



**PROPOSED AMENDED
MEETING AGENDA
Wednesday, July 11, 2018
9:00 a.m.**

- I. **Call to Order**
- II. **Approval of Minutes from May 16, 2018 Public Procurement Review Board Meeting**
- III. **Approval of Minutes from June 6, 2018 Public Procurement Review Board Meeting**
 - A. **Motion to Amend Attachment F of June 6, 2018 Minutes**
- IV. **Approval of Minutes from June 20, 2018 Public Procurement Review Board Meeting**
- V. **Approval of per diem and expenses for the July 11, 2018 meeting and for any additional expenses incurred prior to the August 1, 2018 meeting**
- VI. **DFA Office of Purchasing, Travel and Fleet Management (OPTFM)**
 - A. **Petitions for Relief from Reverse Auction**
 - 1. **Governing Authorities**

There are no Petitions for Relief from Reverse Auctions from Governing Authorities
 - 2. **State Agencies**
 - i. **Requesting Agency:** Mississippi Department of Transportation (MDOT)
Supplier: Unknown-N/A
Contract #: 3180000384
Term: One (1) Year (09/01/2018 – 08/31/2019)
Total Value: \$475,000.00

Summary of Request: MDOT has requested an exemption from using the Reverse Auction process for the purchase of rock salt. MDOT is requesting the exemption because rock salt is used by MDOT road maintenance crews at various locations throughout the state for ice removal on bridge deck surfaces and roadways. The availability of the commodity and the location of the work must be known to determine the lowest cost. Availability of rock salt is an important determinate due to the unpredictability of severe weather events, the criticality of a

timely application to roads and bridges so that they remain open and passable during severe weather events, and availability issues generated by high demand from other cities and counties throughout Mississippi and neighboring states dealing with the same severe weather event. Because MDOT awards to all suppliers and makes determinations at the time of purchase the reverse auction process is not in the best interest of the State. MDOT requests approval to utilize the competitive sealed bid process to procure rock salt.

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 Agency:** Mississippi Department of Transportation (MDOT)

Supplier: Unknown-N/A

Contract #: 3180000383

Term: One (1) Year (09/01/2018 – 08/31/2019)

Total Value: \$400,000.00

Summary of Request: MDOT has requested an exemption from using the Reverse Auction process for the purchase of sand and gravel. MDOT is requesting the exemption because sand and gravel is used by MDOT road maintenance crews at various locations throughout the state. The location of the work, type of aggregate needed, and pits producing at the time of the work, must be known to determine the lowest cost. For these reasons, MDOT needs all locations and vendors to bid, even if their price is higher than another vendor. Because MDOT awards to all and makes determinations at the time of purchase the reverse auction process is not in the best interest of the State. MDOT requests approval to utilize the competitive sealed bid process to procure sand and gravel.

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

i. **Requesting Agency:** Harrison County

Supplier: T.L. Wallace Construction Inc.

Term: 9/1/2018 - 6/30/2019

Total Value: \$ 481,000.00 estimated

Summary of Request: Harrison County requested an exemption from using Reverse Auction and the PPRB approved the request at the May 2, 2018 Board meeting. The County advertised for competitive sealed bids for slurry seal, scrub seal and micro surfacing. They received two bids and wish to award to the low bidder.

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 County, we ask that the Board approve this contract.

i. Requesting Agency: Harrison County

Supplier: Coast Concrete

Term: 9/1/2018 - 6/30/2019

Total Value: \$ determined by project

Summary of Request: Harrison County requested an exemption from using Reverse Auction and the PPRB approved the request at the May 2, 2018 Board meeting. The County advertised for competitive sealed bids for ready mix concrete. They received two bids and wish to award to the low bidder.

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 County, we ask that the Board approve this contract.

ii. Requesting Agency: Harrison County

Supplier: Adapco, AllPro, Clarke Mosquito Control, Gaubert, SiteOne Landscape, Univar

Term: 9/1/2018 - 6/30/2019

Total Value: \$103,000.00 estimated

Summary of Request: Harrison County requested an exemption from using Reverse Auction and the PPRB approved the request at the May 2, 2018 Board meeting. The County advertised for competitive sealed bids for pesticides and chemicals. They received 6 bids and wish to award to the low bidder per line item.

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 county, we ask that the Board approve this contract.

iii. Requesting Agency: Harrison County

Supplier: G and O Supply, Southern Pipe and Supply, MS Utility Supply

Term: 7/1/2018 - 6/30/2019

Total Value: \$93,700.00 estimated

Summary of Request: Harrison County requested an exemption from using Reverse Auction and the PPRB approved the request at the May 2, 2018 Board meeting. The County advertised for competitive sealed bids for polyethylene pipe. They received 3 bids and wish to award to all 3 vendors and will purchase depending on availability and performance.

