



PPRB
PUBLIC PROCUREMENT
REVIEW BOARD
MEETING AGENDA
Wednesday, November 6, 2019
9:00 a.m.

- I. **Call to Order**
- II. **Approval of Minutes from October 2, 2019 Public Procurement Review Board Meeting**
- III. **Approval of per diem and expenses for the November 6, 2019 meeting and for any additional expenses incurred prior to the December 4, 2019 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:** Philadelphia School District

- Supplier:** Unknown

- Term:** 7/1/2020 through 6/30/2021

- Commodities:** E-Rate Category 2 Project

- Total Value:** \$100,000.00 estimated

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

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

ii. **Requesting Governing Authority:** Stone County School District

Supplier: Unknown

Term: 7/1/2020 through 6/30/2021

Commodities: E-Rate Category 2 Project

Total Value: \$150,000.00 estimated

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

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

iii. **Requesting Governing Authority:** Pontotoc City School District

Supplier: Apple Inc.

Term: 1/1/2020 through 12/31/2021

Commodities: Apple products

Total Value: \$269,940.00 estimated

Summary of Request: Pontotoc City School District has requested an exemption from using the reverse auction process for the purchase of Apple products. They are requesting an exemption because Apple does not participate in reverse auctions for school districts. OPTFM sought clarification from Apple and was informed that school districts may only purchase from Apple and not resellers. Because there will be only one qualified supplier, the District feels that the competitive sealed bid process should be utilized.

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:** Tupelo School District

Supplier: Apple Inc.

Term: One time purchase

Commodities: Apple products

Total Value: \$277,138.66 estimated

Summary of Request: Tupelo School District has requested an exemption from using the reverse auction process for the purchase of Apple products. They are requesting an exemption because Apple does not participate in reverse auctions for school districts. OPTFM sought clarification from Apple and was informed that school districts may only purchase from Apple

and not resellers. Because there will be only one qualified supplier, the District feels that the competitive sealed bid process should be utilized.

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:** Lowndes County School District

Supplier: Apple Inc.

Term: One time purchase

Commodities: Apple products

Total Value: \$4,398,513.25 estimated

Summary of Request: Lowndes County School District has requested an exemption from using the reverse auction process for the purchase of Apple products. They are requesting an exemption because Apple does not participate in reverse auctions for school districts. OPTFM sought clarification from Apple and was informed that school districts may only purchase from Apple and not resellers. Because there will be only one qualified supplier, the District feels that the competitive sealed bid process should be utilized.

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:** Oxford School District

Supplier: Apple Inc.

Term: One time purchase

Commodities: Apple products

Total Value: \$1,700,000.00 estimated

Summary of Request: Oxford School District has requested an exemption from using the reverse auction process for the purchase of Apple products. They are requesting an exemption because Apple does not participate in reverse auctions for school districts. OPTFM sought clarification from Apple and was informed that school districts may only purchase from Apple and not resellers. Because there will be only one qualified supplier, the District feels that the competitive sealed bid process should be utilized.

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:** Clarke County

Supplier: Unknown

Term: 12 months

Commodities: Asphalt and asphalt emulsions

Total Value: \$500,000.00 estimated

Summary of Request: Clarke County has requested an exemption from using the reverse auction process for the purchase of asphalt and asphalt emulsions. They are requesting an exemption because the County wishes to make multiple awards. The County feels that the competitive sealed bid process should be utilized to procure the items.

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: Clarke County

Supplier: Unknown

Term: 12 months

Commodities: Asphalt milling

Total Value: \$500,000.00 estimated

Summary of Request: Clarke County has requested an exemption from using the reverse auction process for the purchase of asphalt milling. They are requesting an exemption because the County wishes to make multiple awards. The County feels that the competitive sealed bid process should be utilized to procure the items.

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: Clarke County

Supplier: Unknown

Term: 12 months

Commodities: Clay gravel

Total Value: \$500,000.00 estimated

Summary of Request: Clarke County has requested an exemption from using the reverse auction process for the purchase of clay gravel. They are requesting an exemption because the County wishes to make multiple awards. The County feels that the competitive sealed bid process should be utilized to procure the items.

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: Clarke County

Supplier: Unknown

Term: 12 months

Commodities: Crushed limestone

Total Value: \$500,000.00 estimated

Summary of Request: Clarke County has requested an exemption from using the reverse auction process for the purchase of crushed limestone. They are requesting an exemption

because of a lack of participation in prior reverse auctions. The County feels that the competitive sealed bid process should be utilized to procure the items.

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: Clarke County

Supplier: Unknown

Term: 12 months

Commodities: Pea gravel

Total Value: \$500,000.00 estimated

Summary of Request: Clarke County has requested an exemption from using the reverse auction process for the purchase of pea gravel. They are requesting an exemption because the County wishes to make multiple awards. The County feels that the competitive sealed bid process should be utilized to procure the items.

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.

xii. Requesting Governing Authority: Clarke County

Supplier: Unknown

Term: 12 months

Commodities: Polyethylene pipe

Total Value: \$500,000.00 estimated

Summary of Request: Clarke County has requested an exemption from using the reverse auction process for the purchase of polyethylene pipe. They are requesting an exemption because the County wishes to make multiple awards. The County feels that the competitive sealed bid process should be utilized to procure the items.

