



TELEPHONIC MEETING AGENDA
Wednesday, December 1, 2021
9:00 a.m.

****This Meeting will be held via teleconference. Public access to the meeting will be provided telephonically. For access to the call, please send a request to PPRB@dfa.ms.gov****

- I. Call to Order
- II. Approval of Minutes from the November 3, 2021 Public Procurement Review Board Meeting
- III. Approval of per diem and expenses for the December 1, 2021 meeting and for any additional expenses incurred prior to the January 5, 2022 meeting
- IV. DFA Office of Purchasing, Travel and Fleet Management (OPTFM)

A. Petitions for Relief from Reverse Auction

1. Governing Authorities

- i. **Requesting Governing Authority:** West Point Consolidated School District

Supplier: Unknown

Term: One-time purchase

Commodities: E-Rate Category 2 Project

Total Value: \$500,000.00 estimated

Summary of Request: West Point Consolidated School District has requested an exemption from using the reverse auction process for the purchase of an E-Rate Category 2 project. E-Rate is the commonly used name for the Schools and Libraries Program of the Universal Service Fund, which is administered by the Universal Service Administrative Company (USAC) under the direction of the Federal Communications Commission (FCC). They are requesting an exemption because of the overall complexity of the project, which will include commodities and services. Vendors may make a primary bid and are able to send in an alternate equivalent bid. Vendors can bid on one or more items of the project or they may bid on the complete project. Because of the complexity of these projects, the District feels other evaluation factors may need to be considered, other than cost. The District feels that competitive sealed bidding should be utilized to procure the project.

Staff Recommendation: This request has been reviewed for compliance and has been determined to comply with all rules and regulations and legal requirements by DFA staff. Based

on the information provided, OPTFM recommends approval of the exemption and the use of competitive sealed bidding for the procurement.

2. State Agencies

i. **Requesting Agency:** Mississippi Department of Marine Resources (MDMR)

Suppliers: Unknown

RFX #: 3180001570

Term: One-time Purchase

Total Value: \$90,000.00 estimated

Summary of Request: MDMR has requested an exemption from the reverse auction process for the purchase, delivery, and installation of three (3) Mercury motors to be used by marine patrol law enforcement. MDMR completed a reverse auction in September 2021 with nine (9) vendors invited and received no responses. An exemption will allow MDMR to solicit directly from the manufacturer. The manufacturer will not compete with its dealers, so it will not participate in a reverse auction. The brand specific approved motors are required in order to be fitted to existing boat motor mounts.

Staff Recommendation: This request has been reviewed for compliance and has been determined to comply with all rules and regulations and legal requirements by DFA staff. Based on the information provided, OPTFM recommends approval of the reverse auction exemption request.

B. Consideration of State Agency Contracts for Board Action

1. **Requesting Agency:** Mississippi Emergency Management Agency (MEMA)

Suppliers: Regional Enterprises, LLC

Contract #: 8900054525

Term: 1/6/2021 through 12/31/2022

Total Value: \$28,579,500.00

Summary of Request: This contract was approved at the January 6, 2021 PPRB meeting. This is a standby contract for manufactured housing for use during natural disasters. The contract includes transportation to and from the designated staging area, installation, and utility connections. This will be the first of four (4) possible twelve (12) month extensions.

Staff Recommendation: This request has been reviewed for compliance and has been determined to comply with all rules and regulations and legal requirements by DFA staff. Based on the information provided, OPTFM recommends approval of the contract extension.

2. **Requesting Agency:** Mississippi Department of Health (MSDH)

Suppliers: Hemocue America

Contract #: 8200060440

Term: 12/2/2021 through 12/1/2026

Total Value: \$756,355.00

Summary of Request: MSDH conducted a reverse auction for hemoglobin analyzers, additional/replacement filters, and microcuvettes. The lowest bidder was determined nonresponsive. MSDH wishes to award to Hemocue America as the lowest bidder meeting specifications. This is a five (5) year contract with no extensions.

Staff Recommendation: This request has been reviewed for compliance and has been determined to comply with all rules and regulations and legal requirements by DFA staff. Based on the information provided, OPTFM recommends approval of the contract.