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 County, we ask that the Board approve this contract.

iv. Requesting Agency: City of Tupelo

Supplier: Reynolds Hardware, Monts Paper, Lann Chemical, All American Poly, Newell Paper, Columbus Paper, MIB, Interboro

Term: 12 months

Total Value: \$55,000.00 estimated

Summary of Request: City of Tupelo requested an exemption from using Reverse Auction and OPTFM approved the request at in February 2018. The City advertised for competitive sealed bids for janitorial supplies. They received 8 bids and wish to award to low bidder per line item.

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 City, we ask that the Board approve this contract.

v. **Requesting Agency:** City of Tupelo

Supplier: APAC Mississippi, Booneville Trucking, Century Construction, Nunley Trucking

Term: 7/1/2018 - 6/30/2019

Total Value: \$55,000.00 estimated

Summary of Request: City of Tupelo requested an exemption from using Reverse Auction and the PPRB approved the request at the May 2, 2018 Board meeting. The City advertised for competitive sealed bids for stone and riprap. They received 4 bids and wish to award to low bidder per line item, with the next lowest bidder being the alternate as appropriately needed.

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 City, we ask that the Board approve this contract.

vi. **Requesting Agency:** Rankin County School District

Supplier: Coomes Distributors

Term: 8/1/2018 - 6/30/2019

Total Value: \$93,700.00 estimated

Summary of Request: Rankin County School District requested an exemption from using Reverse Auction and the PPRB approved the request at the May 2, 2018 Board meeting. The school district advertised for competitive sealed bids for snacks for their Frontiers after school program. They received 1 bid and wish to award to Coomes Distributors.

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 School District, we ask that the Board approve this contract.

C. **Consideration of State Agency Contracts for Board Action**

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

Supplier: Sartin's Discount Drugs

Contract #: 8200039450

Term: One (1) Year with the potential for Four (4) one year extensions
(09/01/2018 – 08/31/2019)

Total Value: \$499,999.99

Summary of Request: SMRC was granted an exemption from Reverse Auction in April 2018. The exemption was granted because the pharmaceutical procurements are not awarded

based on a single award to the lowest bid for the line item. Other factors such as dispensing fees, cost of OTC medications that are not covered by Medicare/Medicaid, percentage of cost below the average wholesale price on name brand medications, determine the award for the pharmaceuticals. SMRC advertised for competitive sealed bids for pharmaceuticals for clients at multiple sites and four (4) responses were received. SMRC is requesting to award to Sartin's Discount Drugs. The total contract amount is \$499,999.99, which will be for the entire contract period with extensions included.

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.

D. OPTFM Staff Approvals reported to the Board

i. Emergency Purchases

ii. Sole Source Purchases

E. OPTFM Director's Report

i. Report on University Athletic Apparel Procurements

VII. 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

i. Using Agency: Mississippi State University – Division of Agriculture, Forestry & Vet Medicine

Number: GS# 113-141

Project Title: ADS & Poultry Complex

General Contractor: Amason & Associates, Inc.

Construction Days from Notice to Proceed [Term]: 400 days

Total Value at Award: \$11,054,000.00

Project Scope: Construct an approximately 26,000 SF two-story masonry and steel frame building containing Classrooms, Offices, Administration Areas, Laboratories, and Ancillary spaces on the campus of Mississippi State University located in Starkville, Mississippi.

Note: Lowest bidder of seven bids received. IHL has forwarded their approval.

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 Change Order for Board Action

1. Using Agency: Central High School (MDE)

Project Number: GS# 352-023

Project Title: Interior Renovations

General Contractor: Robertson Construction LLC

Original Contract Sum: \$293,240.00

Net Change by Previous Change Orders: \$52,060.00

Total Value at Award before Change Order: \$345,300.00

Total Value of this Change Order: \$45,160.00

Construction Days to Date [Term]: 323 including CO

Change Order Scope: 1. Provide/connect security access to Doors #1 and #2 as requested by MDE. 2. Install new doors, frames, and additional security system to four (4) existing doors for increased security to employees and limiting the public's access to sensitive areas in the facility. It will be time effective and cost effective and in the best interest of the State of Mississippi to use the current General contractor who is thoroughly familiar with the existing conditions in the building and already on site and mobilized.

Note: Board Action required when Change Order exceeds 25%.

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.

2. Using Agency: Ellisville State School

Project Number: GS# 422-157

Project Title: Wastewater Lagoon Upgrades

General Contractor: T. L. Wallace Construction, Inc.

Original Contract Sum: \$715,930.00

Net Change by Previous Change Orders: \$17,252.40

Total Value at Award before Change Order: \$733,182.40

Total Value of this Change Order: \$201,037.68

Construction Days to Date [Term]: 359 including CO

Change Order Scope: Add two aerators to upgrade Ellisville State School's treatment system to comply with the latest MDEQ issued permit. More specifically to address the increased requirements found during Mississippi Department of Environmental Quality's (MDEQ) latest inspection. During the course of the project, Ellisville State School was issued a revised permit with more stringent limits on the treatment of Biological Oxygen Demand (BOD). Since these were not previously known, additional improvements to the treatment system are required to meet said standards. It will be cost effective since we have a qualified general contractor currently working on site and can complete the work required.

Note: Board Action required when Change Order exceeds 25%.

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.