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.

xiii. Requesting Governing Authority: Clarke County

Supplier: Unknown

Term: 12 months

Commodities: Rip/rap

Total Value: \$500,000.00 estimated

Summary of Request: Clarke County has requested an exemption from using the reverse auction process for the purchase of rip/rap. They are requesting an exemption because of a lack of participation in prior reverse auctions. The County feels that the competitive sealed bid process should be utilized to procure the items.

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.

xiv. Requesting Governing Authority: Clarke County

Supplier: Unknown

Term: 12 months

Commodities: Sanded gravel

Total Value: \$500,000.00 estimated

Summary of Request: Clarke County has requested an exemption from using the reverse auction process for the purchase of sanded gravel. They are requesting an exemption because the County wishes to make multiple awards. The County feels that the competitive sealed bid process should be utilized to procure the items.

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.

xv. Requesting Governing Authority: Clarke County

Supplier: Unknown

Term: 12 months

Commodities: Semi-washed gravel

Total Value: \$500,000.00 estimated

Summary of Request: Clarke County has requested an exemption from using the reverse auction process for the purchase of semi-washed gravel. They are requesting an exemption because of a lack of participation in prior reverse auctions. The County feels that the competitive sealed bid process should be utilized to procure the items.

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.

xvi. Requesting Governing Authority: Leake County

Supplier: Unknown

Term: 12 months

Commodities: Asphalt emulsion

Total Value: \$350,000.00 estimated

Summary of Request: Leake County has requested an exemption from using the reverse auction process for the purchase of asphalt emulsion. They are requesting an exemption because the County wishes to make multiple awards. The County feels that the competitive sealed bid process should be utilized to procure the 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 provided, OPTFM recommends approval of the exemption and the use of competitive sealed bidding for the procurement.

xvii. Requesting Governing Authority: Leake County

Supplier: Unknown

Term: 12 months

Commodities: Asphalt (hot and cold mix)

Total Value: \$100,000.00 estimated

Summary of Request: Leake County has requested an exemption from using the reverse auction process for the purchase of hot and cold mix asphalt. They are requesting an exemption because the County wishes to make multiple awards. The County feels that the competitive sealed bid process should be utilized to procure the 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 provided, OPTFM recommends approval of the exemption and the use of competitive sealed bidding for the procurement.

xviii. Requesting Governing Authority: Leake County

Supplier: Unknown

Term: 12 months

Commodities: Polyethylene pipe

Total Value: \$50,000.00 estimated

Summary of Request: Leake County has requested an exemption from using the reverse auction process for the purchase of polyethylene pipe. They are requesting an exemption because the County wishes to make multiple awards. The County feels that the competitive sealed bid process should be utilized to procure the 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 provided, OPTFM recommends approval of the exemption and the use of competitive sealed bidding for the procurement.

xix. Requesting Governing Authority: Leake County

Supplier: Unknown

Term: 12 months

Commodities: Rock aggregate and rip/rap

Total Value: \$250,000.00 estimated

Summary of Request: Leake County has requested an exemption from using the reverse auction process for the purchase of rock aggregate and rip/rap. They are requesting an exemption because the County wishes to make multiple awards. The County feels that the competitive sealed bid process should be utilized to procure the 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 provided, OPTFM recommends approval of the exemption and the use of competitive sealed bidding for the procurement.

2. State Agencies

i. Requesting Agency: Mississippi Department of Agriculture (MDAC)

Supplier: Unknown

Contract #: 3180000891

Term: One (1) Year (11/6/2019 through 11/5/2020)

Total Value: \$500,000.00

Summary of Request: MDAC has submitted a request for exemption from the reverse auction process for the printing, labeling and presort mailing of the bi-monthly Mississippi Market Bulletin publication. The publication recently turned 91 years-old and is distributed to subscribers (32,000-35,000) across the country as well as internationally. Pricing is traditionally determined by using a sliding scale weighted price formula based on anticipated quantities and number of pages that accounts for both the length and quantity of bulletins to be printed for each edition. Due to subscription numbers fluctuating during the year, a set quantity of each issue is not printed. MDAC thinks the reverse auction process is incompatible with the weighted price formula. MDAC is requesting to use the competitive sealed bid process in lieu of conducting a reverse auction.

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 this procurement.

B. Consideration of Awards for Governing Authorities Receiving Exemptions

1. Requesting Governing Authority: Jackson County School District

Supplier: Venture Technologies

Term: One time purchase

Total Value: \$271,810.00

Summary of Request: Jackson County School District was granted an exemption from reverse auction on January 4, 2019, for the purchase of network switches for an E-rate Category 2 project. The District advertised for bids and received six (6) responses. They wish to award to the vendor with the low price, which is Venture Technologies.

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, we ask that the Board approve this contract.

