. Each proposal received in response to a General RFP is subject to technical and financial evaluation on a project by project basis, and awards may be made multiple times from each proposal. For procurements using a General RFP with multiple configuration alternatives, a Letter of Configuration is sent to suppliers with valid proposals to obtain the best system configuration and pricing.
6. "Interested Party" means any party who has documented in writing to the Executive Director of ITS that he/she has a sufficient personal interest in the subject matter of the protest. If the contract has been awarded, as defined herein, the awarded vendor automatically becomes an Interested Party without having to provide this written documentation.
7. "ITS Board" means the membership of the ITS Board as specified in Section 25-53-7 of the Mississippi Code of 1972.
8. "Letter of Configuration" or “LOC” means a request to suppliers to provide a cost proposal for a specific configuration of equipment, software, and/or services required by a Customer for a particular project. A Letter of Configuration is sent to all suppliers who have a current valid proposal for the relevant General RFP and who have proposed products and/or services that most closely match the requirements for the specific project.
9. "Official Release of the RFP" means the date the RFP was posted on the ITS website, "www.its.ms.gov,"or the date the most recent clarification to the RFP was posted on the ITS website, whichever date is later.

10. "Post-Procurement Review" means a business meeting conducted by ITS staff at the request of any participant in the procurement process to exchange information on the procurement process and on the evaluation and scoring of the proposal submitted by the participant requesting the review.
11. "Proposal Solicitation" means the process of advertising/requesting and receiving vendors' proposals submitted in response to an RFP or Letter of Configuration.
12. "Protestor" means any actual or prospective participant in the procurement process who is aggrieved in connection with the technology procurement and who files a protest.
13. "Request for Proposal" or "RFP" means a formal invitation from the State, advertised according to state statute, asking suppliers to submit an offer as a solution to a problem or need that the State has identified.
14. "State" means ITS and/or the procuring state agency, institution, or governmental entity.
15. "Working Days" means Monday through Friday but excludes State-recognized holidays mandated by Mississippi Code Annotated, Section 3-3-7 (1972), other holidays identified in holiday proclamations published or distributed by the Mississippi Secretary of State, and any other day the offices of the state agencies are officially closed for business.

C. Roles and Responsibilities During Protest

1. Role of ITS
   a. ITS' enabling legislation requires that ITS ensure that information technology procurements for state government agencies and institutions follow all applicable state statutes. Therefore, ITS will provide as much guidance in a protest situation as wanted and needed by the Customer. ITS has the responsibility for all decisions related to procurement process and procedures, while all business decisions related to the procurement are the sole responsibility of the Customer.
   b. The specific responsibilities of ITS during the protest are listed below:
      i) All correspondence related to the protest will be mailed or delivered by ITS under the signature of either the ITS Executive Director or the chairperson of the ITS Board, whichever is appropriate. ITS will work with the Customer on the content of any correspondence. ITS is responsible for ensuring that all parties to the protest receive copies of any correspondence.
      ii) ITS will maintain the official protest file, including copies of all documents related to the protest.
      iii) ITS will work with all parties to schedule any protest conferences or meetings, including distributing official notification of all such conferences or meetings.
      iv) ITS will hire independent legal counsel at ITS' expense if ITS deems such independent counsel necessary and advisable in a given protest situation.
      v) ITS will administer, research, and respond to any public records requests received in conjunction with a protest, working with the Customer to locate and organize pertinent information. The individual or company making the public records request is responsible for any costs incurred in filling the request. See 019-010 Public Records Policy and Procedures for additional information.
      vi) ITS will provide the official record of any conference related to the protest. This record may be either an audio tape, with or without transcription, or a court reporter's record, at the discretion of ITS. ITS will pay any expense incurred to produce this official record in the format selected by ITS.
      vii)

viii) Any time required from the ITS Executive Director, other ITS Directors, and/or ITS legal counsel in conjunction with a protest will be provided at no cost to the Customer. The participation of other ITS staff members in the protest, including the Technology Consultant(s) serving as project manager, will be billed to the Customer at the staff member's hourly billing rate.

2. Role of the Customer
   a. The Customer will work with ITS to research and organize any project information required for the protest or any associated public records request(s).
   b. The Customer can hire independent legal counsel at the Customer's expense if the Customer deems such independent counsel necessary and advisable in a given protest situation.
   c. The Customer is responsible for all costs incurred by the State during the protest other than the ITS internal costs outlined in Item C. above.
   d. The Customer is responsible for all business decisions associated with the protest and with the underlying procurement.
3. Role of the Protestor
   a. The Protestor is responsible for responding promptly to any requests for information made by ITS related to the protest.
   b. The Protestor is responsible for filing all applicable bonds.
   c. The Protestor is responsible for working with ITS to schedule any conferences and/or meetings related to the protest in a timely manner.
   d. The Protestor is responsible for adhering to the schedules identified in this policy.
   e. If the Protestor needs or requires any record of a protest-related conference other than the official record produced at ITS' expense, the Protestor is responsible for producing that record at the Protestor's expense.
4. Role of the Interested Party
   a. The Interested Party is responsible for responding promptly to any requests for information made by ITS related to the protest.
   b. If the Interested Party needs or requires any record of a protest-related conference other than the official record produced at ITS' expense, the Interested Party is responsible for producing that record at the Interested Party's expense.

D. Right to Protest - Any actual or prospective participant in the procurement process who is aggrieved in connection with the solicitation or Award of a Contract and has posted the applicable protest bond as defined in Item E. below, and who has, if the protest is of an Award of Contract, participated in a Post-Procurement Review with ITS staff, may file a protest.

E. Protest Bond

1. As a condition precedent to filing a protest, the Protestor must provide a Protest Bond as herein described. The Protestor shall procure, submit to the State with its written protest, and maintain in effect at all times during the course of this protest or appeal thereof, a Protest Bond in the amount specified in the underlying RFP or Letter of Configuration, or in the default amount specified by the ITS Board when no such amount is specified in the RFP or Letter of Configuration. The default bond amount established by the ITS Board is $250,000 or the estimated total project cost, whichever is less. The estimated total project cost shall be determined by the state.

2. The bond shall be accompanied by a duly authenticated or certified document evidencing that the person executing the bond is a licensed Mississippi agent for the bonding company. This certified document shall identify the name and address of the person or entity holding the Protest Bond, and shall identify a contact person to be notified in the event the state is required to take action against the bond. The Protest Bond shall not be released to the Protestor until the protest is finally resolved and the time for appealing said protest has expired or until the protest is finally resolved and the Protestor furnishes ITS with written notification that no appeal will be pursued.
3. The Protest Bond shall be procured at the Protestor's expense and be payable to the State of Mississippi. Prior to approval of the Protest Bond, the State reserves the right to review the bond and require the Protestor to substitute an acceptable bond in such form as the State may reasonably require. The premiums on such bond shall be paid by the Protestor.
4. The bond shall bind the surety to all of the terms and conditions of this protest policy. The State may claim against the Protest Bond as specified in Section 25-53-5 (n) of the Mississippi Code Annotated, as amended, in addition to all other rights and remedies the State may have at law or in equity.

F. Subject of Protest

1. Protestors may file a protest during the following phases or events of the procurement process. Grounds for protest of each milestone are limited to specific criteria. Each written protest should specifically identify which of the following grounds is the reason for the protest. Only protests at the following milestones and citing the following grounds shall be considered:
   a. Milestone: Specification preparation
      Specifications were unduly restrictive and failed to promote fair and open competition
   b. Milestone: Proposal Solicitation
      State failed to follow procedures established in the RFP or Letter of Configuration, ITS procurement policy and procedures, or ITS governing law
   c. Milestone: Disclosure of Information marked as confidential in the proposal
      State failed to follow procedures established in the RFP or Letter of Configuration, ITS procurement policy and procedures, or ITS governing law
   d. Milestone: Award of Contract
      i) Errors were made in computing scores upon which an award was based
      ii) Bias, discrimination, or conflict of interest exists on the part of an evaluator
      iii) State failed to follow procedures established in the RFP or Letter of Configuration, ITS procurement policy and procedures, or ITS governing law
   e. Milestone: Execution of the contract
      Scope and intent of the project as specified in the executed contract differ materially from the scope and intent of the RFP or Letter of Configuration
2. Disallowed Issues: Protests not based on the above criteria shall not be considered. Protests not based on procedural matters will not be considered. Protests will be rejected as without merit if they attack such issues as:
   a. An evaluator's professional judgment on the quality of a response
   b. The Customer's assessment of their agency's own needs or requirements

G. Authority to Resolve Protests - The Executive Director of ITS or his/her designee shall have the authority to settle and resolve a protest.

