



TELEPHONIC MEETING AGENDA
Wednesday, October 7, 2020
9:00 a.m.

****This Meeting will be held telephonically. For public telephonic access to the meeting, please send a request to PPRB@dfa.ms.gov****

- I. Call to Order
- II. Approval of Minutes from the August 26, 2020 Special Public Procurement Review Board Meeting
- III. Approval of Minutes from the September 2, 2020 Public Procurement Review Board Meeting

A. Amend Item VI.B.9

To correct term ending date from 09/31/21 to 06/30/21.

- IV. Approval of per diem and expenses for the October 7, 2020 meeting and for any additional expenses incurred prior to the November 4, 2020 meeting
- V. DFA Office of Purchasing, Travel and Fleet Management (OPTFM)
 - A. Petitions for Relief from Reverse Auction
 - 1. Governing Authorities

i. Requesting Governing Authority: Choctaw County School District

Supplier: Unknown

Term: Three (3) year term

Commodities: E-Rate Category 2 Project

Total Value: \$250,000.00 estimated

Summary of Request: Choctaw County 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:** Clarksdale Municipal School District

Supplier: Unknown

Term: Three (3) year term

Commodities: E-Rate Category 2 Project

Total Value: \$550,000.00 estimated

Summary of Request: Clarksdale Municipal 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:** Copiah County School District

Supplier: Unknown

Term: Three (3) year term

Commodities: E-Rate Category 2 Project

Total Value: \$500,000.00 estimated

Summary of Request: Copiah County 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.

iv. **Requesting Governing Authority:** East Jasper Consolidated School District

Supplier: Unknown

Term: Three (3) year term

Commodities: E-Rate Category 2 Project

Total Value: \$250,000.00 estimated

Summary of Request: East Jasper Consolidated 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.

v. **Requesting Governing Authority:** Enterprise School District

Supplier: Unknown

Term: Three (3) year term

Commodities: E-Rate Category 2 Project

Total Value: \$160,000.00 estimated

Summary of Request: Enterprise 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.

vi. Requesting Governing Authority: Sunflower County Consolidated School District

Supplier: Unknown

Term: Three (3) year term

Commodities: E-Rate Category 2 Project

Total Value: \$750,000.00 estimated

Summary of Request: Sunflower County Consolidated 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.

vii. Requesting Governing Authority: Union County School District

Supplier: Unknown

Term: Three (3) year term

Commodities: E-Rate Category 2 Project

Total Value: \$550,000.00 estimated

Summary of Request: Union County 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.

viii. Requesting Governing Authority: West Bolivar Consolidated School District

Supplier: Unknown

Term: Three (3) year term

Commodities: E-Rate Category 2 Project

Total Value: \$300,000.00 estimated

Summary of Request: West Bolivar Consolidated 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.

ix. Requesting Governing Authority: Attala County

Supplier: Unknown

Term: 12 months

Commodities: Gravel

Total Value: \$355,000.00 estimated

Summary of Request: Attala County has requested an exemption from using the reverse auction process for the purchase of gravel. They are requesting an exemption because the County has used reverse auction for this procurement and it resulted in inflated pricing. The County feels that the competitive sealed bidding 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.

B. Consideration of Governing Authority Contracts for Board Action

1. Requesting Governing Authority: Claiborne County School District

Supplier: Synergetics DCS, Inc.

Term: October 7, 2020 through September 30, 2021

Commodities: E-Rate Category 2 Project

Total Value: \$54,858.27

Summary of Request: Claiborne County School District was granted an exemption from reverse auction on February 5, 2020, for the procurement of an E-Rate Category 2 Project. They advertised for competitive sealed bids for the purchase and received two (2) bids. One

(1) bid was declared nonresponsive for failure to provide the requested products and services. The District wishes to award to the responsive bidder, Synergetics DCS, Inc.

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 contract.

C. Consideration of State Agency Contracts for Board Action

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

Supplier: Alliance Bus Group

Contract #: 8200053571

Total Value: \$16,100,000.00

Term: 10/7/2020 through 8/31/2021 with up to four (4) twelve (12) month extensions.

Summary of Request: MDOT completed a reverse auction to establish an agency contract for the purchase of up to one hundred (100) 36 Passenger buses with restrooms. Two (2) vendors submitted pre-qualification information and both met specifications. Both vendors participated in the reverse auction and the contract is being awarded to the low bidder. This contract is available to quasi state agencies or other political subdivisions of the State of Mississippi, agencies of the United States Government, any Public Procurement Unit, and any recipient of Federal Transit Administration (FTA) funds.

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, OPTFM recommends approval of this contract.

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

Supplier: Alliance Bus Group

Contract #: 8200053398

Total Value: \$8,969,000.00

Term: 10/7/2020 through 8/31/2021 with up to four (4) twelve (12) month extensions.

