



MEETING MINUTES
Wednesday, May 1, 2024
9:00 a.m.

Board Members:

David Russell, Chair
Norman Katool, Vice-Chair
Norman McLeod
Rita Wray
Billy Morehead
Liz Welch

Staff Members:

Brittney Thompson
Suzanne Hudson, Special Assistant Attorney General
Liz Bolin, General Counsel
Ross Campbell
Adrian Massey
Glenn Kornbrek
Kent Adams
Amelia Gamble
Carrie Boyd
Jonathan Dillard
Trina Kelly
Danny Lynch
Angela Cooper
Kimberly Burse
Shannon Smith
Chelsea Stewart
Shantina Christmas
Teselyn Funches

Staff Members Attending Via Teleconference:

Brittney Thompson
Preston Pierce
Steve Tucker
James Brabston
LaShun Smith
Ramona Jones

Shakrita Fields

Guests Attending Via Teleconference:

Bo Blanks
Lee Shirley
Terri Ashley
Matt Nassar
Heather Rozarabney
Amelia Willis
LaShunda Williams
Kayla McKnight
Brad Estess
Chamath Wijewardane
Kayla Pyron
Jesse Hays
Natosha Myers
Jennifer Dotson
Kevin Pearson
Brant Ryan
Dewayne Cochran
Eric Davis
Anita Evans
Lief McDonald
Gwendolyn Taylor
Kendra Carter
Adrian Johnson
John Robinson
Britney Wesley
Kayla Mcknight
Lea Anne Culp
John Shows
Katelynn Wallace
Bryan Wardlaw
Marcus Betts
Lucretia Causey
Frank Puryear
Harris VanBuskirk
Chris Statham
Jeanette Crawford
Nyla Kendrick

I. Call to Order

The meeting was called to order by David Russell Chair.

II.

Approval of Minutes from the April 3, 2024 Public Procurement Review Board Meeting

Action: A motion was made by Mr. Morehead made a motion to approve the Minutes from the April 3, 2024, PPRB Meeting as presented. The motion was seconded by Mr. McLeod and unanimously approved by all members present.

III. Approval of per diem and expenses for the May 1, 2024 meeting and for any additional expenses incurred prior to the June 5, 2024 meeting

Action: A motion was made by Mr. McLeod to approve per diem and expenses for the May 1, 2024 meeting and for any additional expenses incurred prior to the June 5, 2024, meeting. The motion was seconded by Katool and unanimously approved by all members present.

IV. Reports

A. OPTFM Emergency Purchases Reported to the Board

The OPTFM Emergency Purchases Report is attached to these Minutes as **Attachment A**.

B. OPTFM Sole Source Purchases Reported to the Board

The OPTFM Sole Source Approvals Report is attached to these Minutes as **Attachment B**.

C. OPTFM Staff Approvals Reported to the Board

The OPTFM Staff Approvals Report is attached to these Minutes as **Attachment C**.

D. BOB Staff Approvals Reported to the Board

The BOB Staff Approvals Report is attached to these Minutes as **Attachment D**.

E. OPSCR Emergency Contracts Reported to the Board

The OPSCR Emergency Contracts Report is attached to these Minutes as **Attachment E**.

F. OPSCR Sole Source Contracts Reported to the Board

The OPSCR Sole Source Contracts Report is attached to these Minutes as **Attachment F**.

G. OPSCR Staff Approvals Reported to the Board

The OPSCR Staff Approvals Report is attached to these Minutes as **Attachment G**.

H. OPSCR and OPTFM Quarterly Legislative Reports

1. Emergency and Sole Source Contracts Report

Summary of Request: OPSCR has prepared reports to be filed with the Committees on Accountability, Efficiency, and Transparency of the Mississippi State Senate and Mississippi House of Representatives, as required by Miss. Code Ann. § 27-104-7(2)(o)(vi) and Sections 3-206.07, 3-207, and 7-111 of the PPRB OPSCR Rules and Regulations.

Staff Recommendation: OPSCR recommends approval of this request.

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

Items IV.H.1 and IV.H.2 quarterly reports to the House of Representatives and Senate Committees on Accountability, Efficiency, and Transparency are attached to these Minutes as Attachment H.

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

A. Consideration of State Agency Contracts for Board Action

1. Requesting Agency: University of Southern Mississippi (USM)

Supplier: JEOL USA, Inc.

Contract #: 8800009344

Term: 05/03/2024 through 03/26/2025

Total Value: \$949,000.00

Summary of Request: USM is requesting approval of a sole source purchase for an electron microscope. USM advertised in the newspaper and on the procurement portal per the Mississippi Procurement Manual. There were no objections received.

Staff Recommendation: OPTFM recommends approval of the contract.

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

Items V.A.2. through V.A.3. were presented together and voted together.

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

Supplier: Model 1 Commercial Vehicles, Inc.

Contract #: 8200066117

Term: 12/07/2022 through 11/30/2024

Total Value: \$7,422,100.00

Summary of Request: MDOT solicited bids for 6-passenger ADA minivans and the contract was approved by PPRB on December 7, 2022. The first two (2) extensions were approved on 5/3/2023 and 11/1/2023. MDOT is requesting approval of the third of nine (9) possible six (6) month extensions.

Staff Recommendation: OPTFM recommends approval of the extension.

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

Supplier: Covington Sales & Service Inc.

Contract #: 8200071821

Term: 11/01/2023 through 11/30/2024

Total Value: \$3,585,064.00

Summary of Request: MDOT solicited competitive sealed bids for the procurement of knuckle boom trucks and the contract was approved by PPRB on 11/1/2023. MDOT is requesting approval of the first of nine (9) possible six (6) month extensions.

Staff Recommendation: OPTFM recommends approval of the extension.

Action: A motion was made by Mrs. Wray to approve the staff recommendation as presented on Items VI.B.2. through VI.B.4. The motion was seconded by Mr. McLeod and unanimously approved by all members present.

B. Protest Appeal, RFx # 3120002790, Request for Proposals, Pre-Need Disaster Debris Removal Services

1. Looks Great Services of MS, Inc. and Ashbritt, Inc. responded to a Request for Proposals (RFP) issued by the Department of Finance and Administration (DFA) pursuant to a requirement in Mississippi Code § 31-7-13(x). While DFA was statutorily mandated to issue a competitive procurement for debris removal services, the entities who would be eligible to utilize and pay for the services under that procurement are counties and municipalities. Thus, the procurement and contracts are not subject to PPRB purview because the public entities who are acquiring personal and professional services as a result of this RFP employ only nonstate service personnel, and are therefore excluded from the PPRB's authority by Mississippi Code § 27-104-7(2)(f)(i)(1).

Staff Recommendation: DFA has reviewed the protest appeals and recommends they be procedurally dismissed for lack of jurisdiction without adjudication of the merits.

Action: A motion was made by Ms. Wray to close the meeting to deliberate whether or not to declare an executive session. The motion was seconded by Mr. McLeod and unanimously approved by all members present.

Mr. Russell excused the public so that the Board could consider going into Executive Session. Only DFA staff and Board members remained while Board members determined whether an executive session was appropriate.

Close Session

Action: Mr. Morehead made a motion to go into Executive Session in accordance with Mississippi Code Section 25-41-7(4)(b) as strategy session with respect to issuance of an appealable. The motion was unanimously approved by all members present.

Open Session

The Board's decision to enter Executive Session was announced to the public.

Executive Session

While the public was excused from the meeting, the Board discussed the staff recommendation to dismiss the protest appeals of Looks Great Services of MS, Inc. and Ashbritt, Inc. because the PPRB lacked jurisdiction.

The Protest Appeals are attached to these minutes as **Attachment I**.

Action: A motion was made by Mr. Russell to approve the staff recommendation as presented. The motion was seconded by Mr. Katool and approved by all members present who voted on the motion, Ms. Wray who abstained from voting on the motion.

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

A. Consideration of Contracts for Project Professionals

NOTE: Standard Operating Procedures established by the BOB in April 2004, require PPRB approval of fees in excess of \$250,000.00. The following Professionals were selected by interview by the Using Agency and Bureau of Building, et al, procedures. (Fees may or may not be anticipated to be beyond \$250,000.00; however, the Bureau of Building, et al, has established an interoffice procedure to bring RFP/RFQ selections to PPRB for approval or ratification.)

1. Using Agency: Northeast Mississippi Community College

Project Number: GS# 212-076

Project Title: Residence Hall Improvements

Location: Booneville, Mississippi

Budget: \$3,500,000.00

Funding Sources: Capital Improvement Funds

Professional Fee: C+ (estimated fees \$258,325.55)

Professional: PryorMorrow PC (Columbus, Mississippi)

Scope: Planning and construction through the Warranty Phase for renovations to Wood Hall on the NEMCC main campus. This three-story 19,000 square foot facility, constructed in 1982, has only received minor improvements over the course of its life. The project scope will include asbestos abatement, cosmetic enhancements, restoration of interior and exterior elements, some interior reconfiguration, ADA improvements and major upgrades to the mechanical, electrical, plumbing and life safety systems.

Note: The Professional was selected via a competitive qualification-based selection process.

Staff Recommendation: BOB has reviewed the documentation and recommends PPRB approval contingent upon executable Contract.

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

B. Consideration of “Agency” Contracts for Project Professionals

1. Using Agency: Mississippi Department of Archives and History

Title: Civil War Interpretive Center

Location: Vicksburg, Mississippi

Budget: \$53,144,628.00 (estimated fees \$2,619,628.00)

Funding Sources: HB 1612, Laws of 2023

Professional: Perkins + Will, Inc. (Chicago, Illinois)

Scope: Architectural services for building demolition and preplanning through construction oversight and administration for site in Vicksburg, Mississippi.

Note: The Professional was selected via a two-phase competitive qualification-based selection process.

Staff Recommendation: BoB has reviewed the documentation and recommends PPRB approval contingent upon executable Contract.

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

C. Consideration of Change Order for Board Action

Using Agency: Office of Capitol Facilities (Department of Finance and Administration)

Project Number: GS# 350-038

Project Title: ARPA Mitigation

General Contractor: Universal Services, LLC

Original Contract Sum: \$9,100,000.00

Net Change by Previous Change Orders: \$0.00

Total Value of Award before this Change Order: \$9,100,000.00

Total Value of this Change Order: \$4,300,000.00

Construction Days to Date [Term]: 660 (0 days for this Change Order)

Change Order Scope: Change Order is for adding Alternate #1 for duct cleaning at the Woolfolk Building and Alternate #2 for duct cleaning at the Sillers Building, from the original Form of Proposal at time of bidding, into the Contract.

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

Staff Recommendation: BOB recommends PPRB approval contingent upon executable Change Order.

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

D. RPM Succeeding Leases

1. Requesting Agency: Mississippi Motor Vehicle Commission

Lease #: 555-251-29A

Lessor: Lightyear, LLC

Term: 09-01-2024 thru 08-31-2029

Proposed Yearly Cost: \$25,358.04

Proposed Cost PSF: \$14.63 Inclusive

Previous Yearly Cost: \$25,358.04

Previous Cost PSF: \$14.63 Inclusive

Total Space Per Occupant: 242

Federal Funds: 0%

Proposed Square Footage: 1,733

Previous Square Footage: 1,733

Address of Property: 1755 Lelia Dr., Suite 200, Jackson, MS

Purpose of Lease: The MMVC holds daily operations and Commission meetings at this Hinds County location. The agency processes and stores its licensees' files, as well as its agency records.

Note: This is a five-year succeeding lease with no renewals. This agency has been at this location since 11-1-2016.

Staff Recommendations: RPM recommends the approval of this lease.

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

2. Requesting Agency: Mississippi Department of Rehabilitation Services

Lease #: 725-801-27A

Lessor: Hal Nowell

Term: 06-01-2024 thru 05-31-2027

Total Yearly Cost: \$28,415.50

Previous Yearly Cost: \$26,744.00

Cost PSF: \$8.50 + Utilities & Janitorial

Previous Cost PSF: \$8.00 + Utilities & Janitorial

Total Space Per Occupant: N/A

Federal Funds: 80%

Square Footage Proposed: 3,343

Address of Property: 211 Ball Drive, Louisville, MS

Purpose of Lease: This location serves the Louisville/Winston County area. Personnel housed at this office work with approximately 350 disabled clients who require rehabilitation services.

Note: This is a three-year lease with no renewals. This agency has been at this location since 06-01-2014.

Staff Recommendations: RPM recommends the approval of this lease.

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

E. RPM Amended Leases

1. Requesting Agency: Mississippi Secretary of State

Lease #: 775-251-26A

Lessor: Mattiace Office Company, LLC

Term: 08-01-2024 thru 07-31-2026

Proposed Yearly Cost: 1st year \$479,109.25
2nd year \$502,672.00

Proposed CSF: 1st year \$15.25 Inclusive
2nd year \$16.00 Inclusive

Previous Yearly Cost: \$439,838.00

Previous CSF: \$14.00 Inclusive

Total Space Per Occupant: 327

Federal Funds: 0%

Square Footage Proposed: 31,417

Previous Square Footage: 31,417

Address of Property: 125 S. Congress Street, Suite 1700/1800, Jackson, MS

Purpose of Lease: This is the main office for the Mississippi Secretary of State.

Note: MSOS asks PPRB for a waiver on the Space Efficiency Allowance due to the fact the original contract was signed prior to this policy taking effect. The original contract was entered into on 05-03-2014.

Staff Recommendations: RPM recommends the approval of this lease.

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

F. RPM Non-Competitive Leases

1. Requesting Agency: Mississippi Department of Rehabilitation Services
Lease #: 725-454-26A
Lessor: Titan Development
Term: 06-01-2024 thru 05-31-2026
Total Yearly Cost: \$18,900.00
Cost PSF: \$10.50 Inclusive/Environmental Controlled
Total Space Per Occupant: N/A
Federal Funds: 80%
Square Footage Proposed: 1,800
Address of Property: 644 Church Street, Madison, MS
Purpose of Lease: This is used for the storage of equipment for Project Start.

Note: This is a two-year storage lease with no renewals. Mississippi Department of Rehabilitation Services asks PPRB for a waiver on the eighteen-month limitation for storage facilities as written under 300.9 (5) of the leasing manual.

Staff Recommendations: RPM recommends the approval of this lease.

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

G. RPM Emergency Leases

1. Requesting Agency: Mississippi Department of Corrections
Lease #: 170-241-25E
Lessor: Holloway Real Estate Services, LLC
Term: 04-01-2024 thru 03-31-2025
Proposed Yearly Cost: \$14,400.00
Proposed CSF: \$6.00 + Utilities & Janitorial
Total Space Per Occupant: N/A
Federal Funds: 0%
Square Footage Proposed: 2,400
Address of Property: 198 Lameuse Street, Biloxi, MS
Purpose of Lease: This will be the parole & Probation office for the Biloxi/Harrison County area.

Note: This is a one-year emergency lease. An emergency certificate was issued to MDOC on 3-12-2024.

Staff Recommendations: RPM recommends the approval of this lease.

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

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

A. Consideration of Contracts for Board Action

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

Supplier: Waste Management of Mississippi, Inc.

Contract #: 8900002444

Term: 08/01/2024 - 07/31/2027

Total Value: \$4,973,871.14

New

\$4,973,871.14

Summary of Request: The term of the contract is three years with two optional one-year renewals. The Contractor will provide waste collection and disposal services to multiple correctional facilities. The Contractor was selected through a Request for Proposals (RFP) with two respondents.

Staff Recommendation: OPSCR recommends approval of this request, contingent upon receipt of the required performance bond.

Projected Budget for the Life of the Contract: \$8,897,146.04

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

2. **Requesting Agency:** Mississippi Development Authority

Supplier: Coraggio Group, LLC

Contract #: 8200074115

Term: 05/01/2024 - 04/30/2025

Total Value: \$266,510.00

New

\$266,510.00

Summary of Request: The term of the contract is one year with twelve months of optional renewals. The Contractor will research various stakeholders in Mississippi's travel and tourism industry, using what they learn to create a strategic tourism marketing plan for Visit Mississippi. The Contractor was selected through a Request for Proposals (RFP) with seven respondents.

Staff Recommendation: OPSCR recommends approval of this request.

Projected Budget for the Life of the Contract: \$266,510.00

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

3. **Requesting Agency:** Mississippi State Hospital

Supplier: Jasmyn Allen

Contract #: 10134990

Term: 07/01/2023 - 05/01/2024

Total Value: \$15,771.00

Termination

(-) \$80,325.00

Summary of Request: The term of the original contract was one year with no optional renewals. The contract worker was a registered nurse that supervised care and treatment of

all residents at Whitfield Medical Surgical Hospital, Jaquith Nursing Home, Oak Circle Center, and other divisions of Mississippi State Hospital. The contract worker was terminated due to failing to work since December 30, 2023. Accordingly, the Agency issued a Stop Work Order effective March 12, 2024, and is now seeking to terminate the contract.

Staff Recommendation: OPSCR recommends approval of this request.

Projected Budget for the Life of the Contract: \$15,771.00

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

4. Requesting Agency: Mississippi Department of Rehabilitation Services

Supplier: Glenn Edward James

Contract #: 103692

Term: 07/01/2022 - 06/30/2025

Modification

Total Value: \$900,000.00

\$325,000.00

Summary of Request: The original term of the original contract was one year with four optional one-year renewals. Glenn James is a contract worker who serves as a consulting medical specialist for the Office of Disability Determination Services. Modification Two updates the Period of Performance and Compensation Clauses. All other terms and conditions of the original contract remain the same.

Staff Recommendation: OPSCR recommends approval of this request.

Projected Budget for the Life of the Contract: \$900,000.00

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

5. Requesting Agency: Mississippi Department of Rehabilitation Services

Supplier: David D. Powers

Contract #: 103697

Term: 07/01/2022 - 06/30/2025

Modification

Total Value: \$640,000.00

\$230,000.00

Summary of Request: The original term of the contract is one year with four optional one-year renewals. David Powers is a contract worker who serves as a consulting psychology specialist for the Office of Disability Determination Services. Modification Two updates the Period of Performance and Compensation clauses. All other terms and conditions of the original contract remain the same.

Staff Recommendation: OPSCR recommends approval of this request.

Projected Budget for the Life of the Contract: \$640,000.00

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

6. Requesting Agency: Mississippi Department of Finance and Administration

Supplier: Alok Dixit

Contract #: 119824

Term: 07/01/2024 - 06/30/2025

Total Value: \$123,151.60

New

\$123,151.60

Summary of Request: The term of the contract is one year with four optional one-year renewals. Alok Dixit is a contract worker who will provide technical assistance to the State's human resource and payroll technical team to ensure the system is maintained, remains operational, and that the State's employee payroll is completed correctly and on time. He will be paid an amount not to exceed \$123,151.60. The contract worker was selected through a Request for Applications (RFA) and was the sole respondent.

Staff Recommendation: OPSCR recommends approval of this request.

Projected Budget for the Life of the Contract: \$615,758.00

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

7. Requesting Agency: Mississippi Department of Finance and Administration

Supplier: Diversified Elevator Service and Equipment Company, Inc.

Contract #: 8200074143

Term: 07/01/2024 - 06/30/2027

Total Value: \$945,288.00

New

\$945,288.00

Summary of Request: The term of the contract is three years with two optional one-year renewals. The Contractor will provide elevator maintenance services at DFA buildings located in Jackson and Biloxi, MS. The Contractor was selected through an Invitation for Bids (IFB) with two respondents and the contract was awarded to the lowest responsive bidder.

Staff Recommendation: OPSCR recommends approval of this request.

Projected Budget for the Life of the Contract: \$1,686,528.00

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

8. Requesting Agency: Mississippi Department of Finance and Administration

Supplier: NCH Corporation dba Chemsearch FE

Contract #: 8200074328

Term: 07/01/2024 - 06/30/2027

New

Total Value: \$132,677.00

\$132,677.00

Summary of Request: The term of the contract is three years with two optional one-year renewals. The Contractor will provide HVAC water treatment services at DFA buildings located in the Capitol Complex. The Contractor was selected through an Invitation for Bids (IFB) with two respondents, and the contract was awarded to the lowest responsive bidder.

Staff Recommendation: OPSCR recommends approval of this request, contingent upon receipt of the required Certificate of Insurance.

Projected Budget for the Life of the Contract: \$227,894.00

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

9. Requesting Agency: Ellisville State School

Supplier: Clean Earth, Inc.

Contract #: 8200062168

Term: 07/01/2022 – 06/30/2025

Total Value: \$104,832.00

Renewal

\$34,944.00

Summary of Request: The term of the original contract was one year with four optional one-year renewals. Amendment Two has been submitted to exercise the second renewal option and to update the successors and assigns clause as well as the entire agreement clause. All other terms and conditions of the original contract remain the same. The Contractor provides services as they relate to Medical Waste Pickup and Disposal for the Agency's main campus located in Ellisville, MS and its satellite location, South Mississippi Regional Center in Long Beach, MS.

Staff Recommendation: OPSCR recommends approval of this request.

Projected Budget for the Life of the Contract: \$174,720.00

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

10. Requesting Agency: Ellisville State School

Supplier: Topps Private Investigation & Security Firm, PLLC

Contract #: 8200063745

Term: 09/01/2022 – 06/30/2025

Total Value: \$414,400.00

Renewal

\$145,600.00

Summary of Request: The term of the original contract was ten months with four optional one-year renewals. Amendment Two has been submitted to exercise the second optional renewal and to update the successors and assigns clause as well as the entire agreement clause. All other terms and conditions of the original contract remain the same. The Contractor provides professional security services.

Staff Recommendation: OPSCR recommends approval of this request, contingent upon receipt of the required Certificate of Insurance.

Projected Budget for the Life of the Contract: \$705,600.00

11. Requesting Agency: Ellisville State School

Supplier: Redd Pest Solutions

Contract #: 8200062251

Term: 07/01/2022 – 06/30/2025

Total Value: \$105,264.00

**Renewal
\$35,088.00**

Summary of Request: The term of the original contract was one year with four optional one-year renewals. Amendment Two has been submitted to exercise the second optional renewal and to update the successors and assigns clause as well as the entire agreement clause. All other terms and conditions of the original contract remain the same. The Contractor will provide services related to the eradication, corrective action and preventive maintenance against household pests, insects, and rodents at the multiple location campuses.

Staff Recommendation: OPSCR recommends approval of this request, contingent upon receipt of the required Certificate of Insurance.

Projected Budget for the Life of the Contract: \$175,440.00

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

12. Requesting Agency: Ellisville State School

Supplier: Star Services, Inc. of Jackson

Contract #: 8200060021

Term: 10/11/2021 – 06/30/2025

Total Value: \$2,430,000.00

**Renewal
\$648,000.00**

Summary of Request: The term of the original contract was nine months with four optional one-year renewals. Amendment Three has been submitted to exercise the third optional renewal and to update the successors and assigns clause as well as the entire agreement clause. All other terms and conditions of the original contract remain the same. The Contractor provides preventive maintenance on the Agency's heating, ventilation, and air conditioning (HVAC) systems.

Staff Recommendation: OPSCR recommends approval of this request, contingent upon receipt of the required Certificate of Insurance.

Projected Budget for the Life of the Contract: \$3,078,000.00

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

13. Requesting Agency: Ellisville State School

Supplier: Humphries Auto Supply, LLC

Contract #: 8200073996

Term: 05/08/2024 – 05/07/2025

Total Value: \$383,400.00

New

\$383,400.00

Summary of Request: The term of the contract is one year with four optional one-year renewals. The Contractor will provide two trained ASE automobile repair mechanics/workmen who are proficient in identifying deficiencies or issues that may exist or arise on the entire Ellisville State School's fleet of vehicles. Various repairs also include tractors, emergency generators, golf carts, etc. The Contractor was selected through an Invitation for Bids (IFB) with Humphries Auto Supply being the only bidder and was found to be both responsible and responsive.

Staff Recommendation: OPSCR recommends approval of this request.

Projected Budget for the Life of the Contract: \$1,917,000.00

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

14. Requesting Agency: Ellisville State School

Supplier: Holifield Landscape and Irrigation dba US Lawns of Hattiesburg

Contract #: 8200061693

Term: 07/01/2022 – 06/30/2025

Total Value: \$810,000.00

Renewal

\$270,000.00

Summary of Request: The term of the original contract was one year with four optional one-year renewals. Amendment Two has been submitted to exercise the second optional renewal and to update the successors and assigns clause as well as the entire agreement clause. All other terms and conditions of the original contract remain the same. The Contractor provides lawn care services at the Agency's campus in Ellisville, Mississippi.

Staff Recommendation: OPSCR recommends approval of this request.

Projected Budget for the Life of the Contract: \$1,350,000.00

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

15. Requesting Agency: Mississippi Department of Child Protection Services

Supplier: American Bar Association Center on Children and the Law

Contract #: 8200073933

Term: 05/02/2024 – 05/01/2027

Total Value: \$600,000.00

New

\$600,000.00

Summary of Request: The term of the original contract is three years with no renewals. The Contractor will conduct a research project to comprehensively review Mississippi's child welfare practices to identify barriers to permanency and make recommendations for

removing any identified barriers. The Contractor will also participate in collaborative planning, training, and technical assistance with Agency and other state partners in an effort to develop more efficient and effective pathways to permanency, reduce racial disproportionality, and improve communication, network building, and stakeholder collaboration. The Contractor was selected through an Invitation for Bids (IFB) with two respondents and contract was awarded to the lowest Bidder.

Staff Recommendation: OPSCR recommends approval of this request, contingent upon receipt of the required Certificate of Insurance.

