



MEETING AGENDA
Wednesday, April 4, 2018
9:00 a.m.

- I. **Call to Order**
- II. **Approval of Minutes from March 7, 2018 Public Procurement Review Board Meeting**
- III. **Approval of per diem and expenses for the April 4, 2018 meeting and for any additional expenses incurred prior to the May 2, 2018 meeting**
- IV. **DFA Office of Purchasing, Travel and Fleet Management (OPTFM)**
 - A. **Petitions for Relief from Reverse Auction**

- 1. **Governing Authorities**

- 2. **State Agencies**

- i. **Requesting Agency:** South Mississippi Regional Center (SMRC)

- Supplier:** Unknown – N/A

- RFx #:** 3180000303

- Term:** One (1) Year with the Potential for Four (4) One-year Extensions

- Total Value:** \$499,999.99

- Summary of Request:** SMRC has requested an exemption from using the Reverse Auction process for supplying medication for clients at multiple sites. SMRC awards the Pharmacy with the lowest pricing based on multiple factors which include; dispensing fees, percentage of cost below the average wholesale price on name brand medications, maximum allowable cost (Mac Plus) on generic medications, and cost of OTC (over the counter) medications that are not covered by Medicaid/Medicare. Since the pharmaceutical procurements are not awarded based on a single award to the lowest bid for the line item, it is not a good candidate for the reverse auction process. SMRC requests to utilize a competitive sealed bid procurement process to promote open competition.

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.

B. Consideration of Awards for Governing Authorities Receiving Exemptions

1. Requesting Entity: Harrison County Board of Supervisors

Supplier: Puckett Machinery Company

Term: One time purchase

Total Value: \$81,557.00

Summary of Request: Harrison County received an exemption from using Reverse Auction in January and solicited for competitive sealed bids, for the purchase of a backhoe, with a trade-in. Five bids were received. One bidder did not address the bid correctly and the bid was opened before the bid date. This bid was rejected. The County wishes to award to the lowest responsible bidder, which is Puckett Machinery Company.

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 award.

C. Consideration of State Agency Contracts for Board Action

1. Requesting Agency: University of Southern Mississippi (USM)

Supplier: Thermo Electron North America

Contract #: 8200037939

Term: One-time purchase

Total Value: \$716,000.00

Summary of Request: USM solicited a bid (institutes of higher learning are statutorily exempt from the use of Reverse Auction) for the purchase of one (1) x-ray photoelectron spectroscopy system to be used to perform experiments from a broad range of samples over large and small areas with the capability to perform ion sputter depth profiling of organic and inorganic materials. USM has received 70% federal funding from the National Science Foundation to purchase the required instrument. USM received two (2) responses from the solicitation and requests to award to Thermo Electron North America based on specifications and lowest bid.

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 submitted by the Agency, OPTFM recommends approval of this contract.

D. OPTFM Staff Approvals reported to the Board

1. State Agencies

2. Governing Authorities

E. OPTFM Director's Report

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

A. BOB Staff Approvals Reported to the Board

B. Consideration of Contracts for Board Action

BOB has no contracts to report.

C. BOB Director's Report

D. RPM Leases with No Increase in Cost or Space

- 1. Requesting Agency:** Mississippi Department of Employment Security
Lease #: 260-342-21A
Lessor: City Properties 07440
Term: 05/01/2018 through 04/30/2023
Total Yearly Cost: \$106,080.00
Cost PSF: \$ 13.26
Federal Funds: 100%
Square Footage Proposed: 8,000
Address of Property: 2139-D Highway 15 North, Laurel, MS
Purpose of Lease: WIN Job Center
Note: This is an extension of contract with the same terms and conditions.

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. RPM recommends the approval of this lease.

- 2. Requesting Agency:** Mississippi Department of Employment Security
Lease #: 260-181-21A
Lessor: H & H Land Company
Term: 05/01/2018 through 04/30/2021
Total Yearly Cost: \$359,892.00
Cost PSF: \$ 15.31 + Utilities & Janitorial
Federal Funds: 100%
Square Footage Proposed: 23,507
Address of Property: 1911 Arcadia Street, Hattiesburg, MS
Purpose of Lease: WIN Job Center
Note: This is an extension of contract with the same terms and conditions.