H. Filing of Protest

1. Time for Filing: Protests shall be made in writing and submitted in an envelope labeled "Protest" to the Executive Director of ITS by personal delivery or by certified United States Mail, postage prepaid, return receipt requested, or by overnight courier with signed receipt, according to the schedule outlined below:
   a) Specification preparation:
      i) Within five (5) Working Days after the date of the Official Release of the RFP; or
      ii) Within two (2) Working Days before the Letter of Configuration response is due
   b) Proposal Solicitation: within five (5) Working Days after the Protestor knows or should have known of the failure to follow procedure, but in no event later than ten (10) Working Days after the Award of Contract.
   c) Disclosure of Information: within five (5) Working Days after the Protestor knows or should have known of the Disclosure of Information, but in no event later than five (5) Working Days after the execution of the contract.
   d) Award of Contract: within five (5) Working Days after the Award of Contract or within five (5) Working Days after the Post-Procurement Review, whichever occurs last, but in no event later than ten (10) Working Days after the Award of Contract.
   e) Execution of contract: within five (5) Working Days of the execution of the contract by the last signatory.
   f) If a protest is not filed within the time limits set forth herein, it will be considered waived. A protest is deemed filed when it is received by the Executive Director of ITS and contains the items detailed in Section I below, including but not limited to a Protest Bond in the correct amount, as described in Section E above.
2. Limitations on Time for Filing: No protest will be entertained if filed more than five (5) Working Days after the execution of the contract by the last signatory.

I. Content of Protest - The written protest shall contain the following:

1. The name, mailing address, telephone number, and fax number of the Protestor
2. Appropriate identification of the procurement or contract protested
3. A statement, in sufficient detail, of the facts upon which the protest is based, including the effective date of any alleged grievable action, and why such action is believed to be in error and any actions taken prior to the protest in an attempt to resolve the grievance
4. Supporting exhibits, evidence, or documents to substantiate any claims. If such exhibits, evidence, or documents are not available within the filing time, Protestor should provide the expected date the information will be available. In no case will delay in the delivery of supporting documents be justification for extending the time for filing the protest
5. A statement of the relief requested
6. The Protest Bond and accompanying certification, as described in Section E above
   a. A protest that is incomplete, or not submitted within the prescribed time limits as described in Section H above, will be summarily dismissed.
   b. All correspondence related to a protest should be addressed to the ITS Executive Director. The outside of the envelope should be clearly marked "Protest" and should contain the name and RFP number or Letter of Configuration subject for the procurement that is the object of the protest.

J. Notification - Upon receipt of a written protest, the Executive Director of ITS shall submit a copy of the protest to the Attorney General, to the Customer involved in the procurement

under protest, and to all other Interested Parties. The same parties will also receive copies of any other written documents generated during the protest proceedings without the requirement of a public records request being submitted.

K. Stay of Procurements - In the event of a timely protest, the State shall not proceed further with the proposal solicitation or Award of the Contract until the resolution of the protest, unless the Executive Director of ITS, after conferring with the director of the procuring state agency, institution, or governmental entity, makes a written determination that in order to protect the substantial interests of the State, it is necessary to go forward with the proposal solicitation or Award of the Contract.

L. Additional Information -- Time for Filing - Any additional information requested from the Protestor or Interested Parties by the Executive Director of ITS should be submitted within the reasonable time period established by the Executive Director in order to expedite consideration of the protest. Failure of any party to comply expeditiously with a request for information by the Executive Director of ITS may result in the protest being resolved without the additional information being considered.

M. Initial Review of Protest

1. When a protest is filed, the Executive Director of ITS shall perform a review of the protest. The review shall be based on the written protest material submitted by the Protestor and all other facts known to the Executive Director. The Executive Director shall determine as a result of the initial review if sufficient information has been submitted to render a decision. The Executive Director may either render a decision at that time based on the information in his/her possession or schedule a protest conference as specified in Section N below.
2. ITS may refuse to hear or consider, or may cease to consider, a protest on the grounds that the protest is trivial, frivolous, vexatious, or not made in good faith.

N. Scheduling of Protest Conference - When the Executive Director of ITS determines that a protest conference is required to acquire sufficient information to render a decision, the Executive Director shall, mutually with the Protestor, schedule a date, time, and place for the protest conference and send a notice of same to the Protestor, the Customer, and any Interested Party.

O. Rescheduling of Protest Conference - Continuances requested by any party to the protest shall be granted within the discretion of the Executive Director of ITS only for good cause shown.

P. Failure to Appear at Protest Conference - If a Protestor, without good cause, fails to appear at the protest conference, such failure will be deemed a withdrawal of the protest and the Executive Director shall dismiss the protest and such dismissal shall be final and conclusive.

Q. Conduct of Protest Conference

1. The protest conference is a business meeting during which time the issues relevant to the specific procurement being protested are presented. ITS expects the issues to be presented from a business perspective by the protesting vendor's account representative directly

overseeing this project. ITS will not allow the protest conference to evolve into an adversarial proceeding.

2. So as to encourage the amicable resolution of a protest, the protest conference is informal and no witnesses are examined. However, if there is anyone that a party believes could provide pertinent input, the party may have that person present to be interviewed, at the discretion of the ITS Executive Director, at the conclusion of the conference and before a decision is made.
3. The Protestor has the burden of proving that the protest merits the relief requested.
4. The Executive Director of ITS shall have the authority to maintain the decorum of the conference and shall take reasonable steps to do so when necessary, including clearing the conference room of any person who is disruptive.

R. Decision of ITS Executive Director

1. The Executive Director of ITS shall, within a reasonable time, prepare a written decision. The final determination shall either:
   a. Find the protest lacking in merit and uphold the State's action
   b. Find only technical or harmless errors in the State's acquisition process, determine the State to be in substantial compliance, and reject the protest
   c. Find merit in the protest and provide options which may include:
      i.) Correct errors and re-evaluate all proposals
      ii.) Reissue the RFP or Letter of Configuration
      iii.) Make other findings and determine other courses of action as appropriate
   d. Find that it is in the best interest of the State to reissue the RFP or Letter of Configuration, with no determination of fault or error.
2. A copy of such decision shall be sent by personal delivery or sent by electronic means to the Protestor; any Interested Party, and the executive head of the procuring state agency, institution, or governmental entity, provided that a printed copy of the decision is sent to the Protestor by courier or other delivery option with signed receipt. The decision of the Executive Director of ITS shall be final and conclusive unless fraudulent or unless a timely request for a review by the ITS Board is filed.

S. Effect of Judicial Proceedings - ITS shall refuse to decide a protest if an action concerning the protest has been filed in court.

T. Review by the ITS Board

1. Right to Review - Any Protestor, Interested Party, or Customer aggrieved by the final decision of the Executive Director of ITS, may file a written request for review by the ITS Board.
2. Time for Filing
   a. Requests for review by the ITS Board shall be filed with the Board with copies of same being sent to the Executive Director of ITS, the Customer, and any Interested Party, by personal delivery or by certified United States Mail, postage prepaid, return receipt requested, or by overnight courier with signed receipt, within three (3) Working Days after receipt of the decision by the Executive Director of ITS.
   b. If a request for review by the ITS Board is not filed within the specified time limit, it will be considered waived and the decision of the Executive Director of ITS shall be final and conclusive.