C. Consideration of State Agency Contracts for Board Action

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

Supplier: Aerial Truck Equipment Company

Contract #: 8200048373

Term: One Time Purchase (11/6/2019 through 6/30/2020)

Total Value: \$201,215.00

Summary of Request: MDOT conducted a reverse auction for the purchase of one (1) Articulated Platform-Truck Mounted 80' Working Height Truck. MDOT sent the RFX packets to fifteen (15) vendors and received five (5) responses. All five (5) vendors qualified for the

reverse auction but only one (1) vendor participated. MDOT is awarding to the vendor that participated in the reverse auction.

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

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

Supplier: Aerial Truck Equipment Company

Contract #: 8200048374

Term: 11/6/2019 through 10/31/2020 with up to four (4) twelve (12) month extensions

Total Value: \$1,006,075.00

Summary of Request: MDOT conducted a reverse auction to establish a statewide agency contract for the purchase of up to five (5) Articulated Platform-Truck Mounted 80' Working Height Trucks. MDOT sent the RFX packets to fifteen (15) vendors and received five (5) responses. All five (5) qualified for the reverse auction but only one (1) vendor participated. This contract is available for use by quasi-state agencies or other political subdivisions of the State of Mississippi, agencies of the United States Government, Public Procurement Units, and FTA recipients.

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

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

Supplier: John Deere Financial FSB

Contract #: 8200022582

Term: 12/1/2015 through 11/30/2020

Total Value: \$924,212.50

Summary of Request: This contract was established 12/1/2015 but did not require PPRB approval until the second extension request. MDOT solicited bids for tractor rental. One (1) response was received with no protests. MDOT requested a contract renewal on 10/3/2018 and was approved by PPRB for the amount of \$754,900.00. The language in the contract allows for an increase in the hourly rate for the tractor rental based on CPI. MDOT is requesting approval to extend this District II contract for the fourth and final possible twelve (12) month extension. The total value will increase from \$754,900.00 to \$924,212.50. This agreement will include rental of twenty-eight (28) tractors for three hundred fifty (350) hours each at \$19.35 an hour, for a yearly amount of \$169,312.50. The CPI increase is 1.37%, which is allowed by the contract.

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

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

Supplier: John Deere Financial FSB

Contract #: 8200030367

Term: 12/21/2016 through 12/31/2020

Total Value: \$951,712.00

Summary of Request: This contract was established 12/21/2016 using competitive sealed bids for tractor rental. One (1) response was received with no protests. MDOT requested a contract renewal on 10/3/2018 and was approved by PPRB for the amount of \$712,480.00. MDOT is requesting a contract renewal from 1/1/2020 through 12/31/2020. The language in the contract allows for an increase in the hourly rate for the tractor rental, based on the CPI. MDOT is requesting approval to extend this District VI contract for another year with this being the third (3) of four (4) possible twelve (12) month extensions. The contract will increase from \$712,180.00 to \$951,712.00. This agreement will include rental of twenty-eight (28) tractors for four hundred (400) hours each at \$21.36 an hour, for a yearly rate of \$239,232.00. The CPI increase is 1.37%, which is allowed by the contract.

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

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

Supplier: Williams Equipment

Contract #: 8200048361, 8200048363

Term: 11/6/2019 through 9/30/2020

Total Value: \$76,531.66, \$1,913,291.50 (\$76,531.66 each)

Summary of Request: MDOT completed a reverse auction for an agency contract to provide up to twenty-five (25) compact track loaders. Twenty-one (21) vendors were invited, two (2) responses were received, and one (1) qualified. The contract allows for four (4) possible twelve (12) month extensions. Contract # 8200048361 is for one (1) track loader for MDOT in Batesville and Contract # 8200048363 is the agency contract to purchase the remaining twenty-four (24).

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 these contracts.

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

Supplier: Puckett Machinery Company

Contract #: 8200048371, 8200048372

Term: 11/6/2019 through 4/30/2020, 11/6/19 through 10/31/2020

Total Value: \$122,000.00, \$610,000.00 (\$122,000.00 each)

Summary of Request: MDOT completed a reverse auction for an agency contract to provide up to five (5) road widener/shoulder spreaders. Twenty-one (21) vendors were invited, two (2) responses were received, two (2) qualified and one (1) participated. The contract allows for four (4) twelve (12) month extensions. Contract # 8200048371 is for one (1) road widener/shoulder spreader in Hattiesburg and Contract # 8200048372 is the agency contract to purchase the remaining four (4).

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 these contracts.

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

Supplier: Spat-Tech of Mississippi, LLC

Contract #: 8200044375

Term: One (1) Year and Three (3) Months (5/1/2019 through 8/30/2020)

Total Value: \$3,000,000.00

Summary of Request: MDMR is requesting approval of a second amendment to the contract with Spat-Tech of Mississippi, LLC, to provide Mississippi stock oyster seed for deployment into the Mississippi Sound. Due to the lengthy opening of the Bonnet Carre Spillway this past spring and summer, the Mississippi Sound has been inundated with an influx of fresh water. As a result, the growing of oysters and deployment has been placed on hold. The original contract was approved by the PPRB on April 3, 2019 with an expiration date of 4/30/2020. The first amendment which revised the payment terms was approved by the Board on June 5, 2019. There was no price increase for the first amendment. This amendment is revising Section 1, subsection 1.17: Scope of Work and Deliverables that will extend the completion date until May 31, 2020 and Section 3: Period of Performance that will extend the contract period until August 30, 2020. This amendment does not contain a price increase. MDMR is requesting the Board's approval of this contract amendment.