Summary of Request: MDOT completed a reverse auction to establish an agency contract for the purchase of up to one hundred (100) 14 Passenger Low Floor ADA buses. Two (2) vendors submitted pre-qualification information and both met specifications. Both vendors participated in the reverse auction and the contract is being awarded to the low bidder. This contract is available to quasi state agencies or other political subdivisions of the State of Mississippi, agencies of the United States Government, any Public Procurement Unit, and any recipient of Federal Transit Administration (FTA) funds.

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, OPTFM recommends approval of this contract.

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

Supplier: Alliance Bus Group

Contract #: 8200053527

Total Value: \$9,844,800.00

Term: 10/7/2020 through 8/31/2021 with up to four (4) twelve (12) month extensions.

Summary of Request: MDOT completed a reverse auction to establish an agency contract for the purchase of up to one hundred (100) 16 Passenger Low Floor ADA buses. Two (2) vendors submitted pre-qualification information and both met specifications. Both vendors participated in the reverse auction and the contract is being awarded to the low bidder. This contract is available to quasi state agencies or other political subdivisions of the State of Mississippi, agencies of the United States Government, any Public Procurement Unit, and any recipient of Federal Transit Administration (FTA).

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, OPTFM recommends approval of this contract.

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

Supplier: Aerial Truck Equipment Company

Contract #: 8200053590, 8200053592

Term: #8200053590 One Time Purchase (10/7/2020 through 6/30/2021); #8200053592 (10/7/2020 through 9/30/2021) with up to four (4) twelve (12) month extensions

Total Value: \$199,950.00, \$1,999,500.00

Summary of Request: MDOT completed a reverse auction to purchase two (2) 42 Working Height Foot Bucket Trucks and to establish an agency contract for the purchase of up to twenty (20) 42 Working Height Foot Bucket Trucks. Three (3) vendors submitted statement of qualifications. Two (2) vendors qualified for the reverse auction. One (1) vendor participated in the reverse auction. Contract #8200053590 is the MDOT contract for the purchase of two (2) trucks. Contract #8200053592 is the agency 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 submitted, OPTFM recommends approval of these contracts.

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

Suppliers: APAC MS, Blain Sand and Gravel, Dickerson and Bowen, Evans Sand and Gravel, Hammett Gravel Company, Holliday Construction, Houston Branch Sand and Gravel, Huey P. Stockstill, Martin Sand and Gravel, Nunley Trucking, Rocky Branch Gravel/Donald Goad.

Contract #: 8900001420, 8900001421, 8900001422, 8900001423, 8900001424, 8900001425, 8900001426, 8900001427, 8900001428, 8900001429, 8900001430

Total Value: \$670,000 (\$60,000.00, \$25,000.00, \$30,000.00, \$75,000.00, \$25,000.00, \$325,000.00, \$25,000.00, \$10,000.00, \$45,000.00, \$25,000.00, \$25,000.00)

Term: 10/7/2020 through 9/30/2021

Summary of Request: MDOT requested and was approved an exemption from Reverse Auction at the 6/25/2020 PPRB meeting for the purchase of sand and gravel. In order to determine lowest cost, location of work, the type of aggregate needed and location of the pits producing at the time must be known. The request was approved to allow for award to all vendors thus ensuring lowest cost at the time of purchase. The contract allows for a possible two (2) twelve (12) month extensions.

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

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

Suppliers: B&D Distribution, LLC.

Contract #: 8200053565, 8200053566

Total Value: \$72,277.00, \$722,770.00 (up to ten (10) units at \$72,277.00 each)

Term: 10/7/2020 through 9/30/2021

Summary of Request: MDOT completed a reverse auction for an agency contract to provide up to ten (10) pothole patchers on 8/27/2020. Ten (10) vendors were invited, one (1) response was received meeting qualifications and participated. This contract allows up to four (4) possible twelve (12) month extensions. Contract 8200053565 is for one (1) pothole patcher for MDOT in Batesville, MS-District II and contract # 8200053566 is the agency contract to purchase up to ten (10) pothole patchers.

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

7. Requesting Agency: Division of Medicaid (DOM)

Supplier: Lexmark International, Inc.

Contract #: 8200053796

Total Value: \$1,500,000.00

Term: Five (5) Years (10/8/2020 – 10/7/2025)

Summary of Request: DOM is requesting approval to enter into a rental agreement with Lexmark International, Inc., to rent over one hundred fifty-seven (157) digital copiers/multi-function equipment, supplies, and services for DOM agency wide. DOM used the OPTFM statewide copier contract to select a vendor. All the equipment and services for the equipment are covered under the statewide copier contract. The Mississippi Department of Information Technology Systems (ITS) has approved the rental (See the attached Memorandum Project No. 45554). Two (2) quotes were received from suppliers on the statewide copier contract, which were submitted by Toshiba America Business Solutions and Lexmark International, Inc. DOM selected RJ Young, a dealer of Lexmark International, Inc. DOM selected this vendor based on an assessment of the Agency's specifications for each office and used competitive negotiation to ensure the best combination of price, experience and quality of equipment and service. DOM is requesting the Board's approval of this rental agreement.

