



PPRB
PUBLIC PROCUREMENT
REVIEW BOARD
PROPOSED AMENDED
MEETING AGENDA
Wednesday, August 1, 2018
9:00 a.m.

- I. Call to Order
- II. Approval of Minutes from July 11, 2018 Public Procurement Review Board Meeting
- III. Approval of per diem and expenses for the August 1, 2018 meeting and for any additional expenses incurred prior to the September 5, 2018 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:** City of Hattiesburg
Supplier: Unknown
Term: July 1, 2018 through March 31, 2020
Total Value: Unknown
Summary of Request: City of Hattiesburg has requested an exemption from using the reverse auction process for the purchase of chlorine gas and sulfur dioxide. They are requesting the exemption because they have sent invitations for bid to four vendors twice and no vendors responded. The City feels the competitive sealed bid process should be utilized to procure the chlorine gas and sulfur dioxide.

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.
 - ii. **Requesting Governing Authority:** City of Hattiesburg
Supplier: Unknown
Term: July 1, 2018 through March 31, 2020
Total Value: Unknown
Summary of Request: City of Hattiesburg has requested an exemption from using the reverse auction process for the purchase of sodium fluorosilicate, sodium fluoride and lime. They are requesting the exemption because they have sent invitation for bids to four vendors twice and no vendors responded. The city feels the competitive sealed bid process should be utilized to procure the sodium fluorosilicate, fluoride, and lime.

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.

iii. **Requesting Governing Authority:** Lauderdale County Board of Supervisors

Supplier: Unknown

Term: 12 months

Total Value: Over \$500,000.00

Summary of Request: Lauderdale County Board of Supervisors has requested an exemption from the using reverse auction process for the purchase of asphalt-hot mix and liquid mixtures. They are requesting the exemption after holding reverse auction. Only one vendor responded per item which resulted in a drastic increase in prices. The County feels the competitive sealed bid process should be utilized to procure asphalt hot mix and liquid mixtures.

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.

iv. **Requesting Governing Authority:** Lauderdale County Board of Supervisors

Supplier: Unknown

Term: 12 months

Total Value: \$75,000.00

Summary of Request: Lauderdale County Board of Supervisors has requested an exemption from using reverse auction process for the purchase of corrugated metal, plastic and concrete pipe. They are requesting the exemption after holding a reverse auction for the commodities listed. Only one vendor bid on several of the items which resulted in a drastic increase in prices. The county feels the competitive sealed bid process should be utilized to procure pipe-corrugated metal, plastic and concrete.

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.

v. **Requesting Governing Authority:** Lauderdale County Board of Supervisors

Supplier: Unknown

Term: 12 months

Total Value: \$200,000.00

Summary of Request: Lauderdale County Board of Supervisors has requested an exemption from using Reverse Auction process for the purpose of gravel, stone, and concrete. They are requesting the exemption because all of the known vendors refused to participate which resulted in zero bidders. The County feels that competitive bidding should be utilized to procure the gravel, stone, and concrete.

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.

vi. Requesting Governing Authority: Rankin County Board of Supervisors

Supplier: Unknown

Term: January 1, 2019 – December 31, 2019

Total Value: \$1,096,035.00

Summary of Request: Rankin County Board of Supervisors has requested an exemption from using reverse auction for the purchase of crushed aggregates. They are requesting exemption because they believe that it is critical to select multiple suppliers for each commodity category at the time of awarding bids for annual supplies. Rankin County consistently awards a primary winning bidder and up to two alternates per commodity. Awarding the bids to the lowest bidders permits Rankin County to have available suppliers when needed. The reverse auction process will leave Rankin County without the ability to properly evaluate bidders and utilize the multi-award process that provides the flexibility of the County to maintain a consistent availability of critical annual supplies.

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.

vii. Requesting Governing Authority: Rankin County Board of Supervisors

Supplier: Unknown

Term: January 1, 2019 – December 31, 2019

Total Value: \$244,865.00

Summary of Request: Rankin County Board of Supervisors has requested an exemption from using reverse auction for the purchase of gravel. They are requesting exemption because they believe that it is critical to select multiple suppliers for each commodity category at the time of awarding bids for annual supplies. Rankin County consistently awards a primary winning bidder and up to two alternates per commodity. Awarding the bids to the lowest bidders permits Rankin County to have available suppliers when needed. The reverse auction process will leave Rankin County without the ability to properly evaluate bidders and utilize the multi-award process that provides the flexibility of the County to maintain a consistent availability of critical annual supplies.