C. Request for Exemption from Regulation

1. Requesting Agency: Mississippi State University (MSU)

Scope of Request: Exemption to Chapter 8, "Disposal of Personal Property," of the OPTFM Procurement Manual

Summary: MSU is requesting an exemption from using the processes set forth in Chapter 8 of the OPTFM Procurement Manual, for the disposal of livestock, livestock by-products, crops and crop by-products. Timing is often a consideration when attempting to sell livestock or crops at the optimum harvest time and market conditions. MSU will seek out the best method of disposal and have internal procedures in place to maximize the value received for these animals and products, using quotes or a known market.

Staff Recommendation: This request has been reviewed for compliance and has been determined to comply with all rules and regulations and legal requirements by DFA staff. Based on the information provided, OPTFM recommends approval of this exemption.

D. OPTFM Staff Approvals Reported to the Board

E. OPTFM Sole Source Purchases Reported to the Board

F. OPTFM Emergency Purchases Reported to the Board

V. DFA Bureau of Building, Grounds and Real Property Management (BOB/RPM)

NOTE: Standard Operating Procedures established by the BOB in April 2004, require PPRB approval of fees in excess of \$250,000.00. This Contract is a continuation of a previous appointment for a directly related project. The Professional was selected for the previous directly related project by a competitive qualification-based selection process.

A. Consideration of BOB Contracts for Project Professionals

Using Agency: Mississippi Department of Corrections

Project Number: GS# 321-259

Title: Water & Wastewater Improvements

Location: Parchman, Mississippi

Budget: \$3,400,000.00

Funding Sources: HB 1730, L'20; SB 3065, L'19; HB 1649, L'18; MDOC Funds;
Agency Funds

Professional Fee: C+ (estimated fees \$251,428.51)

Professional: Pickering Firm, Inc. (Flowood, Mississippi)

Scope: Planning through construction administration for the renovation of overland flow fields, construct a new treatment structure, and other wastewater components located at Mississippi State Penitentiary, which is a continuation of the original scope.

Staff Recommendation: This request has been reviewed for compliance and has been determined to comply with all rules and regulations and legal requirements by DFA staff. BOB has reviewed the documentation and recommends PPRB approval.

B. Consideration of Agency Contracts for Project Professional

- Using Agency:** Capitol Complex Improvement District
Number: GS# 390-008
Title: John R. Lynch Street Improvements
Location: Jackson, Mississippi
Project Budget: \$2,000,000.00
Funding Sources: House Bill 1730 Sec. 4, Ch. 492, L'2020
Professional Fee: C+
Professional: IMS Engineers, Inc. (Jackson, Mississippi)

Scope: Limits of the project include approximately 3200 linear feet on John R. Lynch Street from Dalton Street to University Blvd. Planning through the Construction Administration Phase of asphalt repairs, incidental sidewalk repairs, clean and seal joints, and install or improve Americans with Disabilities Act ramps at intersections. Engineering design will include investigation of utilities to determine need for water and sewer rehabilitation/replacement. As all infrastructure belongs to the City of Jackson, professionals will be required to coordinate all work with the City of Jackson.

Note: Board Action required when fees exceed \$250,000.00.

Staff Recommendation: This request has been reviewed for compliance and has been determined to comply with all rules and regulations and legal requirements by DFA staff. BOB has reviewed the documentation and recommends PPRB approval.

C. BOB Staff Approvals Reported to the Board

D. RPM Succeeding Leases

- Requesting Agency:** Mississippi State Department of Health
Lease #: 390-251-26B
Lessor: JW LLC
Term: 12-01-2021 thru 11-30-2026
Total Yearly Cost: \$234,556.00
Cost PSF: \$14.00 Inclusive
Previous Cost PSF: \$14.00 Inclusive
Total Space per Occupant: 144
Federal Funds: 70%
Square Footage Proposed: 16,754
Previous Square Footage: 16,754

Address of Property: 143 B Lefleur's Square, Jackson, MS.

Purpose of Lease: This is the office for Health Facilities & Licensure.

Note: This is a five (5) year lease with no renewals. MSDH must advertise at the expiration of this lease. The present lease at this location has been in effect since 12-01-2016.

Staff Recommendation: This request has been reviewed for compliance and has been determined to comply with all rules, regulations and legal requirements by DFA staff. RPM recommends the approval of this lease.

2. Requesting Agency: Mississippi Department of Employment Security

Lease #: 260-572-24A

Lessor: Pooley Rental, LLC.