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

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

Supplier: BeAM Machines Inc.

Contract #: 8800006943

Term: One Time Purchase (11/6/2019 through 9/10/2020)

Total Value: \$659,400.00

Summary of Request: MSU has submitted a sole source P-1 request, for the purchase of a BeAM Modulo 250 Directed Energy Deposition Machine (DED), metal 3D printer, by BeAM Machines Inc. MSU advertised the sole source purchase in the Starkville Daily News newspaper on 08/26/19 and 09/2/19 and set the deadline for objection for September 9, 2019 before 3:00 p.m. in accordance with procurement guidelines for sole source acquisitions found in section 3.109.02 of State of Mississippi Procurement Manual. (MSU) also posted a sole source notice (RFx # 3150002357) on the Mississippi Procurement Portal for this commodity on 08/26/19 and ending on 09/9/19 at 3:00 p.m. in accordance with procurement guidelines for sole source acquisitions found in section 3.109.02 of State of Mississippi Procurement Manual. MSU asserts that the BeAM system offers two unique features that no other manufacturers offer to assist in their research; a deposition head that can create better resolution during the build process and software that will enable their research efforts by providing them with access to modify the system controls and develop their own intellectual property for DED system control.

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

D. Master Lease Purchase Program

1. Requesting Agency: Mississippi Department of Agriculture (MDAC)

Master Lease Purchase: \$1,500,000

Term of Contract: Master Lease Purchase Series 2018A

Purchase Method: TBD

Comments: MDAC was approved to use the Master Lease Purchase Program at the March 7, 2018 PPRB meeting, for the purchase of IT equipment, vehicles and other equipment. MDAC is requesting changes to the equipment schedule attached but not to the overall amount of the master lease.

Staff Recommendation: Granting of authority to the agency to proceed with participation in the Master Lease Purchase Series to finance the proposed equipment.

E. OPTFM Staff Approvals reported to the Board

F. OPTFM Sole Source Purchases

G. OPTFM Emergency Purchases

H. OPTFM Director's Report

- Update from Mississippi Association of Governmental Purchasing and Property Agents (MAGPPA) – Annual Conference October 20-23.
- Update on information request from Board Member

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

A. Consideration of Contracts for Board Action

1. Using Agency: University of Southern Mississippi

Project Number: GS# 108-285

Project Title: Cook Library Renovation (Phase 2)

General Contractor: Codaray Construction LLC (Hattiesburg, Mississippi)
(lower of 2 bids received)

Construction Days from Notice to Proceed [Term]: 425 days

Total Value at Award: \$6,980,800.00

Total Fees: \$492,661.18

Project Scope: Renovate the 1st and 2nd floors of the Library for a new Academic Enhancement Center. The work includes new offices, computer lab, classroom, one on one tutor space, academic advising space, space for student support services and career advising for approximately 108,245 square feet. In addition, upgrades will be made to the fire sprinkling system, mechanical and electrical systems, and pertinent code upgrades.

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. IHL staff approval has been received.

2. **Using Agency:** Mississippi Department of Information Technology Services

Project Number: GS# 527-019

Project Title: Eastwood Structural Repairs (EMER)

General Contractor: Thrash Commercial Contractors, Inc. (Brandon, Mississippi) (lower of 2 bids received)

Construction Days from Notice to Proceed [Term]: 365 days

Total Value at Award: \$6,393,000.00

Total Fees: \$475,315.66

Project Scope: Selected demo, Architectural, Structural, Mechanical and Electrical repairs, and site work of existing Buildings A, B and C, for approximately 57,517 square feet located on the campus of the Mississippi Department of Information Technology Services, Jackson, Mississippi.

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.

B. Consideration of Sole Source for Board Action

Using Agency: Mississippi Department of Finance and Administration

Project Number: GS# 362-061

Project Title: Elevator Improvements (Fire Alarm Equipment)

Sole Source Provider: Johnson Controls, Inc.

Total Value at Sole Source: \$50,795.00

Construction Days from Notice to Proceed [Term]: 270 days

Sole Source Scope: Renovation and expansion of the Fire Alarm System on this project. This shall include providing the required fire alarm devices, controls, and connections to the new Mezzanine Elevator system as well as the replacement of the existing Fire Alarm System in the Woolfolk Annex Building and the Woolfolk Parking Garage.

Justification: The entire Woolfolk Building is currently monitored by a Simplex 4100 Fire Alarm Control System. It provides detection and notification of fire or potential fire events within the facility. The detection devices are addressable and are constantly monitored. The addressable device allows the fire alarm system panel to instantaneously report the location of the device that is detecting the potential fire event. The communication and integration of the addressable feature of the device with the panel means that only a Simplex device can operate, as required by Code, with the existing Simplex Fire Alarm Control Panel.