Projected Budget for the Life of the Contract: \$600,000.00

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

16. Requesting Agency: Mississippi Division of Medicaid

Summary of Request: The Agency has submitted one-year renewals for four Contract Workers. Each Contract Worker is paid an hourly rate, as outlined below. The Agency pays a fringe rate of 7.65% and up to \$2,000.00 for travel expenses per contract year for each Contract Worker.

a. Supplier: Kathryn Harden

Contract #: 135405

Term: 07/01/2023 – 06/30/2025

Total Value: \$216,716.40

Renewal

\$108,358.20

The term of the original contract was one year with three optional renewals. Amendment One has been submitted to exercise the first optional renewal and add the Relationship of Parties clause to the contract, as well as update the Period of Performance, Cost for Services, and Health Insurance Portability and Accountability Act of 1996. All other terms and conditions of the original contract remain the same. Ms. Harden serves as the Human Resource Liaison with iTech to implement new software and business practices. She is paid \$47.50 per hour.

Projected Budget for the Life of the Contract: \$433,432.80

b. Supplier: Sally Harrison

Contract #: 124275

Term: 07/01/2021 – 06/30/2025

Total Value: \$483,382.40

Renewal

\$120,845.60

The term of the original contract was one year with four optional renewals. Amendment Three has been submitted to exercise the third optional renewal and add the Relationship of Parties clause to the contract, as well as update the Period of Performance, Cost for Services, and Health Insurance Portability and Accountability Act of 1996. All other terms and conditions of the original contract remain the same. Ms. Harrison serves as the workforce modernization managing consultant. She is paid \$60.00 per hour.

Projected Budget for the Life of the Contract: \$604,228.00

c. Supplier: Aleeta Massey

Contract #: 131785

Term: 07/01/2022 – 06/30/2025

Total Value: \$511,093.80

Renewal

\$170,364.60

The term of the original contract was one year with four optional renewals. Amendment Two has been submitted to exercise the second optional renewal and add the Relationship of Parties clause to the contract, as well as update the Period of Performance, Cost for Services, and Health Insurance Portability and Accountability Act of 1996. All other terms and conditions of the original contract remain the same. Ms. Massey provides project management and budget coordination services to the Office of Information Technology. She is paid \$85.00 per hour.

Projected Budget for the Life of the Contract: \$851,823.00

d. Supplier: Stephen Oshinsky

Contract #: 124279

Term: 07/01/2021 – 06/30/2025

Total Value: \$562,612.80

Renewal

\$140,653.20

The term of the original contract was one year with four optional renewals. Amendment Three has been submitted to exercise the third optional renewal and add the Relationship of Parties clause to the contract, as well as update the Period of Performance, Cost for Services, and Health Insurance Portability and Accountability Act of 1996. All other terms and conditions of the original contract remain the same. Mr. Oshinsky performs project management consulting services for the Agency's eligibility system. He is paid \$70.00 per hour.

Projected Budget for the Life of the Contract: \$703,266.00

Staff Recommendation: OPSCR recommends approval of this request.

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

17. Requesting Agency: Mississippi Oil and Gas Board

Supplier: EAG Gulf Coast, LLC

Contract #: 8200074161

Term: 05/15/2024 – 4/30/2028

Total Value: \$1,400,000.00

New

\$1,400,000.00

Summary of Request: The term of the agreement is four years with one optional one-year renewal. The Contractor will provide professional project management, consulting and support services pertaining to the orphan well plugging programs implemented and managed by the Agency. The Contractor was selected through a Request for Qualifications (RFQ) with three respondents and the contract was awarded to the highest scoring Respondent.

Staff Recommendation: OPSCR recommends approval of this request, contingent upon receipt of the required Certificate of Insurance.

Projected Budget for the Life of the Contract: \$1,750,000.00

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

18. Requesting Agency: Mississippi Department of Revenue

Supplier: Douglas Express Delivery, LLC

Contract #: 8200074030

Term: 07/01/2024 – 6/30/2028

Total Value: \$53,001,848.99

New

\$53,001,848.99

Summary of Request: The term of the original agreement is four years with no option to renew. 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 in Hinds, South Madison, and Rankin counties. The Contractor was selected through an Invitation for Bids (IFB) with two respondents resulting in one contract awarded to the lowest Bidder. The Agency requests an exception to PPRB OPSCR Rules and Regulations Section 3-202.06.3. The Agency failed to include the RFx number for the solicitation in the public notice newspaper advertisement as required by Section 3-202.06.3. OPSCR has reviewed the request and has no concerns that granting the exception would affect the competition, fairness, or transparency of the procurement.

Staff Recommendation: OPSCR recommends approval of this request, contingent upon granting the exception to Section 3-202.06.3 and receipt of the required Certificate of Insurance.

Projected Budget for the Life of the Contract: \$53,001,848.99

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

19. Requesting Agency: Mississippi Department of Revenue

Supplier: Douglas Express Delivery, LLC

Contract #: 8200074042

Term: 07/01/2024 – 06/30/2028

Total Value: \$4,282,056.24

New

\$4,282,056.24

Summary of Request: The term of the original agreement is four years with no option to renew. The Contractor will provide alcoholic beverage hauling and delivery for the Alcoholic Beverage Control Division to all licensed retailers located in Hinds and Rankin counties and in the southern portion of Madison County, excluding permitted locations in the municipal limits of the cities of Canton and Flora. The Contractor was selected through an Invitation for Bids (IFB) with two respondents resulting in one contract awarded to the lowest Bidder. The Agency requests an exception to PPRB OPSCR Rules and Regulations Section 3-202.06.3. The Agency failed to include the RFx number for the solicitation in the public notice

newspaper advertisement as required by Section 3-202.06.3. OPSCR has reviewed the request and has no concerns that granting the exception would affect the competition, fairness, or transparency of the procurement.

Staff Recommendation: OPSCR recommends approval of this request, contingent upon granting the exception to Section 3-202.06.3 and receipt of the required Certificate of Insurance.

Projected Budget for the Life of the Contract: \$4,282,056.24

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

B. Preapproved Vendor List

1. Service Type: Security Services

Effective Dates of PVL: 05/01/2024 - 03/31/2027

Renewable Through: 03/31/2029

Summary of Request: OPSCR issued an Invitation for Bids (IFB) to establish a preapproved vendor list (PVL) to provide security services on an as-needed basis. Pursuant to Miss. Code Ann. § 27-104-7(2)(i), agencies under the purview of the PPRB may contract with vendors on the PVL without bidding or other solicitation. The IFB divided the State into eight regions, two guard types, and three different hourly categories for pricing purposes. Additionally, the IFB provided that OPSCR would recommend awards be made to all responsive and responsible bidders for each service category in each region whose average bid price is less than 125% of the mean for that region. Three bidders responded to the IFB, and OPSCR determined that all were responsive and responsible. OPSCR recommends the following vendors be placed on the PVL for the region(s) indicated in the Notice of Intent to Award. Prices will remain firm, valid, and renewable through 03/31/2029, except that a bidder may raise prices in the event of unanticipated market disruptions. Before making a price adjustment, the bidder must provide a market analysis to the Agency regarding the viability of the original bid rates. The Agency makes the final decision on the price adjustment, and this adjustment shall not exceed 110% of the original bid rate.

OPSCR recommends that the following bidders be placed on the PVL:

1. American Sentry Security
2. Safe Security, Inc.
3. Security Solutions of America

Staff Recommendation: OPSCR recommends approval of this request.

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

VIII. Other Business

A. Mr. Russell announced the next Regular PPRB Meeting June 5, 2024, at 9:00 a.m.

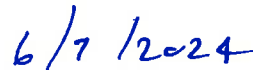
IX. Adjournment

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

These Minutes of the Public Procurement Review Board were approved by the members on the 5th of June 2024.



David Russell, Chair



Date

Attachment A

OPTFM

Emergency Purchases Report

Calendar Year 2024 Total (to date):

\$12,954,627.57

Emergency Contracts Reported MAY 1, 2024							
Contract #	Agency	Contractor	Commodity	Action	Amount	Start	End
8400002963	MS DEPT OF HEALTH	PFIZER INC	CDC FLU VACCINES	NEW	1,396,011.00	4/17/2024	3/31/2025
8400002961	MS DEPT OF HEALTH	MERCK SHARP & DOHME LLC	CDC FLU VACCINES	NEW	4,036,494.00	4/16/2024	3/31/2025
4400005276	MS DEPT OF HEALTH	VERITRACE, INC.	PRINTING PLATES AND SECURITY PAPER	NEW	\$93,235.00	4/5/2024	
8400002955	MDOT	PINE BELT MOTORS	2024 CHEVY SILVERADO	NEW	\$45,309.00	4/5/2024	6/30/2024
4400005275	MS DEPT OF AGRICULTURE & COMMERCE	KIRK AUTO WORLD	2023 FORD F150 4X4	NEW	\$49,990.00	4/4/2024	
8400002942	MDOT	KIRK AUTO WORLD	2024 RAM 5500 CAB AND CHASSIS	NEW	\$69,999.00	4/2/2024	6/30/2024
8400002941	MDOT	GLOBAL RENTAL CO	AERIAL BUCKET TRUCK	NEW	\$203,499.00	4/2/2024	6/30/2024
8400002951	MS DEPT OF HEALTH	GLAXOSMITHKLINE LLC	FLU VACCINES FROM CDC	MODIFICATION	\$1,718,158.00	3/21/2024	3/31/2025
8400002952	MS DEPT OF HEALTH	SANOFI PASTEUR INC	FLU VACCINES FROM CDC	MODIFICATION	\$1,538,460.00	3/21/2024	3/31/2025
Total for Report					\$9,151,155.00		

Emergency Contracts Reported April 3, 2024							
Contract #	Agency	Contractor	Commodity	Action	Amount	Start	End
4400005006	MS DEPT OF AGRICULTURE & COMMERCE	CANNON	(2) CHEVEROLET COLORADO	MODIFICATION	\$76,040.00	3/20/2024	
8400002951	MS DEPT OF HEALTH	GLAXOSMITHKLINE LLC	FLU VACCINES FROM CDC	NEW	\$91,320.00	3/18/2024	3/31/2025
8400002952	MS DEPT OF HEALTH	SANOFI PASTEUR INC	FLU VACCINES FROM CDC	NEW	\$75,350.00	3/15/2024	3/31/2025
8400002892	MDOT	KIRK AUTO COMPANY	2024 FORD F-550 CHASSIS	NEW	\$62,671.00	2/29/2024	2/10/2025
8400002920	MDOT	MCLARTY/GRAY DANIELS FORD	(3) 2023 FORD F-150 CREW CAB	NEW	\$137,400.00	2/27/2024	2/24/2025
8400002900	MDOT	PINE BELT MOTORS	2024 CHEVY SILVERADO HD	NEW	\$57,000.00	2/23/2024	6/30/2024
4400005221	OFFICE OF STATE AID ROAD CONSTRUCTION	MCLARTY/GRAY DANIELS NISSAN	(2) 2024 NISSAN TITAN	NEW	\$107,010.00	2/21/2024	
8400002740	MS DEPT OF CORRECTIONS	MCCAIN ENGINEERING COMPANY INC	EMERGENCY RENTAL OF BOILER WITH MCCAIN ENGINEERING DUE TO INOPERABLE HOT WATER BOILER FOR THE DOMESTIC HOT WATER IN KITCHEN AND SHOWERS AT UNIT 29.	NEW	\$107,455.00	9/25/2023	9/23/2024
Total for Report					\$714,246.00		

Emergency Contracts Reported March 6, 2024							
Contract #	Agency	Contractor	Commodity	Action	Amount	Start	End
8400002901	MS VETERANS AFFAIRS	TERRY SERVICE INC	LABOR, PARTS,AND INSTALLATION SERVICES FOR THE AIR HANDLING UNITS.	NEW	\$110,000.00	2/15/2024	8/31/2024
4400004960	MS AUTHORITY FOR EDUCATION	BROADSTREAM SOLUTION	EQUIPMENT AND INTERGRATION SERVICE FOR MASTER CONTROL	MODIFICATION	\$275,139.00	2/13/2024	
4000676032	MDWFP	KIRK AUTO WORLD	2023 FORD F150 CREW CAB	NEW	\$48,184.25	2/12/2024	
4400005201	MDWFP	KIRK AUTO WORLD	(5) 2023 FORD F150 CREW CAB	NEW	\$240,921.25	2/12/2024	
4400005189	MDWFP	KIRK AUTO WORLD	(7) 2023 FORD F150 CREW CAB	NEW	\$337,289.75	2/12/2024	
8400002894	MDOT	KIRK AUTO WORLD	(2) 2023 FORD F150 CREW CAB AND (4) DODGE RAM 1500	NEW	\$268,500.00	2/8/2024	6/30/2024
8400002902	MDOT	KIRK AUTO WORLD	2023 FORD F150 CREW CAB	NEW	\$44,750.00	2/8/2024	6/30/2024
8400002876	MDOT	GLOBAL RENTAL	AERIAL BUCKET TRUCK	NEW	\$156,353.00	2/6/2024	6/30/2024
4400005174	MS BOARD OF ANIMAL HEALTH	SOUTHLAND FIRE SAFETY & EQUIPMENT	FOAMER/ TRAILER	MODIFICATION	\$92,000.00	2/1/2024	
4000674519	MS DEPT. OF MARINE RESOURCES	WALT MASSEY CHEVY	2024 DODGE TRADESMAN CREW CAB 4X4	NEW	\$52,680.00	1/30/2024	
4000674478	MS DEPT. OF MARINE RESOURCES	WALT MASSEY CHEVY	2024 DODGE TRADESMAN CREW CAB 4X4	NEW	\$51,295.00	1/30/2024	
8400002802	MS VETERANS AFFAIRS	TERRY SERVICE INC	RENTAL OF TEMPORARY CHILLER	MODIFICATION	\$35,000.00	1/30/2024	8/31/2024
8400002874	MDOT	KIRK AUTO WORLD	(2) 2024 DODGE RAM 1500 CREW CAB	NEW	\$91,800.00	1/29/2024	6/30/2024
8400002872	MDOT	SCOTT POWERLINE	AERIAL BUCKET TRUCK	NEW	\$234,000.00	1/25/2024	6/30/2024
8400002863	MDOT	KIRK AUTO WORLD	(2) 2023 DODGE RAM 1500 QUAD CAB	NEW	\$85,000.00	1/23/2024	1/21/2025
4400005173	MS VETERANS AFFAIRS	MODEL 1	(2) FORD E450	NEW	\$256,862.00	1/22/2024	
Total for Report					\$2,379,774.25		

Emergency Contracts Reported February 7, 2024							
Contract #	Agency	Contractor	Commodity	Action	Amount	Start	End
4000673033	MS DEPT. OF MARINE RESOURCES	WALT MASSEY CHEVY	2024 CHEVY SILVERADO 1500 WT	NEW	\$49,750.00	1/22/2024	
4000673028	MS DEPT OF MARINE RESOURCES	WALT MASSEY CHEVY	2024 CHEVY SILVERADO 2500	NEW	\$51,995.00	1/22/2024	
4000673029	MS DEPT OF MARINE RESOURCES	WALT MASSEY CHEVY	2024 CHEVY SILVERADO 1500	NEW	\$46,950.00	1/22/2024	
8400002870	MDOT	KIRK AUTO WORLD	2023 DODGE RAM 1500 QUAD CAB 4WD	NEW	\$42,500.00	1/22/2024	1/17/2025
4000673027	MS DEPT. OF MARINE RESOURCES	WALT MASSEY CHEVY	2024 CHEVY SILVERADO 2500 HD WT	NEW	\$61,450.00	1/19/2024	
4000673031	MS DEPT. OF MARINE RESOURCES	WALT MASSEY CHEVY	2024 CHEVY SILVERADO 1500	NEW	\$49,030.00	1/19/2024	
4000673032	MS DEPT. OF MARINE RESOURCES	WALT MASSEY CHEVY	2024 GMC SIERRA 1500	NEW	\$50,170.00	1/19/2024	
8400002840	MDOT	PINE BELT MOTORS	(3) 2024 CHEVY SILVERADO 1500	NEW	\$131,625.00	1/11/2024	12/16/2024
4000669325	MS DEPT. OF MARINE RESOURCES	WALT MASSEY CHEVY	2024 CHEVY SILVERADO 1500	NEW	\$52,995.00	12/29/2023	
8400002830	MDOT	KIRK AUTO WORLD	2023 DODGE RAM CC CAB/CHASSIS 4WD AND 2023 DODGE RAM QC CAB/CHASSIS 4WD	NEW	\$81,400.00	12/19/2023	12/12/2024
4400005174	MS BOARD OF ANIMAL HEALTH	SOUTHLAND FIRE SAFETY & EQUIPMENT	FOAMER/ TRAILER	NEW	\$91,000.00		
4400005145	MS DEPT OF CORRECTIONS	SOUTHERN PIPE & SUPPLY-HATTIESBURG	LABOR, PARTS,AND INSTALLATION SERVICES FOR THE HEATING UNIT.	NEW	\$587.32		
Total for Report					\$709,452.32		

Attachment B

OPTFM

Sole Source Approvals

Calendar Year 2024 Total (to date):

\$3,218,845.40

SOLE SOURCE Contracts Reported MAY 1, 2024							
Contract #	Agency	Vendor	Action	Commodity	Amount	Start Date	End Date
8800009357	UNIVERSITY OF SOUTHERN MS	C THERM TECHNOLOGIES LTD	NEW	C-THERM INSTRUMENT	\$40,000.00	4/5/2024	4/4/2025
8800009355	UNIVERSITY OF MS	SHOUMEI TSENG	NEW	LABOACE LC-5060 PLUS II RECYCLING PREPARATIVE HPLC SYSTEM	\$74,610.00	4/3/2024	4/2/2025
8800009351	UMMC	10X GENOMICS	MODIFICATION	REAGENTS AND KITS ASSOCIATED WITH THE CHROMIUM CONTROLLER	\$300,000.00	3/29/2024	3/28/2025
8800009339	MS DEPT OF HEALTH	TSI INCORPORATED	NEW	9 PORTACOUNT CALIBARTION UNITS AND SUPPLIES	\$200,205.00	3/28/2024	3/27/2025
8800009350	MS DEPT OF HEALTH	NAT'L COUNCIL FOR BEHAVIORAL HEALTH	NEW	MENTAL HEALTH FIRST AID OUTREACH MATERIAL	\$11,763.00	3/28/2024	3/27/2025
8800009328	UNIVERSITY OF MS	BLUE WAVE SEMICONDUCTORS INC.	NEW	NANO TCVD SYSTEM	\$147,000.00	3/22/2024	3/21/2025
8800009329	UMMC	CYTEK BIOSCIENCES, INC.	NEW	IMAGING FLOW CYTOMETER	\$450,000.00	3/22/2024	3/21/2025
8800009338	MS DEPT OF PUBLIC SAFETY	BODE CELLMARK FORENSICS INC	NEW	DNA ARRESTEE COLLECTION KITS	\$38,200.00	3/20/2024	3/19/2025
Total Reported in APRIL 2024:					\$1,261,778.00		

SOLE SOURCE Contracts Reported APRIL 3, 2024

Contract #	Agency	Vendor	Action	Commodity	Amount	Start Date	End Date
8800009321	UNIVERSITY OF MS	MICROLIGHT3D SAS	NEW	2-PHOTON POLYMERIZATION MICROFAB BASIC TOOL	\$98,290.00	3/12/2024	3/11/2025
8800009302	UMMC	AXON ENTERPRISE INC.	NEW	AXON TASER 7	\$103,944.00	3/4/2024	3/3/2025
8800009301	MS STATE UNIVERSITY	EXCELITAS CANADA INC.	NEW	ADAPTOR	\$9,139.05	2/29/2024	2/27/2025
8800009300	UNIVERSITY OF SOUTHERN MS	INNOVASEA MARINE SYST	NEW	FISH TAGS	\$123,538.74	2/26/2024	2/25/2025
8800009281	MDOT	PILE DYNAMICS INC.	NEW	UPGRADE PILE DRIVING ANALYZER (PDA)	\$48,530.00	2/21/2024	6/30/2024
8800009282	MDOT	RAY'S BODY SHOP INC.	NEW	ROLLOVER SIMULATOR	\$44,200.00	2/21/2024	6/30/2024
Total Reported in MARCH 2024:					\$427,641.79		

SOLE SOURCE Contracts Reported March 6, 2024

Contract #	Agency	Vendor	Action	Commodity	Amount	Start Date	End Date
8800009280	MS STATE UNIVERSITY	LOTEK WIRELESS, INC.	NEW	TEMPERATURE DEPTH RECORDERS	\$129,775.00	2/19/2024	2/17/2025
8800009290	MS STATE UNIVERSITY	AMERESCO, INC.	NEW	PHOTOVOLTAIC POWER SYSTEMS	\$9,012.00	2/19/2024	2/17/2025
8800009272	DEPT OF PUBLIC SAFETY	NORTH ROBOTIC	NEW	ROBIOTIC ARM	\$129,725.00	2/16/2024	2/14/2025
8800009269	UMMC	GAUMARD SCIENTIFIC	MODIFICATION	1 YEAR OLD SIMULATORS AND ASSOCIATED PRODUCTS	\$55,000.00	2/8/2024	2/6/2025
8800009266	DEPT OF PUBLIC SAFETY	THERMO ELECTRON NORTH AMERICA LLC	NEW	MICROSCOPE AND RELATED CONSUMABLES	\$41,722.01	2/5/2024	2/4/2025
8800009264	MS STATE UNIVERSITY	CAMPBELL SCIENTIFIC, INC.	NEW	EDDY FLUX ENERGY BALANCE SYSTEM	\$73,423.92	1/31/2024	1/29/2025
8800009265	MS STATE UNIVERSITY	TSI INCORPORATED	NEW	CALIBRATION SYSTEM	\$202,563.00	1/31/2024	1/29/2025
8800009262	DEPT OF PUBLIC SAFETY	BODE CELLMARK FORENSICS, INC.	NEW	BODE TECHNOLOGY BLUE ARCHIVAL CASSETTES PLUS ENVELOPES	\$21,118.00	1/25/2024	1/24/2025
8800009261	MDOT	KEJR INC	NEW	GEOPROBE DRILL	\$8,758.47	1/22/2024	6/30/2024
8800009032	UMMC	ILLUMINA, INC	MODIFICATION	REAGENTS, KITS, AND SUPPLIES	\$490,000.00	9/7/2023	9/5/2025
Total Reported in February 2024:					\$671,097.40		

SOLE SOURCE Contracts Reported FEBRUARY 7, 2024

Contract #	Agency	Vendor	Action	Commodity	Amount	Start Date	End Date
8800009242	MS STATE UNIVERSITY	LI-COR, INC.	NEW	EDDY FLUX SYSTEM	\$277,921.20	1/11/2024	1/9/2025
8800009241	MS STATE UNIVERSITY	WORLDWIDE EXCHANGE LLC	NEW	SPECTROPHOTOMETER	\$18,105.56	1/10/2024	1/8/2025
8800009240	UNIVERSITY OF MS	NIKON INSTRUMENTS INC	NEW	MICROSCOPE	\$213,329.20	1/8/2024	1/6/2025
8800009229	DEPT OF PUBLIC SAFETY	CMI, INC	NEW	INTOXILYZER 8000 PARTS	\$210,000.00	1/8/2024	1/7/2025
8800009225	MS STATE UNIVERSITY	POLYTEC, INC.	NEW	LASER SCANNING VIBROMETER	\$167,000.00	1/4/2024	1/2/2025
8800009233	MS STATE UNIVERSITY	LI-COR, INC.	NEW	POROMETER/FLUOROMETER	\$14,125.00	1/3/2024	1/1/2025
8800009224	MS STATE UNIVERSITY	INTERNATIONAL ASSOCIATION OF ASSEMBLY OFFICERS	NEW	COURSE MATERIALS	\$99,750.00	1/3/2024	1/1/2025
8800009201	JACKSON STATE UNIVERSITY	HQ GRAPHENE SYATEMS BV	NEW	MOTORIZED TRANSFER SYSTEM	\$68,097.25	11/15/2022	12/30/2023
Total Reported in January 2024:					\$858,328.21		

