



# Guidance for Mississippi Procurement

## STATE PROCUREMENT CHECKLIST

Section 1 - Type of Purchase		Yes	No	N/A	Notes
<b>1(a)</b>	Is this purchase for services? If yes, please follow "Section 2 - Services Procurement" below.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>1(b)</b>	Is this purchase for commodities, equipment, or construction? If yes, please follow "Section 3 - Commodities, Equipment, and Construction Procurement" below.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Section 2 - Services Procurement		Yes	No	N/A	Notes
Procurement Methods					
<b>Purchases between \$0 and \$50,000</b>					
<b>2(i)(a)</b>	Did the purchasing entity obtain pricing from an adequate number of sources to ensure reasonable competition?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Purchases between \$50,000.01 and \$75,000</b>					
<b>2(ii)(a)</b>	Did the purchasing entity obtain three (3) or more written quotes from sources?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>2(ii)(b)</b>	Did the purchasing entity record and place the written quotes in the Agency Procurement File?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>2(ii)(c)</b>	Were the written quotes either signed on letterhead or otherwise identifiable to be valid, as well as include, at a minimum: (i) a statement of price; (ii) terms of the agreement; (iii) description of services offered by the vendor to the agency; and, (iv) name, address, and telephone number of the vendor?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>2(ii)(d)</b>	Were the names of the vendors who submitted quotations and the date and amount of each quotation recorded and maintained as a public record?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>2(ii)(e)</b>	Was the award made to the vendor offering the lowest responsible bid, proposal, or qualification?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>2(ii)(f)</b>	Were all vendors submitting responses promptly notified in writing of the contract award?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

2(ii)(g)	Did the purchasing entity include a memo to the Agency Procurement File explaining why three written responses was unable to be accomplished? If three written responses were received, please answer "N/A."	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2(ii)(h)	Was a copy of each notification letter kept in the Agency Procurement File?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2(ii)(i)	Was a notice of Intent to Award made available to the public upon request?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b><u>Purchases Greater Than \$75,000 - Competitive Sealed Bidding</u></b>					
2(iii)(a)	Did the purchasing entity conduct a competitive sealed bidding process? Competitive sealed bidding is the preferred method of procurement unless approval is given to utilize a different method.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2(iii)(b)	Was an Invitation for Bids issued that included a purchase description and all contractual terms and conditions applicable to the procurement?  The Invitation for Bids shall include the following: (i) the time and date set for receipt of bids (ii) the address of the office to which bids are to be delivered (iii) the maximum time for bid acceptance by the State (iv) the manner in which bids are to be submitted, including any forms for that purpose (v) the purchase description, evaluation factors, delivery or performance schedule, and any inspection and acceptance requirements that are not included in the purchase description, and (vi) the contract terms and conditions, including warranty and bonding or other security requirements, as applicable.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2(iii)(c)	Was a public notice given in accordance with Section 3-202.06 of the Public Procurement Review Board (PPRB) Office of Personal Service Contract Review (OPSCR) Rules and Regulations? All personal and professional services contract procurements must be posted on the Mississippi Contract/Procurement Opportunity Search Portal in accordance with Mississippi Code Annotated § 25-53-151.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2(iii)(d)	Were bids opened publicly in the presence of one or more witnesses at the time and place designated in the Invitation for Bids? The name of each bidder shall be recorded. The amount of each bid and such other relevant information as may be specified by regulation may be recorded; the record and each bid shall be open to public inspection as provided in Section 1-301 (Public Access to Procurement Information) of the PPRB OPSCR Rules and Regulations.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2(iii)(e)	Were bids unconditionally accepted without alteration or correction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2(iii)(f)	Were bids evaluated using only the requirements set forth in the Invitation for Bids?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2(iii)(g)	If correction or withdrawal of bids or a cancellation of awards is needed, did the Agency Head provide a written determination and maintain it in the Agency Procurement File?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2(iii)(h)	Was the contract awarded, with reasonable promptness, by written notice to the lowest responsible and responsive bidder whose bid met the requirements and criteria set forth in the Invitation for Bids?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