3. Content of Review Request - The written request for review by the ITS Board shall contain, at minimum, the following:
   a. the name and mailing address of the person filing the request for review;
   b. a copy of the written protest originally filed;
   c. copies of all documents which have been produced thus far in the protest proceeding;
   d. copy of the decision of the Executive Director of ITS;
   e. a statement, in sufficient detail, of the facts relied upon to substantiate a claim that the decision of the Executive Director of ITS is in error;
   f. a statement of the relief requested; and
   g. the Protest Bond and accompanying certification, as described in Section E above.
4. Initial Review by ITS Board - When a Request for Review is filed, the ITS Board shall perform an objective review of the request. The review shall be based on the written material submitted by the Protestor and all other facts known to the Board. The Board shall determine as a result of the initial review if sufficient information has been submitted to render a decision. The Board may either render a decision based upon the information in its possession or schedule a review conference as specified below.
5. Scheduling of Review Conference
   a. When the ITS Board determines that a conference is required to acquire sufficient information to render a decision, the ITS Board shall mutually with the Protestor schedule a date, time, and place for the review conference and send a notice of same to the Protestor, the Customer, and any Interested Party.
   b. Continuances requested by any party to the protest shall be granted within the discretion of the ITS Board only for good cause shown.
   c. If a Protestor, without good cause, fails to appear at the review conference, such failure will be deemed a withdrawal of the protest and the ITS Board shall dismiss the protest and such dismissal shall be final and conclusive.
6. Conduct of Review Conference
   a. The review conference is a business meeting during which time the issues relevant to the specific procurement being protested are presented. ITS expects the issues to be presented from a business perspective by the protesting vendor's account representative directly overseeing this project. ITS will not allow the review conference to evolve into an adversarial proceeding.
   b. So as to encourage the amicable resolution of a protest, the review conference is informal and no witnesses are examined. However, if there is anyone that a party believes could provide pertinent input, the party may have that person present to be interviewed, at the discretion of the ITS Board, at the conclusion of the conference and before a decision is made.
   c. The Protestor has the burden of proving that the protest merits the relief requested.
7. The ITS Board shall have the authority to maintain the decorum of the conference and shall take reasonable steps to do so when necessary, including clearing the conference room of any person who is disruptive.
8. Decision on Review - The ITS Board shall issue a final written decision within a reasonable time after the final date for filing all documents to be considered on review. The final determination shall either:
   a. Uphold the Executive Director's decision; or

b. Determine that the Executive Director's decision was in error and render a new decision which shall either:
   i. Find the protest lacking in merit and uphold the State's action; or
   ii. Find only technical or harmless errors in the State's acquisition process, determine the State to be in substantial compliance, and reject the protest; or
   iii. Find merit in the protest and provide options which may include:
      - Correct errors and re-evaluate all proposals; or
      - Reissue the RFP or Letter of Configuration; or
      - Make other findings and determine other courses of action as appropriate; or
   iv. Find that it is in the best interest of the State to reissue the RFP or Letter of Configuration, with no determination of fault or error.

   A copy of such decision shall be sent by personal delivery or sent by electronic means to the party filing the request for review; the Executive Director of ITS; the executive head of the procuring state agency, institution, or governmental entity; and any Interested Party, provided that a printed copy of the decision is sent to the party filing the request for review by courier or other delivery option with signed receipt. A determination of an issue or fact by a quorum of the ITS Board shall be final and conclusive unless arbitrary, capricious, fraudulent or clearly erroneous.

U. Exhaustion of Remedies - Except as may be authorized under federal law, no Protestor may file a petition for judicial review with a court of competent jurisdiction (that court being the Circuit Court of the First Judicial District of Jackson, Hinds County, Mississippi), until a final written decision has been issued by the ITS Board. In keeping with the Uniform Circuit and County Court Rules, any such petition for judicial review shall be filed within thirty (30) days of entry of ITS Board's final written decision. Protestor must notify ITS, within thirty (30) calendar days of entry of ITS Board's final written decision, concerning Protestor's intent to file a petition for judicial review. ITS will return the Protest Bond only on receipt of written notification from Protestor that Protestor will not file a petition for judicial review. Upon the court's determination following any petition for review that the protest was filed without substantial basis or reasonable expectation to believe that the protest was meritorious, ITS will issue a payment demand against the Protest Bond to cover the expense or loss incurred by the State as a result of the protest.

V. Amendment of Rules, Etc.

1. The ITS Board may, from time to time, amend these rules or promulgate new rules.
2. If any one or more of these rules is found to be invalid by a court of competent jurisdiction, such finding shall not affect the validity of any other of these rules.

Source: 25-53-7; 3-3-7; 25-53-5 (n)

Part 2 Chapter 10: Procurement Policies

Rule 210.4: 019-030 Setting a Manufacturer Standard

Sections 25-53-5 (o) and 25-53-123 (1) of the Mississippi Code of 1972 require that all acquisitions of computer and telecommunications equipment and services costing in excess of $50,000 ($25,000 for projects funded by the American Recovery and Reinvestment Act) be based upon competitive and open specifications. ITS makes every effort to work with customers to ensure that both the statutory requirement for competitive and open specifications and the customer's business needs are met through the procurement process.

In certain situations, the most advantageous and cost-effective approach for the State may be to identify the brand of hardware or software in the specifications. If the requested product has significant features that are not available in similar products, if these features can be certified as business requirements for the requesting agency, and if the product is not competitively available from multiple resellers, the Sole Source process should be used. (See 013-030 Sole Source)

When there are other products available in the open market that would meet the customer's business objectives, the need to issue brand-name specifications must be well documented by the customer and closely examined and approved by ITS. To specify a brand name that is not a sole source, the State or the customer must have established an agency/institution "manufacturer standard" for the requested brand name product. It is important for the customer and ITS to work closely together on the process of establishing a manufacturer standard. Once the standard has been established, the requesting agency, in submitting a brand-name request to ITS, must provide documentation of the product as an agency/institution standard, including how the standard was established, the length of time the standard has been in place, any relevant volume information concerning the number of devices currently installed at customer site(s), and the timeframe in which the standard will be re-competed.

For an agency or institution, or a major facility within an agency or institution, to establish a brand-name (manufacturer) standard, all or most of the following guidelines must be met:

(1) <u>The manufacturer standard must be established through a competitive procurement.</u> It is highly desirable that the specifications used in this competitive process explicitly state that the results of the procurement will establish a manufacturer standard for the procuring entity.

(2) <u>The competitive procurement for establishing a standard must be for the majority of like devices owned by the procuring entity.</u> If the initial purchase to be made under the competitive procurement is for fewer than the majority of like devices, the intent should be to replace the majority of devices with the established standard during the defined life of the standard (see (4) below).

(3) <u>The requesting entity should identify the practical benefits of setting a manufacturer standard.</u> These benefits should be documented in terms of specific technical benefits related to interoperability/consistency or in terms of business benefits, possibly related to staff expertise and institutional knowledge base, parts inventories if maintenance is performed in-house, and/or the ability to leverage volumes for better discounts over a product lifecycle. Technical

synchronization with peer governmental, educational, or research entities could be another valid justification for setting a standard.

(4) The standard must be set for a defined period of time and be reexamined periodically. For example, it is expected that many agencies and institutions will replace most desktop devices on an n-year cycle. The length of the refresh cycle should be specified in the competitive procurement. The replacement procurement must be open to other manufacturers and to the potential of establishing a new standard for the next several years. Organizations that procure desktop devices on a staggered cycle should also re-compete on a reasonable timeframe, approximately every three to five years, and should specify this timeframe in the competitive procurement. Different types of equipment or products will have different lifecycles. While a competitive procurement for desktops would reasonably be conducted on a three to five year cycle, a router standard might only be competed on an eight to ten year basis. There are no hard and fast rules for these timeframes. The agency or institution should regularly examine the relative competitiveness of the product pricing and the cost-benefit of remaining with the standard, as long as the standard is in place.

The following criteria are **not** appropriate for consideration in establishing or requesting a brand-name standard:

(1) The original procurement was made directly from the Express Products List rather than via a formal competitive process.

(2) The original procurement was for a lower-end, less expensive technology, and the request asks that the standard be applied to a higher-end, more expensive technology (e.g., LAN switches cannot establish a standard for large enterprise network switches or routers). Standards are, within reasonable limits, device-specific.

(3) The current procurement is a replacement for the majority of the organization's devices/products of this type.

(4) The "brand" requirement is specified in terms of a reseller rather than a manufacturer. Standards must be at the manufacturer level.

Source: 25-53-5 (o); 25-53-123 (1)

Part 2 Chapter 10 Procurement Policies

Rule 210.5: 019-050 Proposal Confidentiality Procedure

RFP and Proposal Confidentiality Procedure

The Mississippi Public Records Act of 1983, Mississippi Code Section 25-61 states: (1) Records furnished to public bodies by third parties which contain trade secret or confidential commercial or financial information shall not be subject to inspection, examination, copying or reproduction under this chapter until notice to said third parties has been given. ITS treats all vendor proposals submitted in response to Request for Proposals (RFPs) as confidential and only discloses proposal information in accordance with the ITS Public Records Procedures (Section 019-010 of the ITS Procurement Handbook). The utmost care must be taken by all parties involved in the evaluation of proposals and subsequent project implementation activities to maintain that confidentiality.

In addition, the integrity of the procurement process requires that ITS maintain confidentiality regarding the content of an RFP at all times prior to the RFP's official release. This confidentiality is to ensure no vendor has an unfair advantage due to having advance knowledge of specific RFP content and requirements.