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: Ellisville State School

Master Lease Purchase: \$407,920.00

Term of Contract: Next available Master Lease Purchase Series

Purchase Method: Mississippi Department of Information Technology Services (ITS) Express Products List (EPL) and quotes

Summary of Request: Pursuant to Miss. Code Ann. § 31-7-10, as amended, Ellisville State School is requesting authority to utilize the Master Lease Purchase Program to finance IT products. These products will be purchased using the ITS EPL and quotes. The schedule of items is attached.

Staff Recommendation: Granting of authority to the Agency to proceed with procuring and financing the equipment listed using the Master Lease Purchase Program.

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

Master Lease Purchase: \$1,447,582.00

Term of Contract: Next available Master Lease Purchase Series

Purchase Method: DFA State Vehicle Contract

Summary of Request: 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 dollar amount of the lease. These vehicles will be purchased using the state contract established by OPTFM.

Staff Recommendation: Granting of authority to the Agency to proceed with procuring and financing the equipment listed using the Master Lease Purchase Program.

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

F. **OPTFM Sole Source Purchases**

G. **OPTFM Emergency Purchases**

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

A. **Consideration of Change Order for Board Action**

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

Project Number: GS# 358-050

Project Title: New Capitol Building Site Improvements – PH I

General Contractor: Paul Jackson & Son, Inc.

Original Contract Sum: \$2,350,000.00

Net Change by Previous Change Orders: \$465,605.00

Total Value of Award before this Change Order: \$2,815,605.00

Total Value of this Change Order: \$762,980.00

Construction Days to Date [Term]: 816 (including 81 for this CO)

Change Order Scope: Install new light poles, fixtures and underground conduit around the Upper Drive and at strategic points around the grounds to improve the distribution and quality of light on the Capitol grounds and to provide new security camera infrastructure to coordinate with DFA's ongoing effort to improve security throughout the Capitol Complex. Address latent conditions in the storm drainage system at the southeast corner of the Capitol grounds, where new storm drain piping must connect to the City of Jackson's existing system.

Note: Board Action is required when cumulative Change Orders exceeds 25% of original bid.

Staff Recommendation: This request has been reviewed for compliance and has been determined to comply with all rules and regulations and legal requirements by DFA staff. BOB has reviewed the documentation and recommends PPRB approval contingent upon executable Change Order.

B. Consideration of Contracts for Board Action

1. Using Agency: Mississippi Insurance Department

Project Number: GS# 505-030

Project Title: Fire Station Dormitory

General Contractor: Amason & Associates, Inc. – Tuscaloosa, Alabama

Construction Days from Notice to Proceed [Term]: 450 days

Total Value at Award: \$10,200,000.00

Project Scope: This is a new facility to house a fire station with a dormitory at the State Fire Academy. This project includes all types of work required for a new building to include, but not limited to, site work, structural, mechanical, electrical, finishes, and data/communications.

Note: Board Action is required when award is over \$5,000,000.00.

Clarification or Remarks: This award, including base bid and alternates 1, is the lowest responsive/responsible bid of 7 bids received.

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 executable Contract.

C. BOB Staff Approvals Reported to the Board

D. RPM Non-Competitive Leases

1. Requesting Agency: Mississippi Secretary of State

Lease #: 899-251-23B Parking Heber-Ladner Building

Lessor(s): Joan Bellan, Christine Guizerix, John Boone, & Charles Boone IV

Term: 11-01-2020 thru 10-31-2023

Total Parking Spaces: 29

Total Yearly Cost: Year 1 (one) \$21,888.00, Year two (2) \$23,040.00, & Year three (3) \$23,040.00.

Total cost per month per space: Year one (1) \$62.90, Year two (2) \$66.21, Year three (3) \$66.21.

Federal Funds: 0%

Address of Property: The South fifty-three (53) feet off of Lots 5 and 6 of Square Eight (8) North, according to the official map of the plat of the City of Jackson, Mississippi; being all of the property owned by Lessor(s) in Square Eight North said property being made up of twenty-

nine (29) parking spaces in annex to the Heber Ladner Building which is 316 North Congress Street, Jackson, MS.

Purpose of Lease: Parking for State Employees

Note: The Mississippi Secretary of State asks for an exemption from Section 300.9 (5) of the State Leasing Manual that restricts a parking lease to eighteen (18) months. The available parking in this area is very limited and a longer term lease will be advantageous to the State.