Term: 01-01-2022 thru 12-31-2024

Total Yearly Cost: \$62,000.04

Cost PSF: \$10.88 + Utilities & Janitorial

Previous Cost PSF: \$10.88 + Utilities & Janitorial

Total Space per Occupant: N/A

Federal Funds: 100%

Square Footage Proposed: 5,700

Previous Square Footage: 5,700

Address of Property: 1400-A Harrison Avenue, McComb, MS.

Purpose of Lease: This is the WIN job center for the McComb/Pike County area.

Note: This is a three (3) year lease with no renewals. MDES must advertise at the end of this lease. The present lease has been in effect since 5-31-2016.

Staff Recommendation: This request has been reviewed for compliance and has been determined to comply with all rules, regulations and legal requirements by DFA staff. RPM recommends the approval of this lease.

E. RPM Non-Competitive Leases

1. Requesting Agency: Mississippi Department of Human Services

Lease #: 865-261-24A

Lessor: City of Durant

Term: 12-01-2021 thru 11-30-2024

Total Yearly Cost: \$7,200.00

Cost PSF: \$2.86 Inclusive

Previous Cost PSF: N/A

Total Space per Occupant: N/A

Federal Funds: 100%

Square Footage Proposed: 2,520

Previous Square Footage: 2,520

Address of Property: 436 East Mulberry Street, Durant, MS.

Purpose of Lease: This will be the resource and referral center for this part of the state and operated by MDHS Early Childhood Care and Development Division.

Note: This is a three (3) year lease with one (1) one (1) year option to renew at \$600.00 per month.

Staff Recommendation: This request has been reviewed for compliance and has been determined to comply with all rules, regulations and legal requirements by DFA staff. RPM recommends the approval of this lease.

2. Requesting Agency: Mississippi Department of Rehabilitation Services

Lease #: 725-041-23A

Lessor: Attala County Board of Supervisors

Term: 12-01-2021 thru 11-30-2023

Total Yearly Cost: \$6,000.00

Cost PSF: \$0.14 + Utilities & Janitorial

Previous Cost PSF: \$0.14 + Utilities & Janitorial

Total Space per Occupant: N/A

Federal Funds: 100%

Square Footage Proposed: 43,900

Previous Square Footage: 43,900

Address of Property: 610 West Jefferson Street, Kosciusko, MS.

Purpose of Lease: This lease houses Allied Enterprises. Allied Enterprises is a nonprofit, transitional rehabilitation facility owned and operated by the MDRS office of Vocational Rehabilitation. The facility provides vocational evaluation, personal vocational adjustment training, and job placement services to individuals with mental and or physical disabilities.

Note: This is a two (2) year lease with no renewals.

Staff Recommendation: This request has been reviewed for compliance and has been determined to comply with all rules, regulations and legal requirements by DFA staff. RPM recommends the approval of this lease.

F. RPM Amended Leases

1. Requesting Agency: Mississippi Board of Examiners for Social Workers and Marriage and Family Therapists

Lease #: 270-251-23A

Lessor: Jackson Medical Mall Foundation

Term: 03-01-2023 thru 11-30-2023

Total Yearly Cost: \$19,767.00

Cost PSF: \$11.00 Inclusive

Previous Cost PSF: \$11.00 Inclusive

Total Space per Occupant: 359

Federal Funds: 0%

Square Footage Proposed: 1,797

Previous Square Footage: 1,797

Address of Property: 350 Woodrow Wilson Ave., Suite 761, Jackson, MS.

Purpose of Lease: This is the office for the Board.

Note: This amendment extends the lease until 11-30-2023 under the same terms and conditions as the original lease. The Board asks PPRB for a waiver on the Space Efficiency allowance due to the fact that the original contract was signed prior to the policy taking effect. The agency must advertise at the end of this lease. The present lease has been in effect since 12-01-2017.

Staff Recommendation: This request has been reviewed for compliance by DFA staff, and upon the granting of the waiver for the Space Efficiency Allowance, will have complied with all rules, regulations and legal requirements. RPM recommends the approval of this lease.

G. RPM Emergency Leases

1. Requesting Agency: Mississippi Board of Barber Examiners

Lease #: 100-251-22E

Lessor: T. Miller Dickson, Jr. Trust

Term: 11-16-2021 thru 11-15-2022

Total Yearly Cost: \$17,875.05

Cost PSF: \$14.90 Inclusive

Previous Cost PSF: \$14.90 Inclusive

Total Space per Occupant: N/A

Federal Funds: 0%

Square Footage Proposed: 1,200

Previous Square Footage: 1,200

Address of Property: 510 George St., Jackson, MS.