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. RPM recommends the approval of this lease.

- 3. Requesting Agency:** Mississippi Department of Employment Security
Lease #: 260-141-21A
Lessor: Coahoma Board of Supervisors
Term: 05/01/2018 through 04/30/2021
Total Yearly Cost: \$59,803.32
Cost PSF: \$ 7.21 + Utilities & Janitorial
Federal Funds: 100%
Square Footage Proposed: 8,300
Address of Property: 236 Sharkey Ave., Clarksdale, MS

Purpose of Lease: WIN Job Center

Note: This is an extension of contract with the same terms and conditions.

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. RPM recommends the approval of this lease.

E. RPM New Leases

1. Requesting Agency: Mississippi Department of Employment Security

Lease #: 260-461-21A

Lessor: Jerry L. Kemp Family Trust 00430

Term: 05/01/2018 through 04/30/2021

Total Yearly Cost: \$23,256

Cost PSF: \$8.16 + Utilities and Janitorial

Federal Funds: 100%

Square Footage Proposed: 2,850

Address of Property: 1111 Hwy 98, Columbia, MS

Purpose of Lease: WIN job center

Note: Agency advertised for space and only one bid was received. The winning bid response was from the current landlord.

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. RPM recommends the approval of this lease.

2. Requesting Agency: Mississippi Development Authority (MDA)

Lease #: 225-172-20A

Lessor: EBI, LLC 07526

Term: 04/04/2018 through 04/03/2020

Total Yearly Cost: \$5,820

Cost PSF: \$40.42 Utilities and Janitorial Included

Federal Funds: 66.2%

Square Footage Proposed: 144

Address of Property: 7075 Golden Oaks Loop West, Southaven, MS

Purpose of Lease: Office for the Mississippi Procurement Technical Assistance Center (MPTAP).

Note: MDA received two offers and selected the lower of the two. While the cost per square foot is extremely high in this lease, the MDA employee will have access to other common areas within this facility such as restrooms, waiting room, and kitchenette.

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. RPM recommends the approval of this lease.

F. RPM Director's Report

1. Revision to RPM Leasing Procedure Manual

ASSIGNMENT & NOVATION

- (1) **Assignment:** *No lease contract subject to PPRB approval is transferable or otherwise assignable without prior approval of the PPRB RPM Division, however, a Lessor may also be permitted to assign monies receivable under a contract after due notice to the State and the contracting entity, and with the approval of the RPM Division Director.*

Staff Recommendation: RPM recommends approval of this revision and granting of authority to submit this revision to the Mississippi Secretary of State's Office for notice and comment in accordance with the Mississippi Administrative Procedures Act, and further to grant the RPM Director authority to make any necessary clerical or grammatical corrections to complete the revision of the Manual.

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

A. Petitions for Relief from Competitive Sealed Bidding

1. **Requesting Agency:** Division of Medicaid

Procurement Request: Request for Qualifications

RFx #: 3180000322

Anticipated Term: Three (3) Years with Two Optional One-year Renewals

Anticipated Contract Amount: \$150,000,000.00 per year

Summary of Request: The agency has submitted a petition for relief from the use of an IFB as the procurement method as allowed by Miss. Code Ann. § 31-7-403(4) for the competitive procurement of two contractors to provide services for the statewide administration of the Mississippi Children's Health Insurance Program. The agency contends the use of an IFB is neither practicable nor advantageous as the contractors will be paid a capitated rate formulated by an actuarial firm rather than submitting price. Therefore, the agency will automatically award all respondents thirty-five (35) points for price. The respondents will be evaluated based on the remaining sixty-five (65) points. The technical factors will be weighted at forty-one (41) points and the management factors will be weighted at twenty-four (24) points.