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 no protest being filed through the remaining advertisement period, and executed contract.

C. BOB Staff Approvals Reported to the Board

D. BOB Director's Report

- New hire

E. RPM Succeeding Leases

1. **Requesting Agency:** Mississippi Department of Rehabilitation Services

Lease #: 725-461-22A

Lessor: Donnell Rental Company, LLC.

Term: 01-01-2020 thru 12-31-2022

Total Yearly Cost: \$30,000.00

Cost PSF: \$12.00 + Utilities & Janitorial

Previous Cost PSF: \$12.00 + Utilities & Janitorial

Total Space per Occupant: 250 sq. ft.

Federal Funds: 80%

Square Footage Proposed: 2,500

Previous Square Footage: 2,500

Address of Property: 710 Broad Street, Columbia, MS.

Purpose of Lease: This location has eight counselors and assistants who work with people with disabilities in Marion/Walthall counties.

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

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

2. **Requesting Agency:** Mississippi State Board of Examiners for Social Workers and Marriage & Family Therapists

Lease #: 270-251-21A

Lessor: Jackson Medical Mall Foundation

Term: 12-01-2019 thru 11-30-2021

Total Yearly Cost: \$19,767.00

Cost PSF: \$11.00 Inclusive

Previous Cost PSF: \$11.00 Inclusive

Total Space per Occupant: 599 sq. ft.

Federal Funds: 0%

Square Footage Proposed: 1,797

Previous Square Footage: 1,797

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

Purpose of Lease: This office will serve as administrative office for the Mississippi Board of Examiners for Social Workers and Marriage and Family Therapists.

Note: This is a two (2) year lease with no renewals. Mississippi State Board of Examiners for Social Workers and Marriage & Family Therapists requests a waiver on the Space Efficiency Allowance due to the fact the original lease was executed prior to the policy taking effect.

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

3. Requesting Agency: Boswell Regional Center

Lease #: 533-641-25D

Lessor: James E. Pickering & Son, LLC.

Term: 04-01-2020 thru 03-31-2025

Total Yearly Cost: \$45,600.00

Cost PSF: \$6.33 + Utilities & Janitorial

Previous Cost PSF: \$6.33 + Utilities & Janitorial

Total Space per Occupant: 240 sq. ft.

Federal Funds: 0%

Square Footage Proposed: 7,200 sq. ft.

Previous Square Footage: 7,200 sq. ft.

Address of Property: 803 S.W. 3rd. Street, Magee, MS.

Purpose of Lease: This location is for the purpose of providing a day habilitation area for the individuals served by BRC.

Note: This is a five (5) year lease with no renewals. Lessee will be responsible for changing light bulbs and air filters.

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.

4. Requesting Agency: Mississippi Department of Corrections

Lease #: 170-481-24A

Lessor: Ken Randolph d/b/a Parker & Randolph Investments, LLC.

Term: 12-01-2019 thru 11-30-2024

Total Yearly Cost: \$7,800.00

Cost PSF: \$3.61 + Utilities & Janitorial

Previous Cost PSF: 3.61 + Utilities & Janitorial

Total Space per Occupant: 240 sq. ft.

Federal Funds: 0%

Square Footage Proposed: 2,161

Previous Square Footage: 2,161

Address of Property: 209 East Commerce Street, Aberdeen, MS.

Purpose of Lease: This location will serve as the Monroe County area Parole and Probation office.

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.

F. RPM Non-Competitive Leases (Exempt from Competition)

1. Requesting Agency: Mississippi Department of Environmental Quality

Lease #: 595-244-22B

Lessor: City of Pass Christian

Term: 11-6-2019 thru 10-31-2022

Total Yearly Cost for boat slip: \$12.00

Monthly cost for utilities: \$30.00

Federal Funds: 0%

Proposed Boat Slip Size: 40 feet

Address of Property: 100 Hiern Ave., Pass Christian, MS.

Purpose of Lease: This will be used for the storage of a 40' boat owned and operated by MDEQ.

Note: MDEQ asks for a waiver of Section 300.9 (5) of the leasing manual to extend this non-competitive lease for three (3) years with no renewals. Normal limitation on storage would be a one (1) year lease.

Staff Recommendation: With the granting of the waiver on Section 300.9 (5), this request will have 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 Environmental Quality

Lease #: 595-251-22B

Lessor: Jarvis M. Chappell

Term: 01-01-2020 thru 12-31-2022

Total Yearly Cost: \$5,800.0

Cost PSF: \$2.50 sq. ft.

Previous Cost PSF: \$2.50 sq. ft.

Total Space per Occupant: N/A

Federal Funds: 0%

Square Footage Proposed: 2,320 sq. ft.

Previous Square Footage: 2,320 sq. ft.

Address of Property: 605 West Fortification, Jackson, MS.

Purpose of Lease: This is for the continued storage of core samples owned by the Office of Geology.

Note: MDEQ asks for a waiver of Section 300.9 (5) of the leasing manual to extend this non-competitive lease for three (3) years with no renewals. Normal limitation on storage would be a one (1) year lease.

