



SPECIAL MEETING AGENDA
Thursday, January 21, 2021
9:00 a.m.

****This Meeting will be held via video conference. For video conference access, please send a request to PPRB@dfa.ms.gov****

I. Call to Order

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

A. Consideration of Contracts for Board Action

1. Requesting Agency: Mississippi Department of Revenue

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

Contract #: 8200050758

Term: 01/21/2020-06/30/2024

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

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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 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.** 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

III. Other Business

IV. Adjournment