<b>Purchases Greater Than \$75,000 - Competitive Sealed Proposals (RFP) and Qualifications (RFQ)</b>					
<b>2(iv)(a)</b>	Were competitive sealed proposals or qualifications used as the procurement method? These methods are only applicable if the PPRB determines that the use of competitive sealed bidding is either not applicable or not advantageous to the State.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>2(iv)(b)</b>	Was adequate public notice of the RFP/RFQ given in the same manner as provided in Sections 3-202.01(c) and 3-202.06 (Competitive Sealed Bidding, Public Notice) and in accordance with Mississippi Code Annotated § 31-7-407?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>2(iv)(c)</b>	Did the purchasing entity prepare and keep a Register of Proposals or Qualifications?  The Register of Proposals or Qualifications should include the number of modifications received, if any, and a description sufficient to identify the supply, service, commodity or other item offered. Each proposal or qualification submitted should be assigned an identifying letter, number, or combination thereof, without revealing the name of the offeror who submitted each proposal or qualification or any person named to the evaluation committee for that proposal or qualification.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>2(iv)(d)</b>	Did the Request for Proposals or Qualifications include evaluation factors showing the relative importance of each evaluation factor in terms of important, very important, and critical? Evaluation factors must include price, technical factors, cost factors, and management factors. Price shall be given the highest criteria and at least 35% of the 100% of all other individual evaluation factors.  1) Technical Factors - Must be scored without knowledge of the identity of the offeror (blindly). These factors aid in determining the offeror's technical ability to perform the service. 2) Cost Factors - Must be scored without knowledge of the identity of the offeror (blindly), unless permission is given by PPRB to score openly. These factors aid in determining the offeror's financial ability to perform the service. 3) Management Factors - Must be scored with knowledge of the identity of the offeror. These factors aid in determining the offeror's past performance of the service.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>2(iv)(e)</b>	Were discussions had between the purchasing entity and the offerors who submitted RFP/RFQ regarding revisions to the RFP/RFQ? If so, were these discussions had in accordance with Section 3-203.01(h)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>2(iv)(f)</b>	Was the award made to the responsible and responsive offeror whose proposal or qualification was determined in writing to be the most advantageous to the State taking into consideration price and the evaluation factors set forth in the RFP/RFQ?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>2(iv)(g)</b>	Was a notice of Intent to Award published regarding the intention of the agency to award the contract to the winning offeror?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>2(iv)(h)</b>	Was a notice of Contract Award published regarding the award of the contract to the winning offeror?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Section 3 - Commodities, Equipment, and Construction Procurement		Yes	No	N/A	Notes
<b>Type of Purchase</b>					
<b>Purchases between \$0 and \$5,000</b>					
<b>3(i)(a)</b>	Were agency operation procedures utilized, obtaining adequate and reasonable competition?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Purchases between \$5,000.01 and \$75,000</b>					
<b>3(ii)(a)</b>	Were at least two (2) competitive written bids obtained?  The term ""competitive written bid"" means 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. ""Competitive"" shall mean that the bids are developed based upon comparable identification of the needs and are developed independently and without knowledge of other bids or prospective bids.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>3(ii)(b)</b>	Was the award given to the lowest and best bidder?				
<b>3(ii)(c)</b>	"Were bids for construction in excess of \$5,000 broken down by components to provide detail of component description and pricing?  These details shall be submitted with the written bids and become part of the bid evaluation criteria."	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Note:</b>	<i>Bids may be submitted by facsimile, electronic mail or other generally accepted method of information distribution. Bids submitted by electronic transmission shall not require the signature of the vendor's representative unless required by agencies or governing authorities.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Purchases Greater Than \$75,000</b>					
Publication					
<b>3(iii)(a)</b>	Were competitive bids advertised once each week for two (2) consecutive weeks in a regular newspaper published in the county or municipality in which such agency or governing authority is located?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>3(iii)(b)</b>	Was reverse auctioning used, as it is the primary method for receiving bids during the bidding process?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>3(iii)(c)</b>	If reverse auction was not used, was the procurement statutorily exempt or was the determination and alternative procurement method used approved by the PPRB?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