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.

viii. Requesting Governing Authority: Rankin County Board of Supervisors

Supplier: Unknown

Term: January 1, 2019 – December 31, 2019

Total Value: \$291,000.00

Summary of Request: Rankin County Board of Supervisors is requesting and exemption from using reverse auction for the purchase of metal culverts. They are requesting exemption because they believe that it is critical to select multiple suppliers for each commodity category at the time of awarding bids for annual supplies. Rankin County consistently awards a primary winning bidder and up to two alternates per commodity. Awarding the bids to the lowest bidders permits Rankin County to have available suppliers when needed. The reverse auction process will leave Rankin County without the ability to properly evaluate bidders and utilize the multi-award process that provides the flexibility of the County to maintain a consistent availability of critical annual supplies.

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.

ix. Requesting Governing Authority: Rankin County Board of Supervisors

Supplier: Unknown

Term: January 1, 2019- December 31, 2019

Total Value: \$69,850.00

Summary of Request: Rankin County of Board of Supervisors has requested and exemption from using Reverse Auction for the purchase of polypropylene culverts. They are requesting exemption because they believe that it is critical to select multiple suppliers for each commodity category at the time of awarding bids for annual supplies. Rankin County consistently awards a primary winning bidder and up to two alternates per commodity. Awarding the bids to the lowest bidders permits Rankin County to have available suppliers when needed. The reverse auction process will leave Rankin County without the ability to properly evaluate bidders and utilize the multi-award process that provides the flexibility of the County to maintain a consistent availability of critical annual supplies.

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.

x. Requesting Governing Authority: Rankin County Board of Supervisors

Supplier: Unknown

Term: January 1, 2019- December 31, 2019

Total Value: \$4,640,000.00

Summary of Request: Rankin County of Board of Supervisors has requested and exemption from using Reverse Auction for the purchase of asphalt. They are requesting exemption because they believe that it is critical to select multiple suppliers for each commodity category at the time of awarding bids for annual supplies. Rankin County consistently awards a primary winning bidder and up to two alternates per commodity. Awarding the bids to the lowest bidders permits Rankin County to have available suppliers when needed. The reverse auction process will leave Rankin County without the ability to properly evaluate bidders and utilize the multi-award process that provides the flexibility of the County to maintain a consistent availability of critical annual supplies.

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.

xi. Requesting Governing Authority: Rankin County Board of Supervisors

Supplier: Unknown

Term: January 1, 2019- December 31, 2019

Total Value: \$1,647,935.00

Summary of Request: Rankin County of Board of Supervisors has requested and exemption from using Reverse Auction for the purchase of scrub seal, slurry seal and micro-surfacing. They are requesting the exemption because of a lack of suppliers that respond to the bid. Only one vendor responded to the last bid and they believe reverse auction will result in much higher prices. The awarded vendor in this bid must also be in close proximity to the county because of time and temperature constraints.

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 State Agency Contracts for Board Action

i. Requesting Agency: Mississippi Department of Transportation (MDOT)

Supplier: Ergon, Inc., Blacklidge Emulsions Inc.

Contract #: 8900000812, 8900000813

Term: One (1) Year (08/01/2018 – 06/30/2019)

Combined Total Value: \$1,075,000.00

Summary of Request: These commodities were approved by PPRB for a reverse auction exemption on May 2, 2018, due to multiple awards for statewide term contract bids. MDOT solicited bids for Certified Bituminous Materials. Two (2) responses were received. This is a multi-award bid. MDOT awarded the contract to 2 vendors based on the lowest and best bids per item, per county, that met specifications and bid requirements. If the vendor of the lowest bid cannot make next day delivery, the second lowest bidder will be asked to deliver the product. Prices are for full truck load quantities. The projected spend for each vendor is based off the previous year spend.