Attachment C

OPTFM

Staff Approvals

**Public Procurement Review Board
OPTFM Staff Approvals**

May-24

Contract #	Agency	Contractor	Commodity	Action	Amount	Staff Approval Type	Staff Approval Authority
8200074099	UNIVERSITY OF MISSISSIPPI	RJ YOUNG CO	BUSINESS STATIONERY	NEW	\$250,000.00	COMPETITIVE BID	UNDER THE \$500,000.01 THRESHOLD
8200073857	MS DEPT OF HEALTH	CANON U.S.A., INC.	COPIER RENTAL	MODIFICATION	\$20,368.00	COMPETITIVE PURCHASING AGREEMENT	UNDER THE \$500,000.01 THRESHOLD
8200073946	MS DEPT OF HEALTH	CANON U.S.A., INC.	COPIER RENTAL	NEW	\$16,144.00	COMPETITIVE PURCHASING AGREEMENT	UNDER THE \$500,000.01 THRESHOLD
8200073960	MS DEPT OF HEALTH	CANON U.S.A., INC.	COPIER RENTAL	NEW	\$18,736.00	COMPETITIVE PURCHASING AGREEMENT	UNDER THE \$500,000.01 THRESHOLD
8200073858	MS DEPT OF HEALTH	CANON U.S.A., INC.	COPIER RENTAL	MODIFICATION	\$18,736.00	COMPETITIVE PURCHASING AGREEMENT	UNDER THE \$500,000.01 THRESHOLD
4600003163	MS MILITARY DEPT	CRUMBLEY PAPER & FOOD SERVICE	FOOD FOR THE YOUTH CHALLENGE PROGRAM	NEW	\$50,000.00	OPEN PURCHASE ORDER	UNDER THE \$500,000.01 THRESHOLD
4600003162	MS MILITARY DEPT	MERCHANTS CO-HATTIESBURG	FOOD FOR THE YOUTH CHALLENGE PROGRAM	NEW	\$100,000.00	OPEN PURCHASE ORDER	UNDER THE \$500,000.01 THRESHOLD
8200072212	MS DEPT OF CORRECTIONS	ALLIANCE DISTRIBUTION HOLDINGS INC	WASHERS & DRYERS (TERM BID CONTRACT)	MODIFICATION	\$268,720.00	COMPETITIVE BID	UNDER THE \$500,000.01 THRESHOLD
8200073946	MS DEPT OF HEALTH	CANON U.S.A., INC.	COPIER RENTAL	MODIFICATION	\$16,144.00	COMPETITIVE PURCHASING AGREEMENT	UNDER THE \$500,000.01 THRESHOLD
8200069054	MS VETERANS AFFAIRS	TOSHIBA AMERICA BUSINESS SOLUTIONS INC	COPIER RENTAL	MODIFICATION	\$28,044.00	COMPETITIVE PURCHASING AGREEMENT	UNDER THE \$500,000.01 THRESHOLD
8200074350	MS DEPT OF HEALTH	THERACOM LLC	800 UNITS OF A SINGLE NONLATEX IMPLANT CONTAINING 68MG OF THE PROGESTIN ONLY HORMONE ETONOGESTREL AND 15MG OF BARIUM SULFATE.	NEW	\$441,848.00	COMPETITIVE BID	UNDER THE \$500,000.01 THRESHOLD
8200074318	UMMC	GAUMARD SCIENTIFIC	ADVANCED BIRTHING SIMULATOR AND NEWBORN SIMULATOR	NEW	\$94,053.04	COMPETITIVE BID	UNDER THE \$500,000.01 THRESHOLD
8200074024	MS DEPT OF CHILD PROTECTIVE SERVICES	TOSHIBA AMERICA BUSINESS SOLUTIONS INC	COPIER RENTAL	NEW	\$49,696.00	COMPETITIVE PURCHASING AGREEMENT	UNDER THE \$500,000.01 THRESHOLD
8200045821	MS SECRETARY OF STATE	CANON U.S.A., INC.	COPIER RENTAL	MODIFICATION	\$197,533.79	COMPETITIVE PURCHASING AGREEMENT	UNDER THE \$500,000.01 THRESHOLD
8200070926	MS DEPT OF REHABILITATION SERVICES	CANON U.S.A., INC.	COPIER RENTAL	NEW	\$194,978.00	COMPETITIVE PURCHASING AGREEMENT	UNDER THE \$500,000.01 THRESHOLD
8200067146	MS DEPT OF PUBLIC SAFETY	APPLIED CONCEPTS INC	KA BAND RADARS	MOD	\$169,900.00	COMPETITIVE BID	UNDER THE \$500,000.01 THRESHOLD
4600003164	MS DEPT OF PUBLIC SAFETY	WINZER FRANCHISE COMPANY	AUTOMOBILE PARTS	NEW	\$2,500.00	OPEN PO	UNDER THE \$500,000.01 THRESHOLD
8200068527	MS DEPT OF PUBLIC SAFETY	MIDSOUTH UNIFORM & SUPPLY	UNIFORMS	MOD	\$128,790.00	COMPETITIVE BID	UNDER THE \$500,000.01 THRESHOLD
8200068648	MS DEPT OF REHABILITATION SERVICES	CANON U.S.A., INC.	COPIER RENTAL	MOD	\$162,128.00	COMPETITIVE PURCHASING AGREEMENT	UNDER THE \$500,000.01 THRESHOLD
8200074061	MDOT	XCESSORIES SQUARED DEV&MFG	BREAK-A-WAY SIGNPOST AND ACCESSORIES	NEW	\$490,000.00	COMPETITIVE BID	UNDER THE \$500,000.01 THRESHOLD
8200074064	MDOT	CANON U.S.A., INC.	COPIER RENTAL	NEW	\$7,699.68	COMPETITIVE PURCHASING AGREEMENT	UNDER THE \$500,000.01 THRESHOLD
8200074056	MDOT	CANON U.S.A., INC.	COPIER RENTAL	NEW	\$5,612.40	COMPETITIVE PURCHASING AGREEMENT	UNDER THE \$500,000.01 THRESHOLD
8200074055	MDOT	CANON U.S.A., INC.	COPIER RENTAL	NEW	\$1,424.16	COMPETITIVE PURCHASING AGREEMENT	UNDER THE \$500,000.01 THRESHOLD

8200062969	MDOT	ADVANCED DRAINAGE SYSTEMS	POLYETHYLENE AND POLYPROPYLENE	MODIFICATION	\$700,000.00	COMPETITIVE PURCHASING AGREEMENT	INDEFINITE QUANTITY
8200074206	MDOT	VULCAN INC	PURCHASE FOR ALUMINUM SIGN BLANKS	NEW	\$478,785.50	COMPETITIVE BID	UNDER THE \$500,000.01 THRESHOLD
8900002413	MDOT	DUNN ROADBUILDERS	HOT AND COLD MIX	MODIFICATION	\$1,200,000.00	COMPETITIVE BID	INDEFINITE QUANTITY
8900001683	MDOT	NUTRIEN AG SOLUTIONS INC	HERBICIDES	MODIFICATION	\$3,000,000.00	COMPETITIVE BID	INDEFINITE QUANTITY
8200074345	MDOT	CANON U.S.A., INC.	COPIER RENTAL	NEW	\$13,331.52	COMPETITIVE PURCHASING AGREEMENT	UNDER THE \$500,000.01 THRESHOLD
8200074338	MDOT	CANON U.S.A., INC.	COPIER RENTAL	NEW	\$8,973.60	COMPETITIVE PURCHASING AGREEMENT	UNDER THE \$500,000.01 THRESHOLD
8900002225	MDOT	DUNHAM INC	CRUSHED AGGREGATES	MODIFICATION	\$150,000.00	COMPETITIVE BID	INDEFINITE QUANTITY
Total Report					\$8,122,017.69		

Attachment D

BOB

Staff Approvals

27-104-7 (2) The Public Procurement Review Board shall have the following powers and responsibilities: . . . (b) Adopt regulations governing the approval of contracts let for the construction and maintenance of state buildings and other state facilities as well as related contracts for architectural and engineering services. . . .

PPRB has set construction procedures requiring PPRB approval for (1) Professional Services and/or Planning Information when fees are over \$250,000.00; (2) Construction Contracts over \$5,000,000.00; (3) Furniture and Equipment Contracts over \$2,000,000.00; and (4) Change Orders over \$1,000,000 and/or over 25% of initial contract amount and/or when taking awards over \$5,000,000.00.

All other Standard Operating Procedures have been delegated to the Bureau of Building Director and/or DFA Deputy Executive Director, thereby creating the following list of Staff Approvals, per PPRB request to keep them informed.

BoB-AD-080 - Staff Approvals - GC
03/19/2024 - 04/17/2024

PPRB , April 17 2024

Setup Name	Project Name	Institution/Agency Name	Contract Scope	Low Base Bid?	# Bids / Quotes	Award Number	Company Name	Dir. Approval Date	Amount	Duration
Bid Award - GC	208-069 ARPA Infr. - Water Trans. & Dist.	Jones County Junior College	Construction through warranty phase for the New Water Transmission and Distribution at Jones County Junior College, Ellisville, MS.		0	GC001	Bush Construction Company, Inc.	4/5/2024	\$650,626.51	120
	215-058 ARPA Infr. - Waste Treatment	Southwest Mississippi Community College	Equipment upgrades and improvements at Southwest Mississippi Community College's wastewater treatment plant.	Yes	0	GC001	Greenbriar Digging Service Limited Partnership	3/20/2024	\$764,100.00	300
Bid Award -GC Count 2									Grand Total	\$1,414,726.51

03/19/2024 - 4/17/2024

03/19/2024 - 04/17/2024

Project Name	Institution/Agency Name	Professional Scope of Work	Award Number	Company Name	Dir. Approval Date	Selection Method	Fee Complexity	Fee Percentage
350-022 Hail Damage	Office of Capitol Facilities (Department of Finance and Administration)	Planning through Construction and Warranty Phase for window pediment joint repair and/or other water infiltration points.	JP003	Shafer-Zahner-Zahner, PLLC	3/25/2024	Professional appointed as a continuation of previous selection (Statutory Exemption)		Special Percentage (10%)
412-187 Forensic Facilities	Mississippi State Hospital	Commissioning of mechanical, plumbing, electrical, building controls, and the building envelope. The Commissioning Professional will also be responsible for the HVAC TAB Consultant's selection and the review of the TAB report.	CP004	SINERGI Integrated Building Sciences, LLC	4/4/2024	Professional appointed as a continuation of previous RFQ selection (Competitive RFx)	D (Cx)	
390-003 President Street Improvements	Capitol Complex Improvement District	Bidding, construction administration, and warranty phases of minor rehabilitation to asphalt base failures, sidewalk and curb/gutter repairs, mill and overlay, water and sewer rehabilitation/replacement; peer review of construction documents. specifications. and estimates.	PP002	Waggoner Engineering, Inc.	3/21/2024	Professional selected through qualifications based selection from list of three eligibles (Competitive RFx)	C+	
390-003 President Street Improvements	Capitol Complex Improvement District	Bidding, construction administration, and warranty phases of minor rehabilitation to asphalt base failures, sidewalk and curb/gutter repairs, mill and overlay, water and sewer rehabilitation/replacement; peer review of PP001 construction documents, specifications, and estimates.	PP002	Waggoner Engineering, Inc.	3/26/2024	Professional selected through qualifications based selection from list of three eligibles (Competitive RFx)	C+	
631-037 Recreational Improvements	Buccaneer State Park	Planning through the construction on the park's pool floor and construction joint areas at Buccaneer State Park splash pad feature.	JP001	Allred Stolarski Architects, PA	4/4/2024	Professional appointed as a continuation of previous RFQ selection (Competitive RFx)		Special Percentage (9%)
631-037 Recreational Improvements	Buccaneer State Park	Planning through the construction on the park's pool floor and construction joint areas at Buccaneer State Park splash pad feature.	JP001	Machado-Patano, PLLC	3/27/2024	Professional appointed as a continuation of previous RFQ selection (Competitive RFx)		Special Percentage (9%)
552-012 Campus Re-roofing	Mississippi Schools for the Blind and Deaf (Department of Education)	Professional to provide continued planning and construction administration for roofing improvements at MSDB located in Jackson, MS	PP002	JH&H Architects Planners Interiors, A Professional Association	4/10/2024	Professional selected through qualifications based selection from list of three eligibles (Competitive RFx)	C	
350-031 Generator Improvements	Office of Capitol Facilities (Department of Finance and Administration)	Design through construction for replacement of existing generator to fulfill the needs of Mississippi Department of Education.	JP003	Boggan & Vaughan Architects PLLC	4/1/2024	Professional appointed as a continuation of previous RFQ selection (Competitive RFx)		Special Percentage (10%)
362-067 JOC General R&R	Woolfolk Building (Office of Capitol Facilities) (Department of Finance and Administration)	Design through construction for floors 3, 9, and 12th floors of the Woolfolk Building. The construction is to modify the spaces for the anticipated move of MMRS from Clark Building. Construction shall include general construction, mechanical and electrical.	JP012	The Johnson-McAdams Firm, P.A., dba Albert & Robinson Architects, PLLC	3/21/2024	Professional appointed as a continuation of previous RFQ selection (Competitive RFx)		Special Percentage (10%)
377-005 JOC-General R&R	Stennis Space Center (Office of Capitol Facilities) (Department of Finance and Administration)	Design through construction for repair work on the existing DI Tank System.	JP003	Engineering Resource Group, Inc.	3/21/2024	Professional appointed as a continuation of previous RFQ selection (Competitive RFx)		Special Percentage (9%)
106-272 JOC-General R&R	Mississippi Valley State University	This project's scope is to upgrade the mechanical system in Stewart Hall to provide a comfortable living environment for the students. This project will address flooring, painting, lighting, etc. as needed to help with the building's cosmetic features.	JP001	Burris/Wagnon Architects, P.A.	3/27/2024	Professional appointed as a continuation of previous RFQ selection (Competitive RFx)		Special Percentage (10%)

BoB-AD-080: Staff Approvals - F&E

PPRB April 17, 2024

Bid and Quote Awards /
Amount: between 0 to
2999999

03/19/2024 - 04/17/2024

Setup Name	Project Name	Institution/Agency Name	Contract Scope	Low Base Bid?	# Quote	Award Number	State Contract #	Company Name	Dir. Approval Date	Amount
Quote Award - FE	210-073 New Men's Residence Hall	Mississippi Delta Community College	Procurement, delivery and installation for 165 Mattresses for Mississippi Delta Community College,Office of Student Housing and Residence Life, 105 Sturdivant Street, Moorehead, MS 38761. State Contract #8200069093.	Yes	1	FE001	8200069093	MAGCOR Industries	4/4/2024	\$27,390.00
	210-073 New Men's Residence Hall	Mississippi Delta Community College	Procurement, delivery and installation of bunk beds for News Men's Residence Hall at Mississippi Delta Community College, Office of Student Housing & Residence Life, 105 Sturdivant Street, Moorehead, MS 38761. State Contract #8200068856.	Yes	1	FE002	8200068856	Krueger International, Inc. (KI, Pallas Textiles)	4/4/2024	\$127,980.00
	214-063 Math & Science Renovation	Pearl River Community College	Procurement, delivery and installation of various furniture items including desk, conference tables, lectern, stools, chairs, desk benches, etc.... for Pearl River Community College, Workforce and Aerospace Academy, 14134 Fred and Al Key Road, Kiln, Mississippi 39556. State Contract #8200068965.	Yes	1	FE005	8200068965	Gulf Coast Business Supply, Co., Inc	4/4/2024	\$412,162.65
	214-063 Math & Science Renovation	Pearl River Community College	Procurement, delivery and installation of Cubicles and Guest Chairs, for Pearl River Community College, Workforce and Aerospace Academy, 14134 Fred and Al Key Road, Kiln, Mississippi 39556. State Contract #8200068873.	Yes	1	FE006	8200068873	Gulf Coast Business Supply, Co., Inc	4/4/2024	\$58,198.50

214-063 Math & Science Renovation	Pearl River Community College	Procurement, delivery and installation of Cabinets, Tables, and a Lectern, for Pearl River Community College, Workforce and Aerospace Academy, 14134 Fred and Al Key Road, Kiln, Mississippi 39556. State Contract #8200062976,	Yes	1	FE007	8200062976 Gulf Coast Business Supply, Co., Inc	4/4/2024	\$30,165.10
214-063 Math & Science Renovation	Pearl River Community College	Procurement, delivery and installation of Work Surface Dividers for Pearl River Community College, Workforce and Aerospace Academy, 14134 Fred and Al Key Road, Kiln, Mississippi 39556. State Contract #8200069423.	Yes	1	FE008	8200069423 Gulf Coast Business Supply, Co., Inc	4/4/2024	\$17,049.60
214-063 Math & Science Renovation	Pearl River Community College	Procurement, delivery and installation of Dry Erase Easels for Pearl River Community College, Workforce and Aerospace Academy, 14134 Fred and Al Key Road, Kiln, Mississippi 39556. State Contract #8200068945.	Yes	1	FE009	8200068945 Gulf Coast Business Supply, Co., Inc	4/4/2024	\$12,764.80
362-067 JOC General R&R	Woolfolk Building (Office of Capitol Facilities) (Department of Finance and Administration)	Procurement, delivery and installation of Cubicles for the Woolfolk Building, 12th Floor, 501 North West Street, Jackson, Mississippi 39201. State Contract #8200072173.	Yes	1	FE022	8200072173 Office Innovations, Inc.	4/5/2024	\$40,141.00
362-067 JOC General R&R	Woolfolk Building (Office of Capitol Facilities) (Department of Finance and Administration)	Procurement, delivery and installation of Guest Chairs for the Woolfolk Building, 12th Floor, 501 North West Street, Jackson, Mississippi 39201. State Contract #8200068965.	Yes	1	FE023	8200068965 Office Innovations, Inc.	4/5/2024	\$2,396.00

362-067 JOC General R&R	Woolfolk Building (Office of Capitol Facilities) (Department of Finance and Administration)	Procurement, delivery and installation of Desk Chairs and Cubicles Chairs for the Woolfolk Building, 12th Floor, 501 North West Street, Jackson, Mississippi 39201. State Contract #8200069423.	Yes	1	FE024	8200069423 Office Innovations, Inc.	4/5/2024	\$4,200.00
374-008 JOC-General R&R	Bolton Building (Office of Capitol Facilities) (Department of Finance and Administration)	Procurement, delivery and installation of 14 Chairs for the Bolton Building, Marine Resources, 1141 Bayview Ave, Biloxi, MS 39530. State Contract #8200069423.	Yes	1	FE004	8200069423 Office Innovations, Inc.	4/12/2024	\$8,036.00

Quote Award - FE Count 11

\$740,483.65

Agency Description	CTR ID	Contract Description	Valid From	Valid To	Total Amt	Vendor Name	Material/Service Type	Appr/Rej Date	Appr Text
MS DEPT ENVIRONMENTAL QUALITY	CNTR	1470-23-C-CNTR-00010-V002	7/24/2023	2/28/2025	4,325,650.00	Breakwater Marine Construction, LLC	CONSTRUCTION - OTHER	4/10/2024	approval of CO2 for increase in 219 days to allow for funding (AM580363 04/10/2024 13:26:54 CST) attachment of signed Change Order 1 (AM58
MS DEPT ENVIRONMENTAL QUALITY	CNTR	1470-24-C-CNTR-00004	8/15/2023	4/8/2024	1,047,045.00	Wren's Construction LLC	CONSTRUCTION - OTHER	4/10/2024	approval of CO1 deducting \$6,455.00 to reconcile unit costs in contract (AM580363 04/10/2024 13:37:57 CST) contract replacing 8200070755 c
MS DEPT ENVIRONMENTAL QUALITY	CNTR	1470-24-C-CNTR-00066-V002	3/25/2024	12/20/2024	368,987.00	Black Diamond Construction, LLC	CONSTRUCTION - OTHER	3/28/2024	attachment of NTP (AM580363 03/28/2024 10:45:30 CST) attachment of executed contract (AM580363 12/13/2023 14:24:47 CST) approva
MS SOIL & WATER CONSERVATION COMMISSION	CNTR	1486-24-C-CNTR-00001	2/21/2024	11/3/2027	1,000,000.00	CYPRESS-DIGITAL JV LLC	ENGINEERS	3/25/2024	This contract # 8200066067 was initially entered in Magic under Cypress Environmental and approved but should have been entered under Cypress-Digital
MS DEPT OF MILITARY	SOLC	1701-23-C-SOLC-00028	9/14/2022	12/30/2024	1,844,042.00	Orocon Construction, LLC	CONSTRUCTION - BUILDING	4/5/2024	administrative revision only (AM580363 04/05/2024 08:27:17 CST) approval of Change Order 2 increasing contract amount by \$9,600.00 and 0 c
MS DEPT OF MILITARY	SOLC	1701-24-C-SOLC-00031	11/1/2023	6/1/2025	2,372,976.00	RALPH MCKNIGHT & SON CO	CONSTRUCTION - BUILDING	4/10/2024	approval of CO1 for increase in \$88,076.00 to add data drops (AM580363 04/10/2024 13:30:44 CST) approval of award for base bid and alternat

Attachment E

OPSCR

Emergency Contracts

**Emergency Contracts
Office of Personal Service Contract Review
Reported to PPRB in Calendar Year 2024**

**Calendar Year 2024 Total:
\$21,085,488.20**

Emergency Contracts Reported May 1, 2024								
Contract Number	Agency	Contractor	Service	Contract Action	Contract Action Amount	Contract Total Amount	Start Date	End Date
No Emergency Contracts to Report in May 2024								
Total Emergency Contract Actions Reported in May 2024:					\$0.00			

Emergency Contracts
Office of Personal Service Contract Review
Reported to PPRB in Calendar Year 2024

Emergency Contracts Reported April 3, 2024								
Contract Number	Agency	Contractor	Service	Contract Action	Contract Action Amount	Contract Total Amount	Start Date	End Date
8400002903	East Mississippi State Hospital	TPCS Inc	Psychiatric Services	New	\$208,000.00	\$208,000.00	2/20/2024	2/19/2025
8400002843	Mississippi Department of Corrections	Crossroads Outreach Ministries, Inc	Transitional housing for inmates	New	\$182,500.00	\$182,500.00	4/1/2024	3/31/2025
8400002862	Mississippi Department of Corrections	Casey Hicks	Fuel tank repair	New	\$162,066.00	\$162,066.00	1/18/2024	1/16/2024
8400002844	Mississippi Department of Corrections	New Way Mississippi Inc	Transitional housing for inmates	New	\$912,500.00	\$912,500.00	4/1/2024	3/31/2025
8400002843	Mississippi Department of Corrections	Crossroads Outreach Ministries, Inc	Transitional housing for inmates	New	\$182,500.00	\$182,500.00	4/1/2024	3/31/2025
8400002845	Mississippi Department of Corrections	Sober Living Residential LLC	Transitional housing for inmates	New	\$839,500.00	\$839,500.00	4/1/2024	3/21/2025
8400002877	Mississippi Department of Corrections	Consolidated Electrical Distributor Inc	Electrical repair & installation	New	\$128,595.95	\$128,595.95	2/7/2024	2/5/2025
8400002451	Mississippi Department of Education	Margie B. Pulley	Interim superintendent (Tunica County)	Modification	\$99,750.00	\$199,500.00	7/1/2023	6/30/2024
Total Emergency Contract Actions Reported in April 2024:					\$2,715,411.95			

**Emergency Contracts
Office of Personal Service Contract Review
Reported to PPRB in Calendar Year 2024**

Emergency Contracts Reported March 6, 2024								
Contract Number	Agency	Contractor	Service	Contract Action	Contract Action Amount	Contract Total Amount	Start Date	End Date
8400002851	Mississippi Division of Medicaid	Maximus US Services, Inc	Eligibility Support Staffing Services	New	\$8,124,371.00	\$8,124,371.00	1/8/2024	1/7/2025
Total Emergency Contract Actions Reported in March 2024:					\$8,124,371.00			

**Emergency Contracts
Office of Personal Service Contract Review
Reported to PPRB in Calendar Year 2024**

Emergency Contracts Reported February 7, 2024								
Contract Number	Agency	Contractor	Service	Contract Action	Contract Action Amount	Contract Total Amount	Start Date	End Date
8400002842	East Mississippi State Hospital	Behaviorial Health Consultation Services	Licensed Psychologist	New	\$385,000.00	\$385,000.00	1/3/2024	1/1/2025
8400002791	Mississippi Department of Child Protection Services	Alabama Clinical Schools	Therapeutic Treatment & Placement	New	\$292,000.00	\$292,000.00	11/27/2023	11/26/2024
8400002806	Mississippi Department of Child Protection Services	Centers for Youth and Families, Inc	Therapeutic Treatment & Placement	New	\$500,000.00	\$500,000.00	12/6/2023	12/5/2024
8400002622	Mississippi Gas & Oil Board	Kelley Brothers Contractors, Inc	Oil Well Plugging	Modification	\$274,274.00	\$905,395.90	7/1/2023	6/30/2024
8400002795	Mississippi Department of Child Protection Services	Centers for Youth and Families, Inc	Therapeutic Treatment & Placement	New	\$275,000.00	\$275,000.00	12/12/2023	12/11/2024
8400002681	Mississippi Department of Child Protection Services	About you Sitting Services, LLC	Nursing Sitter Services	New	\$798,631.25	\$798,631.25	7/1/2023	4/16/2024
8400002742	Mississippi Department of Child Protection Services	Youth Villages, Inc	Therapeutic Treatment	New	\$0.00	\$500,000.00	7/1/2023	2/16/2024
8400002721	Mississippi Department of Child Protection Services	Forrest County General Hospital	Hospice Care	New	\$91,250.00	\$91,250.00	9/13/2023	9/11/2024
8400002723	Mississippi Emergency Management Agency	Tetra Tech Inc	Emergency Shelter	New	\$6,500,000.00	\$6,500,000.00	9/28/2023	5/2/2024

Emergency Contracts
Office of Personal Service Contract Review
Reported to PPRB in Calendar Year 2024

8400002671*	Mississippi State Department of Health	Sullivan Consulting Group, Inc.	Assessment and Update the State Health Plan	New	\$129,550.00	\$129,550.00	8/1/2023	6/30/2025
-------------	---	------------------------------------	---	-----	--------------	--------------	----------	-----------

Total Emergency Contract Actions Reported in Febuary 2024:	\$9,245,705.25
---	----------------

***PPRB approve two-year emergency term at February 1, 2023 meeting**

Emergency Contracts
Office of Personal Service Contract Review
Reported to PPRB in Calendar Year 2024