The following procedures should be followed to protect the integrity of the procurement process and to secure the resulting vendor proposals throughout the lifecycle of the information technology procurement project.

During RFP Development:

Participants in the RFP development process are bound by public procurement policy to maintain confidentiality of the specific content and requirements of the RFP at all times prior to the RFP's official publication on the ITS website ("RFP Release"). In many cases, the understanding and verbal commitment of the participants afford adequate protection for the integrity of the RFP and procurement process. The ITS Technology Consultant (TC) serving as Project Manager should determine whether a specific RFP requires the execution of formal, written RFP Confidentiality Agreements. Factors that would indicate a written RFP Confidentiality Agreement is needed include: (1) multiple entities involved in the development and review of the RFP (e.g. oversight committees and commissions, interagency procurements, participation of multiple functional areas within a single agency); (2) highly competitive or litigious vendor market; (3) RFP development process spanning multiple months; and/or (4) high-dollar, complex projects. If it is determined that RFP Confidentiality Agreements are required, the agreements should be executed by everyone who has access to the RFP document before it is publically released, including procurement project team members at ITS and the customer agency, customer executives, and the ITS Board, if applicable. The executed confidentiality agreements must be maintained in the ITS project file.

Prior to Proposal Opening:

The ITS TC serving as Project Manager and the Customer Agency contact on the project should determine the composition of the evaluation team. ITS customers may utilize the services of

third party contractors for proposal evaluation, quality assurance of vendor deliverables and/or implementation project management. These contractors must be subject to the same confidentiality requirements as the state team members. Generally, all members of the team evaluate the vendor's entire proposal. In some instances, team members may only evaluate specific portions of a vendor's proposal where they have expertise. In either case, all team members should execute an Evaluation Confidentiality Agreement **prior** to receiving a copy of proposals. The executed confidentiality agreements must be maintained in the ITS project file. The TC should stress the importance of maintaining proposal confidentiality in initial meetings with the evaluation team.

Proposal Opening:

Vendors and other parties that have not executed confidentiality agreements relative to this procurement may attend the proposal opening. The TC and/or proposal opening witness must ensure that the opened proposals are not left unattended at any time. The TC should secure a master copy of each proposal to eventually archive with the project file. The TC should distribute the remaining copies of the proposals to only those members of the evaluation team who have executed the confidentiality agreement.

Proposal Evaluation:

The TC should instruct the team members to take all reasonable precautions to prevent unauthorized access to vendor proposals. Additionally, the team members should be reminded not to discuss proposal content with anyone other than evaluation team members. Team members operating in a cubicle environment should utilize enclosed cabinets, boxes or some other means to avoid leaving proposals exposed to passers-by. As most office environments now share printers, caution must be taken in printing any proposal comparisons or summaries that contain technical and/or financial data about the proposals so that the printouts are not viewed by unauthorized individuals. During the evaluation period, the team may request clarifications from the vendor on specific areas of his proposal. The clarifications submitted by the vendor must be held to the same level of confidentiality as the original proposal. If during the evaluation, it is determined that additional people need to evaluate the proposals in whole or in part, the TC must require them to execute a confidentiality agreement and instruct them on precautionary measures of safeguarding the proposals.

Post Evaluation:

When the evaluation is complete, the TC must collect all copies of the losing vendors' proposals. The TC and the customer agency contact must determine the number of winning vendor proposals that will be required by the customer for use in project implementation. Typically, one copy is required for contract administration. Frequently additional copies are needed for the Project Manager and Quality Assurance provider. The TC must be certain that a Confidentiality Agreement for Awarded Vendor Proposal has been executed by the Customer Agency Executive Director or Information Systems Officer before releasing copies of the winning proposals. The TC will secure one copy of each proposal for the ITS permanent project file and distribute the requested copies of the winning proposal to the customer agency. After expiration of the period in which a protest of award may be filed, all remaining copies of the winning and losing

proposals must be destroyed. All copies must be shredded or otherwise destroyed by the TC or the ITS/ISS Administrative Team.

Damage Control:

If at any point during the evaluation or implementation process it is known that the contents of a proposal have been exposed to a third party, the TC should first ascertain the extent of the exposure. If exposure was to an internal party to the project, the TC should immediately have them execute a Confidentiality Agreement and instruct them on proposal confidentiality. If exposure was to an outside party, the TC should notify ITS ISS Division management, who will provide appropriate notification to the affected Vendor.

Source: 25-61-1, et seq

Part 2 Chapter 10: Procurement Policies

Rule 210.6: 019-070 Timely Receipt of Bids and Proposals

All responses to ITS Requests for Proposals (RFPs) and Letters of Configuration (LOCs) are due at 3:00 p.m. Central Time on the date published on the RFP or LOC. The proposal must be time stamped by the ITS receptionist by the specified date and time. (Note: For LOCs only, proposals may be submitted electronically IF SO SPECIFIED IN THE INDIVIDUAL LOC. The email or fax receipt date and time become the official "time stamp" for electronic proposals.)

Any proposal received after proposal opening time will be returned unopened. ITS is not responsible for any delays in delivery or expenses for the development or delivery of proposals. It is solely the responsibility of the proposing vendor to ensure proposals reach ITS by the required time and to confirm the arrival of the submitted proposal as needed.

Source: 25-53-5 (o)

Part 2 Chapter 11: ITS Board

Rule 211.1: 020-005 ITS Board Meetings: Overview

Meeting Schedule and Location

The ITS Board meets monthly, and at such other times and places called upon to convene by either the Board Chairman or the majority of its members. The Board's meetings are open, public meetings. Notice of these meetings is published on the ITS website as well as posted outside the reception area at the ITS administrative office, 3771 Eastwood Drive, Jackson, Mississippi.

Board meetings are the official venues in which ITS statutory policy-making, strategic planning, procurement and other project-related business are conducted. The Board must have a quorum of at least three (3) members present in order to conduct an official meeting. These meetings follow an agenda of business items that have been compiled and forwarded to the Board by ITS staff, one week prior to the time of the actual meeting. This lead-time assists the Board in reviewing and preparing for each project on the agenda.

Board meetings are currently scheduled to occur on the third Thursday of each month. As a rule, meetings begin promptly at 11:00 a.m. There are exceptions to this schedule that occur randomly during peak periods of project activity. Meetings will be arranged in advance to convene earlier in the day and/or to extend to accommodate much fuller agendas. See 020-010 Board Meeting Schedule, Called Meetings, and Notice for the official policies and procedures regarding scheduling of meetings as adopted by the ITS Board.

Boardroom Facilities

The ITS Boardroom is located in the ITS Board Room on the first floor of the ITS administrative office. This room is the site for most meetings unless the Board accepts an invitation from another agency or institution to host a meeting offsite. Seating is available in the back of the room for attendees from the vendor community and from state agencies and institutions, as well as any other interested party.

All meeting attendees other than ITS employees are required to sign in upon entering the meeting room. Their attendance is recorded as a part of the Board's minutes. Copies of the Board's agenda for the current meeting are available at the sign-in table. The agenda is also posted on the ITS website during the week of the meeting.

Those presenters that desire to use the boardroom presentation facilities will find connections for both power and local/wide area networking, as well as provision of an overhead projector capable of hosting programmed presentations from portable computers. Presenters must give advance notice to the ITS staff if the presenters want to use these facilities. Further, they should arrive sufficiently early to set-up, test and ensure that their presentations and all facilities are working together.

Prior arrangements must similarly be made for any attendee or media group desiring to set up and use audio or video equipment to record any Board meeting.

Board Meeting Protocol and Decorum

The ITS Board conducts its business in a formal, official setting. The Board Chairman moderates each meeting observing *Robert's Rules of Order*. All participants are expected to observe appropriate dress and conduct in keeping with the official protocol and decorum of the Board meetings. All discourse with the Board should be done from the speaker's podium or, upon being recognized by the Chairman, from the gallery. Participants should stand and state their names prior to speaking. For formal rules of conduct adopted by the Board in 1989, see 020-015 Rules and Regulations Governing the Conduct of Persons at ITS Board Meetings.

To preserve the order of the meeting, all participants are required to disengage any cellular phones, pagers or other electronic devices and refrain from using them while the Board meeting is underway.