Staff Recommendation: Granting of the Agency's petition for relief from competitive bidding requirements as a procurement method as allowed by Miss. Code Ann. § 31-7-403(4) and approval of the Agency's request to use a Request for Qualifications as the procurement method to select two contractors to provide services for the statewide administration of the Mississippi Children's Health Insurance Program.

B. Consideration of Contracts for Board Action

1. **Requesting Agency:** DMH-East Mississippi State Hospital

Supplier: Kim Nagel, M.D.

Contract #: 108468

Term: 02/01/2018 – 03/09/2018

New

Total Value: \$32,295.00

\$32,295.00

Summary of Request: Dr. Nagel is a contract worker who provides professional psychiatric services. He is paid \$150.00 per hour. The term of the contract is one month and nine days. The contract worker was selected through Agency Operational Procedures for WIN contracts not exceeding \$75,000.00 during any twelve-month period. Although this contract amount does not exceed the \$75,000.00 threshold for PPRB approval, the Statewide Payroll and Human Resource System (hereinafter "SPAHRS") combined the amount of this contract with a separate contract (contract #107518) in the amount of \$65,500.00, which resulted in the \$75,000.00 threshold being exceeded. The agency originally submitted this contract to OPSCR as a staff approval for multiple contracts with the same vendor, but with different scopes of services. However, after reviewing the two contracts, OPSCR determined both contracts contained the same scope of services, therefore requiring PPRB approval of the current contract. The original contract (contract #107518) was entered into as a temporary contract in order to continue services while the agency awaited PPRB approval of a multi-term contract for the same services. However, the agency missed the submission deadlines for the January 3, 2018 and February 7, 2018 PPRB meetings and entered into a new temporary contract until the multi-term contract (contract #108305) could be presented for approval at the March 7, 2018 PPRB meeting. The original temporary contract was entered into for the period beginning November 20, 2017 and ending January 31, 2018.

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

2. **Requesting Agency:** Mississippi Department of Marine Resources

Supplier: Cypress Environmental Services, LLC d/b/a Cypress Environmental Science & Engineering

Contract #: 8200032069

Term: 05/01/2017 – 04/30/2019

Renewal (N)

Total Value: \$98,544.00

\$48,552.00

Summary of Request: Amendment One has been submitted to renew the contract for one year in order to begin Phase two of the Comprehensive Ecological Risk Assessment and Land Use Management Planning project. This is the second of four optional one-year renewals allowed by the original contract. Amendment One updates the Summary, Scope of Services, Deliverables, Consideration and Method of Payment, Period of Performance, Procurement Regulations, Notices, Representation Regarding Gratuities, and Change in Scope of Work clauses. All other terms and conditions of the original contract remain the same. The contractor provides inventory services for the Coastal Preserves resources to develop an ecological risk assessment to support a quantitative process for management decision making. The contractor was originally selected through an RFP. One post-award vendor debriefing was requested and held. This is the first time this contract has been presented to PPRB because the previous value did not exceed \$75,000.00 and did not require PSCRB approval. As this RFP was issued on February 15, 2017, the procurement must comply with PSCRB Rules and Regulations (7/01/2016) while the resulting contract must comply with House Bill 1109 (2017 Regular Session) and PSCRB Rules and Regulations.

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

3. **Requesting Agency:** Mississippi Department of Wildlife, Fisheries & Parks

Supplier: Dana Brown & Associates, Inc.

Contract #: 8200037742

Term: 04/05/2018 – 10/31/2019

Total Value: \$128,700.00

**New
\$128,700.00**

Summary of Request: The contractor will develop the 2019 – 2024 Mississippi Statewide Comprehensive Outdoor Recreation Plan (hereinafter "SCORP"), which will include project planning, task force committee organization and meetings, collecting surveys, conducting public hearings, and preparing and submitting the 2019 – 2024 SCORP to the Nation Park Service for approval. The term of the contract is one year, six months, and twenty-seven days with no optional renewals. The contractor was selected through an RFP with two respondents. The agency requests an exception to Section 7-114.05, Statement in the Solicitation, of the PSCRB Rules and Regulations for not including a statement in the solicitation that a vendor debriefing is available. The agency did notify the vendors of their right to request a debriefing; therefore, OPSCR staff do not have concerns regarding the competitiveness of this procurement. One post-award vendor debriefing was requested and held. The agency further requests an exception for not including the Trade Secrets, Commercial and Financial Information clause in the RFP as required by Appendix D of the PSCRB Rules and Regulations. As this RFP was issued on December 14, 2017, the procurement must comply with PSCRB Rules and Regulations (7/01/2016) while the resulting contract must comply with House Bill 1109 (2017 Regular Session) and PSCRB Rules and Regulations.