Emergency Contracts Reported January 4, 2024								
Contract Number	Agency	Contractor	Service	Contract Action	Contract Action Amount	Contract Total Amount	Start Date	End Date
8400002794	Mississippi Department of Finance and Administration	RGH Enterprises, Inc	Water Remediation Services	New	\$1,000,000.00	\$1,000,000.00	10/4/2023	10/3/2024
Total Emergency Contract Actions Reported in January 2024:					\$1,000,000.00			

Attachment F

OPSCR

Sole Source Contracts

**Sole Source Contracts
Office of Personal Service Contract Review
Reported to PPRB Calendar Year 2024**

Sole Source Contracts to Report

No New Sole Source Contracts to Report in March

Attachment G

OPSCR

Staff Approvals

Staff Approvals
Office of Personal Service Contract Review
Reported to PPRB in May 2024

Staff Approvals Reported May 1, 2024							
Contract #	Agency	Contractor	Service	Action	Amount	Approval Type	Staff Authority
8200056600	Mississippi Department of Finance and Administration	Jerry Mayo	Financial Services	Modification	\$104,000.00	Statutory Exemption	3-101.02
8200073640	Mississippi State Department of Health	Upchurch Services LLC	HVAC and Plumbing Services	New	\$64,876.00	Multiple Contracts	7-102.01
8200073694	Mississippi State Department of Health	Agilent Technologies Inc	Janitorial Services	New	\$20,973.60	Multiple Contracts	7-102.01
8200073531	Mississippi State Department of Health	Thermo Electron North America, LLC	Labratory Services	New	\$6,685.00	Multiple Contracts	7-102.01
8200072310	Mississippi Department of Human Services	Staffers, Inc	Temporary Staffing	New	\$50,000.00	PVL	7-102.01
8200057735	Mississippi Division of Medicaid	Staffers Inc	Temporary Staffing	Termination	\$0.00	PVL	3-208.02
8200066141	Mississippi Division of Medicaid	Ria Solutions, LLC	Janitorial Services	Termination	(\$27,900.00)	Multiple Contracts	7-102.01

Staff Approvals
Office of Personal Service Contract Review
Reported to PPRB in May 2024

8200066142	Mississippi Division of Medicaid	Ria Solutions, LLC	Janitorial Services	Termination	(\$27,900.00)	Multiple Contracts	7-102.01
8200071678	Mississippi Department of Marine Resources	Mississippi State University	Research personnel	New	\$74,978.00	Small Purchase	7-102.01
8200070924	Mississippi Department of Corrections	Mississippi State University	Project evaluation services	Technical	\$0.00	Technical	7-110.01
8200069589	Ellisville State School	Accounting Associates, PLLC	Accounting Services	Technical	\$0.00	Technical	3-101.02
8200072448	Ellisville State School	HMP Nursing Services	Nursing Services	New	\$1,500,000.00	PVL	3-208.02
8200066869	Mississippi Department of Employment Security	Trace Advisory Group	Auditing	Modification	\$1,000,000.00	Statutory Exemption	3-101-02(d)
8200073711	Mississippi Veteran's Affairs	Prime Care Nursing Inc	Nursing Services	New	\$100,000.00	Statutory Exemption	3-503.02.3(d)
8200066339	Mississippi Veteran's Affairs	Precision Healthcare Staffing	Nursing Services	Modification	\$400,000.00	Statutory Exemption	3-503.02.3(d)

Staff Approvals
Office of Personal Service Contract Review
Reported to PPRB in May 2024

8200066341	Mississippi Veteran's Affairs	Precision Healthcare Staffing	Nursing Services	Modification	\$400,000.00	Statutory Exemption	3-503.02.3(d)
8200067723	Mississippi Veteran's Affairs	Swetman Security Service, Inc	Security	Technical	\$400,000.00	Statutory Exemption	3-503.02.3(d)
8200066344	Mississippi Veteran's Affairs	Precision Healthcare Staffing	Nursing Services	Modification	\$500,000.00	Statutory Exemption	3-503.02.3(d)
Total Reported in May 1, 2024:					\$4,565,712.60		

OPSCR Staff Approval Authority Granted by PPRB	
Section 3-101.02(h)	Contracts exempt by state statute.
Section 3-101.04.3	WIN contract workers when the total contract value does not exceed \$75,000. in a 12-month period.
Section 3-103.04	Assignment of a previously approved contract due to novation, buyout, or change of name.
Section 3-208.02	Contracts with vendors selected from the Preapproved Vendor List.
Section 3-503.02.3(d)	Mississippi Veteran's Affairs contracts for operation of state veteran's homes.
Section 7-102.01	Multiple small purchase contracts with the same vendor but different scopes of service.
Section 7-110.01	Scrivener's errors and technical issues.
Section 7-110.02	Modifications which reduce the dollar amount or in which services are unchanged.
Section 7-110.03	Modifications of up to 10% of the contract amount on previously approved unit price contracts. (Total contract

Staff Approvals
Office of Personal Service Contract Review
Reported to PPRB in May 2024

Section 3-102.04.1	Contracts between two state agencies, both under PPRB purview. These contracts do not require PPRB approval.
---------------------------	--

Attachment H

Quarterly Report

Emergency and Sole Source
Contracts



STATE OF MISSISSIPPI
GOVERNOR TATE REEVES

DEPARTMENT OF FINANCE AND ADMINISTRATION

LIZ WELCH
EXECUTIVE DIRECTOR

May 1, 2024
Via Hand Delivery

Representative Kevin Ford, Chair
Committee on Accountability, Efficiency, and Transparency
Mississippi House of Representatives
400 High Street, Room 404-C
Jackson, MS 39201

Dear Chair Ford:

Please find attached a quarterly report detailing emergency and sole source contracts presented to the Public Procurement Review Board from the Office of Personal Service Contract Review for Calendar Year 2024.

In addition, for informational purposes, please find attached information about emergency contracts presented to the Public Procurement Review Board from the Office of Purchasing, Travel and Fleet Management during the same period.

Should you have any questions, please feel free to contact me at 601-359-3446.

Kindest regards,

Brittney Thompson
Office of Personal Service Contract Review
Division Director

Enclosures

cc: David Russell, Chair
Norman Katool, Vice Chair
Norman McLeod
Billy Morehead
Rita Wray
Liz Welch
(Public Procurement Review Board)



STATE OF MISSISSIPPI
GOVERNOR TATE REEVES

DEPARTMENT OF FINANCE AND ADMINISTRATION

LIZ WELCH
EXECUTIVE DIRECTOR

May 1, 2024
Via Hand Delivery

Senator David Parker, Chair
Committee on Accountability, Efficiency, and Transparency
Mississippi State Senate
400 High Street, Room 213
Jackson, MS 39201

Dear Chair Parker:

Please find attached a quarterly report detailing emergency and sole source contracts presented to the Public Procurement Review Board from the Office of Personal Service Contract Review for Calendar Year 2024.

In addition, for informational purposes, please find attached information about emergency contracts presented to the Public Procurement Review Board from the Office of Purchasing, Travel and Fleet Management during the same period.

Should you have any questions, please feel free to contact me at 601-359-3446.

Kindest regards,

Brittney Thompson
Office of Personal Service Contract Review
Division Director

Enclosures

cc: David Russell, Chair
Norman Katool, Vice Chair
Norman McLeod
Billy Morehead
Rita Wray
Liz Welch
(Public Procurement Review Board)

Calendar Year 2024 Total (to date):

\$12,954,627.57

Emergency Contracts Reported MAY 1, 2024							
Contract #	Agency	Contractor	Commodity	Action	Amount	Start	End
8400002963	MS DEPT OF HEALTH	PFIZER INC	CDC FLU VACCINES	NEW	1,396,011.00	4/17/2024	3/31/2025
8400002961	MS DEPT OF HEALTH	MERCK SHARP & DOHME LLC	CDC FLU VACCINES	NEW	4,036,494.00	4/16/2024	3/31/2025
4400005276	MS DEPT OF HEALTH	VERITRACE, INC.	PRINTING PLATES AND SECURITY PAPER	NEW	\$93,235.00	4/5/2024	
8400002955	MDOT	PINE BELT MOTORS	2024 CHEVY SILVERADO	NEW	\$45,309.00	4/5/2024	6/30/2024
4400005275	MS DEPT OF AGRICULTURE & COMMERCE	KIRK AUTO WORLD	2023 FORD F150 4X4	NEW	\$49,990.00	4/4/2024	
8400002942	MDOT	KIRK AUTO WORLD	2024 RAM 5500 CAB AND CHASSIS	NEW	\$69,999.00	4/2/2024	6/30/2024
8400002941	MDOT	GLOBAL RENTAL CO	AERIAL BUCKET TRUCK	NEW	\$203,499.00	4/2/2024	6/30/2024
8400002951	MS DEPT OF HEALTH	GLAXOSMITHKLINE LLC	FLU VACCINES FROM CDC	MODIFICATION	\$1,718,158.00	3/21/2024	3/31/2025
8400002952	MS DEPT OF HEALTH	SANOFI PASTEUR INC	FLU VACCINES FROM CDC	MODIFICATION	\$1,538,460.00	3/21/2024	3/31/2025
Total for Report					\$9,151,155.00		

Emergency Contracts Reported April 3, 2024							
Contract #	Agency	Contractor	Commodity	Action	Amount	Start	End
4400005006	MS DEPT OF AGRICULTURE & COMMERCE	CANNON	(2) CHEVEROLET COLORADO	MODIFICATION	\$76,040.00	3/20/2024	
8400002951	MS DEPT OF HEALTH	GLAXOSMITHKLINE LLC	FLU VACCINES FROM CDC	NEW	\$91,320.00	3/18/2024	3/31/2025
8400002952	MS DEPT OF HEALTH	SANOFI PASTEUR INC	FLU VACCINES FROM CDC	NEW	\$75,350.00	3/15/2024	3/31/2025
8400002892	MDOT	KIRK AUTO COMPANY	2024 FORD F-550 CHASSIS	NEW	\$62,671.00	2/29/2024	2/10/2025
8400002920	MDOT	MCLARTY/GRAY DANIELS FORD	(3) 2023 FORD F-150 CREW CAB	NEW	\$137,400.00	2/27/2024	2/24/2025
8400002900	MDOT	PINE BELT MOTORS	2024 CHEVY SILVERADO HD	NEW	\$57,000.00	2/23/2024	6/30/2024
4400005221	OFFICE OF STATE AID ROAD CONSTRUCTION	MCLARTY/GRAY DANIELS NISSAN	(2) 2024 NISSAN TITAN	NEW	\$107,010.00	2/21/2024	
8400002740	MS DEPT OF CORRECTIONS	MCCAIN ENGINEERING COMPANY INC	EMERGENCY RENTAL OF BOILER WITH MCCAIN ENGINEERING DUE TO INOPERABLE HOT WATER BOILER FOR THE DOMESTIC HOT WATER IN KITCHEN AND SHOWERS AT UNIT 29.	NEW	\$107,455.00	9/25/2023	9/23/2024
Total for Report					\$714,246.00		

Emergency Contracts Reported March 6, 2024							
Contract #	Agency	Contractor	Commodity	Action	Amount	Start	End
8400002901	MS VETERANS AFFAIRS	TERRY SERVICE INC	LABOR, PARTS,AND INSTALLATION SERVICES FOR THE AIR HANDLING UNITS.	NEW	\$110,000.00	2/15/2024	8/31/2024
4400004960	MS AUTHORITY FOR EDUCATION	BROADSTREAM SOLUTION	EQUIPMENT AND INTERGRATION SERVICE FOR MASTER CONTROL	MODIFICATION	\$275,139.00	2/13/2024	
4000676032	MDWFP	KIRK AUTO WORLD	2023 FORD F150 CREW CAB	NEW	\$48,184.25	2/12/2024	
4400005201	MDWFP	KIRK AUTO WORLD	(5) 2023 FORD F150 CREW CAB	NEW	\$240,921.25	2/12/2024	
4400005189	MDWFP	KIRK AUTO WORLD	(7) 2023 FORD F150 CREW CAB	NEW	\$337,289.75	2/12/2024	
8400002894	MDOT	KIRK AUTO WORLD	(2) 2023 FORD F150 CREW CAB AND (4) DODGE RAM 1500	NEW	\$268,500.00	2/8/2024	6/30/2024
8400002902	MDOT	KIRK AUTO WORLD	2023 FORD F150 CREW CAB	NEW	\$44,750.00	2/8/2024	6/30/2024
8400002876	MDOT	GLOBAL RENTAL	AERIAL BUCKET TRUCK	NEW	\$156,353.00	2/6/2024	6/30/2024
4400005174	MS BOARD OF ANIMAL HEALTH	SOUTHLAND FIRE SAFETY & EQUIPMENT	FOAMER/ TRAILER	MODIFICATION	\$92,000.00	2/1/2024	
4000674519	MS DEPT. OF MARINE RESOURCES	WALT MASSEY CHEVY	2024 DODGE TRADESMAN CREW CAB 4X4	NEW	\$52,680.00	1/30/2024	
4000674478	MS DEPT. OF MARINE RESOURCES	WALT MASSEY CHEVY	2024 DODGE TRADESMAN CREW CAB 4X4	NEW	\$51,295.00	1/30/2024	
8400002802	MS VETERANS AFFAIRS	TERRY SERVICE INC	RENTAL OF TEMPORARY CHILLER	MODIFICATION	\$35,000.00	1/30/2024	8/31/2024
8400002874	MDOT	KIRK AUTO WORLD	(2) 2024 DODGE RAM 1500 CREW CAB	NEW	\$91,800.00	1/29/2024	6/30/2024
8400002872	MDOT	SCOTT POWERLINE	AERIAL BUCKET TRUCK	NEW	\$234,000.00	1/25/2024	6/30/2024
8400002863	MDOT	KIRK AUTO WORLD	(2) 2023 DODGE RAM 1500 QUAD CAB	NEW	\$85,000.00	1/23/2024	1/21/2025
4400005173	MS VETERANS AFFAIRS	MODEL 1	(2) FORD E450	NEW	\$256,862.00	1/22/2024	
Total for Report					\$2,379,774.25		

Emergency Contracts Reported February 7, 2024							
Contract #	Agency	Contractor	Commodity	Action	Amount	Start	End
4000673033	MS DEPT. OF MARINE RESOURCES	WALT MASSEY CHEVY	2024 CHEVY SILVERADO 1500 WT	NEW	\$49,750.00	1/22/2024	
4000673028	MS DEPT OF MARINE RESOURCES	WALT MASSEY CHEVY	2024 CHEVY SILVERADO 2500	NEW	\$51,995.00	1/22/2024	
4000673029	MS DEPT OF MARINE RESOURCES	WALT MASSEY CHEVY	2024 CHEVY SILVERADO 1500	NEW	\$46,950.00	1/22/2024	
8400002870	MDOT	KIRK AUTO WORLD	2023 DODGE RAM 1500 QUAD CAB 4WD	NEW	\$42,500.00	1/22/2024	1/17/2025
4000673027	MS DEPT. OF MARINE RESOURCES	WALT MASSEY CHEVY	2024 CHEVY SILVERADO 2500 HD WT	NEW	\$61,450.00	1/19/2024	
4000673031	MS DEPT. OF MARINE RESOURCES	WALT MASSEY CHEVY	2024 CHEVY SILVERADO 1500	NEW	\$49,030.00	1/19/2024	
4000673032	MS DEPT. OF MARINE RESOURCES	WALT MASSEY CHEVY	2024 GMC SIERRA 1500	NEW	\$50,170.00	1/19/2024	
8400002840	MDOT	PINE BELT MOTORS	(3) 2024 CHEVY SILVERADO 1500	NEW	\$131,625.00	1/11/2024	12/16/2024
4000669325	MS DEPT. OF MARINE RESOURCES	WALT MASSEY CHEVY	2024 CHEVY SILVERADO 1500	NEW	\$52,995.00	12/29/2023	
8400002830	MDOT	KIRK AUTO WORLD	2023 DODGE RAM CC CAB/CHASSIS 4WD AND 2023 DODGE RAM QC CAB/CHASSIS 4WD	NEW	\$81,400.00	12/19/2023	12/12/2024
4400005174	MS BOARD OF ANIMAL HEALTH	SOUTHLAND FIRE SAFETY & EQUIPMENT	FOAMER/ TRAILER	NEW	\$91,000.00		
4400005145	MS DEPT OF CORRECTIONS	SOUTHERN PIPE & SUPPLY-HATTIESBURG	LABOR, PARTS,AND INSTALLATION SERVICES FOR THE HEATING UNIT.	NEW	\$587.32		
Total for Report					\$709,452.32		

**Emergency Contracts
Office of Personal Service Contract Review
Reported to PPRB in Calendar Year 2024**

**Calendar Year 2024 Total:
\$21,085,488.20**

Emergency Contracts Reported May 1, 2024								
Contract Number	Agency	Contractor	Service	Contract Action	Contract Action Amount	Contract Total Amount	Start Date	End Date
No Emergency Contracts to Report in May 2024								
Total Emergency Contract Actions Reported in May 2024:					\$0.00			

**Emergency Contracts
Office of Personal Service Contract Review
Reported to PPRB in Calendar Year 2024**

**Calendar Year 2024 Total:
\$20,902,988.20**

Emergency Contracts Reported April 3, 2024								
Contract Number	Agency	Contractor	Service	Contract Action	Contract Action Amount	Contract Total Amount	Start Date	End Date
8400002903	East Mississippi State Hospital	TPCS Inc	Psychiatric Services	New	\$208,000.00	\$208,000.00	2/20/2024	2/19/2025
8400002843	Mississippi Department of Corrections	Crossroads Outreach Ministries, Inc	Transitional housing for inmates	New	\$182,500.00	\$182,500.00	4/1/2024	3/31/2025
8400002862	Mississippi Department of Corrections	Casey Hicks	Fuel tank repair	New	\$162,066.00	\$162,066.00	1/18/2024	1/16/2024
8400002844	Mississippi Department of Corrections	New Way Mississippi Inc	Transitional housing for inmates	New	\$912,500.00	\$912,500.00	4/1/2024	3/31/2025
8400002845	Mississippi Department of Corrections	Sober Living Residential LLC	Transitional housing for inmates	New	\$839,500.00	\$839,500.00	4/1/2024	3/21/2025
8400002877	Mississippi Department of Corrections	Consolidated Electrical Distributor Inc	Electrical repair & installation	New	\$128,595.95	\$128,595.95	2/7/2024	2/5/2025
8400002451	Mississippi Department of Education	Margie B. Pulley	Interim superintendent (Tunica County)	Modification	\$99,750.00	\$199,500.00	7/1/2023	6/30/2024
Total Emergency Contract Actions Reported in April 2024:					\$2,532,911.95			

Emergency Contracts
Office of Personal Service Contract Review
Reported to PPRB in Calendar Year 2024

Emergency Contracts Reported March 6, 2024								
Contract Number	Agency	Contractor	Service	Contract Action	Contract Action Amount	Contract Total Amount	Start Date	End Date
8400002851	Mississippi Division of Medicaid	Maximus US Services, Inc	Eligibility Support Staffing Services	New	\$8,124,371.00	\$8,124,371.00	1/8/2024	1/7/2025
Total Emergency Contract Actions Reported in March 2024:					\$8,124,371.00			

Emergency Contracts
Office of Personal Service Contract Review
Reported to PPRB in Calendar Year 2024

Emergency Contracts Reported Febuary 7, 2024								
Contract Number	Agency	Contractor	Service	Contract Action	Contract Action Amount	Contract Total Amount	Start Date	End Date
8400002842	East Mississippi State Hospital	Behaviorial Health Consultation Services	Licensed Psychologist	New	\$385,000.00	\$385,000.00	1/3/2024	1/1/2025
8400002791	Mississippi Department of Child Protection Services	Alabama Clinical Schools	Therapeutic Treatment & Placement	New	\$292,000.00	\$292,000.00	11/27/2023	11/26/2024
8400002806	Mississippi Department of Child Protection Services	Centers for Youth and Families, Inc	Therapeutic Treatment & Placement	New	\$500,000.00	\$500,000.00	12/6/2023	12/5/2024
8400002622	Mississippi Gas & Oil Board	Kelley Brothers Contractors, Inc	Oil Well Plugging	Modification	\$274,274.00	\$905,395.90	7/1/2023	6/30/2024
8400002795	Mississippi Department of Child Protection Services	Centers for Youth and Families, Inc	Therapeutic Treatment & Placement	New	\$275,000.00	\$275,000.00	12/12/2023	12/11/2024
8400002681	Mississippi Department of Child Protection Services	About you Sitting Services, LLC	Nursing Sitter Services	New	\$798,631.25	\$798,631.25	7/1/2023	4/16/2024
8400002742	Mississippi Department of Child Protection Services	Youth Villages, Inc	Therapeutic Treatment	New	\$0.00	\$500,000.00	7/1/2023	2/16/2024
8400002721	Mississippi Department of Child Protection Services	Forrest County General Hospital	Hospice Care	New	\$91,250.00	\$91,250.00	9/13/2023	9/11/2024
8400002723	Mississippi Emergency Management Agency	Tetra Tech Inc	Emergency Shelter	New	\$6,500,000.00	\$6,500,000.00	9/28/2023	5/2/2024

Emergency Contracts
Office of Personal Service Contract Review
Reported to PPRB in Calendar Year 2024

8400002671*	Mississippi State Department of Health	Sullivan Consulting Group, Inc.	Assessment and Update the State Health Plan	New	\$129,550.00	\$129,550.00	8/1/2023	6/30/2025
-------------	---	------------------------------------	---	-----	--------------	--------------	----------	-----------

Total Emergency Contract Actions Reported in Febuary 2024:	\$9,245,705.25
---	----------------

***PPRB approve two-year emergency term at February 1, 2023 meeting**

Emergency Contracts
Office of Personal Service Contract Review
Reported to PPRB in Calendar Year 2024

Emergency Contracts Reported January 4, 2024								
Contract Number	Agency	Contractor	Service	Contract Action	Contract Action Amount	Contract Total Amount	Start Date	End Date
8400002794	Mississippi Department of Finance and Administration	RGH Enterprises, Inc	Water Remediation Services	New	\$1,000,000.00	\$1,000,000.00	10/4/2023	10/3/2024
Total Emergency Contract Actions Reported in January 2024:					\$1,000,000.00			

Emergency Contracts
Office of Personal Service Contract Review
Reported to PPRB in Calendar Year 2024

Emergency Contracts Reported March 6, 2024								
Contract Number	Agency	Contractor	Service	Contract Action	Contract Action Amount	Contract Total Amount	Start Date	End Date
8400002851	Mississippi Division of Medicaid	Maximus US Services, Inc	Eligibility Support Staffing Services	New	\$8,124,371.00	\$8,124,371.00	1/8/2024	1/7/2025
Total Emergency Contract Actions Reported in March 2024:					\$8,124,371.00			

Emergency Contracts
Office of Personal Service Contract Review
Reported to PPRB in Calendar Year 2024

Emergency Contracts Reported Febuary 7, 2024								
Contract Number	Agency	Contractor	Service	Contract Action	Contract Action Amount	Contract Total Amount	Start Date	End Date
8400002842	East Mississippi State Hospital	Behaviorial Health Consultation Services	Licensed Psychologist	New	\$385,000.00	\$385,000.00	1/3/2024	1/1/2025
8400002791	Mississippi Department of Child Protection Services	Alabama Clinical Schools	Therapeutic Treatment & Placement	New	\$292,000.00	\$292,000.00	11/27/2023	11/26/2024
8400002806	Mississippi Department of Child Protection Services	Centers for Youth and Families, Inc	Therapeutic Treatment & Placement	New	\$500,000.00	\$500,000.00	12/6/2023	12/5/2024
8400002622	Mississippi Gas & Oil Board	Kelley Brothers Contractors, Inc	Oil Well Plugging	Modification	\$274,274.00	\$905,395.90	7/1/2023	6/30/2024
8400002795	Mississippi Department of Child Protection Services	Centers for Youth and Families, Inc	Therapeutic Treatment & Placement	New	\$275,000.00	\$275,000.00	12/12/2023	12/11/2024
8400002681	Mississippi Department of Child Protection Services	About you Sitting Services, LLC	Nursing Sitter Services	New	\$798,631.25	\$798,631.25	7/1/2023	4/16/2024
8400002742	Mississippi Department of Child Protection Services	Youth Villages, Inc	Therapeutic Treatment	New	\$0.00	\$500,000.00	7/1/2023	2/16/2024
8400002721	Mississippi Department of Child Protection Services	Forrest County General Hospital	Hospice Care	New	\$91,250.00	\$91,250.00	9/13/2023	9/11/2024
8400002723	Mississippi Emergency Management Agency	Tetra Tech Inc	Emergency Shelter	New	\$6,500,000.00	\$6,500,000.00	9/28/2023	5/2/2024

Emergency Contracts
Office of Personal Service Contract Review
Reported to PPRB in Calendar Year 2024

8400002671*	Mississippi State Department of Health	Sullivan Consulting Group, Inc.	Assessment and Update the State Health Plan	New	\$129,550.00	\$129,550.00	8/1/2023	6/30/2025
Total Emergency Contract Actions Reported in Febuary 2024:					\$9,245,705.25			

***PPRB approve two-year emergency term at February 1, 2023 meeting**

**Emergency Contracts
Office of Personal Service Contract Review
Reported to PPRB in Calendar Year 2024**

Emergency Contracts Reported January 4, 2024								
Contract Number	Agency	Contractor	Service	Contract Action	Contract Action Amount	Contract Total Amount	Start Date	End Date
8400002794	Mississippi Department of Finance and Administration	RGH Enterprises, Inc	Water Remediation Services	New	\$1,000,000.00	\$1,000,000.00	10/4/2023	10/3/2024
Total Emergency Contract Actions Reported in January 2024:					\$1,000,000.00			