D. Consideration of Commissioning Professionals

1. Using Agency: Any Using Agency

Location: Statewide

Project Number / Name: Various

Project Budget: Typical projects range in size from \$3 million to \$10 million

Funding Sources: Various – mainly Bond Funds

Professional Fee Type: Commissioning Percentage Fee based on project complexity

Time Period: Projects initiated between August 1, 2018 – July 31, 2021

Commissioning Professionals Selected:

Commissioning & Green Building Solutions, Inc. – Lawrenceville, Georgia

Horizon Engineering Associates, LLC – St. Louis, Missouri

Sanders Engineering Inc. – Clinton, Mississippi

Sinergi Integrated Building Sciences, LLC – Byram, Mississippi

Project Scope: Commissioning is a systematic process of quality assurance for buildings and their systems. The Process will span the entire project from Pre-Design through the one-year Warranty period. The intent of commissioning is to result in facilities with increased energy efficiency, improved occupant comfort, shorter project turnover times, less post-occupancy corrective work, improved indoor air quality, greater equipment life, and less changes during the construction process. A scope of services for the Commissioning Agent for a typical project provides some insight to the detailed technical effort required to ensure that the systems are designed, installed, programmed, started, and operated properly.

Note: All major facility projects administered by the Bureau of Building will be commissioned. A major facility project is generally defined as all new construction projects over five thousand (5,000) gross square feet and all repair and renovation projects which involve greater than fifty percent (50%) of the facility replacement value (See Mississippi Code 31-11-35). Systems that will be commissioned include HVAC systems, plumbing systems, electrical systems, data/communication systems, life-safety systems, conveying systems, building envelope and other specialty systems depending upon project complexity.

Clarification or Remarks: Professionals selected as most highly qualified in accordance with publicly noticed qualification based selection process. Seven proposals were received. All firms were interviewed and evaluated by the Selection Committee utilizing criteria identified in the RFQ. The Bureau of Building will endeavor to allocate all project assignments among all four selected Commissioning Professionals.

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 documentation and recommends PPRB approval, contingent upon the execution of completed contracts.

E. BOB Director's Report

F. RPM Competitive Leases

1. **Requesting Agency:** Mississippi Department of Employment Security

Lease #: 260-452-23A

Lessor: Litchfield 588-B, LLC

Term: 08/01/2018 through 07/31/2023

Total Yearly Cost: \$52,000

Cost PSF: \$6.50

Federal Funds: 100%

Square Footage Proposed: 8000

Previous Square Footage: N/A

Address of Property: 588 Century Place Ridgeland, MS.

Purpose of Lease: This warehouse space will allow Mississippi Department of Employment Security to store furniture and other equipment that can be used during emergency and disaster situations. During times of catastrophe, Mississippi Department of Employment Security must be able to quickly assemble a temporary office so that customer service is uninterrupted. This is part of the agency's Continuity of Operations Plan. In addition, the agency must be able to erect a temporary office or supply added employees with office equipment during unpredictable economic downturns to accommodate a large influx of unemployment claims. Further, this space allows the agency to house documents for specified lengths of time per the agency's records retention policy and Federal requirements. This lease will replace a current warehouse in Canton, MS.

Note: This will be a five (5) year lease with up to two (2) five (5) year renewals. The Agency advertised and received (2) two responses. The lowest response did not meet the ADA Requirements or general layout needs. Modifications to the standard lease agreement recognized in Section 20 are as follows:

(1)**Modification #1:** Section 14 - Due to this lease being warehouse space, the language in this section is not applicable and is modified as follows:

DELETE:

SUBSECTION 1 (Flooring)

SUBSECTION 2 (Walls) except the language stating, painted drywall or plaster walls and partitions shall be in good condition, free from stains, fading, dents, holes and shall have been painted within the previous 5 years or shall be repainted prior to start of lease term.

DELETE:

SUBSECTION 3 (Ceiling)

SUBSECTION 4 (Building Envelope) except the language stating roof(s) shall be in good condition, free from leaks, and properly sloped to drains and maintained in such condition throughout the initial term including any/all subsequent renewals. Flat roofs, if any, shall be under manufacturer's warranty for 20 years at start of lease or shall be replaced prior to the start of lease term. Throughout the initial term and any/all subsequent renewals, all flat roofs shall be maintained, repaired, replaced and/or restored such that roof covering tenant space is under a manufacturer's warranty continuously throughout the lease term and surfaces shall be in good condition, free from cracks, mold and mildew, water-tight and maintained in such

conditions throughout the initial term including any/all subsequent renewals. Painted surfaces, if any, shall have been painted within the previous 5 years or shall be repainted prior to the start of lease term.

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 Forestry Commission

Lease #: 330-781-23A

Lessor: Bellefontaine Auto Parts, LLC.

Term: 07/12/2018 through 07/11/2023

Total Yearly Cost: \$9,600

Cost PSF: \$10.40+ Janitorial

Federal Funds: 0%

Square Footage Proposed: 923

Previous Square Footage: N/A

Address of Property: 214 Sprayberry Road, Bellefontaine, MS.