Purpose of Lease: This is the office for the Mississippi Board of Barber Examiners.

Note: A Certificate of Emergency was issued by the State Fiscal Officer of the State of Mississippi on 11-16-2021 for the purpose of providing space for the listed activity. This is a one year lease per 300.9 (3) of the State Leasing Manual.

Staff Recommendation: This emergency request has been reviewed for compliance and has been determined to comply with all rules, regulations and legal requirements by DFA staff. RPM recommends the ratification of this emergency lease.

VI. DFA Office of Personal Service Contract Review (OPSCR)

A. Petition for Relief from Competitive Sealed Bidding

1. Requesting Agency: Mississippi Department of Child Protection Services

RFx Number: 3180001580

Procurement Request: Request for Qualifications

Anticipated Term: One Year with Three Optional One-Year Renewals

Anticipated Contract Amount: \$52,633,000.00 including all renewals

Summary of Request: The Agency is seeking to contract with up to five vendors to provide therapeutic group home services for children ages ten (10) through twenty (20) who are unable to be placed with a foster family due to emotional, behavioral, medical, or developmental problems. The Agency contends the use of an Invitation for Bids (IFB) to procure the service is

neither practicable nor advantageous because the Agency sets the price and the service requirements are established by statute. Thus, the Agency needs to comparatively evaluate the Offerors' qualifications and requests to use a Request for Qualifications (RFQ) as the procurement method. Offerors will be evaluated based on the following factors: Technical weighted at 29%, Management weighted at 36%, and Cost (Price) weighted at 35%.

Staff Recommendation: This request has been reviewed for compliance by OPSCR staff and complies with PPRB OPSCR Rules and Regulations and all legal requirements. OPSCR recommends granting the Agency's Petition for Relief from competitive sealed bidding requirements, as allowed by Miss. Code § 31-7-403(4), and approval of the Agency's request to use a Request for Qualifications as the procurement method.

2. Requesting Agency: Mississippi State Department of Health

RFx Number: 3180001572

Procurement Request: Request for Proposals

Anticipated Term: One Year with Four Optional One-Year Renewals

Anticipated Contract Amount: \$850,000.00 per contract year

Summary of Request: The Agency is seeking to contract with one vendor to provide tobacco and nicotine dependence treatment services. The Agency contends the use of an Invitation for Bids (IFB) to procure this service is neither practicable nor advantageous because price is not the most important factor; the Agency needs the ability to comparatively evaluate the Offerors' qualifications, capabilities, experience, and methods; other states procuring these services primarily use Requests for Proposals (RFP) as the procurement method; the Agency may need to have discussions with Offerors; and the Agency may need to allow Offerors to revise their proposals to meet federal guidelines and the Agency's requirements. The Agency requests to use a Request for Proposals (RFP) as the procurement method. Offerors will be evaluated based on the following factors: Technical weighted at 34%, Management weighted at 31%, and Cost (Price) weighted at 35%.

Staff Recommendation: This request has been reviewed for compliance by OPSCR staff and complies with PPRB OPSCR Rules and Regulations and all legal requirements. OPSCR recommends granting the Agency's Petition for Relief from competitive sealed bidding requirements, as allowed by Miss. Code § 31-7-403(4), and approval of the Agency's request to use a Request for Proposals as the procurement method.

3. Requesting Agency: Mississippi Department of Education

RFx Number: 3180001573

Procurement Request: Request for Proposals

Anticipated Term: One Year with Four Optional One-Year Renewals

Anticipated Contract Amount: \$6,000,000.00

Summary of Request: The Agency is seeking to contract with one vendor to provide literacy professional development for administrators and teachers as required by the Literacy-Based Promotion Act. The Agency contends the use of an Invitation for Bids (IFB) to procure this service is neither practicable nor advantageous because the Agency needs to comparatively evaluate the vendors' capability, organizational structure, personnel, and ability to meet the scope of work. The Agency requests to use a Request for Proposals (RFP) as the procurement method. Offerors will be evaluated based on the following factors: Technical weighted at 35%,

Management weighted at 20%, Cost (Price) weighted at 35%, and a Finalist Phase weighted at 10%.