The Chairman begins each meeting with a call to order, then an invitation for guests to introduce themselves. All attendees who are not ITS employees should state their name, title, and employer. The Chairman next requests that the Board review and vote on the minutes of the previous meeting. The Board's subsequent order of business is to take up the current month's agenda, generally in the order in which it was prepared by the ITS staff. The Chairman will invite the particular internal and/or guest staff to present a synopsis of each agenda item together with the official recommendation. The Chairman will entertain discussion of the agenda item among the Board and presenters. The Chairman next requests a motion from the Board members on the disposition of each agenda item. The Board then votes on the agenda item. The Board secretary records all proceedings into the minutes of each meeting. The minutes become official once approved by the Board and signed at a subsequent meeting. Upon conclusion of all scheduled and ad hoc agenda items, the Chairman calls for a motion to adjourn the meeting.

Conclusion

The ITS Board and staff have organized the Board meeting process in the manner described so that the business of State and its citizens, as it pertains to ITS statutory responsibilities, may be conducted in an open, efficient manner, allowing each agenda item and its interested parties to be given the fullest respect and consideration.

Source: 25-53-11

Part 2 Chapter 11: ITS Board

Rule 211.2: 020-010 Board Meeting Schedule, Called Meetings, and Notice

At its October 19, 2006 meeting, the ITS Board approved the following policies and procedures related to scheduling and providing notice of ITS Board Meetings:

Regular Meetings

- The ITS Board will hold its regularly scheduled monthly meetings on the third Thursday of each month, beginning at 11:00 a.m., in the ITS Board Room, 3771 Eastwood Drive, Jackson, Mississippi 39211.
- The Board may cancel its regular meeting in any month in which there is no official business to come before the Board, a quorum of members cannot be present, or the Board Chairman determines there are other compelling reasons for doing so.
- The Board may reschedule its regular meeting to an alternate date, time, and/or location as needed, provided notice is given as outlined below.

Special or Called Meetings

- Upon call of the ITS Board Chairman or a majority of the members of the Board, the ITS Board may additionally meet at other such times and locations as may be set, provided notice is given as outlined below.

Notice

- Notice of the date, time, and location of all meetings of the ITS Board will be posted in the ITS administrative building at 3771 Eastwood Drive, Jackson, Mississippi and on the ITS website, ITS Board Meetings.
- Notice of changes to the date, time, or location of any regular meeting, and notice of the date, time, and location of any special or called meeting will be posted in the ITS administrative building at 3771 Eastwood Drive, Jackson, Mississippi and on the ITS website one hour after the change to the date, time, or location of the regular meeting or within one hour after such special or called meeting is set.

Source: 25-53-11

Part 2 Chapter 11: ITS Board

Rule 211.3: 020-015 Rules and Regulations Governing the Conduct of Persons at ITS Board Meetings

(Adopted by ITS Board July 1989)

1. General Conduct

A. **Public Attendance**:
Any person desiring to attend meetings of the ITS Board may do so to the extent that space is available.

B. **Demeanor**:
During the course of all meetings attendees should limit their exits and entrances and other movements or private conversations within the meeting room.

C. **Interruptions**:
No unsolicited interjections by attendees will be allowed unless the Chairman grants approval.

D. **Disruptions:**
Disruptive conduct of any kind-is not allowed and will result in exclusion from the meeting,

2. Recording or Transmission Devices

A. **Prohibitions**:
No visual recording or transmission of Board meetings will be permitted. The taking of photographs is likewise not allowed.

B. **Provisionally Permitted Methods**:
There are no proscriptions against non-intrusive, mechanical or manual methods of transcription such as note-taking or silent court reporting machines, provided space permits.

C. **Rescinding of Permission**:
The Chairman reserves the right to rescind permission regarding the transcription of any proceeding and require the discontinuance of any mode of transcription which in the Chairman's opinion demonstrates a disrupting effect on the conduct of the meeting.

3. Oral Presentations

A. **Authorization**:
Any person obtaining prior permission from the Chairman of the Board may make a single oral presentation before the Board members at a regularly-scheduled meeting.

B. **Denial:**
The Chairman reserves the right to deny any such request if it is not received in time to reasonably allow for adjustments in the agenda or if, in the Chairman's opinion, the presentation is unnecessary or will be unduly burdensome.

C. **Time Allotted**:
Any person obtaining such permission will be allotted a reasonable amount of time not to exceed fifteen (15) minutes to address the members of the Board. Any additional time allotted will be discretionary with the Chairman. No Question and Answer session will be permitted unless the members of the Board grant approval.

D. **Rebuttal or Corroboration**:
Persons wishing to have equal time before the Board for the purpose of rebutting or corroborating any oral presentation must adhere to the procedure set out above.

Source: 25-53-11

Part 2 Chapter 12: Information for Vendors

Rule 212.1: 021-010 How to Do Business with the State of Mississippi

Question: How do I sell technology products and services to state entities?
Answer: It depends upon:

(1) The type of products or services you are selling to the State
The Department of Information Technology Services (ITS) is the Mississippi state agency established by law to oversee the State's **information technology**. The procurement of information technology equipment, software, and services for all state agencies and institutions of higher learning is under the jurisdiction of ITS.

There are three Mississippi agencies involved in the statewide purchasing function. **Purchasing of items NOT related to information technology** equipment and software is coordinated through the Department of Finance and Administration (DFA) Office of Purchasing, Travel, and Fleet Management (OPTFM). Purchasing of computer supplies falls within DFA oversight.

The Personal Service Contract Review Board (PSCRB) governs the solicitation and selection of contractual services personnel for personal and professional services that do **not** involve information technology. Personal Service Contract Procurement Regulations can be accessed through the State Personnel Board's website.

(2) What type of government entity you are selling to
State agencies and institutions of higher learning are required to follow ITS procedures to make information technology procurements. Governing Authorities (such as county boards of supervisors, community/junior colleges, K-12 school districts, or cities) are not required to use ITS procurement procedures when making information technology purchases, but are allowed to use certain ITS procedures if they choose to do so.

When not using ITS procurement procedures, Governing Authorities must use general purpose State Purchasing Laws and procedures coordinated through DFA-OPTFM.

Procurement procedures for agencies and institutions of higher learning to follow when making information technology purchases are contained in the ITS Procurement Handbook. Purchases of information technology are coordinated by ITS in compliance with 25-53 of the Mississippi Code. This law requires the solicitation of proposals for the majority of information technology purchases. The Mississippi Code is online.

(3) The dollar amounts of the purchase and what type of proposals might be in place to handle the purchase
Agencies, institutions of higher learning and governing authorities (K-12 schools, community/junior colleges, city and county government, etc.) may make purchases in accordance with ITS Law and Public Purchasing Law as follows.

- Up to $5,000 - May purchase without advertising or otherwise requesting competitive bids, unless the purchasing agency or entity has established more stringent procedures.

- $5,001 - $50,000 ($25,000 for projects funded by the American Recovery and Reinvestment Act (ARRA). - May purchase without advertisement for bids, provided at least two competitive written bids have been obtained. You must select the lowest quote. (Note an Express Products List cannot be used as one of these bids.)
- $50,001 and over ($25,001 and over for ARRA projects) - Advertise, issue written specifications and receive sealed bids or proposals.

Some agencies have established additional procurement procedures; check with the individual agency or institution to determine if there are other requirements.

Question: What types of proposals does ITS use?
Answer:
ITS does NOT set up "state contracts" for routine purchases of information technology purchases. ITS does not maintain a "bidder's list". All ITS RFPs are advertised on the ITS website. RFPs typically fall into one of the following categories:

- **Individual** Requests for Proposals are typically for the procurement of large dollar, complex, and/or unique acquisitions, usually for a single acquisition by a single agency or institution.
- Special RFPs typically are used by a specific group of agencies/institutions. The terms and intended users and uses are spelled out in the RFP document. Often these proposals are for repetitive or longer term use, as opposed to a more limited time use in an Individual RFP.
- General RFPs are used by ITS for the routine acquisitions by multiple entities of items such as microcomputer equipment and software, printers, cabling, telephone equipment, mainframe/midrange components, small UNIX/Internet servers, and IT consulting services. ITS advertises these RFPs and updates them periodically mid-cycle. **General RFPs can only be used by ITS staff. They are not published.** ITS uses General RFPs in conjunction with procurement requests received from agencies/institutions to acquire information technology products and services in accordance with state law.
- Express Products Lists **(EPLs)** are evaluated proposals covering routine configurations of such items as microcomputers, servers and LAN components, printers, software, and two-way radios. Agencies, institutions and governing authorities may use an EPL in compliance with ITS procedures to make purchases that fall within the scope of the EPL. The most popular EPL is the IT Hardware EPL. ITS publicly advertises each time proposals for EPLs are solicited. See Procurement Instruments: EPLs, Section 011-030 of the ITS Procurement Handbook, for procedures the agencies and institutions are required to use when purchasing from Express Products Lists. The complete list of EPLs is found on the ITS website.