Purpose of Lease: This lease will house area Foresters and the Forest Technicians. It will also serve to store Forestry equipment.

Note: This will be a five (5) year lease with no renewals. The Agency advertised and received (1) one response. The response was within the acceptable figures of the Marketing Rent Survey.

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 Non-Competitive Leases (Exempt from Competition)

1. Requesting Agency: Mississippi Department of Rehabilitation Services

Lease #: 725-041-21A

Lessor: Attala County Board of Supervisors

Term: 09/01/2018 - 08/31/2021

Total Yearly Cost: \$6,000

Cost PSF: \$.14 + Utilities & Janitorial

Federal Funds: 80%

Square Footage Proposed: 43,900

Previous Square Footage: 43,900

Address of Property: 610 W. Jefferson St., Kosciusko, MS.

Purpose of Lease: Allied Enterprises of Kosciusko is a nonprofit, transitional rehabilitation facility owned and operated by Mississippi Department of Rehabilitation Services. This facility provides vocational evaluation, personal vocational adjustment training, and job placement services to persons with mental and or physical disabilities referred by district Vocational Rehabilitation counselors. The facility uses real work subcontractors from local industries as a tool to provide services. Clients are paid on a piece-rate basis while receiving services. The space requested is needed for the production aspect of the program.

Note: This is a three (3) year lease with no renewals. This lease is exempt from competitive advertisement under 300.9 (1).

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.

H. Succeeding Leases

1. Requesting Agency: Mississippi State Board of Funeral Services

Lease #: 335-615-23A

Lessor: Faries Lakeland Properties, LLC

Term: 09/01/2018 - 08/31/2023

Total Yearly Cost: \$28,060

Cost PSF: \$14.03 + Utilities

Previous Cost PSF: \$14.03 + Utilities

Federal Funds: 0%

Square Footage Proposed: 2,000

Previous Square Footage: 2,000

Address of Property: 3010 Lakeland Cove, Suite W, Flowood, MS

Purpose of Lease: Offices for 2 full time employees and 3 contract investigators. There is also a boardroom, filing room, kitchenette and bathroom.

Note: This is a five (5) year lease with no renewals. The Mississippi State Board of Funeral Services advertised and received four (4) responses. None of the responses were considered to be in the best interest of Mississippi State Funeral Board Services. After a review of the possible moving expenses and other expense considerations, Mississippi State Board of Funeral Services considers it to be in the best interest to stay in the present location. Mississippi State Funeral Board Services employs two (2) full time employees and three (3) contract investigators. Mississippi State Funeral Board Services conducts board meetings and must be able to access the boardroom from the main office. There are also a large number of required filing and storage requirements that Mississippi State Funeral Board Services would like PPRB to consider. Mississippi State Board of Funeral Services requests a waiver on the Space Compliance requirement.

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

2. Requesting Agency: Mississippi Department of Rehabilitation Services

Lease #: 725-441-19B

Lessor: Lehmborg Crossing Properties, LLC

Term: 08/01/2018 through 07/31/2019

Total Yearly Cost: \$14,400

Cost PSF: \$12.00+ Utilities & Janitorial

Previous Cost PSF: \$12.00+ Utilities & Janitorial

Federal Funds: 80%

Square Footage Proposed: 1,200

Previous Square Footage: 1,200

Address of Property: 915 E. Alabama Street, Columbus, MS.

Purpose of Lease: This office allows clients who require rehabilitation services to have direct access to professional trained staff who are trained to provide services in an efficient and timely manner thus providing an essential link in the Department's service delivery system.

Note: This will be a one (1) 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.

3. Requesting Agency: Boswell Regional Center

Lease #: 533-641-23A

Lessor: Dickson Appliance and Furniture

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

Total Yearly Cost: \$68,400

Cost PSF: \$6.84+ Utilities & Janitorial

Previous Cost PSF: \$6.84+ Utilities & Janitorial

Federal Funds: 0%

Square Footage Proposed: 10,000

Previous Square Footage: 10,000

Address of Property: 224 Main Avenue South, Magee, MS.

Purpose of Lease: Day Service Program Workshop.

Note: This will be 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.

I. RPM Emergency Leases

1. Requesting Agency: Mississippi Department of Human Services

Lease #: 865-251-19A

Lessor: Hertz Jackson City Centre, LLC

Term: 06/15/2018 - 06/14/2019

Total Yearly Cost: \$2,043,465.00

Cost PSF: \$15.00 Inclusive

Federal Funds: 0%

Square Footage Proposed: 136,231

Address of Property: 200 South Lamar Street, Jackson, MS

Purpose of Lease: Offices for Mississippi Department of Human Services and Child Protective Services

Note: This lease is an Emergency Lease as described in 300.9 (3) with a term of no more than one year with no renewals. Modifications to the standard lease agreement recognized in Section 20 are as follows:

(1) Modification #1: SECTION 3, Landlord will not give any option to renew with a year lease.

(2) Modification #2: SECTION 14, Tenant to take the space in "as-is" condition with a one (1) year lease with the exception of any agreed upon improvements to be made as agreed upon between Lessor and Lessee for the Lessee to move into building.