Staff Recommendation: This request has been reviewed for compliance and with the granting of the exemption from Section 300.9 (5) will have complied with all rules, regulations and legal requirements by DFA staff. RPM recommends the approval of this lease.

E. RPM Amended Leases

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

Lease #: 670-412-21B

Lessor: Cleveland Properties, LLC.

Term: 11-01-2020 thru 10-31-2021

Total Yearly Cost: \$32,400.00

Cost PSF: \$9.92 + Utilities & Janitorial

Previous Cost PSF: \$9.92 + Utilities & Janitorial

Total Space per Occupant: 232

Federal Funds: 0%

Square Footage Proposed: 3,255

Previous Square Footage: 3,255

Address of Property: 1879 N. Coley Road, Tupelo, MS.

Purpose of Lease: This is a driver's license renewal & testing center.

Note: This is the second option to renew at the same lease rate as the first year. There are three more (1) year options to renew at the same rate as the original contract. The original contract was approved by PPRB on 07-10-2019.

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 Staff Approval

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

Lease Number: 800-253-34A

Original PPRB Approval: 04-03-2013

Original Term: 07-01-2014 thru 06-03-2034

Total Yearly Cost: \$2,800,000.00

Cost PSF: \$14.93 Inclusive

Name Change and Merger Information: SC-Clinton MS, LLC sold its interest in the building to Hertz Clinton One, LLC in December of 2014. Clinton MS 1 FSG, LLC purchased the

membership interest in Hertz Clinton One in July of 2020. Now Hertz Clinton One LLC has merged with Clinton MS 1 SFG, LLC and they are the new owners of the property.

Note: This lease amendment was approved by the RPM Division Director based on Section 300.6(1) of the RPM Leasing Procedure Manual which states, "Assignment: ...a Lessor may assign monies receivable under a contract after due notice to the State and the contracting entity, and with the approval of the RPM Division Director." This merger does not require PPRB approval, however, it is listed in the agenda to notify the Board of this change in the original Lease Agreement. All other terms and conditions of the lease have not changed.

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

A. Petitions for Relief from Competitive Sealed Bidding

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

RFx Number: 3180001185

Procurement Request: Request for Qualifications

Anticipated Term: One Year and Five Months with Three Renewals

Anticipated Contract Amount: \$1,000,000.00-2,000,000.00 each

Summary of Request: The Agency has submitted a Petition for Relief from the use of an Invitation for Bids (IFB) as the procurement method as allowed by Miss. Code Ann. § 31-7-403(4) for the competitive procurement of multiple vendors to provide pre-employment transition services which will assist eligible secondary education school students with disabilities to successfully transition from high school directly into employment, or into post-secondary education, or training that will lead to employment. The Agency contends that the use of an IFB is neither practicable nor advantageous as expertise, quality and company resources, the individualized plans, and submitted curriculum are overriding factors in providing pre-employment transition services to their clients. Being able to score the technical factors gives an additional mechanism to evaluate the respondents beyond the minimal requirements. The respondents will be evaluated based on technical, management and cost factors. The technical factors will be weighted at 30% or 30 points, management factors will be weighted at 35 points or 35%, and cost factors will be weighted at 35 points or 35%. As the Agency has set the rates, all respondents will receive maximum points for cost.

Staff Recommendation: Granting of the Agency's Petition for Relief from competitive bidding requirements as allowed by Miss. Code Ann. § 31-7-403(4) and approval of the Agency's request to use a Request for Qualifications as the procurement method to select multiple vendors to provide pre-employment transition services.

2. **Requesting Agency:** Mississippi State Department of Health

RFx Number: 3180001198

Procurement Request: Request for Proposals

Anticipated Term: Three Years with Two Optional Renewals

Anticipated Contract Amount: \$1,750,000.00

Summary of Request: The Agency has submitted a Petition for Relief from the use of an Invitation for Bids (IFB) as the procurement method as allowed by Miss. Code Ann. § 31-7-403(4) for the competitive procurement of one vendor to conduct Behavioral Risk Factor Surveillance Survey interviews provided by the Centers for Disease Control and Prevention for each calendar year. The Agency contends the use of an IFB is neither practicable nor advantageous as a

Request for Proposals would allow the Agency to perform comparable judgement evaluations of the vendor's qualifications and proposals. The respondents will be evaluated based on technical, management, and cost factors. The technical factors will be weighted at 35 points or 35%, management factors will be weighted at 30 points or 30%, and cost factors will be weighted at 35 points or 35%, with price being the only cost factor.

Staff Recommendation: Granting of the Agency's Petition for Relief from competitive bidding requirements as allowed by Miss. Code Ann. § 31-7-403(4) and approval of the Agency's request to use a Request for Proposals as the procurement method to select one vendor to conduct the Behavioral Risk Factor Surveillance Survey interviews.

