



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

**Location:** E.T. Woolfolk State Office Building  
501 North West Street, Room 1302  
Jackson, Mississippi

**Board Member Present:** Liz Welch, Department of Finance and Administration

**Board Members Attending Via Teleconference:**

Billy Morehead, Chair  
Leila Malatesta, Vice-Chair  
Rita Wray  
Norman McLeod  
David Russell

**DFA Staff Members Present:** Aubrey Leigh Goodwin  
Ross Campbell  
Brittney Thompson  
Liz DeRouen  
Clay Chastain  
Chris Pratte  
Sharee Deason

**DFA Staff Members Attending Via Teleconference:**

Catoria Martin, Special Assistant Attorney General  
Alicia Coleman

**Guest Attending Via Teleconference:**

Matthew Dry, PEER  
David Caldwell, Mississippi Department of Revenue

**I. Call to Order**

The meeting was called to order by Chair Billy Morehead.

**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 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**

**Action: A motion was made by Mr. McLeod to approve the staff recommendation as presented. The motion was seconded by Ms. Malatesta and unanimously approved by all members present, except for Ms. Wray, who voted nay.**

*After discussion and approval of staff's recommendation, counsel for DOR requested permission to include a statement in its procurement documents that referenced PPRB's decision to not approve the contract. DOR requested including (1) a statement that DOR was required by statute, not just regulation, to redact certain information and its failure to redact information relating to the incumbency of vendors constituted a violation of statutory requirements and (2) PPRB's determination did not include a finding that the unredacted information resulted in prejudice or preference in scoring to either vendor. Based on PPRB's discussion and the staff's recommendation of the contract, counsel for the Board agreed with the Agency's intention to include these statements when resoliciting this service.*

### **III. Other Business**

**A. Approval of per diem and expenses for the January 21, 2021 meeting and for any additional expenses incurred prior to the February 3, 2021 meeting**

**Action: A motion was made by Mr. McLeod to approve per diem and expenses for the January 21, 2021 meeting and for any additional expenses incurred prior to the February 3, 2021 meeting. The motion was seconded by Ms. Wray and unanimously approved by all members present.**

**B. The following exemption request, which was inadvertently left out of a previous agenda, was allowed by the Board to be presented by Mr. Campbell.**

**1. DFA Office of Purchasing, Travel and Fleet Management (OPTFM)**

#### **Petitions for Relief from Reverse Auction**

**Requesting Governing Authority:** South Delta School District (SDSD)

**Supplier:** Unknown

**Term:** Unknown

**Commodities:** E-Rate Category 2 Project

**Total Value:** \$134,936.00 estimated

**Summary of Request:** South Delta 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 this 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.

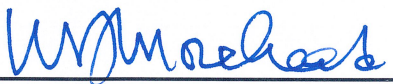
**Staff Recommendation:** This request has been reviewed for compliance and has been determined to comply with all rules and regulations and legal requirements by DFA staff. Based on the information provided, OPTFM recommends approval of the exemption and use of competitive sealed bidding for this procurement.

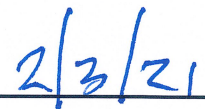
**Action:** A motion was made by Mr. McLeod to approve the staff recommendation as presented. The motion was seconded by Ms. Malatesta and unanimously approved by all members present.

#### IV. Adjournment

**Action:** A motion was made by Mr. McLeod to adjourn. The motion was seconded by Ms. Malatesta and unanimously approved by all members present.

These Minutes of the Public Procurement Review Board were approved by the members on the 3<sup>rd</sup> of February, 2021.

  
\_\_\_\_\_  
**Billy Morehead, Chair**

  
\_\_\_\_\_  
**Date**



**STATE OF MISSISSIPPI**  
GOVERNOR TATE REEVES  
**DEPARTMENT OF FINANCE AND ADMINISTRATION**  
LIZ WELCH  
INTERIM EXECUTIVE DIRECTOR

# **NOTICE**

A Special Meeting of the  
**PUBLIC PROCUREMENT REVIEW BOARD**

will be held Thursday, January 21, 2021  
at 9:00 a.m.  
13<sup>th</sup> Floor Conference Room  
Woolfolk State Office Building

*Board members will attend via video conference.  
For video conference access, please send a request to [PPRB@dfa.ms.gov](mailto:PPRB@dfa.ms.gov).*









**PUBLIC PROCUREMENT REVIEW BOARD**

Special Meeting  
January 21, 2021  
9:00 a.m.

**GUESTS ATTENDING VIA ZOOM VIDEOCONFERENCE**

**NAME AND TITLE**

**AGENCY/COMPANY**

David Caldwell

Mississippi Department of Revenue

Matthew Dry

PEER



**SPECIAL MEETING AGENDA**  
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PPRB Special Meeting Agenda

Woolfolk Building, Room 1302

January 21, 2021

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

### **III. Other Business**

### **IV. Adjournment**