More details for information technology vendors interested in doing business with the State of Mississippi are available in the Procurement Information for Vendors, Section 021-020 of the ITS Procurement Handbook. Topics covered in this section include:

- More details on ITS RFP advertising procedures
- Suggestions for marketing to state agencies
- Procurements of information technology that state agencies and institutions may make without prior coordination through ITS
- Legal and funding issues when submitting proposals to the state
- IT purchases by governing authorities using ITS procedures

Source: 25-53-5 (o)

Part 2 Chapter 12: Information for Vendors

Rule 212.2: 021-020 Procurement Information for Vendors

The following information is intended for use by vendors interested in doing business with the State of Mississippi Department of Information Technology Services.

Introduction

This information is provided for vendors regarding the Department of Information Technology Services (ITS) and the process of selling information systems equipment, software and related services to the State of Mississippi. This information explains ITS procurement procedures and addresses questions most frequently asked by vendors.

It is the goal of ITS to promote and maximize competition in the purchasing of information technology hardware, equipment, systems, software, and services for the State within Mississippi's information systems architecture. If you have not worked with ITS or sold to the State of Mississippi before, we welcome you to do so. If you have worked with us in the past, we thank you for your previous participation and encourage your participation in the future.

ITS Website

ITS maintains an Internet website with information of interest to ITS customers and vendors. Separate channels for Vendors and Customers help organize the information and focus your search. We invite you to visit our website at http://www.its.ms.gov. Use the contact information available on the website if you have additional questions or need answers concerning a specific situation or project.

Who is ITS?

ITS is a state agency established by law to oversee the State's acquisition and use of information technology. ITS coordinates the procurement of information technology for Mississippi agencies, public universities, and, optionally, governing authorities such as community/junior colleges, local governments, and K-12 schools and school districts. The procurement of information technology hardware, equipment, systems, software, and services for all state agencies and institutions of higher learning is under the jurisdiction of ITS.

ITS is governed by a five-member Board. The ITS Board plays a strong role in the procurement process. All procurements are made in compliance with 25-53 of the Mississippi Code and policies set by the Board. Procurements in excess of the Director Approval threshold, as defined in Section 018-030, must be approved by the Board. The Board has delegated to the Executive Director of ITS the discretion of approving procurements under these thresholds.

For many acquisitions it is necessary for state agencies and institutions of higher learning to acquire ITS approval prior to procurement of information technology hardware, equipment, systems, software, and services. Responsibility for some acquisitions has been delegated to the agencies and institutions under the Exemption, Delegation of Approval, or Planned Purchases Procedures. Explanation of which procurements require ITS' prior approval and which may be handled by the agency/institution without ITS' prior approval is detailed later in this document.

The acquisition of information technology by Mississippi agencies and institutions of higher learning are governed by the following laws:

- Computer/Data Processing (DP) procurements: Section 25-53-1, et seq. of the Mississippi Code.
- Telecommunications (TC) Procurements: Section 25-53-101, et seq. of the Mississippi Code.

Both types of procurements are governed by the same policies and procedures.

Department of Finance & Administration Office of Purchasing, Travel, and Fleet Management

There are two different Mississippi agencies involved in the statewide purchasing function. ITS coordinates information technology purchases. Purchasing of items not related to information technology equipment, software and services is coordinated per Section 31-7 of the Mississippi Code through the Department of Finance and Administration (DFA) Office of Purchasing, Travel, and Fleet Management. Purchasing of computer supplies falls within DFA oversight.

Groups to Whom ITS Procurement Procedures Apply

ITS Procurement procedures apply to the following groups:

- State Agencies
- State Institutions of Higher Learning (Public Universities)
- Governing Authorities (such as county boards of supervisors, State Community/Junior Colleges, school districts or municipalities.)

State agencies and institutions of higher learning (public universities) are required to follow ITS procedures in information technology procurements. Governing Authorities (such as county boards of supervisors, community and junior colleges, school districts, or cities) are not required to use ITS procurement procedures, but are allowed to use certain ITS procedures if they choose to do so. Governing Authority procurement procedures are described later in this document.

How ITS Publicizes Upcoming Acquisitions

ITS posts current solicitations for Request for Proposals and Sole Source Certifications on the ITS website. ITS does not maintain a bidder's list and vendors do not have to pre-qualify to respond to ITS RFPs. RFPs for upcoming acquisitions and Sole Source Certifications are also advertised in *The Clarion-Ledger* newspaper, the Mississippi State Government Transparency site located at https://www.ms.gov/dfa/contract_bid_search/, and ITS maintains a bulletin board of current technology solicitations near the reception area on the first floor or ITS administrative offices, 3771 Eastwood Drive, Jackson, MS 39211.

Watch for ITS advertisements in the newspaper or check the Internet listing. Newspaper ads and new listings on the website typically appear on Tuesdays. You may respond to any ITS solicitation for which your company has the requisite expertise. If you would like to submit a proposal to any ITS solicitation and are unable to download the solicitation from the Internet, you may contact the ITS Procurement Help Desk at 601-432-8166 or isshelp@its.ms.gov.)

Charges for Requests for Proposals

The vast majority of RFPs issued by ITS are available for download from the ITS website in Adobe and Word format at no cost.

ITS charges for printed copies of RFPs. See ITS Public Records Procedures for the current cost of a printed RFP. The vendor is required to deliver one of the following forms of payment before the vendor is given a copy of the RFP.
1. Corporate check
2. Personal check (only if the individual is known and has an ongoing business relationship with ITS)
3. Certified check
4. Money order

No cash will be accepted.

Overview of Procurement Procedures Used by ITS
To ensure full compliance with legal requirements, ITS handles procurements in the following ways:
1. Individual Requests for Proposals (RFPs)
2. Special RFPs
3. General RFPs
4. Express Products Lists (EPLs)

Individual RFPs
ITS uses the RFP process for the procurement of high dollar, complex, and/or unique acquisitions, typically for a single acquisition by a single agency or institution. The ITS staff and the requesting agency or institution develop an RFP detailing the specific equipment, system, software and/or service requirements. Solicitations of proposals are published as detailed above. Any vendor may obtain a Word or PDF copy of the RFP from the Internet or request a copy of the RFP as specified above.

Vendors should carefully review the RFP project schedule for key dates. ITS and the procuring agency/institution may host a vendor's conference with attendance specified as either optional or mandatory. The RFP schedule will show the date and time of the vendor's conference, as well as the deadline for submission of written questions concerning the RFP. While vendors may receive verbal input from the State project team during the vendor's conference or from the designated State Contact Person for the RFP, vendors should be aware that only questions answered officially by the State in writing and posted to the ITS website at the RFP link are binding. Vendors should check the RFP link regularly for official addenda to the RFP, including posted questions and answers.

If a vendor elects to submit a proposal for consideration, the proposal must be submitted to ITS in accordance with all requirements outlined in the RFP by the date and time specified. **No Late Proposals Will Be Accepted.**

At the date and time the proposals are due, ITS opens, logs, and performs a preliminary validation of proposals received. Vendors are welcome to be present at the ITS offices at the date and time the proposals are due to observe this process. The scoring criteria to be used to evaluate the proposals are available to proposing vendors at the proposal opening and are posted to the ITS website immediately following the opening.

ITS typically assists the procuring agency/institution in the evaluation of the proposals received. This evaluation process may require from a few hours to multiple weeks, depending on the complexity and scope of the RFP and the number and size of the proposals received. During the evaluation process, ITS may request clarifications of vendor proposal information. Because time is always of the essence in the procurement process, ITS requests that you provide prompt responses and accurate answers to all clarification requests. The ITS staff can satisfy our clients' needs most effectively with vendors who, in addition to providing good pricing, provide us with timely and accurate responses during the evaluation process. See Procurement Instruments: Requests for Proposals (RFPs) for additional information.

Special RFPs

ITS issues RFPs to establish a special proposal or proposals for use by a single or group of agencies/institutions. The terms and intended users and uses of special RFPs are spelled out in the specifications. See Procurement Instruments: Special RFPs for additional information.