3. **Requesting Agency:** Mississippi Department of Mental Health – Boswell Regional Center

RFx Number: 3180001195

Procurement Request: Request for Proposals

Anticipated Term: Four Years with One optional One Year Renewal

Anticipated Contract Amount: \$1,000,000.00

Summary of Request: The Agency has submitted a Petition for Relief from the use of an Invitation for Bids (IFB) as the procurement method as allowed by Miss. Code Ann. § 31-7-403(4) for the competitive procurement of one vendor to provide an Affordable Care Act (ACA) compliant medical plan for contract workers that are not eligible to participate in the State's medical plan. The Agency contends the use of an IFB is neither practicable nor advantageous because the Agency needs the flexibility to perform comparative judgmental evaluations to ascertain the best plan which is most compliant with the ACA due to the range of alternate plans and allow the Agency to compare and contrast each vendor's plan from the point of view of the purchaser and the beneficiary in regards to cost and services rendered. The respondents will be evaluated based on technical, management, and cost factors. The technical factors will be weighted at 30 points or 30%, management factors will be weighted at 35 points or 35%, and cost factors will be weighted at 35 points or 35%, with price being the only cost factor.

Staff Recommendation: Granting of the Agency's Petition for Relief from competitive bidding requirements as allowed by Miss. Code Ann. § 31-7-403(4) and approval of the Agency's request to use a Request for Proposals as the procurement method to select one vendor to provide DMH with an ACA compliant medical plan for contract workers.

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

RFx Number: 3180001197

Procurement Request: Request for Proposals

Anticipated Term: Eighteen months with Four Optional Renewals

Anticipated Contract Amount: \$500,000.00

Summary of Request: The Agency has submitted a Petition for Relief from the use of an Invitation for Bids (IFB) as the procurement method as allowed by Miss. Code Ann. § 31-7-403(4) for the competitive procurement of a vendor to provide benthic habitat mapping services of the Western Mississippi Sound. The vendor will collect important physical characterization data for potential and existing oyster reef locations in the Project area. The Agency contends the use of an IFB is neither practicable nor advantageous because the services can be performed using varying degrees of methodologies and the costs associated with these methodologies can vary significantly. Proposals must include why the chosen methodology is most suitable for the project area's water depth. The respondents will be evaluated based on technical factors,

management factors, cost, and price. The technical factors will be weighted at twenty points or 20%, management factors will be weighted at twenty-five points or 25%, cost factors will be weighted at twenty points or 20%, and price will be weighted at thirty-five (35) points or 35%.

Staff Recommendation: Granting of the Agency's Petition for Relief from competitive bidding requirements as allowed by Miss. Code Ann. § 31-7-403(4) and approval of the Agency's request to use a Request for Proposals as the procurement method to select one vendor to conduct benthic habitat mapping services of the Western Mississippi Sound.

B. Consideration of Contracts for Board Action

1. Requesting Agency: Mississippi Department of Finance and Administration

Supplier: ActiveHealth Management, Inc.

Contract #: 8200021987

Term: 01/01/2016-12/31/2020

Total Value: \$33,790,000.00

**Modification
\$1,800,000.00**

Summary of Request: The term of the original contract was four years with one optional one-year renewal. This modification has been submitted to increase the value of the contract by \$1,800,000.00 to fund the contract for the remainder of the contract term as the actual utilization and expenditures were greater than anticipated. The Contractor provides comprehensive health management services for the Mississippi State and School Employees' Health Insurance Plan. Health management services include but are not limited to case management, utilization management, disease management, and wellness promotion services. The Contractor was originally selected through a Request for Proposals. Amendment One was approved at the December 2019 PPRB meeting. This contract is subject to a protective order entered into by the Hinds County Chancery Court on April 14, 2016 to protect from release any confidential proprietary, commercial and financial information and/or trade secrets with regard to the proposal and its attachments submitted by ActiveHealth Management.

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 modification as requested.

Projected Budget for Life of the Contract: \$30,400,000.00

2. Requesting Agency: Mississippi Department of Mental Health- Mississippi State Hospital

Supplier: Cura Hospitality, LLC

Contract #: 8200053761

Term: 11/01/2020-10/31/2024

Total Value: \$13,166,339.28

**New
\$13,166,339.28**

Summary of Request: The term of the contract is four years with one optional one-year renewal. The Contractor will provide food management services for the Mississippi State Hospital. The contract allows for a price increase in years two through five which shall be equal to the percentage of change in the Consumer Price Index, not to exceed three percent. The Contractor was selected through a Request for Proposals with two respondents. One post-award vendor debriefing was requested and held. The Agency was granted an exemption from competitive sealed bidding at the March 2020 PPRB meeting when their Petition for Relief from

Competitive Sealed Bidding was approved. The Contractor will be paid according to the unit rates listed in Attachment B, Vendor Contract Pricing.

