

PUBLIC PROCUREMENT REVIEW BOARD

SPECIAL MEETING

THURSDAY, FEBRUARY 19, 2015

A special meeting of the Public Procurement Review Board was held at 4:00 p.m. in the 13th floor Conference Room of the Woolfolk State Office Building located in Jackson, Mississippi.

PRESENT

Mr. Kevin J. Upchurch, Chairman
Mr. Freddie M. "Flip" Phillips, Vice Chairman

OTHERS

Ms. Monica Ritchie, Director of the Office of Purchasing, Travel & Fleet Management, DFA
Ms. Aubrey Leigh Goodwin, Special Assistant Attorney General, DFA
Ms. Melody Coulson, PPRB Recorder, DFA

ABSENT

Mr. Charles R. Snowden, Member

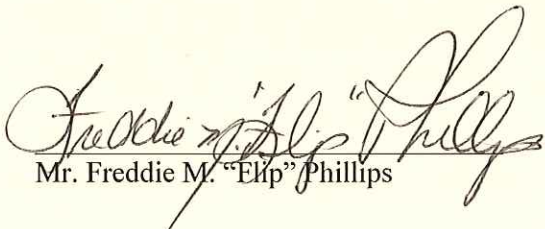
The Chairman called the meeting to order and commenced the meeting with prayer.

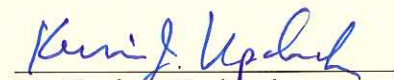
OFFICE OF PURCHASING, TRAVEL & FLEET MANAGEMENT (OPTFM)

Ms. Ritchie presented the following:

1. The Mississippi Department of Health requested an exemption from advertising pursuant to the provision set forth in MS Code 31-7-13(m)(i) to purchase children's vaccines from the CDC price list. Mr. Phillips made a motion to approve. Mr. Snowden seconded and the motion carried.
2. A request for clarification of on the "one time purchase over \$500,000" language found in Section 2.102.04 of the Procurement Manual. Currently, OPTFM brings all purchases, whether one-time or cumulative to the Public Procurement Review Board (PPRB) for approval. Counsel proposed that the wording be changed to "any purchase or award" instead on one time purchase. Mr. Upchurch made a motion to approve. Mr. Phillips seconded and the motion carried.
3. The University of Southern Mississippi requested a sole source purchase of the research vessel Point Sur from the San Jose State University Research Foundation. It is the only vessel of this type that is available for sale. Mr. Phillips made a motion to approve contingent upon the contract not to exceed \$1,000,000.00. Mr. Upchurch seconded and the motion carried.
4. Mississippi State University (MSU) requested exemption from the Mississippi Development Authority's (MDA) MPTAP program notification as required by Miss. Code Ann. Section 31-7-13 (c)(i)(3). Mr. Phillips made the motion to deny the request as the PPRB does not have the authority to waive a statutory requirement. Counsel confirmed with the MDA that its notification website is still operational and that MSU does know how to access it. Mr. Upchurch seconded and the motion carried.

There being no further business to bring before the Board, the meeting was adjourned.


Mr. Freddie M. "Flip" Phillips


Mr. Kevin J. Upchurch



STATE OF MISSISSIPPI
GOVERNOR PHIL BRYANT

DEPARTMENT OF FINANCE AND ADMINISTRATION

KEVIN J. UPCHURCH
EXECUTIVE DIRECTOR

NOTICE

A Special Meeting of the

PUBLIC PROCUREMENT REVIEW BOARD

will be held Thursday, February 19, 2015, 4:00 p.m. in the
13th floor Conference Room
Woolfolk State Office Building

Agenda: Request for Approval of a Sole Source Purchase from USM and Miscellaneous

AGENDA

PUBLIC PROCUREMENT REVIEW BOARD Special Meeting 4:00 p.m.

THURSDAY, FEBRUARY 19, 2015

I. OFFICE OF PURCHASING, TRAVLE AND FLEET MANAGEMENT

Ms. Ritchie, Director of the Office of Purchasing, Travel and Fleet Management, requests the following:

- 1 contract for Approval from Mississippi Department of Health
- Clarification on “one time purchase over \$500,000” must go to PPRB
- 1 Sole Source purchase for Approval from University of Southern Mississippi

II. NEXT MEETING DATE

Regular Meeting, Wednesday, March 04, 2015

**OFFICE OF PURCHASING AND TRAVEL
PUBLIC PROCUREMENT REVIEW BOARD
SPECIAL MEETING AGENDA
February 19, 2015**

1. **REQUESTING AGENCY:** Mississippi Department of Health
CONTRACTOR: MedImmune, GlaxoSmithKline & Sanofi Pasteur
AMOUNT OF CONTRACT: \$510,870
TERM OF CONTRACT: February 20, 2015 – February 17, 2016
SCOPE OF CONTRACT: vaccines from CDC (pre-booking of vaccines)
PURCHASE METHOD (PROPOSAL, SOLE SOURCE): CDC price list
COMMENTS: MS Department of Health is requesting exemption from advertising pursuant to the provision set forth in MS Code 31-7-13(m)(i) to purchase children's vaccines from the CDC price list.
31-7-13 (m) (i) Purchasing Agreements approved by Department. Purchasing agreements, contracts, and maximum price regulations executed or approved by the Department of Finance & Administration.
COMPLIANCE WITH PROCEDURES (YES, NO): Yes
If no, explanation:
ADDITIONAL COMMENTS IF NEEDED: Based on the information submitted by the Agency, we ask for the Board's approval contingent upon the issuance of a purchase order or an award letter by the agency.