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, we ask that the Board approve this contract.

ii. Requesting Agency: Mississippi Department of Transportation (MDOT)

Supplier: Lehman-Roberts Company, Inc., APAC Mississippi, Inc., Barriere Construction Company Inc., Mallette Brothers Construction Company, Inc., Dickerson & Bowen, Inc., W. E. Blain & Sons, Inc., Standard Construction Company Inc., Warren Paving, Inc., Central Pipe Supply, Inc., Superior Asphalt, Inc., W. G. Construction Company, Inc., Dunn Roadbuilders, LLC., Ad-Camp Inc., Seaboard Asphalt Products Company, Material Resources, Inc., and Huey Stock-still, Inc.,

Contract #: 8900000816, 8900000817, 8900000818, 8900000819, 8900000823, 8900000824, 8900000825, 8900000826, 8900000827, 8900000828, 8900000829, 8900000840, 8900000841, 8900000842, 8900000843, 8900000844

Term: One (1) Year (08/01/2018 – 06/30/2019)

Combined Total Value: \$6,715,000.00

Summary of Request: These commodities were approved by PPRB for a reverse auction exemption on May 2, 2018, due to multiple awards for statewide term contract bids. MDOT solicited bids for the purchase of Hot and Cold Asphalt. Sixteen (16) responses were received. This is a multi-award bid. No protests were received. If the product will be picked up, purchases will be made from the bidder providing the lowest cost to MDOT (taking into account the line item pricing and the cost of transporting the product). If the materials are to be delivered, purchases will be made from the lowest bidder (line item pricing, plus haul charge) able to deliver in a timely manner. State agencies and governing authorities may purchase from these contracts. The projected spend for each vendor is based off the previous year's spend. MDOT is requesting the Board's approval to award a contract to all sixteen (16) vendors based on all bidders meeting specifications.

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, we ask that the Board approve this contract.

iii **Requesting Agency:** Mississippi Department of Transportation (MDOT)

Supplier: Vulcan Materials Company-Birmingham, Greenville Gravel Company, Green Dream International, Leon Vance Ghetti, Fullen Dock and Warehouse, Two-J Ranch, Inc., TRN LWBR, LLC, APAC – Mississippi Inc., Mallette Brothers Construction Company Inc., John E Smith & Company Inc., Warren Paving Inc., and Nunley Trucking Co Inc.

Contract #: 8900000804, 8900000805, 8900000806, 8900000807, 8900000808, 8900000809, 8900000814, 8900000815, 8900000820, 8900000821, 8900000822, 8900000830

Term: One (1) Years (08/01/2018 – 06/30/2019)

Combined Total Value: \$3,545,000.00

Summary of Request: These commodities were approved by PPRB board for a reverse auction exemption on May 2, 2018 due to multiple awards for statewide term contract bids. MDOT requested bids for the purchase of Crushed Aggregate Materials. These materials will be used by MDOT, other state agencies and governing authorities. Twelve (12) responses were received. This is a multi-award bid. MDOT awarded the contract to twelve (12) vendors based on the bids that met specifications. If the product is to be picked up, purchases will be made from the bidder providing lowest cost to MDOT (taking into account the line item pricing and the cost of transporting the product). If the materials are to be delivered, purchases will be made from the lowest bidder (line items pricing, plus haul/freight charge) able to deliver in a timely manner.

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, we ask that the Board approve this contract.

iv. **Requesting Agency:** Mississippi Forestry Commission (MFC)

Supplier: Apex Aircraft Sales Ltd.

Contract #: 8200039994

Term: 08/01/2018 – 06/28/2019

Total Value: \$200,000.00

Summary of Request: A reverse auction exemption was requested by MFC on 5/2/2018 and approved by PPRB, because of limited use plane availability for the purchase of one (1) used 1998-2007 model, single engine, fixed gear, high wing, all metal, no less than 230 HP, with no more than 1000 hours since major overhaul, IFR certified with certified GPS avionics package and equipped with a mode C transponder (ADSB upgrade preferred) airplane. MFC solicited bids for one (1) used 230 HP aircraft/airplane. Two (2) responses were received. No protests were received. MFC is requesting the Board's approval to award a contract to the vendor with the lowest and best bid that meets the specifications.

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, we ask that the Board approve this contract.

v. **Requesting Agency:** Mississippi Forestry Commission (MFC)

Supplier: Van Bortel Aircraft, Inc.

Contract #: 8200039995

Term: 08/01/2018 – 06/28/2019

Total Value: \$359,500.00

Summary of Request: A reverse auction exemption was requested by MFC on 5/2/2018 and approved by PPRB, because of limited used plane availability for the purchase of one (1) used 1998 – 2007 model, single engine fixed gear, high wing, all metal, no less than 300 HP, with no more than 1000 hours since major overhaul, IFR certified with certified GPS avionics package and equipped with a mode C transponder (ADSB upgrade preferred) airplane. MFC solicited bids for one (1) used 300 HP aircraft/airplane. One (1) response was received. No protests were received. MFC is requesting the Board's approval to award a contract to the vendor with the lowest and best bid that meets the specifications.