Staff Recommendation: This request has been reviewed for compliance by OPSCR staff and, upon granting the exceptions to Section 7-114.05 and Appendix D of the PSCRB Rules and Regulations, will comply with PSCRB Rules and Regulations and all legal requirements. OPSCR recommends granting of exceptions to Section 7-114.05 and Appendix D of the PSCRB Rules and Regulations and approval of the contract as requested contingent upon the vendor's registration with the Mississippi Secretary of State.

4. **Requesting Agency:** Mississippi Department of Corrections (MDOC)

Supplier: CorVel Enterprise Comp., Inc.

Contract #: 8200038032

Term: 07/01/2018 – 06/30/2021

Total Value: \$1,909,767.00

**New
\$1,909,767.00**

Summary of Request: The contractor will serve as the MDOC third party administrator (TPA) for agency's self-insured workers' compensation program, which includes handling claim administration, risk management, loss control, managed care, reporting requirements, and all other administration for the program. The term of the contract is three years with two optional one-year renewals. The contractor was selected through an RFP with two respondents. One post-award vendor debriefing was requested and held. As this RFP was issued on October 7, 2017, the procurement must comply with the PSCRB Rules and Regulations (7/01/2016) while the resulting contract must comply with first House Bill 1109 (2017 Regular Session) and then with said PSCRB Rules and Regulations. The agency

requests the following exceptions to the identified sections of the PSCRB Rules and Regulations: 3-202.08.1 for failure to obtain acknowledgement of procurement amendments and Question and Answer document; 3-203.04.1(a) for failure to include “a statement that discussions may be conducted with offerors who submit proposals determined to be reasonably susceptible of being selected for award, but that proposals may be accepted without such discussions;” and 3-203.04.2(f) for failure to include “a statement that the proposals shall be in writing.” Based on proposals submitted by the two respondents, it is clear the two respondents received the amendments as well as the question and answer document. The agency contends the two required statements were erroneously omitted from the RFP. The submitted proposals were in writing. Therefore, OPSCR staff and the Special Assistant Attorney General do not have concerns regarding the competitiveness of this procurement. This request has been reviewed for compliance by OPSCR staff and the Special Assistant Attorney General and, upon granting the exceptions to Sections 3-202.08.1, 3-203.04.1(a), and 3-203.04.2(f) of the PSCRB Rules and Regulations, will comply with PSCRB Rules and Regulations and all legal requirements. Proof of the vendor’s required workers’ compensation, employee dishonesty or fidelity bond, and comprehensive general (public) liability or professional general liability insurance certifications must be received from the Agency prior to processing the contract.

Staff Recommendation: Granting of exceptions to Sections 3-202.08.1, 3-203.04.1(a), and 3-203.04.2(f) and approval of the contract as requested contingent upon receipt of the vendor’s required workers’ compensation, employee dishonesty or fidelity bond, and comprehensive general (public) liability or professional general liability insurance certifications.