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.

J. RPM Land Leases

1. **Requesting Agency:** Mississippi Department of Wildlife, Fisheries and Parks

Lease #: 899-305-23A

Lessor: Jackson County School District

Term: 07/01/2018 through 06/30/2023

Total Yearly Cost: \$1,602.00

Yearly Cost Per Acre: \$11.00

Federal Funds: 0%

Total Acreage Leased: 145.6

Address of Property: Jackson County Section 16-6S-6W

Purpose of Lease: Wildlife Management Area

Note: This will be a five (5) year lease with no renewals. Mississippi Department of Wildlife, Fisheries and Parks was awarded this lease through competitive bid.

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 Wildlife, Fisheries and Parks

Lease #: 899-305-23B

Lessor: Jackson County School District

Term: 07/01/2018 through 06/30/2023

Total Yearly Cost: \$4,794.00

Yearly Cost Per Acre: \$7.50

Federal Funds: 0%

Total Acreage Leased: 639

Address of Property: Jackson County Section 16-5S-6W

Purpose of Lease: Wildlife Management Area

Note: This will be a five (5) year lease with no renewals. Mississippi Department of Wildlife, Fisheries and Parks was awarded this lease through competitive bid.

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.

K. RPM Director's Report

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

A. Petitions for Relief from Competitive Sealed Bidding

There are no Petitions for Relief from the use of Competitive Sealed Bidding as a procurement method.

B. Consideration of Contracts for Board Action

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

Supplier: Data Recognition Corporation

Contract #: 8200039469

Term: 07/12/2018 – 06/30/2019

Total Value: \$3,292,826.00

New

\$3,292,826.00

Projected Budget for Life of the Contract: \$14,963,864.00

Summary of Request: The contractor will create and administer a custom Mississippi Academic Assessment Program for Science, Grades 5 and 8, and High School End of Course Assessments in Biology I and U.S. History. The services provided will include all associated technical services and professional development for these assessments. The contractor was selected through an RFP with five respondents, of which three were deemed non-responsive and not considered as the proposals contained information that identified or distinguished the offeror. One post-award vendor debriefing was requested and held. There was one protest filed regarding the procurement: Questar Assessments, Inc. filed a protest to the contract award dated May 22, 2018. On June 5, 2018, MDE responded to the protest with the final decision that the protest had no merit. Pursuant to PPRB OPSCR Rules and Regulations, Questar Assessments, Inc., had until approximately June 18, 2018 to file an appeal with PPRB if they were unsatisfied with the MDE protest decision. According to the RFP and contract, a bond for the total amount of the contract is required and the bond must be certified within ten days of execution. Proof of the vendor's performance bond certification must be received from the agency prior to processing 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 approval of the contract as requested contingent upon the agency providing the required bond certification.

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

Supplier: Valley Services, Inc.

Contract #: 8200019188

Term: 08/01/2015 to 07/31/2019

Total Value: \$1,850,022.00

Renewal

\$435,801.00

Projected Budget for Life of the Contract: \$2,285,823.00

Summary of Request: Modification Four has been submitted to renew the contract for one year. This is the third of four optional one-year renewals allowed by the original contract. Modification Four updates the Period of Performance, Representation Regarding Gratuities, Procurement Regulations, Stop Work Order, E-Payment, Price Adjustment, Approval, Priority, Statement of Work, Budget Narrative, and Compensation and Financial Reports clauses. All other terms and conditions of the original contract, including the unit prices, remain the same.

The contractor provides food management services for the Mississippi Schools for the Blind and Deaf. The contractor was originally selected through an RFP. According to the RFP and contract, a bond for the total amount of the contract is required and the bond must be certified within ten days of execution. Proof of the vendor's performance bond certification must be received from the Agency prior to processing the contract renewal.

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 contingent upon receipt of the required bond certification.

3. Requesting Agency: Department of Finance & Administration

Supplier: Warner, Inc. d/b/a ServiceMaster

Contract #: 8200039266

Term: 08/01/2018 - 07/31/2021

Total Value: \$1,674,800.00

New

\$1,674,800.00

Projected Budget for Life of the Contract: \$2,712,400.00

Summary of Request: The contractor will provide custodial services of DFA buildings at 620 North Street, 660 North Street, 700 North State Street, Robert G. Clark, Jr. State Office Building, Patrick Alan Nunnelee State Office Building, the two Mississippi Museums in Jackson, the State Service Center in Hattiesburg, and the Eldon Langston Bolton Building in Biloxi. The contractor will also provide pre-Legislative session, during Legislative session, and post-Legislative session services at the New Capitol. The term of the contract is three years with two optional one-year renewals. The contractor was selected through an IFB with seven respondents. One respondent was deemed non-responsive for failure to submit a complete bid form. Proof of the vendor's workers' compensation, comprehensive general or commercial liability, motor vehicle liability, and motor vehicle property damage insurance certification must be received from the agency prior to processing 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 approval of the contract as requested contingent upon receipt of certificate of insurances.