Calendar Year 2024 Total (to date):

\$3,218,845.40

SOLE SOURCE Contracts Reported MAY 1, 2024							
Contract #	Agency	Vendor	Action	Commodity	Amount	Start Date	End Date
8800009357	UNIVERSITY OF SOUTHERN MS	C THERM TECHNOLOGIES LTD	NEW	C-THERM INSTRUMENT	\$40,000.00	4/5/2024	4/4/2025
8800009355	UNIVERSITY OF MS	SHOUMEI TSENG	NEW	LABOACE LC-5060 PLUS II RECYCLING PREPARATIVE HPLC SYSTEM	\$74,610.00	4/3/2024	4/2/2025
8800009351	UMMC	10X GENOMICS	MODIFICATION	REAGENTS AND KITS ASSOCIATED WITH THE CHROMIUM CONTROLLER	\$300,000.00	3/29/2024	3/28/2025
8800009339	MS DEPT OF HEALTH	TSI INCORPORATED	NEW	9 PORTACOUNT CALIBRATION UNITS AND SUPPLIES	\$200,205.00	3/28/2024	3/27/2025
8800009350	MS DEPT OF HEALTH	NAT'L COUNCIL FOR BEHAVIORAL HEALTH	NEW	MENTAL HEALTH FIRST AID OUTREACH MATERIAL	\$11,763.00	3/28/2024	3/27/2025
8800009328	UNIVERSITY OF MS	BLUE WAVE SEMICONDUCTORS INC.	NEW	NANO TCVD SYSTEM	\$147,000.00	3/22/2024	3/21/2025
8800009329	UMMC	CYTEK BIOSCIENCES, INC.	NEW	IMAGING FLOW CYTOMETER	\$450,000.00	3/22/2024	3/21/2025
8800009338	MS DEPT OF PUBLIC SAFETY	BODE CELLMARK FORENSICS INC	NEW	DNA ARRESTEE COLLECTION KITS	\$38,200.00	3/20/2024	3/19/2025
Total Reported in APRIL 2024:					\$1,261,778.00		

SOLE SOURCE Contracts Reported APRIL 3, 2024

Contract #	Agency	Vendor	Action	Commodity	Amount	Start Date	End Date
8800009321	UNIVERSITY OF MS	MICROLIGHT3D SAS	NEW	2-PHOTON POLYMERIZATION MICROFAB BASIC TOOL	\$98,290.00	3/12/2024	3/11/2025
8800009302	UMMC	AXON ENTERPRISE INC.	NEW	AXON TASER 7	\$103,944.00	3/4/2024	3/3/2025
8800009301	MS STATE UNIVERSITY	EXCELITAS CANADA INC.	NEW	ADAPTOR	\$9,139.05	2/29/2024	2/27/2025
8800009300	UNIVERSITY OF SOUTHERN MS	INNOVASEA MARINE SYST	NEW	FISH TAGS	\$123,538.74	2/26/2024	2/25/2025
8800009281	MDOT	PILE DYNAMICS INC.	NEW	UPGRADE PILE DRIVING ANALYZER (PDA)	\$48,530.00	2/21/2024	6/30/2024
8800009282	MDOT	RAY'S BODY SHOP INC.	NEW	ROLLOVER SIMULATOR	\$44,200.00	2/21/2024	6/30/2024
Total Reported in MARCH 2024:					\$427,641.79		

SOLE SOURCE Contracts Reported March 6, 2024

Contract #	Agency	Vendor	Action	Commodity	Amount	Start Date	End Date
8800009280	MS STATE UNIVERSITY	LOTEK WIRELESS, INC.	NEW	TEMPERATURE DEPTH RECORDERS	\$129,775.00	2/19/2024	2/17/2025
8800009290	MS STATE UNIVERSITY	AMERESCO, INC.	NEW	PHOTOVOLTAIC POWER SYSTEMS	\$9,012.00	2/19/2024	2/17/2025
8800009272	DEPT OF PUBLIC SAFETY	NORTH ROBOTIC	NEW	ROBOTIC ARM	\$129,725.00	2/16/2024	2/14/2025
8800009269	UMMC	GAUMARD SCIENTIFIC	MODIFICATION	1 YEAR OLD SIMULATORS AND ASSOCIATED PRODUCTS	\$55,000.00	2/8/2024	2/6/2025
8800009266	DEPT OF PUBLIC SAFETY	THERMO ELECTRON NORTH AMERICA LLC	NEW	MICROSCOPE AND RELATED CONSUMABLES	\$41,722.01	2/5/2024	2/4/2025
8800009264	MS STATE UNIVERSITY	CAMPBELL SCIENTIFIC, INC.	NEW	EDDY FLUX ENERGY BALANCE SYSTEM	\$73,423.92	1/31/2024	1/29/2025
8800009265	MS STATE UNIVERSITY	TSI INCORPORATED	NEW	CALIBRATION SYSTEM	\$202,563.00	1/31/2024	1/29/2025
8800009262	DEPT OF PUBLIC SAFETY	BODE CELLMARK FORENSICS, INC.	NEW	BODE TECHNOLOGY BLUE ARCHIVAL CASSETTES PLUS ENVELOPES	\$21,118.00	1/25/2024	1/24/2025
8800009261	MDOT	KEJR INC	NEW	GEOPROBE DRILL	\$8,758.47	1/22/2024	6/30/2024
8800009032	UMMC	ILLUMINA, INC	MODIFICATION	REAGENTS, KITS, AND SUPPLIES	\$490,000.00	9/7/2023	9/5/2025
Total Reported in February 2024:					\$671,097.40		

SOLE SOURCE Contracts Reported FEBRUARY 7, 2024

Contract #	Agency	Vendor	Action	Commodity	Amount	Start Date	End Date
8800009242	MS STATE UNIVERSITY	LI-COR, INC.	NEW	EDDY FLUX SYSTEM	\$277,921.20	1/11/2024	1/9/2025
8800009241	MS STATE UNIVERSITY	WORLDWIDE EXCHANGE LLC	NEW	SPECTROPHOTOMETER	\$18,105.56	1/10/2024	1/8/2025
8800009240	UNIVERSITY OF MS	NIKON INSTRUMENTS INC	NEW	MICROSCOPE	\$213,329.20	1/8/2024	1/6/2025
8800009229	DEPT OF PUBLIC SAFETY	CMI, INC	NEW	INTOXILYZER 8000 PARTS	\$210,000.00	1/8/2024	1/7/2025
8800009225	MS STATE UNIVERSITY	POLYTEC, INC.	NEW	LASER SCANNING VIBROMETER	\$167,000.00	1/4/2024	1/2/2025
8800009233	MS STATE UNIVERSITY	LI-COR, INC.	NEW	POROMETER/FLUOROMETER	\$14,125.00	1/3/2024	1/1/2025
8800009224	MS STATE UNIVERSITY	INTERNATIONAL ASSOCIATION OF ASSEMBLY OFFICERS	NEW	COURSE MATERIALS	\$99,750.00	1/3/2024	1/1/2025
8800009201	JACKSON STATE UNIVERSITY	HQ GRAPHENE SYATEMS BV	NEW	MOTORIZED TRANSFER SYSTEM	\$68,097.25	11/15/2022	12/30/2023
Total Reported in January 2024:					\$858,328.21		

**Sole Source Contracts
Office of Personal Service Contract Review
Reported to PPRB Calendar Year 2024**

Sole Source Contracts to Report

No New Sole Source Contracts to Report in May

Attachment I

Protest Documents



111 Veterans Boulevard • Suite 401 • Metairie, LA 70005 • (888) 721-4372 • Fax: (504) 482-2852
www.drcusa.com

March 21, 2024

RE: NOTICE OF PROTEST OF AWARD

REQUEST FOR PROPOSAL, DEBRIS REMOVAL SERVICES,
Mississippi Department of Finance and Administration (DFA);
Office of Purchasing, Travel and Fleet Management (OPTFM) as administrator of pre-need disaster clean
up contracts on behalf of governing bodies of Mississippi cities and counties

Ross Campbell
Director
Office of Purchasing, Travel and Fleet Management
501 N, West Street, Suite 701 A
Jackson MS 39205

Dear Mr. Campbell,

Thank you for your letter responding to our protest dated March 7, 2024. For convenience, we have attached a copy of our March 7 protest letter here.

While we appreciate the Department of Finance and Administration's (DFA) response to the first item presented in our March 7 letter, we note that DFA did not respond to items 2 and 3 of our letter. Respectfully, DRC Emergency Services, LLC requests a response by DFA to items 2 and 3 raised in our attached March 7 letter.

Respectfully submitted,

Kristy Fuentes, Vice President
DRC Emergency Services, LLC

MEMORANDUM

TO: Public Procurement Review Board

FROM: Suzanne C. Hudson
Special Assistant Attorney General ¹

DATE: May 1, 2024

RE: PROTEST APPEAL
Mississippi Department of Finance and Administration
Request for Proposals for Debris Removal Services [RFX 3120002790]

In 2023, the Mississippi Legislature added the following language to subsection (x) to Mississippi Code § 31-7-13, as follows:

Mississippi Regional Pre-Need Disaster Clean Up Act. (i) *The Department of Finance and Administration shall enter into nine (9) contracts for the pre-need purchase of labor, services, work, materials, equipment, supplies or other personal property for disaster-related solid waste collection, disposal or monitoring. One (1) contract shall be entered into for each of the nine (9) Mississippi Emergency Management Association districts:*

1. Coahoma, DeSoto, Grenada, Panola, Quitman, Tallahatchie, Tate, Tunica and Yalobusha Counties;
2. Alcorn, Benton, Itawamba, Lafayette, Lee, Marshall, Pontotoc, Prentiss, Tippah, Tishomingo and Union Counties;
3. Attala, Bolivar, Carroll, Holmes, Humphreys, Leflore, Montgomery, Sunflower and Washington Counties;
4. Calhoun, Chickasaw, Choctaw, Clay, Lowndes, Monroe, Noxubee, Oktibbeha, Webster and Winston Counties;
5. Claiborne, Copiah, Hinds, Issaquena, Madison, Rankin, Sharkey, Simpson, Warren and Yazoo Counties;
6. Clarke, Jasper, Kemper, Lauderdale, Leake, Neshoba, Newton, Scott, and Smith Counties and the Mississippi Band of Choctaw Indians;

¹ The above-named attorney of the Office of the Attorney General provides this information and/or legal advice to Public Procurement Review Board in her capacity as Board counsel. This advice does not constitute an official written opinion of the Office of the Attorney General pursuant to Miss. Code Ann. Section 7-5-25 and does not protect against potential civil or criminal liability. Subject to the attorney client privilege and attorney work product doctrines, this - legal advice may not be distributed to others without the express written permission of the Office of the Attorney General, the Executive Director of DFA, and the Chair of the PPRB.

7. Adams, Amite, Franklin, Jefferson, Lawrence, Lincoln, Pike, Walthall and Wilkinson Counties;
8. Covington, Forrest, Greene, Jefferson Davis, Jones, Lamar, Marion, Perry and Wayne Counties; and
9. George, Hancock, Harrison, Jackson, Pearl River and Stone Counties.

Any such contract shall set forth the manner of awarding such a contract, the method of payment, and any other matter deemed necessary to carry out the purposes of the agreement. Such contract may be entered into only for a term of one (1) year, with an option for an additional one-year extension after the conclusion of the first year of the contract, and only after having solicited bids or proposals, as appropriate, which shall be publicly advertised by posting on a web page maintained by the Department of Finance and Administration through submission of such advertisement to the Mississippi Procurement Technical Assistance Program under the Mississippi Development Authority. The bid opening shall not occur until after the submission has been posted for at least ten (10) consecutive days. The state's share of expenditures for solid waste collection, disposal or monitoring under any contract shall be appropriated and paid in the manner set forth in the contract and in the same manner as for other solid waste collection, disposal, or monitoring expenses of the state. Any contract entered into under this paragraph shall not be subject to the provisions of Section 17-13-11.

(ii) *Any board of supervisors of any county or any governing authority of any municipality may opt in to the benefits and services provided under the appropriate and relevant contract established in subparagraph (i) of this paragraph at the time of a disaster event in that county or municipality. **At the time of opt in, the county or municipality shall assume responsibility for payment in full to the contractor for the disaster-related solid waste collection, disposal or monitoring services provided.*** Nothing in this subparagraph (ii) shall be construed as requiring a county or municipality to opt in to any such contract established in subparagraph (i) of this paragraph.

Miss. Code Ann. § 31-7-13 (West) (emphasis added).

Pursuant to this statutory mandate, DFA issued a Request for Proposals for debris removal services. While DFA was mandated to facilitate the establishment of a contract for such services, the services being provided for under that contract were being *acquired by* counties and municipalities, at their option. Thus, DFA is not the using Agency of these services, and the using

public entities are not subject to the purview of the Public Procurement Review Board (PPRB) when procuring personal and professional services.

PPRB has the authority to “promulgate rules and regulations governing the solicitation and selection of contractual services personnel, including any personal and professional services contracts ... *with the exception of* ... any personal service contracts entered into *by any agency that employs only nonstate service employees* as defined in [Mississippi Code] Section 25-9-107(c).” Mississippi Code § 27-104-7(f)(i)(1) (emphasis added).

“State service” is defined as “employees of *state* departments, agencies and institutions” while “Nonstate service” means “officers and employees *excluded* from the state service by this chapter.” Mississippi Code § 25-9-107(b) and (c) (emphasis added). It is clear that the public entities acquiring the services under the contracts provided for in Mississippi Code § 31-7-13(x) employ only nonstate service employees – i.e., they are employees of counties and municipalities and not the state. Therefore, those entities are not subject to PPRB oversight regarding the procurement and acquisition of personal and professional services and PPRB does not have authority to hear any protest related thereto.

Based on the foregoing, it is my opinion that PPRB has no authority to hear and decide a protest raised in response to a Request for Proposals issued by DFA where the personal and professional services solicited will be acquired – or used by - *counties and municipalities*. Because counties and municipalities employ only nonstate service employees, they are not subject to PPRB’s oversight purview. The PPRB does not need to consider the merits of the protest, but rather should dismiss the protest on a procedural basis due to lack of jurisdiction. The PPRB must take formal action to dismiss the protest through its minutes.

MEMORANDUM

TO: Public Procurement Review Board

FROM: Suzanne C. Hudson
Special Assistant Attorney General ¹

DATE: May 1, 2024

RE: PROTEST APPEAL
Mississippi Department of Finance and Administration
Request for Proposals for Debris Removal Services [RFX 3120002790]

In 2023, the Mississippi Legislature added the following language to subsection (x) to Mississippi Code § 31-7-13:

Mississippi Regional Pre-Need Disaster Clean Up Act. (i) *The Department of Finance and Administration shall enter into nine (9) contracts for the pre-need purchase of labor, services, work, materials, equipment, supplies or other personal property for disaster-related solid waste collection, disposal or monitoring. One (1) contract shall be entered into for each of the nine (9) Mississippi Emergency Management Association districts:*

1. Coahoma, DeSoto, Grenada, Panola, Quitman, Tallahatchie, Tate, Tunica and Yalobusha Counties;
2. Alcorn, Benton, Itawamba, Lafayette, Lee, Marshall, Pontotoc, Prentiss, Tippah, Tishomingo and Union Counties;
3. Attala, Bolivar, Carroll, Holmes, Humphreys, Leflore, Montgomery, Sunflower and Washington Counties;
4. Calhoun, Chickasaw, Choctaw, Clay, Lowndes, Monroe, Noxubee, Oktibbeha, Webster and Winston Counties;
5. Claiborne, Copiah, Hinds, Issaquena, Madison, Rankin, Sharkey, Simpson, Warren and Yazoo Counties;
6. Clarke, Jasper, Kemper, Lauderdale, Leake, Neshoba, Newton, Scott, and Smith Counties and the Mississippi Band of Choctaw Indians;

¹ The above-named attorney of the Office of the Attorney General provides this information and/or legal advice to Public Procurement Review Board in her capacity as Board counsel. This advice does not constitute an official written opinion of the Office of the Attorney General pursuant to Miss. Code Ann. Section 7-5-25 and does not protect against potential civil or criminal liability. Subject to the attorney client privilege and attorney work product doctrines, this - legal advice may not be distributed to others without the express written permission of the Office of the Attorney General, the Executive Director of DFA, and the Chair of the PPRB.

7. Adams, Amite, Franklin, Jefferson, Lawrence, Lincoln, Pike, Walthall and Wilkinson Counties;
8. Covington, Forrest, Greene, Jefferson Davis, Jones, Lamar, Marion, Perry and Wayne Counties; and
9. George, Hancock, Harrison, Jackson, Pearl River and Stone Counties.

Any such contract shall set forth the manner of awarding such a contract, the method of payment, and any other matter deemed necessary to carry out the purposes of the agreement. Such contract may be entered into only for a term of one (1) year, with an option for an additional one-year extension after the conclusion of the first year of the contract, and only after having solicited bids or proposals, as appropriate, which shall be publicly advertised by posting on a web page maintained by the Department of Finance and Administration through submission of such advertisement to the Mississippi Procurement Technical Assistance Program under the Mississippi Development Authority. The bid opening shall not occur until after the submission has been posted for at least ten (10) consecutive days. The state's share of expenditures for solid waste collection, disposal or monitoring under any contract shall be appropriated and paid in the manner set forth in the contract and in the same manner as for other solid waste collection, disposal, or monitoring expenses of the state. Any contract entered into under this paragraph shall not be subject to the provisions of Section 17-13-11.

(ii) Any board of supervisors of any county or any governing authority of any municipality may opt in to the benefits and services provided under the appropriate and relevant contract established in subparagraph (i) of this paragraph at the time of a disaster event in that county or municipality. At the time of opt in, the county or municipality shall assume responsibility for payment in full to the contractor for the disaster-related solid waste collection, disposal or monitoring services provided. Nothing in this subparagraph (ii) shall be construed as requiring a county or municipality to opt in to any such contract established in subparagraph (i) of this paragraph.

Miss. Code Ann. § 31-7-13 (West) (emphasis added).

Pursuant to this statutory mandate, DFA issued a Request for Proposals for debris removal services. While DFA was mandated to facilitate the establishment of a contract for such services, the services being provided for under that contract were being *acquired by* counties and municipalities, at their option. Thus, DFA is not the using Agency of these services, and the using

public entities are not subject to the purview of the Public Procurement Review Board (PPRB) when procuring personal and professional services.

PPRB has the authority to “promulgate rules and regulations governing the solicitation and selection of contractual services personnel, including any personal and professional services contracts ... *with the exception of* ... any personal service contracts entered into *by any agency that employs only nonstate service employees* as defined in [Mississippi Code] Section 25-9-107(c).” Mississippi Code § 27-104-7(f)(i)(1) (emphasis added).

“State service” is defined as “employees of *state* departments, agencies and institutions” while “Nonstate service” means “officers and employees *excluded* from the state service by this chapter.” Mississippi Code § 25-9-107(b) and (c) (emphasis added). It is clear that the public entities acquiring the services under the contracts provided for in Mississippi Code § 31-7-13(x) employ only nonstate service employees – i.e., they are employees of counties and municipalities and not the state. Therefore, those entities are not subject to PPRB oversight regarding the procurement and acquisition of personal and professional services and PPRB does not have authority to hear any protest related thereto.

Based on the foregoing, it is my opinion that PPRB has no authority to hear and decide a protest raised in response to a Request for Proposals issued by DFA where the personal and professional services solicited will be acquired – or used by - *counties and municipalities*. Because counties and municipalities employ only nonstate service employees, they are not subject to PPRB’s oversight purview. The PPRB does not need to consider the merits of the protest, but rather should dismiss the protest on a procedural basis due to lack of jurisdiction. The PPRB must take formal action to dismiss the protest through its minutes.

Lynn Patton Thompson
lthompson@bislawyers.com
Direct Dial: 601.987.4821
Direct Fax: 601.987.4821



P.O. Box 14028
Jackson, MS 39236-4028

Paragon Two
578 Highland Colony Parkway
Suite 100
Ridgeland, MS 39157

Telephone: 601.713.1192

April 26, 2024

Ms. Rita Wray
Chairperson, Mississippi Department of
Finance & Administration
501 North West Street
Suite 1301, Woolfolk Building
Jackson, Mississippi 39201

**Via Hand Delivery
And Electronic Mail**

Re: Appeal by Looks Great Services of MS, Inc.
DFA Request for Proposal No. 3120002790 for
Pre-Need Disaster Removal Services – MEMA Regions 1-9

SUBJECT: Supplement to Appeal—Jurisdiction of PPRB

Dear Board Members:

This firm represents Looks Great Services, Inc. (“LGS”) in the above referenced Appeal. On April 24, 2024, the Special Assistant Attorney General for the Department of Finance and Administration (“DFA”) provided us the draft agenda for the May 1, 2024, Public Procurement Review Board (“PPRB”) meeting. A copy is attached hereto as **Exhibit “A”**. LGS’s Appeal to the PPRB is referenced at pages 2-3 therein, as follows:

B. Protest Appeal, RFx # 3120002790, Request for Proposals, Pre-Need Disaster Debris Removal Services 1.

Looks Great Services of MS, Inc. and Ashbritt, Inc. responded to a Request for Proposals (RFP) issued by the Department of Finance and Administration (DFA) pursuant to a requirement in Mississippi Code § 31-7-13(x). While DFA was statutorily mandated to issue a competitive procurement for debris removal services, the entities who would be eligible to utilize and pay for the services under that procurement are counties and municipalities. Thus, the procurement and contracts are not subject to PPRB purview because the public entities who are acquiring personal and professional services as a result of this RFP employ only nonstate service personnel, and are therefore excluded from the PPRB’s authority by Mississippi Code § 27-104-7(f)(i)(1).¹

¹ Reference to this has since been or will be corrected to refer to the intended statutory provision at *Miss. Code Ann.* § 27-104-7(2)(f)(i)(1).

Staff Recommendation: DFA has reviewed the protest appeals and recommends they be procedurally dismissed for lack of jurisdiction without adjudication of the merits.

The agenda item pertaining to LGS's appeal is the first time that DFA has cited to *Miss. Code Ann.* §27-104-7(2)(f)(i)(1) as the basis for DFA's denial of LGS's initial protest submitted on March 7, 2024. **ROA Exhibit "F"**. DFA's denial of LGS's protest, made no reference to this statute (or any other) that might suggest the PPRB does not have appeal jurisdiction over this DFA procurement. **ROA Exhibit "G"**. Had LGS been advised that *Miss. Code Ann.* §27-104-7(2)(f)(i)(1) was the basis of DFA's denial of its protest, DFA's improper reliance on it could have been addressed in its initial appeal.² Regardless, LGS respectfully submits that the DFA's jurisdictional analysis is without merit and that the PPRB must consider the merits of the Appeal of LGS.

DFA perceives the jurisdictional issue thusly: the cities and counties are using the services, and they are not under PPRB's purview for personal and professional services. Reliance on §27-104-7(2)(f)(i)(1) to refuse exercise of PPRB's appeal jurisdiction is *incorrect*. The procurement at issue here was by the DFA. The resulting contract to be issued will be between DFA and the contractor, regardless of whether a municipality or county will ever "opt" to purchase services based on the awards made by DFA. DFA—as the agenda states—is statutorily mandated to conduct this procurement. The contracts entered into by DFA for pre-need disaster cleanup services are "the deal" cut by the DFA for counties and municipalities who choose to use it. By DFA's logic, their procurement decision is beyond PPRB review, and the PPRB is prevented from even examining any error, impropriety, or inconsistency in that procurement decision that injures offerors and taxpayers. Mississippi law provides that where there is a wrong there is a remedy. In this instance, LGS's remedies include an appeal to the PPRB to review DFA's compliance with the RFP's terms and all other grounds for LGS's protest.

DFA's recommendation did not include the entirety of §27-104-7(2)(f)(i)(1). DFA assumed that because county and municipality officials are not employed by the state, then their orders for services under DFA's contracts means that "nonstate services employees" are entering into the contracts. The entirety of §27-104-7(2)(f)(i)(1) was not considered, because the contracts by "nonstate service employees" to which the "exception" applies is determined by another statute: §25-9-107(c).

However, this determination was made without considering the "exception" to PPRB's review relied upon by DFA specifically references the "nonstate service employees *as defined in § 25-9-107(c)*" (emphasis added). The "nonstate service employees" defined in § 25-9-107(c) are all *state-level* officials, officers, employees, and/or state boards or corporations who are paid by the

² In a telephone conversation with DFA's Special Assistant Attorney General Suzanne Hudson after Mr. Campbell's denial of LGS's protest, we inquired if the lack of jurisdiction was because DFA perceived that the resulting contracts would be "net of fee" contracts. We understood Ms. Hudson to have confirmed that. Accordingly, the issue of fee vs. net-of-fee contracts was discussed in detail in LGS's appeal and debunked.

Ms. Rita Wray
Chairperson, Mississippi Department of
Finance & Administration
April 26, 2024
Page 3

state but do not have the same employment protections as "state service" employees. *Miss. Code Ann. § 25-9-107(c)* expressly defines "nonstate service" employees, which include, for example:

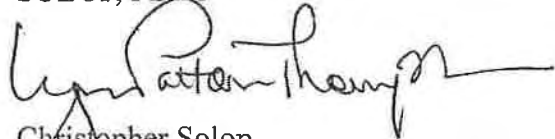
- the Governor and the immediate staff members of the Office of the Governor
- the State Legislature
- Justices and judges of the judicial branch
- Contract personnel
- Members of Boards and Commissioners appointed by the Governor, Lieutenant Governor or the State Legislature
- All academic officials of the state institutes of higher learning.