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, we ask that the Board approve this contract.

vi. **Requesting Agency:** Mississippi State University (MSU)

Supplier: Delta Western

Contract #: 8200039577

Term: One (1) Year (08/01/2018 – 06/12/2019)

Total Value: \$540,000.00

Summary of Request: MSU solicited bids (institutes of higher learning are statutorily exempt from the use of Reverse Auction) for the purchase of 1,500 tons, more or less, of 28% regular floating fish feed. MSU received one (1) response to the solicitation and requests to award to Delta Western based on specifications for the term and amount above.

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 University, we ask that the Board approve this contract.

vii. **Requesting Agency:** Mississippi Valley State University (MVSU)

Supplier: Varsity Brands Holding Company DBA BSN Sports LLC

Contract #: 8200040063

Term: Five (5) years 08/01/2018 – 07/31/2023

Total Value: \$1,582,500.00

Summary of Request: MVSU solicited a bid (institutes of higher learning are statutorily exempt from the use of Reverse Auction) seeking sponsorship from athletic apparel manufactures for all of the university's sports programs. This five (5) year agreement would include but not be limited to uniforms, shoes and coaches' wear. MVSU received four (4) responses to the solicitation and requests to award to Varsity Brands Holding Company DBA BSN Sports LLC, based on specifications and their ability to offer the best monetary incentives. MVSU is requesting to award to Varsity Brands Holding Company DBA BSN Sports LLC for the term and amount above.

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 University, we ask that the Board approve this contract.

C. **OPTFM Staff Approvals reported to the Board**

i. **Emergency Purchases**

ii. **Sole Source Purchases**

D. **OPTFM Director's Report**

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

A. **BoB Staff Approvals Reported to the Board** (June 28, 2018 – July 23, 2018)

B. **Consideration of Sole Source for Board Action**

1. **Using Agency:** University Medical Center

Number: GS# 109-223

Project Title: Clinical Research Unit

Sole Source Provider: Johnson Controls Inc.

Total Value at Sole Source: \$135,000.00

Construction Days to Date [Term]: 60 days

Sole Source Scope: The subject project involves patient care and requires integration of Energy Management and Control System (EMCS) additions to the existing Johnson Controls EMCS. Additionally, this project includes Isolation Patient Rooms intended to prevent the spread of infectious diseases. The HVAC controls for these rooms must be monitored and controlled by the EMCS. IHL approval date was October 19, 2017.

Justification: For quality control and life safety purposes, Johnson Controls Inc., is the only EMCS company that can integrate into the existing Johnson Controls Inc., Energy Management and Control System.

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, contingent upon executed contracts.

C. Consideration of Agency Professional Contract for Board Action

1. Using Agency: Department of Finance and Administration

Location: Jackson, MS

Project Number: N/A

Project Name: Capitol Complex Improvement District Master Plan

Project Budget: \$250,000.00 for initial three-year term

Funding Sources: CCID Funds

Professional Fee Type and Estimated Fee: Special, \$250,000.00 for initial three-year term (not to exceed \$150,000.00 initial year and \$50,000.00 per year thereafter)

Professional (Architect or Engineer): Engineering Resource Group, Inc.

Project Scope: Provide services at CCID consisting of data research and analysis (\$25,000.00 initial year), prioritization methodology (\$15,000.00 initial year), master plan development (\$60,000.00 initial year) plus master plan consulting on an as-needed hourly basis (not to exceed \$50,000.00 per year).

Note: Includes up to two optional one-year renewals, subject to PPRB approval.

Clarification or Remarks: Professional selected as most highly qualified in accordance with publicly noticed qualification based selection process. Four proposals were received. All four were interviewed and evaluated by selection committee utilizing criteria identified in RFQ.

Staff Recommendation: The 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, contingent upon the execution of completed Contracts.

D. BOB Director's Report

E. RPM Leases Exempt from Competition

i. Requesting Agency: Mississippi Secretary of State

Lease #: 775-251-19B

Lessor: Vital Records Holding

Term: 09/01/2018 - 08/31/2019

Total Yearly Cost: \$36,000

Cost PSF: \$3.20 Environmentally Controlled

Federal Funds: 0%

Square Footage Proposed: 11,242

Previous Square Footage: 11,242

Address of Property: 40 Northtown Drive, Jackson, MS.