Staff Recommendation: With the granting of the waiver on Section 300.9 (5), this request will be determined to comply with all rules, regulations and legal requirements by DFA staff. RPM recommends the approval of this lease.

3. Requesting Agency: Mississippi Department of Education

Lease #: 235-251-20C

Lessor: Republic Parking Systems, LLC.

Term: 11-08-2019 thru 11-07-2020

Total Yearly Cost: \$117,000.00

Cost Per Parking Space: \$65.00 monthly

Federal Funds: 0%

Total Parking Spaces: 150

Address of Property: 100 East Capitol Street, Jackson, MS.

Purpose of Lease: Parking for employees of the Department of Education.

Note: This is a one (1) year lease with no renewal.

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 Amended Leases

1. Requesting Agency: Mississippi Secretary of State

Lease #: 775-412-21A

Lessor: 431 West Main, LLC.

Original Term: Current lease to end January 31, 2020.

New Amended Term: February 1, 2020 thru January 31, 2021

Total Yearly Cost: \$ 10,800.00

Cost PSF: \$ 13.94 Inclusive

Previous Cost PSF: \$13.94 Inclusive

Total Space per Occupant: 193 sq. ft.

Federal Funds: 0%

Square Footage Proposed: 775

Previous Square Footage: 775

Address of Property: 431 West Main Street, Tupelo, MS.

Purpose of Lease: This location serves as office space for the Mississippi Secretary of State in North Mississippi.

Date of Original PPRB approval: December 2th, 2015.

Note: Upon mutual consent between Mississippi Secretary of State (Lessee) and 431 West Main, LLC (Lessor) the two parties have agreed to amend this lease with the following amendments:

1. This amendment will extend the existing lease for one (1) year starting February 1, 2020 and ending on January 31, 2021 with no option to renew.

2. The Lessee agrees to pay a flat rental rate of \$900.00 per month per the payment terms of the original contract.

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 Division of Medicaid

Lease #: 515-242-20A

Lessor: Gulfport Land Holding, LLC.

Original Term: Current lease to end November 30, 2019.

New Amended Term: December 01, 2019 thru November 30, 2020

Total Yearly Cost: \$216,000.00

Cost PSF: \$ 18.00 + Utilities & Janitorial

Previous Cost PSF: \$18.00 + Utilities & Janitorial

Total Space per Occupant: 352 sq. ft.

Federal Funds: 50%

Square Footage Proposed: 12,000 sq. ft.

Previous Square Footage: 12,000 Sq. ft.

Address of Property: 12231 Bernard Drive, Gulfport, MS.

Purpose of Lease: This office will serve as space for the Gulfport Medicaid Regional Office.

Note: This is a month to month lease with no renewals in accordance with RPM Leasing Manual Section 300.9 (7). The Mississippi Division of Medicaid requests a waiver on the Space Efficiency Allowance because the original lease was signed prior to this regulation taking effect. Upon mutual consent between Division of Medicaid and Gulfport Holding, LLC., the two parties have agreed to amend the existing lease with the following amendments:

1. This lease will be a month to month lease for no more than one year from the expiration date of the original lease.
2. The Lessee agrees to pay a flat rental rate of \$18,000 per month per the payment terms of the original contract.
3. The Lessee agrees to give the Lessor a **Notice of Termination** 15 days prior to the subsequent month.
4. All other terms and conditions of the original lease will remain in effect throughout this amended period.

Staff Recommendation: Upon the granting of the waiver for the Space Efficiency Allowance by PPRB this lease request will be determined to have complied with all rules, regulations and legal requirements by DFA staff. RPM recommends the approval of this lease.

H. RPM Director's Report

- Update on MAGPPA

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

A. Petitions for Relief from Competitive Sealed Bidding

B. Consideration of Contracts for Board Action

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

Supplier: Blue Cross & Blue Shield of Mississippi

Contract #: 8200025295

Term: 01/01/2017 – 12/31/2021

Total Value: \$99,369,636.00

Renewal

\$19,100,000.00

Summary of Request: The term of the original contract was four years with one optional one-year renewal. Amendment One exercises the only optional renewal allowed by the original contract. The Contractor serves as the Third Party Administrator for the Mississippi State and School Employees' Life and Health Insurance Plan to include providing medical claims administration and network services. The Contractor was originally selected through an RFP. The original contract was approved at the June 14, 2016 PSCRB meeting. Amendment One has been submitted to update the Exhibit B-Performance Standards by deleting the Customer Service Telephone Call Answer Time and replacing it with the Average Speed of Answer performance category to more accurately detail the standards and corresponding penalty. This

amendment also updates the Representation Regarding Gratuities, Procurement Regulations, Approval, and Notices clauses. All other terms and conditions of the original contract remain the same. This contract is subject to a protective order entered into by the Hinds County Chancery Court on March 31, 2016 to protect from release of confidential proprietary, commercial and financial information and/or trade secrets with regard to the proposal and its attachments submitted by Blue Cross & Blue Shield of Mississippi dated February 22, 2016, which was incorporated into the final contract as Exhibit C.