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: \$16,457,924.12

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

Supplier: AmFed Insurance Services, LLC

Contract #: 8200029982

Term: 02/01/2017-01/31/2022

Total Value: \$125,000.00

Renewal
\$25,000.00

Summary of Request: The term of the original contract was four years with one optional one-year renewal. Amendment One has been submitted to exercise the only renewal allowed by the original contract. The Contractor provides excess workers' compensation insurance brokerage services for the self-insured workers' compensation program. The Contractor was originally selected through an Invitation for Bids. The original contract was approved at the January 2017 PSCRB meeting. Amendment One updates the Representation Regarding Gratuities, Procurement Regulations, Approval, Termination Upon Bankruptcy, and E-Verification clauses. All other terms and conditions of the original contract remain the same. Proof of the regulatory board's approval (Board of the Mississippi State Agencies Self-Insured Workers' Compensation Trust) must be received from the Agency prior to processing the contract renewal. The Board met on June 17, 2020 and approved 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 renewal as requested contingent upon the Agency providing proof of the regulatory board's approval.

Projected Budget for Life of the Contract: \$125,000.00

4. **Requesting Agency:** Mississippi Department of Human Services

Supplier: Summit Health Rehab Services

Contract #: 8200026159

Term: 11/01/2016-10/31/2021

Total Value: \$196,000.00

Renewal
\$0.00

Summary of Request: The term of the original contract was four years with one optional one-year renewal. Amendment One has been submitted to exercise the only renewal allowed by the original contract. The Agency requests no additional spending authority as the current spending authority is sufficient. The Contractor provides speech and occupational therapy to the students at Oakley Youth Development Center. The Contractor was originally selected through a Request for Proposals. The original contract was approved at the July 2016 PSCRB meeting. Amendment One updates the Scope of Services, Period of Performance, Consideration and Method of Payment, Paymode, E-Payment, Termination for Default, Termination for Convenience, Availability of Funds, Price Adjustment, Indemnification, Applicable Law, Representation Regarding Contingent Fees, Representation Regarding Gratuities, Procurement

Regulations, Stop Work Order, E-Verification, Entire Agreement, Transparency, and Notices clauses and adds the Independent Contractor Status and Approval clauses. All other terms and conditions of the original contract remain the same.

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

Projected Budget for Life of the Contract: \$196,000.00

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

Supplier: W.C. Fore Trucking, Inc.

Contract #: 8200048663

Term: 12/06/2019 – 06/30/2021

Modification

Total Value: \$350,000.00

\$0.00

Summary of Request: The term of the original contract was one year with no optional renewal. Amendment One has been submitted to extend the contract period of performance by approximately seven months to allow additional time to perform these services. As a result of the COVID-19 public health emergency, the Agency's budget matters, and permit delays, this artificial reef project did not commence as originally planned. Therefore, the project start will change from the fourth quarter of 2019 or early first quarter of 2020 to the second half of 2020; while the project completion will change from 2020 to the first half of 2021. This contract may be terminated once the project has been completed to the Agency's satisfaction and all approved invoices are paid. The Contractor transports and deploys artificial reef material, donated by Ingalls Shipbuilding in Pascagoula, by barge from Ingalls Shipbuilding material loading area to the Fish Haven 13 for the development of artificial reefs, which promote the production of marine life in state and adjacent federal waters as these waters consist primarily of a flat mud/sand bottom. The Agency contends the addition of artificial reefs will enhance the environment by providing reef fish and other vertebrates with structures acceptable for producing viable reef habitats. The Contractor remains paid \$33.20 per ton. The Contractor was originally selected through an IFB. The original contract was approved at the December 2019 PPRB meeting. Amendment One updates the Period of Performance, Summary, Scope of Work and Deliverables, and Consideration and Payment 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 modification as requested.

Projected Budget for Life of the Contract: \$350,000.00

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

Supplier: W.C. Fore Trucking, Inc.

Contract #: 8200048740

Term: 12/09/2019 – 06/30/2021

Modification

Total Value: \$200,000.00

\$0.00

Summary of Request: The term of the original contract was one year with no optional renewal. Amendment One has been submitted to extend the contract period of performance by

approximately seven months to allow additional time to perform these services. As a result of the COVID-19 public health emergency and the Agency's budget matters, this artificial reef project did not commence as originally planned. Therefore, the project start will change from the fourth quarter of 2019 or early first quarter of 2020 to the second half of 2020; while the project completion will remain within a maximum of 120 business days of the start of the project. This contract may be terminated once the project has been completed to the Agency's satisfaction and all approved invoices are paid. The Contractor transports and deploys concrete culvert material by barge from the Agency's staging site in Gulfport to Katrina Key in the Gulf of Mexico, which is located approximately three quarters of a mile south of Deer Island, for the development of artificial reefs, which promote the production of marine life in state and adjacent federal waters as these waters consist primarily of a flat mud/sand bottom. The Agency contends the addition of artificial reefs will enhance the environment by providing reef fish and other vertebrates with structures acceptable for producing viable reef habitats. The Contractor remains paid \$32.00 per ton. Contractor was originally selected through an IFB. The original contract was approved at the December 2019 PPRB meeting. Amendment One updates the Period of Performance, Summary, Scope of Work and Deliverables, and Consideration and Payment 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 modification as requested.