4. Requesting Agency: Veterans Home Purchase Board

Supplier: Rogers Dunn, LLC

Contract #: 8200026104

Term: 09/01/2016 - 08/31/2019

Total Value: \$189,900.00

Renewal

\$63,300.00

Projected Budget for Life of the Contract: \$316,500.00

Summary of Request: Amendment One has been submitted to renew the contract for one year. This is the first of three optional one-year renewals allowed by the original contract. Amendment One updates the Acknowledgments and Acceptance of Terms, Compensation, Period of Performance, Entire Agreement, Approval, Representation Regarding Gratuities, Procurement Regulations, E-Verification, and Stop Work Order clauses. Amendment One also provides edits to Attachment B, Scope of Work, as follows: clarification was added to Section I, Interior and Exterior Building Maintenance/Repair that repairs must be procured by VHPB, not the vendor; removal of the following sentence from Section 6, Monitoring and Maintenance

Operations Budget, "We will provide detailed cost estimates for all major repairs, and when requested, competitively bid and manage work of potential contractors"; conflicting language was removed and clarification was added to Section 7, General Services that ensures that VHPB authorization and approval will be sought and received prior to the vendor implementing any repairs/work. All other terms and conditions of the original contract remain the same. The contractor provides professional management, maintenance, and upkeep of the agency's facility in Pearl. Services include janitorial work, grounds upkeep, pest control, and building maintenance. The contractor was originally selected through an RFP.

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.

5. Requesting Agency: Mississippi Department of Environmental Quality

Supplier: Yelverton Consulting, LLC

Contract #: 8200020442

Term: 08/01/2015 - 07/31/2019

Total Value: \$192,000.00

Renewal
\$48,000.00

Projected Budget for Life of the Contract: \$240,000.00

Summary of Request: Modification Two has been submitted to renew the contract for one year. This is the first of two optional one-year renewals allowed by Modification One. Modification Two updates the Period of Performance, Consideration and Payment, Representation Regarding Gratuities, Paymode, and Procurement Regulations clauses and adds the Counterparts and Approval clauses. All other terms and conditions of the original contract remain the same. The contractor provides consulting services relating to the Mississippi Coordinating Council for Remote Sensing and Geographic Information Systems (hereinafter "MCCRSGIS"). These consulting services include developing working relationships, maintaining contract, and acting as a liaison between MDEQ, MCCRSGIS, and federal, state, county, municipal, and any other appropriate entities; developing strategies for coordinating outreach messages; coordinating the collection of digital orthoimagery for tax mapping purposes; and providing regular communication and reports to MDEQ and MCCRSGIS on all activities. The contractor was originally selected through an RFP. 82

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.

6. Requesting Agency: Mississippi Division of Medicaid

Supplier: Magnolia Health

Contract #: N/A

Term: 07/01/2017 to 06/30/2020

Total Value: N/A

Modification
N/A

Projected Budget for Life of the Contract: N/A

Summary of Request: Amendment One has been submitted to adhere to a CMS request to amend capitation payment language in the original contract. The Mississippi Coordinated Access Network (hereinafter "MississippiCAN") contract is paid via a medical claims process through DOM's fiscal agent; therefore, no spending authority is being requested. DOM will pay the contracts a per member per month (hereinafter "PMPM") capitation payment to cover the

services provided. The PMPM rates are risk adjusted to account for population variables and certified by a national actuarial firm. The agency contends CMS has not provided a letter memorializing their mandate. However, through meetings and several phone calls with CMS, it has been made clear that until DOM changes the capitation payment language, CMS will not approve DOM's Care Coordination Organization (hereinafter "CCO") contracts. The agency also contends CMS will not review or approve any contracts or modifications from DOM unless they are submitted fully executed. Therefore, DOM must receive PPRB approval prior to submitting executed contracts or modifications to CMS. Amendment One updates the Stop Work Order and Bribes, Gratuities, and Kickbacks clauses and adds E-Payment, Procurement Regulations, and the Approval clauses. Amendment One also provides edits to the Scope of Work, as follows: a timeline was added to Section 1.R, Readiness Reviews that the Readiness Review for the contract is October 1, 2017 through June 30, 2018, the Special Open Enrollment Period is July 1, 2018 through August, 31, 2018, with an effective date of October 1, 2018, and the Annual Open Enrollment Period is October 1, 2018 through December 15, 2018; clarification was added to Section 4.A, Enrollment of Members with a Contractor that explains when time-limited auto-assignment will occur to ensure entities reach a minimum threshold of 20% of the program, specifies the dates for the Special Open Enrollment Period and the Annual Open Enrollment Period; Section 4.K, Member Listing Report that states the agency or its agent will prepare a Member Listing Report; and clarification was added to Section 13.A, Capitation Payments that DOM will not pay monthly capitation payments to the contractors during the implementation year, DOM will pay FY 2018 monthly capitation payments to the contractors under the July 1, 2014 contract, DOM will pay the contractors monthly capitation payments for FY 2019 based on two separate capitation rate periods July 1, 2018 through September 30, 2018, which will only be paid to managed care contractors with members, and October 1, 2018 through June 30, 2019. All other terms and conditions of the original contract remain the same. The contractor provides services for statewide administration of the MississippiCAN. The contractor was originally selected through an RFQ, which resulted in the award of three contracts. This contract was presented at the September 19, 2017 PSCRB Meeting and statutorily approved pursuant to Miss. Code Ann. § 25-9-120(4) (2017) prior to HB 1109 revisions.