Counties and municipalities are not among the enumerated "nonstate service" employees whose contracts § 25-9-107(c) excludes from PPRB review. *Miss. Code Ann. § 25-9-107(c)* simply defines those state-level contracts that the PPRB does not review. *Miss. Code Ann. § 25-9-107(c) has no bearing on the jurisdiction of the PPRB to review the personal services contracts procured by DFA and to be awarded by the DFA for pre-need disaster services.* For your convenient reference, the entirety of § 27-104-7(2)(f)(i)(1), which necessarily includes *Miss. Code Ann. § 25-9-107(c)*, are both attached as **Exhibit "B"** and **Exhibit "C"**, respectively.

The statutory exception that is the basis of DFA's recommended action on LGS's appeal affords no shelter for DFA's conclusion that neither it nor the PPRB have jurisdiction to review LGS's protest or the instant appeal. Request for Proposal # 3120002790 was issued by DFA and the Notice of Intent to Award for each of the 9 Regions was likewise issued by DFA and not by any "nonstate service" officers or employees.

Respectfully submitted,

BIGGS, INGRAM &
SOLOP, PLLC



Christopher Solop
Lynn Patton Thompson

cc: Liz Welch *via hand delivery*
Ross Campbell *via electronic medium*
LaShun Smith *via electronic medium*
Suzanne Hudson *via electronic medium*



MEETING AGENDA

Wednesday, May 1, 2024

9:00 a.m.

Woolfolk Office Building, Room 138

***This Meeting will be held virtually. Public access to the meeting is available at <https://www.youtube.com/@MSPPRB> ***

- I. Call to Order
- II. Approval of Minutes from the April 3, 2024 Public Procurement Review Board Meeting
- III. Approval of per diem and expenses for the May 1, 2024 meeting and for any additional expenses incurred prior to the June 5, 2024 meeting
- IV. Reports
 - A. OPTFM Emergency Purchases Reported to the Board
 - B. OPTFM Sole Source Purchases Reported to the Board
 - C. OPTFM Staff Approvals Reported to the Board
 - D. BOB Staff Approvals Reported to the Board
 - E. OPSCR Emergency Contracts Reported to the Board
 - F. OPSCR Sole Source Contracts Reported to the Board
 - G. OPSCR Staff Approvals Reported to the Board
 - H. OPSCR and OPTFM Quarterly Legislative Reports
 - 1. Emergency and Sole Source Contracts Report

Summary of Request: OPSCR has prepared reports to be filed with the Committees on Accountability, Efficiency, and Transparency of the Mississippi State Senate and Mississippi House of Representatives, as required by Miss. Code Ann. § 27-104-7(2)(o)(vi) and Sections 3-206.07, 3-207, and 7-111 of the PPRB OPSCR Rules and Regulations.



Staff Recommendation: OPSCR recommends approval of this request.

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

A. Consideration of State Agency Contracts for Board Action

1. Requesting Agency: University of Southern Mississippi (USM)

Supplier: JEOL USA, Inc.

Contract #: 8800009344

Term: 05/03/2024 through 03/26/2025

Total Value: \$949,000.00

Summary of Request: USM is requesting approval of a sole source purchase for an electron microscope. USM advertised in the newspaper and on the procurement portal per the Mississippi Procurement Manual. There were no objections received.

Staff Recommendation: OPTFM recommends approval of the contract.

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

Supplier: Model 1 Commercial Vehicles, Inc.

Contract #: 8200066117

Term: 12/07/2022 through 11/30/2024

Total Value: \$7,422,100.00

Summary of Request: MDOT solicited bids for 6-passenger ADA minivans and the contract was approved by PPRB on December 7, 2022. The first two (2) extensions were approved on 5/3/2023 and 11/1/2023. MDOT is requesting approval of the third of nine (9) possible six (6) month extensions.

Staff Recommendation: OPTFM recommends approval of the extension.

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

Supplier: Covington Sales & Service Inc.

Contract #: 8200071821

Term: 11/01/2023 through 11/30/2024

Total Value: \$3,585,064.00

Summary of Request: MDOT solicited competitive sealed bids for the procurement of knuckle boom trucks and the contract was approved by PPRB on 11/1/2023. MDOT is requesting approval of the first of nine (9) possible six (6) month extensions.

Staff Recommendation: OPTFM recommends approval of the extension.

B. Protest Appeal, RFx # 3120002790, Request for Proposals, Pre-Need Disaster Debris Removal Services

- Looks Great Services of MS, Inc. and Ashbritt, Inc. responded to a Request for Proposals (RFP) issued by the Department of Finance and Administration (DFA) pursuant to a requirement in Mississippi Code § 31-7-13(x). While DFA was statutorily mandated to issue a competitive procurement for debris removal services, the entities who would be eligible to utilize and pay for the services under that procurement are counties and municipalities.

Thus, the procurement and contracts are not subject to PPRB purview because the public entities who are acquiring personal and professional services as a result of this RFP employ only nonstate service personnel, and are therefore excluded from the PPRB's authority by Mississippi Code § 27-104-7(f)(i)(1).

Staff Recommendation: DFA has reviewed the protest appeals and recommends they be procedurally dismissed for lack of jurisdiction without adjudication of the merits.

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

A. Consideration of Contracts for Project Professionals

NOTE: Standard Operating Procedures established by the BOB in April 2004, require PPRB approval of fees in excess of \$250,000.00. The following Professionals were selected by interview by the Using Agency and Bureau of Building, et al, procedures. (Fees may or may not be anticipated to be beyond \$250,000.00; however, the Bureau of Building, et al, has established an interoffice procedure to bring RFP/RFQ selections to PPRB for approval or ratification.)

1. Using Agency: Northeast Mississippi Community College

Project Number: GS# 212-076

Project Title: Residence Hall Improvements

Location: Booneville, Mississippi

Budget: \$3,500,000.00

Funding Sources: Capital Improvement Funds

Professional Fee: C+ (estimated fees \$258,325.55)

Professional: PryorMorrow PC (Columbus, Mississippi)

Scope: Planning and construction through the Warranty Phase for renovations to Wood Hall on the NEMCC main campus. This three-story 19,000 square foot facility, constructed in 1982, has only received minor improvements over the course of its life. The project scope will include asbestos abatement, cosmetic enhancements, restoration of interior and exterior elements, some interior reconfiguration, ADA improvements and major upgrades to the mechanical, electrical, plumbing and life safety systems.

Note: The Professional was selected via a competitive qualification-based selection process.

Staff Recommendation: BOB has reviewed the documentation and recommends PPRB approval contingent upon executable Contract.

B. Consideration of "Agency" Contracts for Project Professionals

- 1. Using Agency:** Mississippi Department of Archives and History
Title: Civil War Interpretive Center
Location: Vicksburg, Mississippi
Budget: \$53,144,628.00 (estimated fees \$2,619,628.00)
Funding Sources: HB 1612, Laws of 023

Professional: Perkins & Will, Inc. (Chicago, Illinois)

Scope: Architectural services for building demolition and preplanning through construction oversight and administration for site in Vicksburg, Mississippi.

Note: The Professional was selected via a two-phase competitive qualification-based selection process.

Staff Recommendation: BoB has reviewed the documentation and recommends PPRB approval contingent upon executable Contract.

C. Consideration of Change Order for Board Action

Using Agency: Office of Capitol Facilities (Department of Finance and Administration)

Project Number: GS# 350-038

Project Title: ARPA Mitigation

General Contractor: Universal Services, LLC

Original Contract Sum: \$9,100,000.00

Net Change by Previous Change Orders: \$0.00

Total Value of Award before this Change Order: \$9,100,000.00

Total Value of this Change Order: \$4,300,000.00

Construction Days to Date [Term]: 660 (0 days for this Change Order)

Change Order Scope: Change Order is for adding Alternate #1 for duct cleaning at the Woolfolk Building and Alternate #2 for duct cleaning at the Sillers Building, from the original Form of Proposal at time of bidding, into the Contract.

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

Staff Recommendation: BOB recommends PPRB approval contingent upon executable Change Order.

D. RPM Succeeding Leases

1. Requesting Agency: Mississippi Motor Vehicle Commission

Lease #: 555-251-29A

Lessor: Lightyear, LLC

Term: 09-01-2024 thru 08-31-2029

Proposed Yearly Cost: \$25,358.04

Proposed Cost PSF: \$14.63 Inclusive

Previous Yearly Cost: \$25,358.04

Previous Cost PSF: \$14.63 Inclusive

Total Space Per Occupant: 242

Federal Funds: 0%

Proposed Square Footage: 1,733

Previous Square Footage: 1,733

Address of Property: 1755 Lelia Dr., Suite 200, Jackson, MS

Purpose of Lease: The MMVC holds daily operations and Commission meetings at this Hinds County location. The agency processes and stores its licensees' files, as well as its agency records.

Note: This is a five-year succeeding lease with no renewals. This agency has been at this location since 11-1-2016.

Staff Recommendations: RPM recommends the approval of this lease.

2. Requesting Agency: Mississippi Department of Rehabilitation Services

Lease #: 725-801-27A

Lessor: Hal Nowell

Term: 06-01-2024 thru 05-31-2027

Total Yearly Cost: \$28,415.50

Previous Yearly Cost: \$26,744.00

Cost PSF: \$8.50 + Utilities & Janitorial

Previous Cost PSF: \$8.00 + Utilities & Janitorial

Total Space Per Occupant: N/A

Federal Funds: 80%

Square Footage Proposed: 3,343

Address of Property: 211 Ball Drive, Louisville, MS

Purpose of Lease: This location serves the Louisville/Winston County area. Personnel housed at this office work with approximately 350 disabled clients who require rehabilitation services.

Note: This is a three-year lease with no renewals. This agency has been at this location since 06-01-2014.

Staff Recommendations: RPM recommends the approval of this lease.

E. RPM Amended Leases

1. Requesting Agency: Mississippi Secretary of State

Lease #: 775-251-26A

Lessor: Mattiace Office Company, LLC

Term: 08-01-2024 thru 07-31-2026

Proposed Yearly Cost: 1st year \$479,109.25
2nd year \$502,672.00

Proposed CSF: 1st year \$15.25 Inclusive
2nd year \$16.00 Inclusive

Previous Yearly Cost: \$439,838.00

Previous CSF: \$14.00 Inclusive
Total Space Per Occupant: 327
Federal Funds: 0%
Square Footage Proposed: 31,417
Previous Square Footage: 31,417
Address of Property: 125 S. Congress Street, Suite 1700/1800, Jackson, MS
Purpose of Lease: This is the main office for the Mississippi Secretary of State.

Note: MSOS asks PPRB for a waiver on the Space Efficiency Allowance due to the fact the original contract was signed prior to this policy taking effect. The original contract was entered into on 05-03-2014.

Staff Recommendations: RPM recommends the approval of this lease.

F. RPM Non-Competitive Leases

- 1. Requesting Agency:** Mississippi Department of Rehabilitation Services
Lease #: 725-454-26A
Lessor: Titan Development
Term: 06-01-2024 thru 05-31-2026
Total Yearly Cost: \$18,900.00
Cost PSF: \$10.50 Inclusive/Environmental Controlled
Total Space Per Occupant: N/A
Federal Funds: 80%
Square Footage Proposed: 1,800
Address of Property: 644 Church Street, Madison, MS
Purpose of Lease: This is used for the storage of equipment for Project Start.

Note: This is a two-year storage lease with no renewals. Mississippi Department of Rehabilitation Services asks PPRB for a waiver on the eighteen-month limitation for storage facilities as written under 300.9 (5) of the leasing manual.

Staff Recommendations: RPM recommends the approval of this lease.

G. RPM Emergency Leases

- 1. Requesting Agency:** Mississippi Department of Corrections
Lease #: 170-241-25E
Lessor: Holloway Real Estate Services, LLC
Term: 04-01-2024 thru 03-31-2025
Proposed Yearly Cost: \$14,400.00
Proposed CSF: \$6.00 + Utilities & Janitorial
Total Space Per Occupant: N/A
Federal Funds: 0%
Square Footage Proposed: 2,400
Address of Property: 198 Lameuse Street, Biloxi, MS

Purpose of Lease: This will be the parole & Probation office for the Biloxi/Harrison County area.

Note: This is a one-year emergency lease. An emergency certificate was issued to MDOC on 3-12-2024.

Staff Recommendations: RPM recommends the approval of this lease.

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

A. Consideration of Contracts for Board Action

1. **Requesting Agency:** Mississippi Department of Corrections
Supplier: Waste Management of Mississippi, Inc.
Contract #: 8900002444
Term: 08/01/2024 - 07/31/2027
Total Value: \$4,973,871.14 **New \$4,973,871.14**
Summary of Request: The term of the contract is three years with two optional one-year renewals. The Contractor will provide waste collection and disposal services to multiple correctional facilities. The Contractor was selected through a Request for Proposals (RFP) with two respondents.

Staff Recommendation: OPSCR recommends approval of this request, contingent upon receipt of the required performance bond.

Projected Budget for the Life of the Contract: \$8,897,146.04

2. **Requesting Agency:** Mississippi Development Authority
Supplier: Coraggio Group, LLC
Contract #: 8200074115
Term: 05/01/2024 - 04/30/2025
Total Value: \$266,510.00 **New \$266,510.00**
Summary of Request: The term of the contract is one year with twelve months of optional renewals. The Contractor will research various stakeholders in Mississippi's travel and tourism industry, using what they learn to create a strategic tourism marketing plan for Visit Mississippi. The Contractor was selected through a Request for Proposals (RFP) with seven respondents.

Staff Recommendation: OPSCR recommends approval of this request.

Projected Budget for the Life of the Contract: \$266,510.00

3. **Requesting Agency:** Mississippi State Hospital
Supplier: Jasmyn Allen
Contract #: 10134990
Term: 07/01/2023 - 05/01/2024
Total Value: \$15,771.00 **Termination (-)\$80,325.00**

Summary of Request: The term of the original contract was one year with no optional renewals. The contract worker was a registered nurse that supervised care and treatment of all residents at Whitfield Medical Surgical Hospital, Jaquith Nursing Home, Oak Circle Center, and other divisions of Mississippi State Hospital. The contract worker was terminated due to failing to work since December 30, 2023. Accordingly, the Agency issued a Stop Work Order effective March 12, 2024, and is now seeking to terminate the contract.

Staff Recommendation: OPSCR recommends approval of this request.

Projected Budget for the Life of the Contract: \$15,771.00

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

Supplier: Glenn Edward James

Contract #: 103692

Term: 07/01/2022 - 06/30/2025

Total Value: \$900,000.00

Modification

\$325,000.00

Summary of Request: The original term of the original contract was one year with four optional one-year renewals. Glenn James is a contract worker who serves as a consulting medical specialist for the Office of Disability Determination Services. Modification Two updates the Period of Performance and Compensation Clauses. All other terms and conditions of the original contract remain the same.

Staff Recommendation: OPSCR recommends approval of this request.

Projected Budget for the Life of the Contract: \$900,000.00

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

Supplier: David D. Powers

Contract #: 103697

Term: 07/01/2022 - 06/30/2025

Total Value: \$640,000.00

Modification

\$230,000.00

Summary of Request: The original term of the contract is one year with four optional one-year renewals. David Powers is a contract worker who serves as a consulting psychology specialist for the Office of Disability Determination Services. Modification Two updates the Period of Performance and Compensation clauses. All other terms and conditions of the original contract remain the same.

Staff Recommendation: OPSCR recommends approval of this request.

Projected Budget for the Life of the Contract: \$640,000.00

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

Supplier: Alok Dixit

Contract #: 119824

Term: 07/01/2024 - 06/30/2025

Total Value: \$123,151.60

New

\$123,151.60

Summary of Request: The term of the contract is one year with four optional one-year renewals. Alok Dixit is a contract worker who will provide technical assistance to the State's

human resource and payroll technical team to ensure the system is maintained, remains operational, and that the State's employee payroll is completed correctly and on time. He will be paid an amount not to exceed \$123,151.60. The contract worker was selected through a Request for Applications (RFA) and was the sole respondent.

Staff Recommendation: OPSCR recommends approval of this request.

Projected Budget for the Life of the Contract: \$615,758.00

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

Supplier: Diversified Elevator Service and Equipment Company, Inc.

Contract #: 8200074143

Term: 07/01/2024 - 06/30/2027

Total Value: \$945,288.00

New

\$945,288.00

Summary of Request: The term of the contract is three years with two optional one-year renewals. The Contractor will provide elevator maintenance services at DFA buildings located in Jackson and Biloxi, MS. The Contractor was selected through an Invitation for Bids (IFB) with two respondents and the contract was awarded to the lowest responsive bidder.

Staff Recommendation: OPSCR recommends approval of this request.

Projected Budget for the Life of the Contract: \$1,686,528.00

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

Supplier: NCH Corporation dba Chemsearch FE

Contract #: 8200074328

Term: 07/01/2024 - 06/30/2027

Total Value: \$132,677.00

New

\$132,677.00

Summary of Request: The term of the contract is three years with two optional one-year renewals. The Contractor will provide HVAC water treatment services at DFA buildings located in the Capitol Complex. The Contractor was selected through an Invitation for Bids (IFB) with two respondents, and the contract was awarded to the lowest responsive bidder.

Staff Recommendation: OPSCR recommends approval of this request, contingent upon receipt of the required Certificate of Insurance.

Projected Budget for the Life of the Contract: \$227,894.00

9. **Requesting Agency:** Ellisville State School

Supplier: Clean Earth, Inc.

Contract #: 8200062168

Term: 07/01/2022 – 06/30/2025

Total Value: \$104,832.00

Renewal

\$34,944.00

Summary of Request: The term of the original contract was one year with four optional one-year renewals. Amendment Two has been submitted to exercise the second renewal option and to update the successors and assigns clause as well as the entire agreement clause. All other terms and conditions of the original contract remain the same. The Contractor provides

services as they relate to Medical Waste Pickup and Disposal for the Agency's main campus located in Ellisville, MS and its satellite location, South Mississippi Regional Center in Long Beach, MS.

Staff Recommendation: OPSCR recommends approval of this request.

Projected Budget for the Life of the Contract: \$174,720.00

10. Requesting Agency: Ellisville State School

Supplier: Topps Private Investigation & Security Firm, PLLC

Contract #: 8200063745

Term: 09/01/2022 – 06/30/2025

Total Value: \$414,400.00

**Renewal
\$145,600.00**

Summary of Request: The term of the original contract was ten months with four optional one-year renewals. Amendment Two has been submitted to exercise the second optional renewal and to update the successors and assigns clause as well as the entire agreement clause. All other terms and conditions of the original contract remain the same. The Contractor provides professional security services.

Staff Recommendation: OPSCR recommends approval of this request, contingent upon receipt of the required Certificate of Insurance.

Projected Budget for the Life of the Contract: \$705,600.00

11. Requesting Agency: Ellisville State School

Supplier: Redd Pest Solutions

Contract #: 8200062251

Term: 07/01/2022 – 06/30/2025

Total Value: \$105,264.00

**Renewal
\$35,088.00**

Summary of Request: The term of the original contract was one year with four optional one-year renewals. Amendment Two has been submitted to exercise the second optional renewal and to update the successors and assigns clause as well as the entire agreement clause. All other terms and conditions of the original contract remain the same. The Contractor will provide services related to the eradication, corrective action and preventive maintenance against household pests, insects, and rodents at the multiple location campuses.

Staff Recommendation: OPSCR recommends approval of this request, contingent upon receipt of the required Certificate of Insurance.

Projected Budget for the Life of the Contract: \$175,440.00

12. Requesting Agency: Ellisville State School

Supplier: Star Services, Inc. of Jackson

Contract #: 8200060021

Term: 10/11/2021 – 06/30/2025

Total Value: \$2,430,000.00

**Renewal
\$648,000.00**

Summary of Request: The term of the original contract was nine months with four optional one-year renewals. Amendment Three has been submitted to exercise the third optional renewal and to update the successors and assigns clause as well as the entire agreement clause. All other terms and conditions of the original contract remain the same. The Contractor provides preventive maintenance on the Agency's heating, ventilation, and air conditioning (HVAC) systems.

Staff Recommendation: OPSCR recommends approval of this request, contingent upon receipt of the required Certificate of Insurance.

Projected Budget for the Life of the Contract: \$3,078,000.00

13. Requesting Agency: Ellisville State School

Supplier: Humphries Auto Supply, LLC

Contract #: 8200073996

Term: 05/08/2024 – 05/07/2025

Total Value: \$383,400.00

**New
\$383,400.00**

Summary of Request: The term of the contract is one year with four optional one-year renewals. The Contractor will provide two trained ASE automobile repair mechanics/workmen who are proficient in identifying deficiencies or issues that may exist or arise on the entire Ellisville State School's fleet of vehicles. Various repairs also include tractors, emergency generators, golf carts, etc. The Contractor was selected through an Invitation for Bids (IFB) with Humphries Auto Supply being the only bidder and was found to be both responsible and responsive.

Staff Recommendation: OPSCR recommends approval of this request.

Projected Budget for the Life of the Contract: \$1,917,000.00

14. Requesting Agency: Ellisville State School

Supplier: Holifield Landscape and Irrigation dba US Lawns of Hattiesburg

Contract #: 8200061693

Term: 07/01/2022 – 06/30/2025

Total Value: \$810,000.00

**Renewal
\$270,000.00**

Summary of Request: The term of the original contract was one year with four optional one-year renewals. Amendment Two has been submitted to exercise the second optional renewal and to update the successors and assigns clause as well as the entire agreement clause. All other terms and conditions of the original contract remain the same. The Contractor provides lawn care services at the Agency's campus in Ellisville, Mississippi.

Staff Recommendation: OPSCR recommends approval of this request.

Projected Budget for the Life of the Contract: \$1,350,000.00

15. Requesting Agency: Mississippi Department of Child Protection Services

Supplier: American Bar Association Center on Children and the Law

Contract #: 8200073933

Term: 05/02/2024 – 05/01/2027

New

Total Value: \$600,000.00

\$600,000.00

Summary of Request: The term of the original contract is three years with no renewals. The Contractor will conduct a research project to comprehensively review Mississippi's child welfare practices to identify barriers to permanency and make recommendations for removing any identified barriers. The Contractor will also participate in collaborative planning, training, and technical assistance with Agency and other state partners in an effort to develop more efficient and effective pathways to permanency, reduce racial disproportionality, and improve communication, network building, and stakeholder collaboration. The Contractor was selected through an Invitation for Bids (IFB) with two respondents and contract was awarded to the lowest Bidder.

Staff Recommendation: OPSCR recommends approval of this request, contingent upon receipt of the required Certificate of Insurance.

Projected Budget for the Life of the Contract: \$600,000.00

16. Requesting Agency: Mississippi Division of Medicaid

Term: 05/01/2024 – 04/30/2028

Total Value: \$9,303,140,835.00 (Per Contract)

New

\$9,303,140,835.00

Summary of Request: The term of the contract is four years with two optional one-year renewals. The extension for the implementation period was approved at the June 2, 2021 PPRB Meeting. The Contractors will provide services for the statewide administration of the Mississippi Children's Health Program (CHIP), a coordinated care program for Mississippi children and Mississippi Coordinated Access Network program (MississippiCAN), a coordinated care program that serves eligible children and adults in Mississippi, collectively. These programs will improve access to needed medical services, improve quality of care, efficiency, and cost effectiveness. The Contractors were selected through an Request for Qualification with five respondents.

a. **Supplier:** Molina Healthcare of Mississippi, Inc.
Contract #: 8200074439

b. **Supplier:** Magnolia Health Plan, Inc.
Contract #: 8200074450

c. **Supplier:** Mississippi True
Contract #: 8200074451

Staff Recommendation: OPSCR recommends approval of this request, contingent upon receipt of the required Certificates of Insurance.

Projected Budget for the Life of the Contract (Per Contract): \$15,505,234,725.00

17. Requesting Agency: Mississippi Division of Medicaid

Summary of Request: The Agency has submitted one-year renewals for four Contract Workers. Each Contract Worker is paid an hourly rate, as outlined below. The Agency pays a fringe rate of 7.65% and up to \$2,000.00 for travel expenses per contract year for each Contract Worker.

a. **Supplier:** Kathryn Harden

Contract #: 135405

Term: 07/01/2023 – 06/30/2025

Total Value: \$216,716.40

Renewal
\$108,358.20

The term of the original contract was one year with three optional renewals. Amendment One has been submitted to exercise the first optional renewal and add the Relationship of Parties clause to the contract, as well as update the Period of Performance, Cost for Services, and Health Insurance Portability and Accountability Act of 1996. All other terms and conditions of the original contract remain the same. Ms. Harden serves as the Human Resource Liaison with iTech to implement new software and business practices. She is paid \$47.50 per hour.

Projected Budget for the Life of the Contract: \$433,432.80

b. **Supplier:** Sally Harrison

Contract #: 124275

Term: 07/01/2021 – 06/30/2025

Total Value: \$483,382.40

Renewal
\$120,845.60

The term of the original contract was one year with four optional renewals. Amendment Three has been submitted to exercise the third optional renewal and add the Relationship of Parties clause to the contract, as well as update the Period of Performance, Cost for Services, and Health Insurance Portability and Accountability Act of 1996. All other terms and conditions of the original contract remain the same. Ms. Harrison serves as the workforce modernization managing consultant. She is paid \$60.00 per hour.