<p><b>3(iii)(d)</b></p>	<p>If the purchasing entity determined that a reverse auction is not in the best interest of the state, was the determination approved by the PPRB?</p> <p>Other types of bids may include, but are not limited to:  (i) bids sealed in envelope  (ii) bids received electronically in a secure system, or  (iii) bids received by any other method that promotes open competition and has been approved by the Office of Purchasing and Travel.</p> <p>Note: Secured electronic bidding must be offered, but it may not be required.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<p><b>3(iii)(e)</b></p>	<p>Was the bid opening held at least seven (7) or more days after the last published notice?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<p><b>3(iii)(f)</b></p>	<p>If the purchase involved a construction project in which the estimated cost is in excess of \$75,000, were the bids opened at least fifteen (15) days after the last notice was published? The notice for the purchase should be published once each week for two (2) consecutive weeks.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<p><b>3(iii)(g)</b></p>	<p>Does the notice of intention to let contracts or purchase equipment state the time and place at which bids shall be received, list the contracts to be made or types of equipment or supplies to be purchased, and, if all plans and or specifications are not published, refer to the plans and or specifications on file?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<p><b>Note:</b></p>	<p><i>If there is no newspaper published in the county or municipality, then such notice shall be given by posting same at the courthouse, or for municipalities at the city hall, and at two (2) other public places in the county or municipality, and also by publication once each week for two (2) consecutive weeks in some newspaper having a general circulation in the county or municipality in the above-provided manner. On the same date that the notice is submitted to the newspaper for publication, the agency or governing authority involved shall mail written notice to, or provide electronic notification to the main office of the Mississippi Procurement Technical Assistance Program under the Mississippi Development Authority that contains the same information as that in the published notice.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<p><b>Bidding Process Amendment Procedure</b></p>					
<p><b>Note:</b></p>	<p><i>If all plans and/or specifications are published in the notification, the plans and/or specifications may not be amended.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<p><b>3(iv)(a)</b></p>	<p>If all plans and/or specifications were not published in the notification and changes are planned to be made/were made, has the agency or governing authority maintained a list of all prospective bidders who are known to have received a copy of the bid documents and were all such prospective bidders sent copies of all amendments?</p> <p>Any amendments made shall be made via mail, facsimile, electronic mail, or other generally accepted method of information distribution.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<p><b>Note:</b></p>	<p>No addendum to bid specifications may be issued within two (2) working days of the time established for the receipt of bids unless such addendum also amends the bid opening to a date not less than five (5) working days after the date of the addendum.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<p><b>Specification Restrictions</b></p>					

3(vi)(a)	Was the bid written as not to exclude comparable equipment of domestic manufacture?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3(vi)(b)	Were brand specific specifications authorized by the Mississippi Department of Finance and Administration (DFA)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3(vi)(c)	If a construction contract, did the specifications include an allowance for commodities, equipment, furniture, construction materials or systems?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3(vi)(d)	If yes, were the allowance items acquired by the vendor approved by the agency/governing authority?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Electronic Bids</b>					
3(vii)(a)	Did the purchasing entity allow for electronic bids in MAGIC?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Lowest and Best Bid Decision Procedure</b>					
3(viii)(a)	Are best bid procedures in compliance with regulations established by the DFA?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3(viii)(b)	Was any bid accepted other than the lowest bid actually submitted? If so, was the bid rejection adequately justified and documented?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Alternate Bid Authorization</b>					
3(x)(a)	Were all alternate bids accepted, if any, appropriately authorized in accordance with Section 31-7-13(f)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Construction Contract Change Authorization</b>					
3(xi)(a)	Were all construction contract change orders, if any, appropriately authorized in accordance with Section 31-7-13(g)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>State Agency Emergency Purchase Procedure</b>					
3(xiv)(a)	If the purchasing entity is claiming an emergency purchase, did the purchasing entity file with the DFA (i) a statement explaining the conditions and circumstances of the emergency including a detailed description of the events leading up to the situation and the negative impact to the entity if the purchase is made following the statutory requirements up to this point, and (ii) a certified copy of the appropriate minutes of the board of such agency requesting the emergency purchase, if applicable?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