Projected Budget for Life of the Contract: \$200,000.00

7. **Requesting Agency:** Mississippi Department of Revenue

Supplier: Douglas Express, Inc. d/b/a Douglas Express Delivery, LLC

Contract #: 8200050770

Term: 10/07/2020 – 06/30/2024

Total Value: \$57,000,000.00

New

\$57,000,000.00

Summary of Request: The term of the contract is approximately three years and nine months with no renewal. The Contractor will provide alcoholic beverage hauling and delivery for the Alcoholic Beverage Control Division to all licensed retailers located in the State, excluding those located Hinds, South Madison, and Rankin counties. The Contractor was selected through an RFP with two respondents. Two post-award vendor debriefings were requested and held. One protest was received. PPRB issued an Order Denying Protest on September 18, 2020. The Agency was granted an exemption from competitive sealed bidding at the January 2020 PPRB meeting when their Petition for Relief from Competitive Sealed Bidding was approved. The Agency requests an exception to PPRB OPSCR Rules and Regulations Sections 3-202.08.2 and 3-203.09 for failure to post the Question and Answer documents (Amendments 1-4 & 5) publicly on the Mississippi Contract/Procurement Opportunity Search Portal website. OPSCR staff does not have concerns regarding the competitiveness, fairness, nor transparency of the procurement as these RFP amendments were posted on the Agency website and the Agency provided email confirmation that these were sent to all prospective bidders known to have received the RFP.

Staff Recommendation: This request has been reviewed for compliance and upon granting of the exception to Sections 3-202.08.2 and 3-203.09 complies with PPRB OPSCR Rules and

Regulations and all legal requirements by OPSCR staff. OPSCR recommends granting of the exception to Sections 3-202.08.2 and 3-203.09 and approval of the contract as requested.

Projected Budget for Life of the Contract: \$57,000,000.00

8. **Requesting Agency:** Mississippi Department of Revenue

Supplier: Douglas Express, Inc. d/b/a Douglas Express Delivery, LLC

Contract #: 8200050758

Term: 10/07/2020-06/30/2024

Total Value: \$4,000,000.00

New

\$4,000,000.00

Summary of Request: The term of the contract is approximately three years and nine months with no renewal. The Contractor will provide alcoholic beverage hauling and delivery for the Alcoholic Beverage Control Division to all licensed retailers located in Hinds, South Madison, and Rankin counties, excluding permitted locations in the municipal limits of the cities of Canton and Flora. The Contractor was selected through an RFP with two respondents. Two post-award vendor debriefings were requested and held. One protest was received. PPRB issued an Order Denying Protest on August 4, 2020. The Agency was granted an exemption from competitive sealed bidding at the January 2020 PPRB meeting when their Petition for Relief from Competitive Sealed Bidding was approved. The standard of approval for a Petition for Relief from Competitive Sealed Bidding is a review of the evaluation factors, the percentage or point assignment of those factors, and whether sufficient justification has been provided as to the reason(s) why a procurement method other than bidding is warranted. Said approval does not include the RFP or RFQ itself, the evaluation committee member assignment or certifications, nor any agency process or interpretations thereafter.

The Agency requests an exception to PPRB OPSCR Rules and Regulations Sections 3-202.08.2 and 3-203.09 for failure to post the Question and Answer documents (Amendments 1-4 & 5) publicly on the Mississippi Contract/Procurement Opportunity Search Portal website. The standard for determining whether an exception request should be recommended for approval is whether or not the violation of the rule could have had an impact on the transparency, fairness, and competitiveness of the procurement. With respect to the requested exceptions, OPSCR staff does not have concerns regarding the competitiveness, fairness, nor transparency of the procurement as these RFP amendments were posted on the Agency website and the Agency provided email confirmation that these were provided to all prospective bidders known to have received the RFP.