Staff Recommendation: This request has been reviewed for compliance by OPSCR staff and complies with PPRB OPSCR Rules and Regulations and all legal requirements. OPSCR recommends granting the Agency's Petition for Relief from competitive sealed bidding requirements, as allowed by Miss. Code § 31-7-403(4), and approval of the Agency's request to use a Request for Proposals as the procurement method.

B. Consideration of Contracts for Board Action

1. Requesting Agency: Mississippi Department of Environmental Quality

Supplier: Environmental Management Services, Inc.

Contract #: 8200056199

Term: 03/17/2021-02/28/2022

Total Value: \$144,000.00

**Modification
\$72,000.00**

Summary of Request: The term of the contract is approximately one year with an option to renew at the Agency's discretion for a maximum period of performance of five years. The Contractor provides invasive species surveys and management services specifically in controlling the Amazonian Apple Snail. Modification One has been submitted to increase the contract value because the Agency is in need of additional hours of service. The \$130.00 hourly rate bid in response to the Invitation for Bids (IFB) has not changed. Modification One updates the Consideration clause. All other terms and conditions of the original contract remain the same.

The original contract did not meet the \$75,000.00 threshold for PPRB approval. Upon receipt of Modification One, OPSCR reviewed the IFB for compliance with the PPRB OPSCR Rules and Regulations. The Agency requests an exception to PPRB OPSCR Rules and Regulations Section 3-202.06.3 for failure to include the name of the procurement officer in the advertisement and Section 3-202.06.4 for failure to publish the IFB on the Mississippi Contract/Procurement Opportunity Search Portal concurrently with the first newspaper publication. OPSCR has reviewed these requests and has no concerns that granting them would affect the competition, fairness, or transparency of the procurement as contact information was listed in the advertisement and the solicitation was published in all three required locations.

Staff Recommendation: This request has been reviewed for compliance by OPSCR staff and complies with PPRB OPSCR Rules and Regulations and all legal requirements. OPSCR recommends granting the requested exceptions and approval of the contract modification as requested.

Projected Budget for Life of the Contract: \$375,000.00

2. Requesting Agency: Mississippi Division of Medicaid

Supplier: Dr. William Todd Smith

Contract #: 128172

Term: 12/06/2021-06/30/2022

Total Value: \$166,694.88

**New
\$166,694.88**

Summary of Request: The term of the contract is six months and 24 days with four optional one-year renewals and one optional renewal for a period of five months and four days. Dr. Smith

is a contract worker who will serve as the Agency's Chief Medical Officer. He will be paid \$130.00 per hour for professional services and an additional 7.65% for FICA. The Contractor was selected through a Request for Applications with two respondents, one of whom was deemed nonresponsive.

Staff Recommendation: This request has been reviewed for compliance by OPSCR staff and complies with PPRB OPSCR Rules and Regulations and all legal requirements. OPSCR recommends approval of the contract as requested.

Projected Budget for Life of the Contract: \$1,465,428.00

3. Requesting Agency: Mississippi Department of Child Protection Services

Supplier: ACE Institute, LLC

Contract #: 8200060429

Term: 12/15/2021-12/14/2022

Total Value: \$250,000.00

**New
\$250,000.00**

Summary of Request: The term of the contract is one year with three optional one-year renewals. The Contractor will provide assessments of any youth whom the Agency places in a therapeutic group home or residential treatment program. The assessments are used to evaluate the youth's strengths, needs, and level of care required and to develop behavioral health goals for the youth. The Contractor was selected through a Request for Qualifications (RFQ) with two respondents, resulting in two awards. The Agency requests an exception to PPRB OPSCR Rules and Regulations Section 3-202.08.2 for failure to post the Question and Answer document on the Mississippi Contract/Procurement Opportunity Search Portal. OPSCR has reviewed this request and has no concerns that granting the exception will affect the competition, fairness, or transparency of the procurement as the document was emailed to prospective respondents and posted on the Agency website. Proof of required insurance coverage must be received prior to final processing of the contract.

Staff Recommendation: This request has been reviewed for compliance by OPSCR staff and complies with PPRB OPSCR Rules and Regulations and all legal requirements. OPSCR recommends granting the requested exception and approval of the contract as requested, contingent upon receipt of the appropriate proof of insurance.