2. Clarification on "one time purchase over \$500,000" must go to PPRB

2.102.04 Public Procurement Review Board (PPRB) Approval

- (1) Any request for a one-time purchase which exceeds \$500,000 of commodities, goods, merchandise, furniture, equipment, automotive equipment of every kind, and other personal property purchased by the agencies of the state, but not commodities purchased for resale or raw materials converted into products for resale as provided by Section 31-7-1(e), Mississippi Code of 1972, Annotated;

3. **REQUESTING AGENCY:** University of Southern Mississippi
CONTRACTOR: San Jose State University Research Foundation
AMOUNT OF CONTRACT: \$1,000,000
TERM OF CONTRACT: one time purchase
SCOPE OF CONTRACT: Research Vessel
PURCHASE METHOD (PROPOSAL, SOLE SOURCE): Sole Source
COMMENTS: The University of Southern Mississippi is requesting a sole source purchase of the research vessel *Point Sur* from the San Jose State University Research Foundation. This is the only vessel of this type that is available for sale.
COMPLIANCE WITH PROCEDURES (YES, NO): Yes
If no, explanation:
ADDITIONAL COMMENTS IF NEEDED: Based on the information submitted by the Agency, we ask for the Board's approval contingent upon the issuance of a purchase order or an award letter by the agency.



THE UNIVERSITY OF SOUTHERN MISSISSIPPI

Office of the President

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February 18, 2015

Mr. Kevin Upchurch, Executive Director
Department of Finance and Administration
P. O. Box 267
Jackson, Mississippi 39205

Re: USM Request for Approval of Sole Source Purchase of Research Vessel

Dear Mr. Upchurch:

The University of Southern Mississippi is requesting approval from the Department of Finance and Administration to proceed with a sole source purchase of the research vessel *Point Sur* from the San Jose State University Research Foundation.

The research vessel *Point Sur* is the only research vessel currently available that meets our minimum standards of capacity, duration, length and draft. In addition, the transfer of *Point Sur* from the National Science Foundation to the San Jose State University Research Foundation included all oceanographic handling equipment and instrumentation providing the vessel with “turn-key” readiness for operation. For reference to the available market for research vessels, refer to <http://www.maritimesales.com/Other%20Vessels.htm>.

The *Point Sur* is a vessel that was owned previously by the National Science Foundation (NSF) and maintained to the rigorous safety and operating standards established by the University-National Oceanographic Laboratory System (UNOLS). This vessel’s design and its complement of shipboard equipment make it unique, and such ships are rarely available to purchase. For example, the *Point Sur* has two oceanographic winches and one heavy duty trawl winch, and all of these have wire that send data communication up and down the wire. It also has two cranes, one forward and one aft. It has a heavy-lift A-frame on the stern, and a gallows frame off the side. The oceanographic instrumentation onboard includes water sampling and collecting systems with complete spares, a hull mounted current meter, and high precision depth sounder. The purchase of this vessel is an integral component of the university’s Gulf research mission.

The necessity and urgency of the request to secure DFA approval derives from the timing of the April 1st start of the research season and the roughly three (3) weeks travel time for the ship to transit its current location in northern California to Gulfport, MS. The vessel will offer USM Marine Science education and research opportunities that are not currently available because we do not currently own an operating marine research vessel of this class. USM investigators and students will be actively engaged with other major research universities from across the country

who wish to access the vessel, raising the national profile of USM research and education initiatives.

The reason we are unable to issue an RFB or RFP for this is that there are no other vessels similar to this, meeting UNOLS standards, on the market or being made available for sale. When vessels like this are sold, they are done so on the open market with letters of interest solicited from the UNOLS membership research community. We have support from the Governor of MS and Director of MS DEQ to use \$1M of existing DEQ funds to purchase and transport the vessel to Mississippi. MDEQ and USM have prepared a MOA between MDEQ and USM to access the funds for the purchase, and it would be executed following IHL Board approval. The funds to be provided by MDEQ are provided from the pollution emergency fund established in Miss. Code §49-17-68. The operating costs of the vessel (≈\$1.2M annually) will be covered by leasing the use of the vessel approximately 120 days per year. NSF prohibits profit-making from use of this type of research asset, but we are allowed to recover the cost of operations through lease revenues.