Purpose of Lease: This request is for record storage and is based on the number of boxes stored at this location at any given month. This price can fluctuate monthly depending on the number of stored items and the number of required retrievals.

Note: This is a one year lease with no renewals. This lease is exempt from advertising under 300.9 (6)

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 Succeeding Leases

i. **Requesting Agency:** Mississippi State Board of Nursing Home Administrators

Lease #: 615-251-23A

Lessor: C & J Management

Term: 10/01/2018 - 09/30/2023

Total Yearly Cost: \$16,440

Cost PSF: \$14.51 Inclusive

Federal Funds: 0%

Square Footage Proposed: 1,113

Previous Square Footage: 1,113

Address of Property: 1755 Lelia Drive, Jackson, MS.

Purpose of Lease: Office space

Note: This is a five (5) 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.

G. RPM Property Purchases

i. **Requesting Agency:** Mississippi Department of Finance and Administration

Project GS #: 371-148 RPM Property Purchase (Wright & Ferguson)

Seller: Alderwoods (Mississippi), Inc.

Tax Parcel #: 82-12; 82-17; 82-18; 82-19

Purchase Price: \$1,285,300.00

Federal Funds: 0%

Address of Property: 350 High Street, Jackson, MS 39201

Purpose of Purchase: Office space for Agencies/ Department and Parking

Note: As directed by Senate Bill No. 2685, Laws of 2015, the purchase price for the property, formerly known as the Wright & Ferguson Funeral Home was derived by the average of two appraisals.

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 Option to Purchase, contingent upon approval by the State Bond Commission.

H. RPM Director's Report

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

A. Petitions for Relief from Competitive Sealed Bidding

1. **Requesting Agency:** Mississippi Department of Education

RFx Number: 3180000430

Procurement Request: Request for Proposals

Anticipated Term: One year with four optional one-year renewals

Anticipated Contract Amount: \$1,000,000.00

Summary of Request: The agency has submitted a Petition for Relief from the use of an Invitation for Bids (IFB) as the procurement method as allowed by Miss. Code Ann. § 31-7-403(4) for the competitive procurement of one vendor with experience in the facilitation and management of Technical Advisory Committees (TAC) focused on providing guidance related to public school student assessment and accountability issues. The vendor will provide a project manager and a Chair to the Mississippi Technical Advisory Committee and will appoint six (6) subject matter experts (SMEs). The agency contends the use of an Invitation for Bids is neither practicable nor advantageous as the service requires expertise in the areas of state assessment and accountability to ensure a high quality Technical Advisory Committee (TAC) for the purpose of maintaining compliance with both state and federal law and ensuring our state assessments and accountability system is following best practices and industry standards. The respondents will be evaluated based on technical, cost and management factors. The technical factors will be weighted at thirty-three percent (33%) or (33) points, cost factors, specifically the "cost of goods to be provided or services to be performed", will be weighted at thirty-five percent (35%) or (35) points and management factors will be weighted at thirty-two percent (32%) or (32) points.

Staff Recommendation: Granting of the agency's Petition for Relief from competitive bidding requirements as allowed by Miss. Code Ann. § 31-7-403(4) and approval of the agency's request to use a Request for Proposals as the procurement method to select one vendor to assist with the Mississippi Technical Advisory Committee for student assessment and accountability.

B. Consideration of Contracts for Board Action

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

Supplier: Rush Medical Foundation, Inc.

Contract #: 8200040053

Term: 08/16/2018 – 08/15/2022

Total Value: \$400,000.00

**New
\$400,000.00**

Summary of Request: The term of the contract is four years with one optional one-year renewal. The contractor will provide inpatient and outpatient acute hospital services when advanced care is necessary to treat the patients/residents of East Mississippi State Hospital (EMSH). The contractor was selected through an IFB with one respondent. The price is calculated based on the actual services rendered. The contractor will bill Medicare Parts A and/or B and Medicaid. Individuals that are not insured will be billed at a 40% discounted rate. The agency requests the following exceptions: Section 3-202.06.2 (2) (a) and (b) for

failure to post the IFB on the agency's website and the Mississippi Contract/Procurement Opportunity Search Portal; Section 3-202.06.3 because the date fixed for receiving proposals was on a Monday; and Section 3-202.16 for failure to publish notice on the agency's website and the Mississippi Contract/Procurement Opportunity Search Portal summarizing the award of the contract. After extensive research regarding publication and notification, OPSCR staff does not have concerns regarding the competitiveness of this procurement. Proof of the regulatory board's approval (Mississippi State Board of Mental Health) must be received from the agency prior to processing the contract.