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: \$99,369,636.00

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

Supplier: The University of Southern Mississippi

Contract #: 8200048315

Term: 11/15/2019 – 11/14/2023

Total Value: \$5,000,000.00

New

\$5,000,000.00

Summary of Request: The term of the contract is four years with one optional one-year renewal. The Contractor will provide support to the Agency in various fisheries management areas which include aquaculture, stock enhancements; environmental and ecological assessments, monitoring, and modeling; stock assessments, seawater and shellfish analysis programs, water monitoring, data collection, and other research. The Contractor was selected pursuant to Section 3-102.04, Procuring Services Offered by Governmental Entities Not Under Purview of the PPRB, of the PPRB OPSCR Rules and Regulations, 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 DMR determined that the services meet the Agency's requirements and the price represents a fair market value for the services. The Agency works with USM on a variety of joint, research-based projects and is able to compare price quotations for services based upon prices for the same services in the past.

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

Projected Budget for Life of the Contract: \$5,000,000.00

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

Supplier: eQHealth Solutions, LLC f/k/a eQHealth Solutions, Inc.)

Contract #: 8200021941/8200048420

Term: 12/01/2015 – 11/30/2020

Total Value: \$2,334,527.00

Renewal/Modification (Assignment)

\$454,311.00

Summary of Request: The term of the original contract was three years with two optional one-year renewals. Amendment Two has been submitted to exercise the last optional renewal allowed by the original contract and decrease the original projected renewal contract amount

by ten percent from \$504,790.00 to \$454,311.00 as reflected in the updated Attachment E, Budget Summary. The Contractor provides Utilization Management and Quality Improvement for Imaging Services. The Contractor conducts prior authorization and repayment review of all claims for non-emergency, outpatient advanced imaging studies including, but not limited to, hospital outpatient, freestanding clinics, and private physician offices covered under the DOM program. The Contractor was originally selected through an RFP. Amendment One was approved at the November 2018 PPRB meeting. Amendment Two also transfers contract number 8200021941, including the remaining unexpended authorized spending authority of \$5,791.86, to contract number 8200048420 as a result of the assignment from eQHealth Solutions, Inc. to eQHealth Solutions, LLC. The original contract entry (8200021941) was reduced from \$1,880,216.00 to \$1,874,424.14, the actual expended amount. Amendment Two updates the Entire Agreement, Period of Performance, and Cost for Services 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 and modification as requested.

Projected Budget for Life of the Contract: \$2,385,006.00

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

Supplier: Carlos Latorre, M.D.

Contract #: 112575/116885

Term: 11/26/2018 – 06/30/2020

Total Value: \$389,007.00

**Renewal
\$147,007.00**

Summary of Request: The term of the original contract remains one year with four optional one-year renewals. Amendment One has been submitted to exercise approximately seven months of the first renewal allowed by the original contract. Dr. Latorre is a contract worker. He serves as a medical director/physician consultant to the Executive Director for the Division of Medicaid. He is paid \$120.00 per hour not to exceed 2,000 hours annually. The total requested FY 2020 spending authority increased by \$147,007.00 comprised of \$145,007.00 for personal services and \$2,000.00 for travel. The Contract Worker was originally selected through an RFA. The original contract was approved at the November 2018 PPRB meeting. Amendment One updates the Period of Performance, Cost for Services, and Availability of Funds clauses. All other terms and conditions of the original contract, including the hourly rate, 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: \$1,210,000.00

5. **Requesting Agency:** Mississippi Department of Public Safety

Supplier: Bode Cellmark Forensics, Inc.

Contract #: 8200028689

Term: 01/01/2017 – 12/31/2020

Total Value: \$778,743.73

**Renewal
\$95,185.93**

Summary of Request: The term of the original contract was three years with one optional one-year renewal. Amendment Two has been submitted to exercise the only optional renewal allowed by the original contract effective January 1, 2019. The Contractor provides DNA sample analysis services on behalf of the State. The Contractor was originally selected through an RFP. The Contractor is paid \$25.95 per sample utilizing Globalfiler reduced reaction volume <12.5ul and \$29.95 per sample utilizing Globalfiler reaction volume >12.5ul. Amendment One was approved at the February 2019 PPRB meeting. Amendment Two updates the Period of Contract, Compensation, and Priority of Documents clauses. All other terms and conditions of the original contract, including the rates per sample, 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: \$778,743.73

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

Supplier: Center for Toxicology & Environmental Health, LLC

Contract #: 8200036148

Term: 12/01/2017 – 11/30/2020

Total Value: \$1,100,000.00

**Renewal
\$0.00**

Summary of Request: The term of the original contract was two years with one optional one-year renewal. Modification One has been submitted to exercise the only renewal allowed by the original contract. The Agency requests no additional spending authority because only \$40,166.25 has been expended so far. The Contractor provides scientific support services related to air monitoring, which include toxicology, response management, information technology, industrial hygiene, training, engineering support, legal support, risk assessment, and contaminated site solutions. The Contractor was originally selected through an RFQ. The Contractor is paid according to the hourly, daily, and weekly rates provided in Attachment A, MDEQ Rate Schedule. The original contract was approved at the November 2017 PSCR meeting. Modification One updates the Period of Performance, Representation Regarding Gratuities, Procurement Regulations, Stop Work Order, E-Payment, E-Verification, Approval, and Claims Based on a Procurement Officer's Actions or Omissions clauses and adds the Counterparts clause. All other terms and conditions of the original contract, including the rates, 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: \$1,100,000.00