Projected Budget for the Life of the Contract: \$604,228.00

c. **Supplier:** Aleeta Massey

Contract #: 131785

Term: 07/01/2022 – 06/30/2025

Total Value: \$511,093.80

Renewal
\$170,364.60

The term of the original contract was one year with four optional renewals. Amendment Two has been submitted to exercise the second optional renewal and add the Relationship of Parties clause to the contract, as well as update the Period of Performance, Cost for Services, and Health Insurance Portability and Accountability Act of 1996. All other terms and conditions of the original contract remain the same. Ms. Massey provides project management and budget coordination services to the Office of Information Technology. She is paid \$85.00 per hour.

Projected Budget for the Life of the Contract: \$851,823.00

d. **Supplier:** Stephen Oshinsky

Contract #: 124279

Term: 07/01/2021 – 06/30/2025

Total Value: \$562,612.80

Renewal
\$140,653.20

The term of the original contract was one year with four optional renewals. Amendment Three has been submitted to exercise the third optional renewal and add the Relationship of Parties clause to the contract, as well as update the Period of Performance, Cost for Services, and Health Insurance Portability and Accountability Act of 1996. All other terms and conditions of the original contract remain the same. Mr. Oshinsky performs project management consulting services for the Agency's eligibility system. He is paid \$70.00 per hour.

Projected Budget for the Life of the Contract: \$703,266.00

Staff Recommendation: OPSCR recommends approval of this request.

18. Requesting Agency: Mississippi Oil and Gas Board

Supplier: EAG Gulf Coast, LLC

Contract #: 8200074161

Term: 05/15/2024 – 4/30/2028

Total Value: \$1,400,000.00

New

\$1,400,000.00

Summary of Request: The term of the original agreement is four years with one optional one-year renewal. The Contractor will provide professional project management, consulting and support services pertaining to the orphan well plugging programs implemented and managed by the Agency. The Contractor was selected through a Request for Qualifications (RFQ) with three respondents and the contract was awarded to the highest scoring Respondent.

Staff Recommendation: OPSCR recommends approval of this request, contingent upon receipt of the required Certificate of Insurance.

Projected Budget for the Life of the Contract: \$1,750,000.00

19. Requesting Agency: Mississippi Department of Revenue

Supplier: Douglas Express Delivery, LLC

Contract #: 8200074030

Term: 07/01/2024 – 6/30/2028

Total Value: \$53,001,848.99

New

\$53,001,848.99

Summary of Request: The term of the original agreement is four years with no option to renew. 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 in Hinds, South Madison, and Rankin counties. The Contractor was selected through an Invitation for Bids (IFB) with two respondents resulting in one contract awarded to the lowest Bidder. The Agency requests an exception to PPRB OPSCR Rules and Regulations Section 3-202.06.3. The Agency failed to include the RFx number for the solicitation in the public notice newspaper advertisement as required by Section 3-202.06.3. OPSCR has reviewed the request and has no concerns that granting the exception would affect the competition, fairness, or transparency of the procurement.

Staff Recommendation: OPSCR recommends approval of this request, contingent upon granting the exception to Section 3-202.06.3 and receipt of the required Certificate of Insurance.

Projected Budget for the Life of the Contract: \$53,001,848.99

20. Requesting Agency: Mississippi Department of Revenue

Supplier: Douglas Express Delivery, LLC

Contract #: 8200074042

Term: 07/01/2024 – 06/30/2028

Total Value: \$4,282,056.24

New

\$4,282,056.24

Summary of Request: The term of the original agreement is four years with no option to renew. The Contractor will provide alcoholic beverage hauling and delivery for the Alcoholic Beverage Control Division to all licensed retailers located in Hinds and Rankin counties and in the southern portion of Madison County, excluding permitted locations in the municipal limits of the cities of Canton and Flora. The Contractor was selected through an Invitation for Bids (IFB) with two respondents resulting in one contract awarded to the lowest Bidder. The Agency requests an exception to PPRB OPSCR Rules and Regulations Section 3-202.06.3. The Agency failed to include the RFx number for the solicitation in the public notice newspaper advertisement as required by Section 3-202.06.3. OPSCR has reviewed the request and has no concerns that granting the exception would affect the competition, fairness, or transparency of the procurement.

Staff Recommendation: OPSCR recommends approval of this request, contingent upon granting the exception to Section 3-202.06.3 and receipt of the required Certificate of Insurance.

Projected Budget for the Life of the Contract: \$4,282,056.24

B. Preapproved Vendor List

1. Service Type: Security Services

Effective Dates of PVL: 05/01/2024 - 03/31/2027

Renewable Through: 03/31/2029

Summary of Request: OPSCR issued an Invitation for Bids (IFB) to establish a preapproved vendor list (PVL) to provide security services on an as-needed basis. Pursuant to Miss. Code Ann. § 27-104-7(2)(i), agencies under the purview of the PPRB may contract with vendors on the PVL without bidding or other solicitation. The IFB divided the State into eight regions, two guard types, and three different hourly categories for pricing purposes. Additionally, the IFB provided that OPSCR would recommend awards be made to all responsive and responsible bidders for each service category in each region whose average bid price is less than 125% of the mean for that region. Three bidders responded to the IFB, and OPSCR determined that all were responsive and responsible. OPSCR recommends the following vendors be placed on the PVL for the region(s) indicated in the Notice of Intent to Award. Prices will remain firm, valid, and renewable through 03/31/2029, except that a bidder may raise prices in the event of unanticipated market disruptions. Before making a price adjustment, the bidder must provide a market analysis to the Agency regarding the viability of the original bid rates. The Agency makes the final decision on the price adjustment, and this adjustment shall not exceed 110% of the original bid rate.

OPSCR recommends that the following bidders be placed on the PVL:

1. American Sentry Security
2. Safe Security, Inc.
3. Security Solutions of America

Staff Recommendation: OPSCR recommends approval of this request.

VIII. Other Business

A. Next Regular PPRB Meeting June 5, 2024 at 9:00 a.m.

IX. Adjournment

Miss. Code Ann. § 27-104-7

Current with 2024 1st and 2nd Extraordinary Sessions and Regular Session legislation signed by the Governor and effective upon passage through April 17, 2024, not including changes and corrections made by the Joint Legislative Committee on Compilation, Revision and Publication of Legislation.

Mississippi Code 1972 Annotated > Title 27. Taxation and Finance > Chapter 104. State Fiscal Affairs > In General

Notice

▶ This is a provisional document intended by LexisNexis® to provide a preview of recent legislative activity affecting this code section. The final version of this code section may be affected by prior or subsequent legislative enactments, revisions, or executive veto.

▶ This section has more than one version with varying effective dates.

§ 27-104-7. Creation of public procurement review board; quorum; meetings; support personnel; powers and duties [Subsection (2)(f)(ii) repealed effective June 30, 2027].

(1)

(a) There is created the Public Procurement Review Board, which shall be reconstituted on January 1, 2018, and shall be composed of the following members:

(i) Three (3) individuals appointed by the Governor with the advice and consent of the Senate;

(ii) Two (2) individuals appointed by the Lieutenant Governor with the advice and consent of the Senate; and

(iii) The Executive Director of the Department of Finance and Administration, serving as an ex officio and nonvoting member.

(b) The initial terms of each appointee shall be as follows:

(i) One (1) member appointed by the Governor to serve for a term ending on June 30, 2019;

(ii) One (1) member appointed by the Governor to serve for a term ending on June 30, 2020;

(iii) One (1) member appointed by the Governor to serve for a term ending on June 30, 2021;

**EXHIBIT
"B"**

Lynn Thompson

(iv) One (1) member appointed by the Lieutenant Governor to serve for a term ending on June 30, 2019; and

(v) One (1) member appointed by the Lieutenant Governor to serve for a term ending on June 30, 2020.

After the expiration of the initial terms, all appointed members' terms shall be for a period of four (4) years from the expiration date of the previous term, and until such time as the member's successor is duly appointed and qualified.

(c) When appointing members to the Public Procurement Review Board, the Governor and Lieutenant Governor shall take into consideration persons who possess at least five (5) years of management experience in general business, health care or finance for an organization, corporation or other public or private entity. Any person, or any employee or owner of a company, who receives any grants, procurements or contracts that are subject to approval under this section shall not be appointed to the Public Procurement Review Board. Any person, or any employee or owner of a company, who is a principal of the source providing a personal or professional service shall not be appointed to the Public Procurement Review Board if the principal owns or controls a greater than five percent (5%) interest or has an ownership value of One Million Dollars (\$1,000,000.00) in the source's business, whichever is smaller. No member shall be an officer or employee of the State of Mississippi while serving as a voting member on the Public Procurement Review Board.

(d) Members of the Public Procurement Review Board shall be entitled to per diem as authorized by Section 25-3-69 and travel reimbursement as authorized by Section 25-3-41.

(e) The members of the Public Procurement Review Board shall elect a chair from among the membership, and he or she shall preside over the meetings of the board. The board shall annually elect a vice chair, who shall serve in the absence of the chair. No business shall be transacted, including adoption of rules of procedure, without the presence of a quorum of the board. Three (3) members shall be a quorum. No action shall be valid unless approved by a majority of the members present and voting, entered upon the minutes of the board and signed by the chair. Necessary clerical and administrative support for the board shall be provided by the Department of Finance and Administration. Minutes shall be kept of the proceedings of each meeting, copies of which shall be filed on a monthly basis with the chairs of the Accountability, Efficiency and Transparency Committees of the Senate and House of Representatives and the chairs of the Appropriations Committees of the Senate and House of Representatives.

(2) The Public Procurement Review Board shall have the following powers and responsibilities:

(a) Approve all purchasing regulations governing the purchase or lease by any agency, as defined in Section 31-7-1, of commodities and equipment, except computer equipment acquired pursuant to Sections 25-53-1 through 25-53-29;

(b) Adopt regulations governing the approval of contracts let for the construction and maintenance of state buildings and other state facilities as well as related contracts for architectural and engineering services.

The provisions of this paragraph (b) shall not apply to such contracts involving buildings and other facilities of state institutions of higher learning which are self-administered as provided under this paragraph (b) or Section 37-101-15(m);

(c) Adopt regulations governing any lease or rental agreement by any state agency or department, including any state agency financed entirely by federal funds, for space outside the buildings under the jurisdiction of the Department of Finance and Administration. These regulations shall require each agency requesting to lease such space to provide the following information that shall be published by the Department of Finance and Administration on its website: the agency to lease the space; the terms of the lease; the approximate square feet to be leased; the use for the space; a description of a suitable space; the general location desired for the leased space; the contact information for a person from the agency; the deadline date for the agency to have received a lease proposal; any other specific terms or conditions of the agency; and any other information deemed appropriate by the Division of Real Property Management of the Department of Finance and Administration or the Public Procurement Review Board. The information shall be provided sufficiently in advance of the time the space is needed to allow the Division of Real Property Management of the Department of Finance and Administration to review and preapprove the lease before the time for advertisement begins;

(d) Adopt, in its discretion, regulations to set aside at least five percent (5%) of anticipated annual expenditures for the purchase of commodities from minority businesses; however, all such set-aside purchases shall comply with all purchasing regulations promulgated by the department and shall be subject to all bid requirements. Set-aside purchases for which competitive bids are required shall be made from the lowest and best minority business bidder; however, if no minority bid is available or if the minority bid is more than two percent (2%) higher than the lowest bid, then bids shall be accepted and awarded to the lowest and best bidder. However, the provisions in this paragraph shall not be construed to prohibit the rejection of a bid when only one (1) bid is received. Such rejection shall be placed in the minutes. For the purposes of this paragraph, the term "minority business" means a business which is owned by a person who is a citizen or lawful permanent resident of the United States and who is:

(i) Black: having origins in any of the black racial groups of Africa;

(ii) Hispanic: of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish or Portuguese culture or origin regardless of race;

(iii) Asian-American: having origins in any of the original people of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands;

(iv) American Indian or Alaskan Native: having origins in any of the original people of North America; or

(v) Female;

(e) In consultation with and approval by the Chairs of the Senate and House Public Property Committees, approve leases, for a term not to exceed eighteen (18) months, entered into by state agencies for the purpose of providing parking arrangements for state employees who work in the Woolfolk Building, the Carroll Gartin Justice Building or the Walter Sillers Office Building;

(f)

(i) Except as otherwise provided in subparagraph (ii) of this paragraph, promulgate rules and regulations governing the solicitation and selection of contractual services personnel, including personal and professional services contracts for any form of consulting, policy analysis, public relations, marketing, public affairs, legislative advocacy services or any other contract that the board deems appropriate for oversight, with the exception of:

1. Any personal service contracts entered into by any agency that employs only nonstate service employees as defined in Section 25-9-107(c);
2. Any personal service contracts entered into for computer or information technology-related services governed by the Mississippi Department of Information Technology Services;
3. Any personal service contracts entered into by the individual state institutions of higher learning;
4. Any personal service contracts entered into by the Mississippi Department of Transportation;
5. Any personal service contracts entered into by the Department of Human Services through June 30, 2019, which the Executive Director of the Department of Human Services determines would be useful in establishing and operating the Department of Child Protection Services;
6. Any personal service contracts entered into by the Department of Child Protection Services through June 30, 2019;
7. Any contracts for entertainers and/or performers at the Mississippi State Fairgrounds entered into by the Mississippi Fair Commission;
8. Any contracts entered into by the Department of Finance and Administration when procuring aircraft maintenance, parts, equipment and/or services;
9. Any contract entered into by the Department of Public Safety for service on specialized equipment and/or software required for the operation of such specialized equipment for use by the Office of Forensics Laboratories;
10. Any personal or professional service contract entered into by the Mississippi Department of Health or the Department of Revenue solely in connection with their respective responsibilities under the Mississippi Medical Cannabis Act from February 2, 2022, through June 30, 2026;

11. Any contract for attorney, accountant, actuary auditor, architect, engineer, anatomical pathologist, or utility rate expert services;
12. Any personal service contracts approved by the Executive Director of the Department of Finance and Administration and entered into by the Coordinator of Mental Health Accessibility through June 30, 2022;
13. Any personal or professional services contract entered into by the State Department of Health in carrying out its responsibilities under the ARPA Rural Water Associations Infrastructure Grant Program through June 30, 2026;
14. And any personal or professional services contract entered into by the Mississippi Department of Environmental Quality in carrying out its responsibilities under the Mississippi Municipality and County Water Infrastructure Grant Program Act of 2022, through June 30, 2026 ; and
15. Any personal or professional services contract entered into by the Mississippi Department of Environmental Quality in carrying out its responsibilities under *Section 49-2-13(l)*. This item 15 shall stand repealed on July 1, 2028.

Any such rules and regulations shall provide for maintaining continuous internal audit covering the activities of such agency affecting its revenue and expenditures as required under Section 7-7-3(6)(d). Any rules and regulation changes related to personal and professional services contracts that the Public Procurement Review Board may propose shall be submitted to the Chairs of the Accountability, Efficiency and Transparency Committees of the Senate and House of Representatives and the Chairs of the Appropriation Committees of the Senate and House of Representatives at least fifteen (15) days before the board votes on the proposed changes, and those rules and regulation changes, if adopted, shall be promulgated in accordance with the Mississippi Administrative Procedures Act.

- (ii) From and after July 1, 2024, the Public Procurement Review Board shall promulgate rules and regulations that require the Department of Finance and Administration to conduct personal and professional services solicitations as provided in subparagraph (i) of this paragraph for those services in excess of Seventy-five Thousand Dollars (\$75,000.00) for the Department of Marine Resources, the Department of Wildlife, Fisheries and Parks, the Mississippi Emergency Management Agency and the Mississippi Development Authority, with assistance to be provided from these entities. Any powers that have been conferred upon agencies in order to comply with the provisions of this section for personal and professional services solicitations shall be conferred upon the Department of Finance and Administration to conduct personal and professional services solicitations for the Department of Marine Resources, the Department of Wildlife, Fisheries and Parks, the Mississippi Emergency Management Agency and the Mississippi Development Authority for those services in excess of Seventy-five Thousand Dollars (\$75,000.00). The Department of Finance and Administration shall make any submissions that are required to be made by other agencies to the Public Procurement Review Board for the Department of Marine Resources, the

Department of Wildlife, Fisheries and Parks, the Mississippi Emergency Management Agency and the Mississippi Development Authority.

The provisions of this subparagraph (ii) shall stand repealed on June 30, 2027;

(g) Approve all personal and professional services contracts involving the expenditures of funds in excess of Seventy-five Thousand Dollars (\$75,000.00), except as provided in paragraph (f) of this subsection (2) and in subsection (8);

(h) Develop mandatory standards with respect to contractual services personnel that require invitations for public bid, requests for proposals, record keeping and financial responsibility of contractors. The Public Procurement Review Board shall, unless exempted under this paragraph (h) or under paragraph (i) or (o) of this subsection (2), require the agency involved to submit the procurement to a competitive procurement process, and may reserve the right to reject any or all resulting procurements;

(i) Prescribe certain circumstances by which agency heads may enter into contracts for personal and professional services without receiving prior approval from the Public Procurement Review Board. The Public Procurement Review Board may establish a preapproved list of providers of various personal and professional services for set prices with which state agencies may contract without bidding or prior approval from the board;

(i) Agency requirements may be fulfilled by procuring services performed incident to the state's own programs. The agency head shall determine in writing whether the price represents a fair market value for the services. When the procurements are made from other governmental entities, the private sector need not be solicited; however, these contracts shall still be submitted for approval to the Public Procurement Review Board.

(ii) Contracts between two (2) state agencies, both under Public Procurement Review Board purview, shall not require Public Procurement Review Board approval. However, the contracts shall still be entered into the enterprise resource planning system;

(j) Provide standards for the issuance of requests for proposals, the evaluation of proposals received, consideration of costs and quality of services proposed, contract negotiations, the administrative monitoring of contract performance by the agency and successful steps in terminating a contract;

(k) Present recommendations for governmental privatization and to evaluate privatization proposals submitted by any state agency;

(l) Authorize personal and professional service contracts to be effective for more than one (1) year provided a funding condition is included in any such multiple year contract, except the State Board of Education, which shall have the authority to enter into contractual agreements for student assessment for a period up to ten (10) years. The State Board of Education shall procure these services in accordance with the Public Procurement Review Board procurement regulations;

(m) Request the State Auditor to conduct a performance audit on any personal or professional service contract;

(n) Prepare an annual report to the Legislature concerning the issuance of personal and professional services contracts during the previous year, collecting any necessary information from state agencies in making such report;

(o) Develop and implement the following standards and procedures for the approval of any sole source contract for personal and professional services regardless of the value of the procurement:

(i) For the purposes of this paragraph (o), the term "sole source" means only one (1) source is available that can provide the required personal or professional service.

(ii) An agency that has been issued a binding, valid court order mandating that a particular source or provider must be used for the required service must include a copy of the applicable court order in all future sole source contract reviews for the particular personal or professional service referenced in the court order.

(iii) Any agency alleging to have a sole source for any personal or professional service, other than those exempted under paragraph (f) of this subsection (2) and subsection (8), shall publish on the procurement portal website established by Sections 25-53-151 and 27-104-165, for at least fourteen (14) days, the terms of the proposed contract for those services. In addition, the publication shall include, but is not limited to, the following information:

1. The personal or professional service offered in the contract;
2. An explanation of why the personal or professional service is the only one that can meet the needs of the agency;
3. An explanation of why the source is the only person or entity that can provide the required personal or professional service;
4. An explanation of why the amount to be expended for the personal or professional service is reasonable; and
5. The efforts that the agency went through to obtain the best possible price for the personal or professional service.

(iv) If any person or entity objects and proposes that the personal or professional service published under subparagraph (iii) of this paragraph (o) is not a sole source service and can be provided by another person or entity, then the objecting person or entity shall notify the Public Procurement Review Board and the agency that published the proposed sole source contract with a detailed explanation of why the personal or professional service is not a sole source service.

(v)

1. If the agency determines after review that the personal or professional service in the proposed sole source contract can be provided by another person or entity, then the agency must withdraw the sole source contract publication from the procurement portal website and submit the procurement of the personal or professional service to an advertised competitive bid or selection process.
2. If the agency determines after review that there is only one (1) source for the required personal or professional service, then the agency may appeal to the Public Procurement Review Board. The agency has the burden of proving that the personal or professional service is only provided by one (1) source.
3. If the Public Procurement Review Board has any reasonable doubt as to whether the personal or professional service can only be provided by one (1) source, then the agency must submit the procurement of the personal or professional service to an advertised competitive bid or selection process. No action taken by the Public Procurement Review Board in this appeal process shall be valid unless approved by a majority of the members of the Public Procurement Review Board present and voting.

(vi) The Public Procurement Review Board shall prepare and submit a quarterly report to the House of Representatives and Senate Accountability, Efficiency and Transparency Committees that details the sole source contracts presented to the Public Procurement Review Board and the reasons that the Public Procurement Review Board approved or rejected each contract. These quarterly reports shall also include the documentation and memoranda required in subsection (4) of this section. An agency that submitted a sole source contract shall be prepared to explain the sole source contract to each committee by December 15 of each year upon request by the committee;

(p) Assess any fines and administrative penalties provided for in Sections 31-7-401 through 31-7-423.

(3) All submissions shall be made sufficiently in advance of each monthly meeting of the Public Procurement Review Board as prescribed by the Public Procurement Review Board. If the Public Procurement Review Board rejects any contract submitted for review or approval, the Public Procurement Review Board shall clearly set out the reasons for its action, including, but not limited to, the policy that the agency has violated in its submitted contract and any corrective actions that the agency may take to amend the contract to comply with the rules and regulations of the Public Procurement Review Board.

(4) All sole source contracts for personal and professional services awarded by state agencies, other than those exempted under *Section 27-104-7(2)(f)* and (8), whether approved by an agency head or the Public Procurement Review Board, shall contain in the procurement file a written determination for the approval, using a request form furnished by the Public Procurement Review Board. The written determination shall document the basis for the determination, including any market analysis conducted in order to ensure that the service required was practicably available from only one (1) source. A memorandum shall accompany the request form and address the following four (4) points:

(a) Explanation of why this service is the only service that can meet the needs of the purchasing agency;

(b) Explanation of why this vendor is the only practicably available source from which to obtain this service;

(c) Explanation of why the price is considered reasonable; and

(d) Description of the efforts that were made to conduct a noncompetitive negotiation to get the best possible price for the taxpayers.

(5) In conjunction with the State Personnel Board, the Public Procurement Review Board shall develop and promulgate rules and regulations to define the allowable legal relationship between contract employees and the contracting departments, agencies and institutions of state government under the jurisdiction of the State Personnel Board, in compliance with the applicable rules and regulations of the federal Internal Revenue Service (IRS) for federal employment tax purposes. Under these regulations, the usual common law rules are applicable to determine and require that such worker is an independent contractor and not an employee, requiring evidence of lawful behavioral control, lawful financial control and lawful relationship of the parties. Any state department, agency or institution shall only be authorized to contract for personnel services in compliance with those regulations.

(6) No member of the Public Procurement Review Board shall use his or her official authority or influence to coerce, by threat of discharge from employment, or otherwise, the purchase of commodities, the contracting for personal or professional services, or the contracting for public construction under this chapter.

(7) Notwithstanding any other laws or rules to the contrary, the provisions of subsection (2) of this section shall not be applicable to the Mississippi State Port Authority at Gulfport.

(8) Nothing in this section shall impair or limit the authority of the Board of Trustees of the Public Employees' Retirement System to enter into any personal or professional services contracts directly related to their constitutional obligation to manage the trust funds, including, but not limited to, actuarial, custodial banks, cash management, investment consultant and investment management contracts. Nothing in this section shall impair or limit the authority of the State Treasurer to enter into any personal or professional services contracts involving the management of trust funds, including, but not limited to, actuarial, custodial banks, cash management, investment consultant and investment management contracts.

(9) Through December 31, 2024, the provisions of this section related to rental agreements or leasing of real property for the purpose of conducting agency business shall not apply to the Office of Workforce Development created in *Section 37-153-7*.

History

Laws, 1984, ch. 488, § 77; Laws, 1988 Ex Sess, ch. 14, § 69; Laws, 1989, ch. 532, § 55; Laws, 1989, ch. 544, § 13; Laws, 1990, ch. 522, § 3; Laws, 2005, ch. 504, § 2; Laws, 2006, ch. 457, § 1; Laws, 2010, ch. 314, § 1; Laws, 2012, ch. 485, § 1; Laws, 2012, ch. 512, § 1; Laws, 2014, ch. 533, § 1; Laws, 2016, ch. 337, § 1; Laws, 2016, ch. 399, § 1; Laws, 2017, ch. 400, § 13, eff from and after Jan. 1, 2018; Laws, 2019, ch. 329, § 2, eff from and after passage (approved Mar. ch 15, 2019); Laws, 2019, ch. 382, § 4, eff from and after July 1, 2019; Laws, 2022, ch. 509, § 3, eff from and after passage (approved April 26, 2022); Laws, 2019, ch. 465, § 3, eff from and after July 1, 2019; Laws, 2021, ch. 303, § 3, eff from and after passage (approved February 8, 2021); Laws, 2021, ch. 403, § 7,

eff from and after July 1, 2021; Laws, 2022, ch. 385, § 5, eff from and after passage (approved Mar. 30, 2022); Laws, 2022, ch. 506, § 2, eff from and after passage (approved April 25, 2022); Laws, 2023, ch. 423, § 5, eff from and after July 1, 2023; Laws, 2023, ch. 426, § 1, eff from and after July 1, 2023; Laws, 2023, ch. 466, § 2, eff from and after passage (approved April 13, 2023); Laws, 2024, sb2649, § 2, eff from and after July 1, 2024.