<b>Note:</b>	<i>If the governing board or the executive head, or his designees, of any agency determines that an emergency exists in regard to the purchase of any commodities or repair contracts, so that the delay incident to giving opportunity for competitive bidding would threaten the health or safety of any person, or the preservation or protection of property, then the provisions in this section for competitive bidding shall not apply, and any officer or agent of the agency having general or specific authority for making the purchase or repair contract shall approve the bill presented for payment, and he shall certify in writing from whom the purchase was made, or with whom the repair contract was made.</i>				
<b>3(xiv)(b)</b>	Were all purchases, if any, made under state agency emergency purchase procedures made only for the purpose of meeting the needs created by the emergency situation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>3(xiv)(c)</b>	Following all emergency purchases, if any, did the purchasing entity file with the DFA documentation of the purchase including a description of the commodity purchased, the purchase price thereof and the nature of the emergency?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Note:</b>	<i>Any contract awarded by state agency under emergency purchase procedures shall not exceed a term of one (1) year.</i>				
<b>Exceptions from Bidding Requirements</b>					
<b>3(xvii)(a)</b>	If the purchasing entity is claiming exemption from bidding requirements, did the purchasing entity confirm the purchase type is one of the exceptions to bid requirements under Section 31-7-13(m)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Term Contract Authorization</b>					
<b>3(xviii)(a)</b>	Is the awarded contract for a term that expires before December 31, 2026?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>3(xviii)(b)</b>	Does the awarded contract contain a price adjustment clause?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>3(xviii)(c)</b>	If the awarded contract contains a price adjustment clause, was the cost index used in the price adjustment clause determined by the DFA?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>3(xviii)(d)</b>	Do the bid proposal and contract documents utilizing a price adjustment clause contain the basis and method of adjusting unit prices for the change in cost of such commodities, equipment, and public construction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Purchase Law Violation Prohibition and Vendor Penalty</b>					
<b>3(xix)(a)</b>	Did the purchasing entity ensure the contract or purchase was not made for the purpose of circumventing the provisions of competitive bid requirements or submittals of invoices for amounts within those authorized for a contract or purchase where the actual value of the contract of commodity purchased exceeds the authorized amount?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Construction Punch List Restriction</b>					

<b>Note:</b>	<i>The architect, engineer or other representative designated by the agency or governing authority that is contracting for public construction or renovation may prepare and submit to the contractor only one (1) preliminary punch list of items that do not meet the contract requirements at the time of substantial completion and one (1) final list immediately before final completion and final payment.</i>				
	<b><u>Procurement of Construction Services by State Institutions of Higher Learning</u></b>				
<b>Note:</b>	<i>Contracts for privately financed construction of auxiliary facilities on the campus of a state institution of higher learning may be awarded by the Board of Trustees of State Institutions of Higher Learning to the lowest and best bidder, where sealed bids are solicited, or to the offeror whose proposal is determined to represent the best value to the citizens of Mississippi, where requests for proposals are solicited.</i>				
	<b><u>Insurability of Bidders for Public Construction or Other Public Contracts</u></b>				
<b>Note:</b>	<i>In any solicitation for bids to perform public construction or other public contracts to which this section applies including, but not limited to, contracts for repair and maintenance, for which the contract will require insurance coverage in an amount of not less than One Million Dollars (\$1,000,000.00), bidders shall be permitted to either submit proof of current insurance coverage in the specified amount or demonstrate ability to obtain the required coverage amount of insurance if the contract is awarded to the bidder. Proof of insurance coverage shall be submitted within five (5) business days from bid acceptance.</i>				
	<b><u>Purchase Authorization Clarification</u></b>				
<b>Note:</b>	<i>Nothing in this section shall be construed as authorizing any purchase not authorized by law.</i>				