General RFPs

ITS uses General RFPs for routine acquisitions by multiple agencies of items such as microcomputer equipment and software, printers, cabling, telephone equipment, mainframe/midrange components, small UNIX/Internet servers, and IT consulting services. To avoid the time and expense involved in soliciting individual proposals for each such acquisition, ITS advertises periodically to receive proposals on these high-volume categories of information technology.

Proposals received in response to a General RFP are used for a specified period of time (usually one year). There is no sole winning vendor. ITS validates each response but does not perform a preliminary selection from the proposals submitted. When a need arises during the year for equipment, software, or services in a General RFP category, all vendors proposing the products or services that meet the requestor's unique project requirements are sent a Letter of Configuration (LOC) by ITS. The LOC describes the exact needs of the customer and requests a proposal with pricing.

ISS staff issues LOCs to vendors with valid General RFP proposals who meet the qualifications for the specific project. For vendors meeting the criteria for a given project, the LOC is emailed to the vendor contacts listed in the General RFP response. In addition, vendors with valid General RFP proposals are given an unpublished URL to check for all LOCs. Valid General RFP vendors may respond to any LOC for that General RFP, even if they did not receive the LOC in the email distribution.

Unlike RFP responses, which require delivery of sealed, hard-copy proposals, LOC response may typically be submitted in hard-copy or by fax or email. Vendors should follow the Delivery Instructions in the individual LOC. All submitted proposals are evaluated and the lowest and best solution selected.

General RFPs are for use by the ITS staff on behalf of the procuring agency or institution. General RFPs are NOT for use by agencies, institutions and governing authorities without ITS involvement.

Vendors may submit or update General RFP responses throughout the year as detailed in the specifications. Details of RFP procedures are contained in the specifications provided to the vendor.

For a current list of categories of General RFPs, see the Multi-Use RFP Index. General RFP categories will be added and dropped as the demands change.

The ITS staff cannot overemphasize to the vendor the importance of the General RFP process and the importance of vendors' submitting and maintaining accurate and complete General RFP responses. Complete and accurate proposals provide the ITS staff with information about your products and/or services to determine whether they are a fit for a particular project. Your response to the General RFP is one of your best marketing tools for technology in state government.

Express Products Lists

ITS has established the Express Products Lists (EPLs) to offer agencies and institutions an expedited procurement procedure for routine acquisitions of microcomputers, servers and LAN components, printers, cellular telephone equipment, and software. ITS does an evaluation of EPL proposals upon receipt to select and publish the lowest and best offerings for each EPL in compliance with the law. EPLs may be used by state agencies, public universities, and governing authorities in the state to make purchases up to the specified dollar limits without ITS involvement.

Details regarding the EPLs may be found in the specifications for the RFPs soliciting Express Products Lists proposals and in the published EPL. See Procurement Instruments: Express Products Lists for additional information.

MAGIC Information

To receive payment from state agencies, Vendors must be set up in Mississippi's Accountability System for Government Information and Collaboration (MAGIC). Each ITS RFP will require the vendor to supply their MAGIC vendor code. If the vendor has not previously done business with the State, the registration can be completed at the link below.

https://sus.magic.ms.gov/sap/bc/webdynpro/sapsrm/wda_e_suco_sreg?sap-client=100

Marketing Activities to the State of Mississippi

Vendors are welcome to market products to the state agencies and institutions providing the marketing efforts are conducted in an open and ethical manner and are coordinated with ITS. In fact, ITS recognizes that the vendor is the best source of information regarding his product and appreciates the vendor's willingness and cooperation in working with ITS and the agencies and institutions to publicize how the capabilities of these products can enhance the State's information technology needs.

Vendors can most successfully market to the State by understanding and working within Mississippi's information technology planning, budgeting, and procurement framework. The points below outline this framework.

1. Marketing to the State from the "Enterprise Perspective" within the State's strategic direction for information technology:
In support of state agencies and institutions information technology infrastructure, ITS takes an enterprise perspective regarding the State's information systems. A procurement of information systems technology should be made from the viewpoint of the State as a whole. This enterprise perspective is essential for ITS and the agencies and institutions we serve to carry out the mission and the intent of the law effectively.

If you find where your product corresponds with the State's information technology strategic direction, and the agency or institution's needs, and market from that angle, you should be more successful in marketing to the State.

2. Procurement is at least a two-year process which is front-ended by the planning and budgeting functions.
The client agency begins the procurement process at least two years prior to the actual issuance of a purchase order to the vendor when the agency develops its information technology plan. For instance, an agency must plan in January-April 2004 for purchases to be procured NO SOONER than July 2005. The agency must then budget for the planned acquisition in the August 2004 time frame and the Legislature must appropriate the funds during the legislative session in the January-April 2005 time frame. The resulting acquisition takes place between July 2005 and June 2006.

You, the vendor, will be most successful if you begin your marketing effort with ITS and the agency/institution during the planning process.

Procurements Which Require ITS Approval Prior to Acquisition
ITS is the purchasing and contracting agent for all acquisitions of information technology equipment, software, and services that fall within the scope of ITS authority. Contracts without the signature of the Executive Director of ITS are not valid except those delegated to the agency/institution.

ITS approval before the purchase in the form of a CP-1 Acquisition Approval Document is required for acquisitions of information technology equipment, software, and services by state agencies/institutions unless the purchase is handled under the Exemption, Delegation of Approval, or Planned Purchases Procedures described below.

Exemptions Procedure
ITS may delegate individual procurement projects to the agency/institution under the ITS Exemption Procedure. State agencies and institutions of higher learning may request to make specific procurements of information systems technology without further ITS involvement. ITS' exemption of the procurement gives the agency/institution the responsibility and accountability of making the procurement, including competitive proposal solicitation and contracting, in good faith compliance with the ITS laws. See Procurement Types: Exemptions for additional information.

Delegation of Approval
ITS also has delegated certain routine information technology acquisitions to the agencies/institutions. Purchases may be made under these procedures without prior ITS approval. See Procurement Limits Policies, Section 015 of the Procurement Handbook, for specific delegation dollar amounts and categories (Section 015-010 for agencies and Section 015-020 for institutions of higher learning).

Planned Purchases Procedure
As the coordinator of the long range planning effort of information technology in the State, the ITS Strategic Services Division works with agencies during the planning process to determine procurements that could be most appropriately acquired from the EPLs. Under the Planned Purchases Procedure, a participating agency is given authorization up to a specified dollar amount to make the identified procurements from the EPLs without further ITS involvement. See Procurement Request Types: Planned Purchases for additional information.

Necessary Components of a Legal Acquisition
Procurements of information technology equipment, software and services involve at minimum the agency/institution for whom the purchase is being made, ITS, and the vendor. It is important that the vendor understand its role, that of ITS, and that of the agency/institution.

The following components are necessary for a legal sale to a state agency or institution of higher learning:

1. **ITS Approval**
   An ITS CP-1 Acquisition Approval Document must be issued to the agency/institution for any information technology acquisition unless the procurement has been made under the Exemption Procedure. An order from an agency/institution that was not made in accordance with ITS procedures DOES NOT constitute a valid purchase order. ITS strongly recommends that the vendor verify that the agency/institution has followed a legal ITS procurement procedure for any order from a state agency or institution. Typically, the purchase order should reference an ITS CP-1 Acquisition Approval Document reference number, should be from a valid Express Products List, or should be below the cost thresholds requiring ITS oversight. See Procurement Limits Policies, Section 015 of the Procurement Handbook, for specific delegation dollar amounts and categories (Section 015-010 for agencies and Section 015-020 for institutions of higher learning).

2. **Contracts**
   The Executive Director of ITS is, by state statute, the purchasing and contracting agent for information technology hardware, equipment, systems, software, and services made by agencies and institutions of higher learning in the State of Mississippi. All contracts (other than those related to procurements delegated to agencies and institutions as described above) MUST be signed by the Executive Director of ITS to be legally binding. Successful vendors must agree to basic contractual terms and conditions required by the State of Mississippi.
3. **Funding Verification and Agency/Institution Purchase Order**
   The agency/institution is responsible for paying for and receiving the products/services purchased. Funding and payment issues are not within ITS control. ITS CP-1 approval and execution of the contract do NOT constitute a certification that funding is available for the acquisition. The agency/institution is ultimately responsible for verifying availability of funding and issuing a purchase order to the vendor to complete the order. Vendor is responsible for all risks involved in illegal sales to the State and may be required to take back without payment items illegally sold to the State. When in doubt, call ITS for clarification.

NOTE: Billing must be directed to the purchasing agency/institution as specified on the purchase order. Do not send agency/institution billing to ITS unless explicitly directed on the purchase order to do so.