Staff Recommendation: This request has been reviewed for compliance by OPSCR staff and upon granting exceptions to 3-202.06.2 (2) (a) and (b), 3-202.06.3, and 3-202.16 of the PPRB OPSCR Rules and Regulations, will comply with the PPRB OPSCR Rules and Regulations and all legal requirements. OPSCR recommends approval of the contract as requested contingent upon the agency providing regulatory board approval verification.

Projected Budget for Life of the Contract: \$500,000.00

2. **Requesting Agency:** South Mississippi Regional Center

Supplier: Richard Bryant McCrary, M.D.

Contract #: 8200025248

Term: 07/01/2016 to 06/30/2019

Total Value: \$99,000.00

Renewal (N)

\$33,000.00

Summary of Request: Modification Three has been submitted to extend the contract for nine months. The original contract, Modification One, and Modification Two were system approved as the previous values did not exceed \$75,000.00 cumulatively and did not require PPRB approval. The contractor provides medical care services for the South Mississippi Regional Center main campus and four satellite programs. The contractor was selected through an RFQ with four respondents. The rate remains \$150.00 per hour not to exceed twelve (12) hours per month plus \$1,000.00 per month for on-call services. The agency requests an exception to Section 3-204.02(e) of the PSCRB Rules and Regulations for failure to identify the type of contract to be used within the RFQ. OPSCR staff does not have concerns regarding the competitiveness of this procurement. As this RFQ was issued on April 1, 2016, the procurement must comply with PSCRB Rules and Regulations (01/16/2015), while the resulting contract must comply with PPRB OPSCR Rules and Regulations. This Modification updates the Applicable Law, Representation Regarding Gratuities, Stop Work Order, E-Payment, E-Verification, Contract Term, Consideration, Entire Agreement clauses and adds the Approval clause. All other terms and conditions of the original contract remain the same.

Staff Recommendation: This request has been reviewed for compliance by OPSCR staff and complies with PSCRB Rules and Regulations (01/16/2015) and PPRB OPSCR Rules and Regulations and all legal requirements. OPSCR recommends approval of the contract modification as requested.

Projected Budget for Life of the Contract: \$165,000.00

3. **Requesting Agency:** Mississippi State Hospital

Supplier: Wilburn Maret Maxwell, M.D.

Contract #: 98752

Term: 07/01/2016-06/30/2020

Total Value: \$158,553.00

Modification

\$66,153.00

Summary of Request: Modification One has been submitted to increase the amount of the contract from \$92,400.00 to \$158,553.00. The original contract was statutorily approved in June 2016. This is the first time OPSCR has reviewed the procurement and contract. The contractor provides anesthesia services for Mississippi State Hospital. The contractor was selected through an RFQ with six respondents. This is a multi-award contract where all six respondents were awarded a contract. Modification One increases the maximum amount of hours worked from 70 hours per year to 170 hours per year. The rate per hour remains \$300.00 per hour. The fiscal year 2019 spending authority is \$56,176.50 and the fiscal year 2020 spending authority is \$56,176.30; which is comprised of \$50,768.85 for personal services and \$5,407.65 for FICA. As this RFQ was issued on March 20, 2016, the procurement must comply with PSCRB Rules and Regulations (01/16/2015), while the resulting contract must comply with PPRB OPSCR Rules and Regulations. Modification One updates the Applicable Law, Representation Regarding Gratuities, Procurement Regulations, Stop Work Order, Compliance with Laws, Approval clauses and adds the Insurance clause. All other terms and conditions of the original contract remain the same.

Staff Recommendation: This request has been reviewed for compliance by OPSCR staff and complies with PSCRB Rules and Regulations (01/16/2015) and PPRB OPSCR Rules and Regulations and all legal requirements. OPSCR recommends approval of the contract modification as requested.