7. **Requesting Agency:** DMH – East Mississippi State Hospital

Supplier: Oceanic Health Services, LLC (Dr. Olaoluwa Olaigbe)

Contract #: 8200047897

Term: 11/07/2019 – 11/06/2021

Total Value: \$748,800.00

**New
\$748,800.00**

Summary of Request: The term of the contract is two years with one optional one-year renewal. The Contractor will provide psychiatric services to residents of East Mississippi State Hospital. The Contractor was selected through an IFB with one respondent. The Contractor will be paid \$180.00 per hour not to exceed 80 hours every two weeks. Proof of the regulatory board's approval (Mississippi Board of Mental Health) must be received from the Agency prior to processing the contract. This Board met on August 15, 2019 and approved this contract.

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

Projected Budget for Life of the Contract: \$1,123,200.00

8. **Requesting Agency:** DMH – Central Office
Supplier: Turnaround Achievement Network, LLC
Contract #: 8200036135
Term: 11/15/2017 – 11/14/2020
Total Value: \$296,835.00

Renewal
\$98,945.00

Summary of Request: The original term of the contract was one year with three optional one-year renewals. Modification Two exercises the second optional renewal as allowed by the original contract. The Contractor provides evaluation services for DMH's Crossover XP and System of Care Project. These services include providing overall guidance of evaluation and data collection, providing quarterly data updates and reports to local sites regarding outcomes measured, assisting in data interpretation, and reporting performance measures on a monthly basis. The Contractor was originally selected through an RFP. The Contractor is paid \$77.00 per hour not to exceed 1,285 hours per year. Modification One was approved at the October 2018 PPRB meeting. Modification Two updates the Consideration and Entire Agreement clauses. All other terms and conditions of the original contract remain the same. Proof of the regulatory board's approval (Mississippi Board of Mental Health) must be received from the Agency prior to processing the contract renewal. This Board will meet on November 21, 2019.

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 proof of regulatory board approval.

Projected Budget for Life of the Contract: \$395,780.00

9. **Requesting Agency:** Mississippi Department of Wildlife, Fisheries, and Parks
Supplier: Mississippi Yard Barber, LLC
Contract #: 8200042054
Term: 10/01/2018 – 09/30/2020
Total Value: \$77,000.00

Modification (N)
\$38,500.00

Summary of Request: The term of the original contract was one year with three optional one-year renewals. Amendment Two has been submitted to increase the amount of the contract for continuity of services. Amendment One exercised the first optional renewal. The previous contract and amendment value did not exceed \$75,000.00 and did not require PPRB approval.

The requested increase in Amendment Two requires PPRB approval and OPSCR reviewed both the solicitation and contract for the first time. The Contractor provides professional lawn and landscaping services. Duties include, but are not limited to mowing, edging, weeding, tree limb removal, irrigation, plant and removal of flowers, fertilize (plants/ground), and maintenance of walking trails. The Contractor was originally selected through an IFB with seven respondents. The Agency requests exceptions to PPRB OPSCR Rules and Regulation sections 3-202.08.1, 3-202.07 and 3-202.12.3. The requested exceptions are for failure to treat the Question and Answer document as an Amendment and not obtaining Acknowledgement of Amendments, for failure to reduce the Pre-Bid Conference to a summary in writing and treating the summary as an Amendment, and for not requiring all respondents to confirm apparent errors in the Certifications and Assurances section of the bid. Six respondents were not awarded the contract based solely on the amount of their bids, therefore OPSCR staff does not have concerns regarding competition, fairness, and transparency. Amendment Two removes the Price Adjustment clause, adds the Contract Management clause and the Contract Discrepancy Report, and updates the Consideration and Compensation 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 upon granting of the requested exceptions will comply with 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: \$154,000.00

C. Emergency Contracts Reported to the Board for Calendar Year 2019

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.

D. OPSCR Staff Approvals Reported to the Board

E. PPRB OPSCR Rules and Regulations

1. Rules and Regulations

a. Final Proposed Rules and Regulations – Redline

b. Final Proposed Rules and Regulations – Clean

Staff Recommendation: Board approval of the filing of the proposed amendments to the PPRB OPSCR Rules and Regulations as presented as Proposed Rules and allow the OPSCR Director to supplement the Proposed Rules filing with a proposed Economic Impact Statement to be filed with the Proposed Rules as required by the Secretary of State in accordance with the Administrative Procedures Act; and, authorize the OPSCR Director to make such minor changes to the Rules and Regulations with regard to formatting, correction of typographical errors, and the like as may be required to facilitate filing, printing, and publication.

F. OPSCR Director's Report

- VAB Nurse Ratio (Board Member Request)
- Vendor Training
- MAGPPA

VII. Other Business

VIII. Adjournment