As the institution's executive officer, I have reviewed and approved this request. Please let me know if you need any more information to approve this request.

Sincerely,



Rodney D. Bennett
President

xc: Dr. Gordon Cannon, Vice President for Research
Mr. Chad Driskell, Vice President for External Affairs
Dr. Douglas H. Vinzant, Vice President for Finance and Administration

Addendum to Agenda
Special PPRB 2/19/15

1. Request for Exemption from MPTAP notification: Mississippi State University

31-7-13 (c) (i) (3)

On the same date that the notice is submitted to the newspaper for publication, the agency or governing authority involved shall mail written notice to, or provide electronic notification to the main office of the Mississippi Procurement Technical Assistance Program under the Mississippi Development Authority that contains the same information as that in the published notice.

Monica Ritchie

From: Mayfield, Jennifer <JMayfield@procurement.msstate.edu>
Sent: Wednesday, February 18, 2015 2:06 PM
To: Monica Ritchie
Cc: Buffum, Don; Raines, Debra
Subject: Exemption Request on Bids

Follow Up Flag: Follow up
Flag Status: Flagged

Monica,

We recently submitted our first low bid for approval under our new rules. Carolyn called today to let us know that OPTFM would be rejecting that bid and that we would have to be rebid because the date that the bid was submitted to the Mississippi Procurement Technical Assistance Program website fell after the date the bid was first advertised in our local paper. Several years ago when we were originally told that we would need to start placing the bids on this website ourselves, as opposed to faxing a copy of our ad as was previously required, we were told verbally by a former employee of OPTFM and were not informed of the strict date requirement. We have also never received any complaint from someone that they were unable to bid due to lack of time if they saw the bid on the MPTAP page. We just honestly had no idea that we were doing anything incorrectly as we always made sure to get the bids on the MPTAP page in a timely manner.

Along with the bid that has already been sent to your office, we have three more for which we need approval and that will fall under the same set of circumstances. On one we are seeking to award to the low bidder. With the other two, we are rejecting the low bid for not meeting our specifications and, as we always have, will certainly go through the official approval process for those requests.

We are requesting an exemption from the date requirement of the MPTAP ad for these four bids. We are certainly aware of the process now and have already checked the bids we currently have out for advertisement. About half were advertised with MPTAP on the correct date and the others have been cancelled and rebid so that we comply with the policy as will all bids we advertise in the future.

Thank you,

Jennifer Mayfield
Purchasing Manager
Mississippi State University
662-325-5539

Monica Ritchie

From: Buffum, Don <DBuffum@procurement.msstate.edu>
Sent: Wednesday, February 18, 2015 4:39 PM
To: Monica Ritchie; Mayfield, Jennifer
Cc: Raines, Debra; Michael Cook
Subject: RE: Exemption Request on Bids

Monica,

I would like to ask you to take this to the PPRB and ask them to consider approval. While I understand your statement that this is a statutory requirement, in fact, I think there is room for debate on that issue. The statute says "On the same date that the notice is submitted to the newspaper for publication, the agency or governing authority involved shall mail written notice to, or provide electronic notification to the main office of the Mississippi Procurement Technical Assistance Program under the Mississippi Development Authority that contains the same information as that in the published notice."

Since the MDA no longer has such a site or program, that portion of the statute could be considered invalid.

Please understand that I am not trying to cause a problem but I do believe I am offering an opportunity for the PPRB to approve our request. If we are required to reject the bids and start over, we can do that. However, I am concerned that we have several vendors (low bids meeting specifications) that have laid their best price on the table and now, if we must rebid, all vendors will have that information.

Thanks

Don

Don Buffum, CPPO
Director, Procurement and Contracts
PO Box 5307
Mississippi State, MS 39762

Phone (662) 325-2861
Fax (662) 325-2135
dbuffum@procurement.msstate.edu

Public Procurement Values:
Accountability, Ethics, Impartiality, Professionalism, Service, Transparency

From: Monica Ritchie [mailto:Monica.Ritchie@dfa.ms.gov]
Sent: Wednesday, February 18, 2015 4:19 PM
To: Mayfield, Jennifer
Cc: Buffum, Don; Raines, Debra; Michael Cook
Subject: RE: Exemption Request on Bids

Jennifer,

I understand the dilemma that the MPTAP requirement has caused on the P-1's that were submitted to OPT for approval. Unfortunately, OPT cannot grant an exemption as this is statutory – not a regulation.

Monica

From: Mayfield, Jennifer [mailto:JMayfield@procurement.msstate.edu]

Sent: Wednesday, February 18, 2015 2:06 PM

To: Monica Ritchie

Cc: Buffum, Don; Raines, Debra

Subject: Exemption Request on Bids

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Thank you,

Jennifer Mayfield
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