Projected Budget for Life of the Contract: \$158,553.00

4. **Requesting Agency:** Department of Marine Resources

Supplier: University of Southern Mississippi

Contract #: 8200012547

Term: 08/31/2014 – 08/31/2019

Total Value: \$4,750,000.00

Renewal

\$0.00

Summary of Request: The original term of the contract is four years with one optional one-year renewal. Amendment Two exercises the only optional renewal allowed. The contractor provides support in aquaculture, environmental and ecological assessment, monitoring, modeling, data evaluation and data synthesis; continued support for analysis of seawater and shellfish for public health; and continued support of inter-jurisdictional fisheries assessment, blue crab catch per unit effort, and derelict crab trap removal. The contractor was originally selected pursuant to Section 3-102.04, Procuring Services Offered by Governmental Entities Not Under Purview of the PSCRB, PSCRB Rules and Regulations (02/13/2014), which allows agencies to contract directly with state entities without soliciting the private sector. The University of Southern Mississippi microbiology lab is the only U.S. Food and Drug Administration certified facility in the State that is able to perform water and oyster meat sampling. The Executive Director of MDMR determined that the services met the agency's requirements and the price represents a fair market value for the service. The unit price is determined by individual work orders, including \$13.50 per water sample, \$27.00 per sample of oyster meats and various projects such as blue crab, aquaculture, and Interjurisdictional Fisheries monitoring. Amendment Two updates the federal assurances located in Attachment B Section 1.6. and 1.7; and adds In Case of Termination and the Approval clauses; and

updates the following clauses: Stop Work Orders Period of Performance, Communications, Contract Administration Representatives, Representation Regarding Gratuities, Changes, Oral Statements, Procurement Regulations, No Delegation (Subcontracting), Force Majeure, Confidentiality, Price Adjustment Clause, Independent Contractor Status, Access to Records, Authority to Contract, Liability and Indemnification, E-Payment, and Transparency clauses. All other terms and conditions of the original contract remain the same.

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

Projected Budget for Life of the Contract: \$4,750,000.00

5. **Requesting Agency:** Mississippi Department of Environmental Quality

Supplier: W. G. Yates & Sons Construction Company

Contract #: 8200020130

Term: 09/01/2015 - 08/31/2019

Renewal

Total Value: \$1,500,000.00

\$0.00

Summary of Request: The original term of the contract is one year with four optional one-year renewals. Modification Three exercises the third of four optional renewals allowed. Under Plan B of the contract, the contractor assists with constructability reviews as design progresses, budgeting and cost estimating, integration of comprehensive construction project controls, construction inspection, and construction project close-out. The contractor was originally selected through an RFQ with seven respondents. The contract is paid according to the hourly rates provided in Attachment A, W. G. Yates & Sons Construction Company Rate Schedule, federal mileage rate, and state travel expenses. Modification Three updates the Period of Performance, Representation Regarding Gratuities, Procurement Regulations, E-Payment, Claims Based on a Procurement Officer's Actions or Omissions, Price Adjustment, Termination for Convenience, and Termination for Default clauses and adds the Approval clauses. All other terms and conditions of the original contract remain the same.

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 renewal as requested.

Projected Budget for Life of the Contract: \$1,500,000.00

6. **Requesting Agency:** Mississippi Division of Medicaid

Supplier: Medical Transportation Management, Inc.

Contract #: 8200007428

Term: 06/28/2014 to 12/31/2018

Modification

Total Value: \$164,567,413.00

(\$105,305.00)

Summary of Request: Amendment Four was submitted to decrease the amount of the authorized spending authority from \$164,672,718.00 to \$164,567,413.00 pursuant to DOM State Plan Amendment 18-0010, Transportation, to remove long-term care facility residents, which will result in a reduction of the population included in the RFP. The contractor develops and operates a non-emergency transportation (hereinafter "NET") brokerage program. This

NET service includes, but is not limited to, authorization, coordination, scheduling, management, and reimbursement. Based on a revised estimated participant population of 103,358, the price per beneficiary per month associated with Amendment Four will increase from \$26.29 to \$30.71 effective August 1, 2018. These services have been re-procured, and a new vendor has been awarded the contract. The services will transfer to the new vendor beginning January 1, 2019. Amendment Four also updates the Entire Agreement, Contract Price, E-Payment, Representation Regarding Gratuities, Procurement Regulations, and Stop Work Order clauses and adds the Approval clause. All other terms and conditions of the original contract remain the same.

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

Projected Budget for Life of the Contract: \$164,567,413.00

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.

E. OPSCR Staff Approvals Reported to the Board

F. OPSCR Director's Report

VII. Adjournment