Projected Budget for Life of the Contract: \$1,000,000.00

4. Requesting Agency: Mississippi Department of Child Protection Services

Supplier: Keystone Peer Review Organization

Contract #: 8200060428

Term: 12/15/2021-12/14/2022

Total Value: \$250,000.00

**New
\$250,000.00**

Summary of Request: The term of the contract is one year with three optional one-year renewals. The Contractor will provide assessments of any youth whom the Agency places in a therapeutic group home or residential treatment program. The assessments are used to evaluate the youth's strengths, needs, and level of care required and to develop behavioral health goals for the youth. The Contractor was selected through a Request for Qualifications (RFQ) with two respondents, resulting in two awards. The Agency requests an exception to PPRB OPSCR Rules and Regulations Section 3-202.08.2 for failure to post the Question and Answer document

on the Mississippi Contract/Procurement Opportunity Search Portal. OPSCR has reviewed this request and has no concerns that granting the exception will affect the competition, fairness, or transparency of the procurement as the document was emailed to prospective respondents and posted on the Agency website. Proof of required insurance coverage must be received prior to final processing of the contract.

Staff Recommendation: This request has been reviewed for compliance by OPSCR staff and complies with PPRB OPSCR Rules and Regulations and all legal requirements. OPSCR recommends granting the requested exception and approval of the contract as requested, contingent upon receipt of the appropriate proof of insurance.

Projected Budget for Life of the Contract: \$1,000,000.00

5. Requesting Agency: Mississippi Department of Child Protection Services

Supplier: Public Catalyst Group

Contract #: 8800008051

Term: 01/01/2022-12/31/2022

Total Value: \$1,654,000.00

New

\$1,654,000.00

Summary of Request: The term of the contract is one year with four optional one-year renewals. The Contractor will monitor the compliance of the Agency with the provisions of the 2nd Modified Mississippi Settlement Agreement and Reform Plan approved by the United States District Court for the Southern District of Mississippi in the *Olivia Y* lawsuit (MSA). The MSA requires that the Contractor provide this service, therefore the Contractor was selected under PPRB OPSCR Rules and Regulations Section 3-206 as a Sole Source.

Staff Recommendation: This request has been reviewed for compliance by OPSCR staff and complies with PPRB OPSCR Rules and Regulations and all legal requirements. OPSCR recommends approval of the contract as requested.

Projected Budget for Life of the Contract: \$8,270,000.00

6. Requesting Agency: Mississippi Department of Marine Resources

Supplier: Eco-Restore, LLC

Contract #: 8200060255

Term: 12/01/2021-09/30/2022

Total Value: \$157,480.00

New

\$157,480.00

Summary of Request: The term of the contract is ten months with one optional one-year, no-cost renewal. The Contractor will provide mulching services for a highly disturbed section of the Grand Bay National Estuarine Research Reserve. The Contractor will selectively mulch in order to reduce the amount of woody vegetation to allow sunlight to reach the ground and promote herbaceous understory development. The Contractor was selected through an Invitation for Bids (IFB) with one respondent. The Agency has requested an exception to PPRB OPSCR Rules and Regulations Section 3-202.06.3 because a phone number was not included in the newspaper advertisement. OPSCR has reviewed this request and has no concerns that granting it will affect the competition, fairness, or transparency of the procurement as additional contact information was listed in the advertisement.

Staff Recommendation: This request has been reviewed for compliance by OPSCR staff and complies with PPRB OPSCR Rules and Regulations and all legal requirements. OPSCR recommends granting the requested exception and approval of the contract as requested.

Projected Budget for Life of the Contract: \$157,480.00

7. Requesting Agency: Ellisville State School

Supplier: Dr. Robert Culpepper

Contract #: 8200059970

Term: 01/01/2022-12/31/2022

Total Value: \$81,600.00

**New
\$81,600.00**

Summary of Request: The term of the contract is one year with four optional one-year renewals. The Contractor is a psychiatrist who will provide psychiatric services at the Agency's main campus in Long Beach and community homes located in Biloxi, Wiggins, and Poplarville. The Contractor was selected through an Invitation for Bids (IFB) with one respondent. Proof of the insurance coverage required in the contract and proof of approval by the Board of Mental Health are required for final processing of the contract. The board met on October 21, 2021 and approved this contract.

Staff Recommendation: This request has been reviewed for compliance by OPSCR staff and complies with PPRB OPSCR Rules and Regulations and all legal requirements. OPSCR recommends approval of the contract as requested, contingent upon receipt of minutes from the Board of Mental Health and appropriate proof of insurance.