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 modification as requested.

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

Supplier: Molina

Contract #: N/A

Term: 07/01/2017 to 06/30/2020

Modification

Total Value: N/A

N/A

Projected Budget for Life of the Contract: N/A

Summary of Request: Amendment One has been submitted to adhere to a CMS request to amend capitation payment language in the original contract. The Mississippi Coordinated Access Network (hereinafter "MississippiCAN") contract is paid via a medical claims process through DOM's fiscal agent; therefore, no spending authority is being requested. DOM will pay the contracts a per member per month (hereinafter "PMPM") capitation payment to cover the services provided. The PMPM rates are risk adjusted to account for population variables and certified by a national actuarial firm. The agency contends CMS has not provided a letter

memorializing their mandate. However, through meetings and several phone calls with CMS, it has been made clear that until DOM changes the capitation payment language, CMS will not approve DOM's Care Coordination Organization (hereinafter "CCO") contracts. The agency also contends CMS will not review or approve any contracts or modifications from DOM unless they are submitted fully executed. Therefore, DOM must receive PPRB approval prior to submitting executed contracts or modifications to CMS. Amendment One updates the Stop Work Order and Bribes, Gratuities, and Kickbacks clauses and adds E-Payment, Procurement Regulations, and the Approval clauses. Amendment One also provides edits to the Scope of Work, as follows: a timeline was added to Section 1.R, Readiness Reviews that the Readiness Review for the contract is October 1, 2017 through June 30, 2018, the Special Open Enrollment Period is July 1, 2018 through August, 31, 2018, with an effective date of October 1, 2018, and the Annual Open Enrollment Period is October 1, 2018 through December 15, 2018; clarification was added to Section 4.A, Enrollment of Members with a Contractor that explains when time-limited auto-assignment will occur to ensure entities reach a minimum threshold of 20% of the program, specifies the dates for the Special Open Enrollment Period and the Annual Open Enrollment Period; Section 4.K, Member Listing Report that states the agency or its agent will prepare a Member Listing Report; and clarification was added to Section 13.A, Capitation Payments that DOM will not pay monthly capitation payments to the contractors during the implementation year, DOM will pay FY 2018 monthly capitation payments to the contractors under the July 1, 2014 contract, DOM will pay the contractors monthly capitation payments for FY 2019 based on two separate capitation rate periods July 1, 2018 through September 30, 2018, which will only be paid to managed care contractors with members, and October 1, 2018 through June 30, 2019. All other terms and conditions of the original contract remain the same. The contractor provides services for statewide administration of the MississippiCAN. The contractor was originally selected through an RFQ, which resulted in the award of three contracts. This contract was presented at the September 19, 2017 PSCR Meeting and statutorily approved pursuant to Miss. Code Ann. § 25-9-120(4) (2017) prior to HB 1109 revisions.

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 modification as requested.

8. Requesting Agency: Mississippi Division of Medicaid

Supplier: UnitedHealthcare

Contract #: N/A

Term: 07/01/2017 – 06/30/2020

Total Value: N/A

Projected Budget for Life of the Contract: N/A

Modification
N/A

Summary of Request: Amendment One has been submitted to adhere to a CMS request to amend capitation payment language in the original contract. The Mississippi Coordinated Access Network (hereinafter "MississippiCAN") contract is paid via a medical claims process through DOM's fiscal agent; therefore, no spending authority is being requested. DOM will pay the contracts a per member per month (hereinafter "PMPM") capitation payment to cover the services provided. The PMPM rates are risk adjusted to account for population variables and certified by a national actuarial firm. The agency contends CMS has not provided a letter memorializing their mandate. However, through meetings and several phone calls with CMS, it has been made clear that until DOM changes the capitation payment language, CMS will not