C. Department of Child Protection Services Contracts and Department of Human Services Contracts Useful in Establishing and Operating DCPS for Fiscal Year 2018

Neither the Public Procurement Review Board nor OPSCR staff approves Department of Child Protection Services (DCPS) contracts or Department of Human Services (DHS) contracts useful in establishing and operating DCPS. These contracts are reported to the board for consideration of recommendations, but are not subject to OPSCR Rules and Regulations. The implementation of any board recommendations is at the discretion of DHS and/or DCPS. Pursuant to Miss. Code Ann. § 27-104-7(f), the board is not authorized to disapprove any proposed personal service contracts for DCPS or DHS contracts that are useful in establishing and operating DCPS

D. Emergency Contracts Reported to the Board for Fiscal Year 2018

Emergency contracts are reviewed by OPSCR staff for technical compliance upon the written request of the submitting agency. The OPSCR staff will process the contract in MAGIC upon receipt of the contract, and then conduct the requested review and notify the Agency of any problems found during the requested review; however, it is the responsibility of the Agency to correct any errors. If no written request for review is made by the submitting Agency, OPSCR staff will process the contract in MAGIC upon receipt of same, and then conduct a review of the contract for internal auditing purposes. Emergency contracts are presented to the PPRB at its regular meeting and are included in the minutes of said meeting, but no action is required by the PPRB as to these contracts. Any approval in MAGIC or any other state system does not constitute approval of the emergency procurement by the PPRB and is done solely for

processing purposes. This provision is not intended to prevent the PPRB from making a report under the statutory authority to audit or to take other action as deemed appropriate.

1. Requesting Agency: Mississippi Veterans Affairs Board

Supplier: Pro-Nurse, LLC

Contract #: 8200032563

Term: 05/16/2017 – 02/27/2018

Total Value: \$52,136.73

**Modification/Termination
(\$21,863.27)**

Summary of Request: This modification was submitted to decrease the amount of the contract from \$74,000.00 to \$52,136.73 (expended) and terminate contract 8200032563 effective February 27, 2018. When the contract was originally entered and systematically approved, an incorrect MAGIC contract number was used. All terms and conditions associated with contract 8200032563 have been transferred to contract 8400000760, under the correct MAGIC contract number. The contractor provides professional nursing services for the Oxford VAB facility. The MAGIC term of the contract was one year. The contractor was originally selected through emergency procurement procedures pursuant to Section 3-207 of the PSCRB Rules and Regulations, which states “[i]f the Agency Head... determines... that the delay incident to undertaking a competitive procurement would threaten the health or safety of any person, or the preservation or protection of property, then the Agency Head... may make an emergency procurement.” The Agency determined an emergency contract was necessary in order to retain an adequate number of personnel at the facility to provide nursing services.

2. Requesting Agency: Mississippi Veterans Affairs Board

Supplier: Pro-Nurse, LLC

Contract #: 8400000760

Term: 02/28/2018 – 05/15/2018

Total Value: \$150,000.00

**New
\$150,000.00**

Summary of Request: When the contract was originally entered and systematically approved, an incorrect MAGIC contract number was used. Therefore, all terms and conditions associated with contract 8200032563 have been transferred to contract 8400000760, under the correct MAGIC contract number, to include the remaining unexpended authorized spending authority of \$21,863.27. The original contract entry was reduced to \$52,136.73, the expended amount. Modification One increased the amount of the contract by \$76,000.00 for continuity of services, changed the end date of the contract from June 30, 2018 to May 15, 2018 in accordance with Section 3-207.01 of the PSCRB Rules and Regulations, and removed the Priority and Renewal clauses. All other terms and conditions of the original contract, including the hourly rate for services, remain the same. The contractor provides professional nursing services for the Oxford VAB facility. The remaining term of the contract is two months and eighteen days. The contractor was selected through emergency procurement procedures pursuant to Section 3-207 of the PSCRB Rules and Regulations, which states “[i]f the Agency Head... determines... that the delay incident to undertaking a competitive procurement would threaten the health or safety of any person, or the preservation or protection of property, then the Agency Head... may make an emergency procurement.” The Agency determined an emergency contract was necessary in order to retain an adequate number of personnel at the facility to provide nursing services.

E. OPSCR Staff Approvals Reported to the Board

F. Quarterly Report to the House of Representatives and Senate Committee on Accountability, Efficiency, and Transparency on Sole-Source Contracts

Staff Recommendation: Authorization to file the report with the House of Representatives and Senate Committees on Accountability, Efficiency, and Transparency.

G. OPSCR Director's Report

VII. Legislative Update

VIII. Adjournment