Projected Budget for Life of the Contract: \$326,400.00

C. Additional Requests for Board Action

1. Requesting Agency: Mississippi Department of Education

Supplier: TempStaff, Inc.

Term: 12/29/2021-09/30/2024

Total Value: \$1,847,785.00

**New Emergency
\$1,847,785.00**

Summary of Request: Pursuant to PPRB OPSCR Rules and Regulations Section 3-207, "[t]he PPRB does not approve emergency contracts." The determination as to whether an emergency exists is made by the Agency Head of the Agency entering the emergency contract. Sections 3-207.01 and 3-207.02 limit the term of an emergency contract to one year. The Agency is requesting the Board grant an exception to the one year limitation on the term of an emergency contract and allow the Agency to enter into an emergency contract for a term of approximately two years and nine months.

The Contractor will provide temporary staffing services for a call center for the Agency's Division of Educator Licensure, which will respond to inquiries from prospective and currently licensed educators regarding licensure requirements. The State has received funding (Elementary and Secondary School Relief Funds I, II, and III) from the federal government to address critical K-12 needs which have arisen from the COVID-19 pandemic. The funding must be obligated and expended in accordance with the federal deadlines. In order to access all of the available federal funding, the Agency must have an executed contract on or before January 2022.

The Agency initially issued a Request for Proposals (RFP) to solicit the services and received 18 responses. The responsible and responsive respondent with the lowest price was the intended awardee of the contract, but another respondent has filed a protest. Due to the potential delay associated with the administrative protest procedure, the Agency is unable to proceed with the necessary timeline to secure the funding. However, even if the protest was fully resolved prior to the December PPRB meeting, a review of the RFP and resulting contract by OPSCR revealed that the Agency evaluated the Cost factors openly without prior approval from the PPRB as required in accordance with Miss. Code Ann. § 31-7-413(2)(b)(iii), which will require the Agency to cancel the solicitation.

Due to the time constraints regarding the availability of the federal funding, the Agency now seeks to enter into an emergency contract with the same vendor and under the same terms and conditions had the contract been awarded under the RFP. The Agency seeks an exception to the one year limitation on emergency contracts, as the Agency will need the services described herein for two years and nine months in order to fully obligate the available federal funding. The Contractor selected by the Agency was the lowest cost proposer in response to a competitive procurement, which cannot result in a contract award due to the circumstances described above.

Staff Recommendation: This request has been reviewed by OPSCR staff. Based on the specific circumstances described herein, OPSCR recommends granting of the requested exception to PPRB OPSCR Rules and Regulations Sections 3-207.01 and 3-207.02.

Projected Budget for Life of the Contract: \$1,847,785.00

- D. **OPSCR Emergency Contracts Reported to the Board**
 - E. **OPSCR Sole Source Contracts Reported to the Board**
 - F. **OPSCR Staff Approvals Reported to the Board**
- VII. **Other Business**
- A. **Next Regular PPRB Meeting January 5, 2022 at 9:00 a.m.**
 - B. **2022 Board Meeting Dates and Submission Deadlines**

<u>PPRB Meeting Date</u>	<u>Submission Deadlines</u>
January 5, 2022	December 1, 2021
February 2, 2022	January 5, 2022
March 2, 2022	February 2, 2022
April 6, 2022	March 2, 2022
May 4, 2022	April 6, 2022
June 1, 2022	May 4, 2022
July 6, 2022	June 1, 2022
August 3, 2022	July 6, 2022
September 7, 2022	August 3, 2022
October 5, 2022	September 7, 2022

November 2, 2022
December 7, 2022

October 5, 2022
November 2, 2022
December 7, 2022

Staff Recommendation: Adoption of 2022 meeting dates and submission deadlines.

C. Annual Report to Legislature

Miss. Code § 31-7-407(4) requires the DFA to monitor agency websites and the Mississippi Procurement Portal to ensure that agencies are posting notice of pending procurements through Requests for Proposals or Requests for Qualifications and to report its findings to the Chairs of the House of Representatives and Senate Accountability, Efficiency and Transparency Committees and House of Representatives and Senate Appropriations Committees by December 31 of each year.

The DFA found no instances of noncompliance in 2021.

Staff Recommendation: Authorization of filing of the Report.

VIII. Adjournment