Purchases by Governing Authorities
Acquisitions of information technology hardware, equipment, systems, software, and services made by governing authorities DO NOT require ITS approval. Governing authorities are not required to get ITS approval or to have a CP-1 Acquisition Approval Document for making information technology purchases. Governing authorities are not required to use the ITS Express Products Lists (EPLs) to make information technology purchases but can do so if they choose as a mechanism for meeting the requirements of public purchasing laws. The Public Purchasing Law defines governing authorities in section 31-7-1(b). Permission is granted within the Public Purchasing Law for governing authorities to use ITS' proposals, by exempting from bid requirements those items covered by purchase agreements arranged by ITS (Section 31-7-13(m)(xi)).

Reference Information Regarding State Purchasing Laws
The data processing procurement laws are contained in Section 25-53-1 et seq of the Mississippi Code of 1972. The telecommunications procurement laws are contained in Section 25-53-101 through 25-53-125 of the Mississippi Code of 1972. The Public Purchasing Law is contained in Section 31-7-1 et seq of the Mississippi Code.

Section 25-53-25 of the Mississippi Code excludes the following acquisitions from ITS jurisdiction: "...Acquisitions of computer equipment and services by institutions of higher learning or junior colleges wholly with federal funds and not with state general funds...."

Section 25-53-25 of the Mississippi Code gives ITS the authority to delegate purchasing responsibility and is the basis for the Exemption, Delegation of Approval, or Planned Purchases Procedure.

Part 2 Chapter 12: Information for Vendors

Rule 212. 3: 021-030 Suggestions for Responding to ITS RFPs

- Read and follow all instructions in the Request for Proposal (RFP). The proposal becomes part of the contract with the awarded vendor and a non-responsive proposal will be removed from further consideration.
- Work from the Microsoft Word version of the RFP, inserting direct, clear answers below each item in the Technical Requirements section, as instructed in Item 1 of that section, with a clear delineation (through color/font/vertical bars in the margins, e.g.) to show vendor's response versus original RFP text.
- If you take exception to an item, it's best to clearly outline an alternative, what you CAN do or offer, because the option might be acceptable to the State or at least allow the State to identify the level of risk.
- Tab the response and insert a table of contents, showing where the signed cover sheet, proposal bond, exception summary, response to technical specifications, cost proposal, response to exhibits, etc. are found.
- Don't include "brochure" type language -- vendors sometimes make the mistake of marketing themselves rather than just responding to the requirements directly.
- Another issue for some proposals is providing the right level of information in response to technical requirements--enough information versus not enough or too much. For most items, the evaluators want to see <u>how</u> the vendor will meet the requirement, not just "will comply." But too much information, especially when it doesn't directly respond to the requirement, is also negative, because the answer gets lost in all the excess verbiage.
- When the RFP requires an Experience Information & Reference Workbook, follow all instructions carefully in completing the Microsoft Excel spreadsheet. Experience must be quantified in <u>months</u>. Do not submit candidates without the required amount of experience in each area--they cannot be considered.

Part 2 Chapter 12: Information for Vendors

Rule 212.4: 021-040 Post-Procurement Reviews

A Post-Procurement Review is a business meeting conducted by ITS at a vendor's request after an Award of Contract for a Request for Proposal (RFP) or Letter of Configuration (LOC). Post-Procurement Reviews are attended by the ITS staff members responsible for the given procurement, ITS management staff responsible for the procurement process, members of the vendor's staff involved in the proposal process, and, optionally, staff members from the customer agency on whose behalf ITS conducted the procurement. A Post-Procurement Review is a non-confrontational business meeting in which parties exchange information on the procurement process, the results, and any concerns. No vendor preparation is necessary, other than general familiarity with the procurement process that was followed and the contents of that vendor's proposal.

A Post-Procurement Review is available to any vendor who responded to a Request for Proposal (RFP) or Letter of Configuration (LOC), regardless of whether they were awarded the resulting contract. Vendors are encouraged to request Post-Procurement Reviews to both receive information on the scoring of their proposals and to provide ITS with feedback on the procurement process. ITS actively solicits feedback from the vendor regarding any wording in procurement documents or any procurement procedures that were unclear, difficult to follow, or unduly complicated the procurement process. ITS uses this information as input to improve the procurement process. The purpose of the Post-Procurement Review is to strengthen the business relationships and communications between proposing vendors and the State, to provide ITS with information to facilitate improvements to the procurement process, and to provide vendors with specific information that allows them to have insight into the procurement and proposal evaluation process and to compete most effectively. The Post-Procurement Review should also provide a vendor the information needed to determine whether that vendor is aggrieved relative to the specific procurement. For a Post-Procurement Review conducted after the protest period for a given procurement has passed, the full objective of all discussion and information exchange is to assist all parties in identifying ways to improve the procurement products and processes and to help the State increase competition.

Post-Procurement Reviews should be requested in a timely manner, typically no later than five working days after the Award of Contract. Requests for a Post-Procurement Review should be made to the ITS staff member who was the contact for the procurement process or to the Director of the Division of Information Systems Services (ISS). Requests may be made orally or in writing. Post-Procurement Reviews can be conducted at the ITS administrative office, 3771 Eastwood Drive, Jackson, Mississippi 39211, or can be conducted via telephone conference call, at the vendor's option. Post-Procurement Reviews normally last between thirty minutes and an hour.

Any information in a proposal that was deemed pertinent to the defined evaluation criteria may be summarized for the proposal scoring and included in the project file and/or in a written ITS Board write-up to document the evaluation results. This summary-level information includes (a) total points awarded to each vendor's proposal in each major scoring category (e.g. technical

merit, company resources, value-add, references, cost); (b) the total lifecycle cost computed from each vendor's cost proposal; and (c) the overall ranking of all proposals. This information is part of the public record and may be reproduced or distributed by ITS without prior notification to proposing vendors. The summary-level cost and scoring information described above is provided at the time of the meeting to vendors requesting a Post-Procurement Review for a given procurement.

ITS requests that vendors understand and conform to the following guidelines for Post-Procurement Reviews:

1. ITS will provide detailed information on the evaluation and scoring of the proposal submitted by the participant requesting the review and summary-level evaluation, scoring, and cost information on all other proposals. Note that, while scores for other proposals are public record, the details of any other proposal cannot be revealed without third-party notification; therefore, any specific discussion of scoring or proposal content will be confined to the requesting vendor's proposal. To ensure consistency and to enable the state to maintain a record of the information we provide under public records, ITS follows a published public records policy for the release of all information other than what can be disclosed in a Post-Procurement Review. A Post-Procurement Review can be conducted prior to or in parallel with fulfillment of public records requests. See Section 019-010 ITS Public Records Procedures for additional information.
2. As Post-Procurement Reviews are business meetings, ITS will not have legal staff present. Should a vendor choose to have an attorney present, the vendor must immediately identify that individual as an attorney, whether the attorney is participating via telephone or is present at an in-house meeting. ITS will stop the meeting until a representative of the Mississippi Attorney General's Office can be in attendance.

ITS strongly encourages vendors to schedule Post-Procurement Reviews when they have any questions following contract award. As described above, the meetings can be conducted face-to-face in the ITS offices or via conference call, according to the vendor's preference. ITS believes these meetings are extremely valuable opportunities for the vendor and the State to exchange information. Among other benefits to vendors, the Post-Procurement Review provides the only mechanism outside the Public Records Procedure for receiving information on the specifics of the evaluation process, including a complimentary copy of the ITS Board written recommendation or similar written information for projects that were not presented to the ITS Board.

ITS has found that these meetings usually clear up any concerns regarding the process and evaluation. If the vendor is not satisfied on these matters during the Review, the vendor then has adequate information to determine if a protest is warranted. Note that the ITS Protest Procedure and Policy requires that a vendor may not file a protest of an Award of Contract without first participating in a Post-Procurement Review with ITS staff.

Part 2 Chapter 13: State Holidays

Rule 213.1: 023-010 State Holidays

Link for Official State Holidays in Mississippi: Secretary of State: State Holidays

State Offices are typically closed for:

- New Year's Day
- National Memorial Day
- Independence Day
- Labor Day
- Thanksgiving Day and the following Friday
- Christmas Day and the day before or after

ITS offices are usually open, with a reduced staff, on the following holidays:

- Martin Luther King's and Robert E. Lee's Birthdays
- George Washington's Birthday
- Confederate Memorial Day
- Veteran's Day

Source: 3-3-7