approve DOM's Care Coordination Organization (hereinafter "CCO") contracts. The agency also contends CMS will not review or approve any contracts or modifications from DOM unless they are submitted fully executed. Therefore, DOM must receive PPRB approval prior to submitting executed contracts or modifications to CMS. Amendment One updates the Stop Work Order and Bribes, Gratuities, and Kickbacks clauses and adds E-Payment, Procurement Regulations, and the Approval clauses. Amendment One also provides edits to the Scope of Work, as follows: a timeline was added to Section 1.R, Readiness Reviews that the Readiness Review for the contract is October 1, 2017 through June 30, 2018, the Special Open Enrollment Period is July 1, 2018 through August, 31, 2018, with an effective date of October 1, 2018, and the Annual Open Enrollment Period is October 1, 2018 through December 15, 2018; clarification was added to Section 4.A, Enrollment of Members with a Contractor that explains when time-limited auto-assignment will occur to ensure entities reach a minimum threshold of 20% of the program, specifies the dates for the Special Open Enrollment Period and the Annual Open Enrollment Period; Section 4.K, Member Listing Report that states the agency or its agent will prepare a Member Listing Report; and clarification was added to Section 13.A, Capitation Payments that DOM will not pay monthly capitation payments to the contractors during the implementation year, DOM will pay FY 2018 monthly capitation payments to the contractors under the July 1, 2014 contract, DOM will pay the contractors monthly capitation payments for FY 2019 based on two separate capitation rate periods July 1, 2018 through September 30, 2018, which will only be paid to managed care contractors with members, and October 1, 2018 through June 30, 2019. All other terms and conditions of the original contract remain the same. The contractor provides services for statewide administration of the MississippiCAN. The contractor was originally selected through an RFQ, which resulted in the award of three contracts. According to the RFP and contract, a certification of insurance for professional and general liability, fire and property damage, and workers' compensation is required. Proof of the vendor's required insurance certificate and workers' compensation must be received from the agency prior to processing the contract modification. This contract was presented at the September 19, 2017 PSCR Meeting and statutorily approved pursuant to Miss. Code Ann. § 25-9-120(4) (2017) prior to HB 1109 revisions.

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 modification as requested contingent upon receipt of required insurance certification and workers' compensation.

9. **Requesting Agency:** Mississippi Development Authority

Supplier: Maris, West, and Baker, Inc.

Contract #: 8200026147

Term: 08/01/2016 - 07/31/2019

Total Value: \$600,000.00

Projected Budget for Life of the Contract: \$800,000.00

Renewal
\$100,000.00

Summary of Request: Amendment Two has been submitted to renew the contract for one year. This is the first of two optional one-year renewals allowed by the original contract. Amendment Two updates the Period of Performance, Compensation, Representation Regarding Gratuities, Procurement Regulations, Stop Work Order, E-Payment, Trade Secret, Commercial and Financial Information, Termination Upon Bankruptcy clauses, and adds the Approval clause. All other terms and conditions of the original contract remain the same. The contractor provides advertising and marketing services to promote economic development and

tourism in Mississippi. The contractor was originally selected through an RFP, which resulted in the award of three contracts.

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

10. **Requesting Agency:** Mississippi Development Authority

Supplier: Frontier Strategies, LLC

Contract #: 8200026148

Term: 08/01/2016 – 07/31/2018

Total Value: \$400,000.00

Renewal
\$100,000.00

Projected Budget for Life of the Contract: \$530,000.00

Summary of Request: Amendment One has been submitted to renew the contract for one year. This is the first of two optional one-year renewals allowed by the original contract. Amendment One updates the period of performance, compensation, representation regarding gratuities, procurement regulations, stop work order, termination of stopped work, e-payment, trade secret, commercial and financial information, termination upon bankruptcy clauses, and adds the approval clause. All other terms and conditions of the original contract remain the same. The contractor provides advertising and marketing services to promote economic development and tourism in Mississippi. The contractor was originally selected through an RFP, which resulted in the award of three contracts.

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

11. **Requesting Agency:** Mississippi Development Authority

Supplier: The Gibbes Company, Inc.

Contract #: 8200026146

Term: 08/01/2016 – 07/31/2019

Total Value: \$300,000.00

Renewal
\$0.00

Projected Budget for Life of the Contract: \$400,000.00

Summary of Request: Amendment One has been submitted to renew the contract for one year. This is the first of two optional one-year renewals allowed by the original contract. Amendment One updates the Period of Performance, Representation Regarding Gratuities, Procurement Regulations, Stop Work Order, E-Payment, Trade Secrets, Commercial and Financial Information, Termination Upon Bankruptcy clauses and adds the Approval clause. All other terms and conditions of the original contract remain the same. The contractor provides advertising and marketing services to promote economic development and tourism in Mississippi. The contractor was originally selected through an RFP, which resulted in the award of three contracts.

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

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

1. 8200030275, DCPS and 200 Million Flowers, Inc.

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: Veterans Affairs Board

Supplier: Pro-Nurse, LLC

Contract #: 8400000760

Term: 02/28/2018 – 05/15/2018

Modification

Total Value: \$262,000.00

\$112,000.00

Summary of Request: This contract was originally entered to include the remaining unexpended authorized spending authority of \$21,863.27 from 8200032563, and to increase the requested spending authority from Modification One by \$76,000.00 for a total of \$97,863.27 under contract 8400000760. This modification was submitted to increase the amount of the contract by \$112,000.00 and to correct the previous modification budget miscalculation of needed spending authority and pay outstanding invoices.

E. OPSCR Staff Approvals Reported to the Board

F. Quarterly Report to the House of Representatives and Senate Committees 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. Quarterly Report to the House of Representatives and Senate Committees on Accountability, Efficiency, and Transparency and the House of Representatives and Senate Appropriations Committees on Emergency Contracts

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

H. OPSCR Director's Report

IX. Adjournment