This request has been reviewed for compliance and has been determined to not comply with PPRB OPSCR Rules and Regulations and all legal requirements by OPSCR staff and the Special Assistant Attorney General. Reasons for disapproval are as follows:

- Miss. Code Ann. § 31-7-417(2) states, "As each proposal or qualification is submitted but before those proposals or qualifications are opened, the chief procurement officer shall designate a person to prepare a register of proposals or qualifications, which shall include the number of modifications received, if any, and a description sufficient to identify the supply, service, commodity or other item offered. The designated person shall assign each submitted proposal or qualification an identifying letter, number, or combination thereof, **without revealing the name of the offerer who submitted each proposal or qualification to the chief procurement officer or any person named to the evaluation committee for that**

proposal or qualification. The designated person shall keep the names of the offerers and their identifying numbers or letters, or combination thereof, in a sealed envelope or other secure location until factors not requiring knowledge of the name of the offerer have been evaluated and scored. **If the designated person reveals the names of the offerers and the corresponding identifying information before such time, the procurement process shall be terminated and the proposal or qualifications resolicited.** The register of proposals or qualifications shall be made part of the report required under Section 31-7-423(1).”

- The evaluation was not blind as a result of failure to redact all vendor identifying information. OPSCR staff identified the following errors in the Agency redaction process:
 - Previous contract term was left unredacted, and
 - Numerous instances throughout the technical proposal of information that identifies the vendor as the incumbent vendor.

This statutory requirement, which cannot be overcome, is also found in Sections 3-203.01 (f) and (g), 3-203.12 ,and 3-204.01.3 of the PPRB OPSCR Rules and Regulations.

Supplemental Information:

- Section 3-203.01 (f) states “The designated person shall assign each submitted proposal or qualification an identifying letter, number, or combination thereof, **without revealing the name of the offeror who submitted each proposal or qualification to the Chief Procurement Officer or any person named to the evaluation committee for that proposal or qualification.**”
- Section 3-203.01 (g) (1) states “Technical Factors: Factors scored **without knowledge of the identity of the offeror (blind)**. These factors aid in determining the offeror’s technical ability to perform the service.”
- Section 3-203.01 (g) (2) states “Cost Factors: Factors scored **without knowledge of the identity of the offeror (blind)**, unless permission is granted through the Petition for Relief by PPRB to reveal the identity of the offeror.”
- Section 3-203.12 states “Identifying information includes, but is not limited to, any prior, **current and future names or addresses of the offeror, any names of incumbent staff, any prior, current and future logos, watermarks, and company colors, any information, which identifies the offeror as an incumbent, and any other information, which would affect the blind evaluation of technical or cost factors.**”
- Section 3-204.01.3 indicates **vendors are not revealed during the evaluation of the technical factors, the cost factors are not revealed** unless specifically approved to be revealed by the PPRB, and the management factor evaluation requires the identity of the offeror.

This contract is subject to a protective order entered into by the Hinds County Chancery Court on March 24, 2020 to protect from release confidential information with regard to the proposal and its attachments submitted by Douglas Express Delivery, LLC in response to RFx 3120001910 and has been incorporated into said contract as Exhibit A.

Staff Recommendation: This request has been reviewed for compliance and has been determined to not comply with PPRB OPSCR Rules and Regulations and all legal requirements

by OPSCR staff and the Special Assistant Attorney General. OPSCR recommends disapproval of the contract.

Projected Budget for Life of the Contract: \$4,000,000.00

C. Preapproved Vendor Lists

1. Janitorial Services

Pursuant to *Miss. Code Ann. § 27-104-7(2)(i)*, the DFA OPSCR staff issued an Invitation for Bids for Janitorial Services in order to establish a List of Preapproved Vendors for Janitorial Services for the time period of October 7, 2020 to October 6, 2023 for use by state agencies under the purview of the PPRB. The Invitation for Bids divided the State into eight regions. The Invitation for Bids provided that awards would be made to all responsive and responsible bidders per region per janitorial staffing services format/category ranked in relation to the lowest average bid costs. There were four respondents to the Invitation for Bids, of which one was deemed non-responsive as their bidding prices were substantially higher than other bidders (in excess of the allowable 25% differential), and was notified. There were no post-award vendor debriefings request or held. The protest deadline is October 2, 2020. Nineteen bids were received for eight regions. Vendors on the Preapproved Vendor List will remain on the list until October 6, 2023, at which time that list will expire. However, if a Contracting Agency enters into a contract with a preapproved Vendor prior to the expiration date of October 6, 2023, that contract may be renewed at the same rates listed on the PVL until October 6, 2025. Prices submitted in response to the Invitation for Bids will remain firm, valid, and renewable until October 6, 2025 except that a Vendor may raise prices to reflect a rise in the federal minimum wage, but only to the extent of the actual minimum wage increase.

Staff Recommendation: Approval of the Preapproved Vendor List for Janitorial Services as requested.

D. OPSCR Emergency Contracts Reported to the Board

E. OPSCR Sole Source Contracts Reported to the Board

F. OPSCR Staff Approvals Reported to the Board

G. 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.

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

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

VIII. Other Business

IX. Adjournment