Annotations

Notes

Joint Legislative Committee Note —

Section 1 of ch. 512, Laws of 2012, effective July 1, 2012 (approved May 1, 2012), amended this section. Section 1 of ch. 485, Laws of 2012, effective from and after passage (approved April 26, 2012), also amended this section. As set out above, this section reflects the language of Section 1 of ch. 512, Laws of 2012, which contains language that specifically provides that it supersedes § 27-104-7 as amended by Laws of 2012, ch. 485.

Section 1 of ch. 337, Laws of 2016, effective from and after passage (approved April 5, 2016), amended this section. Section 1 of ch. 399, Laws of 2016, effective from and after July 1, 2016 (approved April 11, 2016), also amended this section. As set out above, this section reflects the language of Section 1 of ch. 399, Laws of 2016; pursuant to Section 1-3-79, which provides that whenever the same section of law is amended by different bills during the same legislative session, the amendment with the latest effective date shall supersede all other amendments to the same section taking effect on an earlier date.

Section 1 of Chapter 309, Laws of 2017, amended Section 25-9-120 to add contracts for entertainers and/or performers at the Mississippi State Fairgrounds entered into by the Mississippi Fair Commission to the list of personal and professional services contracts exempt from review by the Personal Services Contract Review Board. Subsequently, Section 14 of Chapter 400, Laws of 2017, amended Section 25-9-120 to abolish the Personal Services Contract Review Board and transferred its powers to the Public Procurement Review Board but did not include the exempt contracts added by Chapter 309. The co-counsel for the Joint Legislative Committee on Compilation, Revision and Publication of Legislation determined that the omission of the exempt contracts added by Chapter 309 from Chapter 400 is a code error the Joint Legislative Committee can correct in order to effectuate the intent of the Legislature in enacting Chapter 309. The Committee ratified the addition of the entertainer/performer contracts to the exempted contracts listed in Section 27-104-7(2)(f) at the August 15, 2017, meeting of the committee.

Pursuant to Section 1-1-109, the Joint Legislative Committee on Compilation, Revision and Publication of Legislation corrected an error in an internal reference in (2)(o)(iii) by substituting "paragraph (f) of this subsection and subsection (8)" for "Section 27-104-7(2)(f) and (8)." The Joint Committee ratified the correction at the August 15, 2017, meeting of the Committee.

Pursuant to Section 1-1-109, the Joint Legislative Committee on Compilation, Revision and Publication of Legislation corrected errors in internal statutory references by substituting "this paragraph (b)" for "this paragraph" and "this paragraph (b) or Section 37-101-15(m)" for "Section 27-104-7(2)(b) or Section 37-101-15(m)" in (2)(b). The Joint Committee ratified the correction at its August 12, 2019, meeting.

Section 2 of Chapter 329, Laws of 2019, effective upon passage (approved March 15, 2019), Section 4 of Chapter 382, Laws of 2019, effective July 1, 2019 (approved March 22, 2019), and Section 3 of Chapter 465, Laws of 2019, effective July 1, 2019 (approved April 16, 2019) amended this section. The amendments to this section by Section 4 of Chapter 382 do not conform and do not meet the Joint Legislative Committee's criteria for integration and were superseded by Section 3 Chapter 465, which has the same effective date but later approval date. The amendments by Section 2 of Chapter 329 and Section 3 of Chapter 465 do not conform and do meet the Committee's criteria for integration. As set out above, the section reflects the language of both Section 4 of Chapter 382 and Section 3 of

Chapter 465 pursuant to Section 1-1-109 which gives the Joint Legislative Committee on Compilation, Revision, and Publication of Legislation authority to integrate amendments that meet the Committee's criteria for integration. The Joint Committee on Compilation, Revision, and Publication of Legislation ratified the integration of these amendments as consistent with the legislative intent at the August 12, 2019, meeting of the Committee.

Section 3 of Chapter 303, effective upon passage (approved February 8, 2021), amended this section. Section 7 of Chapter 403, effective July 1, 2021 (approved March 25, 2021) also amended this section. As set out above, this section reflects the language of Section 7 of Chapter 403, which contains language that specifically provides that it supersedes § 27-104-7 as amended by Chapter 303, Laws of 2021.

Section 5 of Chapter 385, Laws of 2022, effective from and after passage (approved March 30, 2022), amended this section. Section 2 of Chapter 506, Laws of 2022, effective from and after passage (approved April 25, 2022), amended this section. Section 3 of Chapter 509, Laws of 2022, effective from and after passage (approved April 26, 2022), also amended this section. As set out above, this section reflects the language of Section 4 of Chapter 509, Laws of 2022, which contains language that specifically provides that it supersedes § 27-104-7 as amended by Chapters 385 and 506, Laws of 2022.

Section 5 of Chapter 423, Laws of 2023, effective July 1, 2023 (approved March 21, 2023), Section 1 of Chapter 426, Laws of 2023, effective July 1, 2023 (approved March 21, 2023), Section 2 of Chapter 466, Laws of 2023, effective upon passage (approved April 13, 2023), and Section 4 of Chapter 542, Laws of 2023, effective July 1, 2023 (approved April 20, 2023), amended this section. As set out above, this section reflects the language of Section 4 of Chapter 542, Laws of 2023, which contains language that specifically provides that it supersedes § 27-104-7 as amended by Section 5 of Chapter 423, Section 1 of Chapter 426, and Section 2 of Chapter 466.

Pursuant to Section 1-1-109, the Joint Legislative Committee on Compilation, Revision and Publication of Legislation corrected errors in the paragraph and subparagraph designations in subsection (2)(f), as amended by Section 4 of Chapter 542, Laws of 2023, by redesignating the introductory paragraph (f)(i), redesignating the subparagraphs (i) through (xiv) as items 1. through 14., and redesignating (xv) as (f)(ii) and made related conforming changes in (f)(i), and in the last paragraph of (f)(ii). A typographical error in (f)(i)9 was also corrected by substituting "operation of" for "operation at." The Joint Committee ratified the corrections at its August 8, 2023, meeting.

Editor's Notes —

Section 7-1-451 provides that wherever the term "Office of General Services" appears in any law the same shall mean the Department of Finance and Administration.

Amendment Notes —

The 2005 amendment added (2)(e), and made minor stylistic changes.

The 2006 amendment extended the date of the repealer in (2)(e) by substituting "July 1, 2010" for "July 1, 2006."

The 2010 amendment substituted "July 1, 2014" for "July 1, 2010" in (2)(e).

The first 2012 amendment (ch. 485) added (4).

The second 2012 amendment (ch. 512) added the last sentence in (2)(c); substituted "However, the provisions in this paragraph" for "Provided, however, that the provisions herein" in the third sentence in (2)(d); and added (4).

The 2014 amendment added "or" to the end of (2)(d)(iv) and deleted the last sentence in (2)(e), which read "The provisions of this paragraph (e) shall stand repealed on July 1, 2014."

The first 2016 amendment (ch. 337), in (2)(c), in the first sentence, inserted "desired" preceding "deadline date" and inserted "of the Department of Finance and Administration" near the end, and added the last sentence; and made a minor stylistic change.

The second 2016 amendment (ch. 399), in (2), added "as well as related contracts for architectural and engineering services" at the end of (b), and in (c), inserted "of the Department of Finance and Administration" in the next-to-last sentence and added the last sentence.

The 2017 amendment, effective January 1, 2018, rewrote the former first sentence of (1), which read: "There is created within the Department of Finance and Administration the Public Procurement Review Board, which shall be composed of the Executive Director of the Department of Finance and Administration, the head of the Office of Budget and Policy Development and an employee of the Office of General Services who is familiar with the purchasing laws of this state" and redesignated it (1)(a); added (1)(a)(i) through (iii), and (b) through (d); rewrote the former second through ninth sentences of (1), which read: "The Executive Director of the Department of Finance and Administration shall be chairman and shall preside over the meetings of the board. The board shall annually elect a vice chairman, who shall serve in the absence of the chairman. No business shall be transacted, including adoption of rules of procedure, without the presence of a quorum of the board. Two (2) members shall be a quorum. No action shall be valid unless approved by the chairman and one (1) other of those members present and voting, entered upon the minutes of the board and signed by the chairman. The board shall meet on a monthly basis and at any other time when notified by the chairman. Necessary clerical and administrative support for the board shall be provided by the Department of Finance and Administration. Minutes shall be kept of the proceedings of each meeting, copies of which shall be filed on a monthly basis with the Legislative Budget Office" and redesignated them (1)(e); added (2)(f) through (p), (3) through (5) and (8) and (9), and redesignated former (3) and (4) as (6) and (7); and made minor stylistic and gender neutral changes throughout.

The first 2019 amendment (ch. 329), effective March 15, 2019, inserted "any contracts entered into by the Department of Finance and Administration when procuring aircraft maintenance, parts, equipment and/or services" near the end of the first sentence of (f); inserted "(2)" following "paragraph (f) of this subsection" in (2)(o)(iii); and made a minor punctuation change.

The second 2019 amendment (ch. 382) substituted "July 1, 2020" for "July 1, 2019" twice in (2)(f); and extended the date of the repealer for (9) by substituting "July 1, 2020" for "July 1, 2019" in the last sentence.

The third 2019 amendment (ch. 465) added the second paragraph of (2)(b); inserted "(2)" in (2)(o)(iii); and extended the date of the repealer for (9) by substituting "July 1, 2022" for "July 1, 2019" in the last sentence.

The first 2021 amendment (ch. 303), effective February 8, 2021, in (2)(f), in the first sentence, deleted "and" preceding "utility rate expert services" and added "and any personal service contracts...through June 30, 2022."

The second 2021 amendment (ch. 403), in (2)(f), in the first sentence, inserted "any contracts entered into by the Department of Public Safety...Office of Forensics Laboratories" and "anatomical pathologist"; and made minor punctuation changes.

The first 2022 amendment (ch. 385), effective March 30, 2022, in (2)(f), inserted "any personal or professional service contract...from February 2, 2022, through June 30, 2023" in the first sentence.

The second 2022 amendment (ch. 506), effective April 25, 2022, in (2)(f), added "and any personal or professional services entered into by the State Department...through June 30, 2026" at the end of the first sentence, and made related changes.

The third 2022 amendment (ch. 509), effective April 26, 2022, in (2)(f), added "any personal or professional services entered into by the State Department...through June 30, 2026, and any personal or professional services contract entered into by the Mississippi Department ... through June 30, 2026," at the end of the first sentence, and made related changes.

The first 2023 amendment (ch. 423) divided the provisions of (f) into the present introductory paragraph and (f)(i) through (f)(xiv); in (f)(x), substituted "or" for "and/or," and substituted "June 30, 2026" for "June 30, 2023"; in (f)(xi) inserted "or"; and made minor punctuation changes.

The second 2023 amendment (ch. 426) divided the provisions of (f) into the present introductory paragraph and (f)(i) through (f)(xiv); in the introductory paragraph of (f), added the exception at the beginning; in (f)(x), substituted "or" for "and/or," and substituted "June 30, 2026" for "June 30, 2023"; in (f)(xi) inserted "or"; added (f)(xv), and made a related change; and made minor punctuation changes.

The third 2023 amendment (ch. 466), effective April 13, 2023, in (8), added the last sentence; and deleted former (9), which provided requirements the Department of Human Services and Department of Child Protection Services had to satisfy before entering into personal and professional services contracts.

The fourth 2023 amendment (ch. 542) divided the provisions of (f) into the present introductory paragraph and (f)(i) through (f)(xiv); in the introductory paragraph of (f), added the exception at the beginning; in (f)(x), substituted "or" for "and/or," and substituted "June 30, 2026" for "June 30, 2023"; in (f)(xi), inserted "or"; added (f)(x) and made a related change; in (8), added the last sentence; deleted former (9), which provided requirements the Department of Human Services and Department of Child Protection Services had to satisfy before entering into personal and professional services contracts; and added present (9).

Research References & Practice Aids

Cross References —

Affect of a member of any board, commission, council or authority changing domicile, see § 7-13-9.

State agencies and public officials providing information about the agency or office to the public on a website are required to regularly review and update that information, see § 25-1-117.

Definitions of terms used in sections 27-104-1 through 27-104-27, see § 27-103-103.

Preparation of overall budget; budget to be in three parts; contents of each part, see §§ 27-103-121 through 27-103-127.

Department of Finance and Administration, see § 27-104-101.

Contractual powers of the board, generally, see § 31-9-5.

ARPA Rural Water Associations Infrastructure Grant Program, see § 41-3-16.1.

Mississippi Medical Cannabis Act, see § 41-137-1 et seq.

Duties of the Public Procurement Review Board with respect to the leasing of prison agricultural lands, see § 47-5-66.

Requirement that the award of all contracts in excess of \$500,000.00 entered into by the commissioner of corrections be approved by the public procurement review board, see § 47-5-105.

Duty of review board to review leases between Department of Corrections and nonprofit corporation formed to manage prison industries, see § 47-5-569.

Mississippi Municipality and County Water Infrastructure Grant Program Act, see § 49-2-131.

RESEARCH REFERENCES

ALR.

Miss. Code Ann. § 27-104-7

Wrongful discharge based on public policy derived from professional ethics codes. 52 A.L.R.5th 405.

Mississippi Code 1972 Annotated
Copyright © 2024 All rights reserved.

End of Document

Miss. Code Ann. § 25-9-107

Current with 2024 1st and 2nd Extraordinary Sessions and Regular Session legislation signed by the Governor and effective upon passage through April 17, 2024, not including changes and corrections made by the Joint Legislative Committee on Compilation, Revision and Publication of Legislation.

Mississippi Code 1972 Annotated > Title 25. Public Officers and Employees; Public Records (Chs. 1 — 65) > Chapter 9. Statewide Personnel System (§§ 25-9-1 — 25-9-401) > Personnel Administration System (§§ 25-9-101 — 25-9-155)

§ 25-9-107. Definitions [Paragraphs (c)(xxv) and (c)(xxvi) repealed effective June 30, 2026].

The following terms, when used in this chapter, unless a different meaning is plainly required by the context, shall have the following meanings:

- (a) "Board" means the State Personnel Board created under the provisions of this chapter.
- (b) "State service" means all employees of state departments, agencies and institutions as defined herein, except those officers and employees excluded by this chapter.
- (c) "Nonstate service" means the following officers and employees excluded from the state service by this chapter. The following are excluded from the state service:
 - (i) Members of the State Legislature, their staff and other employees of the legislative branch;
 - (ii) The Governor and staff members of the immediate Office of the Governor;
 - (iii) Justices and judges of the judicial branch or members of appeals boards on a per diem basis;
 - (iv) The Lieutenant Governor, staff members of the immediate Office of the Lieutenant Governor and officers and employees directly appointed by the Lieutenant Governor;
 - (v) Officers and officials elected by popular vote and persons appointed to fill vacancies in elective offices;
 - (vi) Members of boards and commissioners appointed by the Governor, Lieutenant Governor or the State Legislature;
 - (vii) All academic officials, members of the teaching staffs and employees of the state institutions of higher learning, the Mississippi Community College Board, and community and junior colleges;
 - (viii) Officers and enlisted members of the National Guard of the state;
 - (ix) Prisoners, inmates, student or patient help working in or about institutions;
 - (x) Contract personnel; provided that any agency which employs state service employees may enter into contracts for personal and professional services only if such contracts are approved in compliance with the rules and regulations promulgated by the Public Procurement Review Board under *Section 27-104-7*. Before paying any warrant for such contractual services in excess of Seventy-five Thousand Dollars (\$75,000.00), the Auditor of Public Accounts, or the successor to those duties, shall determine whether the contract involved was for personal or professional services, and, if so, was approved by the Public Procurement Review Board as required by law;
 - (xi) Part-time employees; however, part-time employees shall only be hired into authorized employment positions classified by the board, shall meet minimum qualifications as set by the

EXHIBIT
"C"

board, and shall be paid in accordance with the Variable Compensation Plan as certified by the board;

(xii) Persons appointed on an emergency basis for the duration of the emergency; the effective date of the emergency appointments shall not be earlier than the date approved by the State Personnel Director, and shall be limited to thirty (30) working days. Emergency appointments may be extended to sixty (60) working days by the State Personnel Board;

(xiii) Physicians, dentists, veterinarians, nurse practitioners and attorneys, while serving in their professional capacities in authorized employment positions who are required by statute to be licensed, registered or otherwise certified as such, provided that the State Personnel Director shall verify that the statutory qualifications are met prior to issuance of a payroll warrant by the Auditor;

(xiv) Personnel who are employed and paid from funds received from a federal grant program which has been approved by the Legislature or the Department of Finance and Administration whose length of employment has been determined to be time-limited in nature. This subparagraph shall apply to personnel employed under the provisions of the Comprehensive Employment and Training Act of 1973, as amended, and other special federal grant programs which are not a part of regular federally funded programs wherein appropriations and employment positions are appropriated by the Legislature. Such employees shall be paid in accordance with the Variable Compensation Plan and shall meet all qualifications required by federal statutes or by the Mississippi Classification Plan;

(xv) The administrative head who is in charge of any state department, agency, institution, board or commission, wherein the statute specifically authorizes the Governor, board, commission or other authority to appoint said administrative head; however, the salary of such administrative head shall be determined by the State Personnel Board in accordance with the Variable Compensation Plan unless otherwise fixed by statute;

(xvi) The State Personnel Board shall exclude top-level positions if the incumbents determine and publicly advocate substantive program policy and report directly to the agency head, or the incumbents are required to maintain a direct confidential working relationship with a key excluded official. Further, a written job classification shall be approved by the board for each such position, and positions so excluded shall be paid in conformity with the Variable Compensation Plan;

(xvii) Employees whose employment is solely in connection with an agency's contract to produce, store or transport goods, and whose compensation is derived therefrom;

(xviii) Repealed;

(xix) The associate director, deputy directors and bureau directors within the Department of Agriculture and Commerce;

(xx) Personnel employed by the Mississippi Industries for the Blind; provided that any agency may enter into contracts for the personal services of MIB employees without the prior approval of the State Personnel Board or the State Personal Service Contract Review Board; however, any agency contracting for the personal services of an MIB employee shall provide the MIB employee with not less than the entry-level compensation and benefits that the agency would provide to a full-time employee of the agency who performs the same services;

(xxi) Personnel employed by the Mississippi Department of Wildlife, Fisheries and Parks and the Mississippi Department of Marine Resources as law enforcement trainees (cadets); such personnel shall be paid in accordance with the Colonel Guy Groff State Variable Compensation Plan;

(xxii) Administrators and instructional employees under contract or employed by the Mississippi School of the Arts (MSA) established in Section 37-140-1 et seq.;

(xxiii) The President of the Mississippi Lottery Corporation and personnel employed by the Mississippi Lottery Corporation;

(xxiv) Employees, excluding administrative employees, of the State Veterans Affairs Board who are employed at a veterans home established by the State Veterans Affairs Board under Section 35-1-19;

(xxv) Personnel employed by the Mississippi Department of Health whose employment is solely in connection with the department's responsibilities in implementing, administering and enforcing provisions of the Mississippi Medical Cannabis Act. This subparagraph shall stand repealed on June 30, 2026; and

(xxvi) Personnel employed by the Mississippi Department of Revenue whose employment is solely in connection with the department's responsibilities in implementing, administering and enforcing provisions of the Mississippi Medical Cannabis Act. This subparagraph shall stand repealed on June 30, 2026.

(d) "Agency" means any state board, commission, committee, council, department or unit thereof created by the Constitution or statutes if such board, commission, committee, council, department, unit or the head thereof, is authorized to appoint subordinate staff by the Constitution or statute, except a legislative or judicial board, commission, committee, council, department or unit thereof.

History

Laws, 1980, ch. 303, § 3; Laws, 1981, ch. 504, § 10; Laws, 1984, ch. 488, § 171; Laws, 1990, ch. 429, § 1; Laws, 1994, ch. 377, § 1; Laws, 1994 Ex Sess, ch. 26, § 18; Laws, 1996, ch. 343, § 1; Laws, 1997, ch. 609, § 4; Laws, 1998, ch. 574, § 5; Laws, 2003, ch. 517, § 1; Laws, 2009, ch. 363, § 1; Laws, 2014, ch. 397, § 4, eff from and after July 1, 2014; Laws, 2018, 1st Ex Sess, ch. 2, § 48, eff from and after September 1, 2018; Laws, 2019, ch. 432, § 3, eff from and after July 1, 2019; Laws, 2021, ch. 302, § 1, eff from and after passage (approved January 28, 2021); Laws, 2022, ch. 385, § 1, eff from and after passage (approved March 30, 2022); Laws, 2023, ch. 423, § 1, eff from and after July 1, 2023.

Annotations

Editor's Notes —

Former subparagraph (xviii) in paragraph (c) relating to State Prison Emergency Construction and Management Board personnel was repealed by its own terms from and after July 1, 1996.

Section 7-7-2 provides that the words "State Auditor of Public Accounts," "State Auditor," and "Auditor" appearing in the laws of this state in connection with the performance of Auditor's functions shall mean the State Fiscal Officer.

Laws, 1996, ch. 343, §§ 3 and 4, provide as follows:

"SECTION 3. All new employees shall meet criteria of the State Personnel Board as presently exists for employment.

"SECTION 4. The Department of Agriculture and Commerce shall consult with the Office of the Attorney General prior to taking personnel actions permitted by this act to review for compliance with applicable state and federal law."

Laws, 1998, ch. 574, § 2 provides as follows:

"SECTION 2. It is the intent of the Legislature that citizens of the State of Mississippi who have physical or mental disabilities shall be afforded the opportunity to compete and participate in employment on an equal basis with

persons who are not disabled, if the disabled persons are qualified and able to perform the essential functions of the employment positions that are held or sought."

Amendment Notes —

The 2009 amendment inserted "and the Mississippi Department of Marine Resources" in (c)(xxi).

The 2014 amendment, in (c)(i), substituted "staff" for "staffs" and in (c)(vii), substituted "Mississippi Community College Board" for "State Board for Community and Junior Colleges."

The 2018 1st Extraordinary Session amendment, effective September 1, 2018, added (c)(xxii) and made a related change; and made minor stylistic changes.

The 2019 amendment added (c)(xxii) and redesignated former (c)(xxii) as (c)(xxiii).

The 2021 amendment, effective January 28, 2021, in (c)(x), substituted "Public Procurement Review Board" for "State Personal Service Contract Review Board" both times it appears, substituted "Section 27-104-7" for "Section 25-9-120(3)" in the first sentence, and in the last sentence, substituted "Seventy-five Thousand Dollars (\$75,000.00)" for "One Hundred Thousand Dollars (\$100,000.00)" and added "as required by law" at the end; and added (c)(xxiv).

The 2022 amendment, effective March 30, 2022, added (c)(xxv) and (xxvi), and made related changes.

The 2023 amendment in (c)(xi) deleted "provided" preceding "however"; in (c)(xv) deleted "provided" preceding "however" and "that" following "however"; in (c)(xvi) deleted "Provided" preceding "further" and made a related change; and in (c)(xxv) and (c)(xxvi) extended the date of the repealer for the subparagraphs by substituting "June 30, 2026" for "June 30, 2023".

Cross References —

Abolishment of agency, see § 5-11-1.

Effect of any member of a board, commission, council or authority changing domicile after appointment, see § 7-13-9.

Authority of executive director of any agency of state government to employ staff and expend funds authorized to agency, see § 7-17-5.

Agency for budgetary purposes and organizational purposes, see § 7-17-11.

Persons and positions subject to municipal civil service, see § 21-31-13.

Applicability of definitions from this section to provisions regarding vacation time and sick leave, see §§ 25-3-91, 25-3-97 and 25-3-101.

Appointing authority of nonstate service agency, as defined in this section, developing rules for maintaining vacation and sick leave records, see § 25-3-97.

Prohibition against discrimination as to person seeking employment in state service, or employed in state service, on basis of race, color, religion, sex, national origin, age or handicap, see § 25-9-149.

Preference for nonstate service employees for state jobs, see § 25-9-153.

Protection of public employee from reprisal for giving information to investigative body or agency, see § 25-9-171 et seq.

Miss. Code Ann. § 25-9-107

Provision that, for purposes of cafeteria fringe benefit plan provisions, the term "eligible employee" includes state agency officers and employees whether or not engaged in state service, as defined in this section, see § 25-17-1.

Application of rules and regulations of board to compensation of employees of Department of Rehabilitation Services, see § 37-33-159.

Application of rules and regulations of board to appointment of employees of Office of Disability Determination Services, see § 37-33-163.

Applicability of this section to the director and other administrative heads of the division of medicaid in the office of the governor, see § 43-13-107.

Mississippi Lottery Corporation, see § 27-115-7 et seq.

Mississippi Medical Cannabis Act, see § 41-137-1 et seq.

JUDICIAL DECISIONS

1. "Nonstate service."

Even though a terminated employer was a nonstate service employee under Miss. Code Ann. § 25-9-107, the employee was properly reinstated because deference was given to the Employee Appeals Board sitting en banc and substantial evidence, pursuant to the standard of review of Miss. Code Ann. § 25-9-132, showed that the employee's termination was politically motivated in violation of Miss. Code Ann. § 25-9-127 and Miss. Code Ann. § 25-9-103. Miss. DOT v. Rutland, 965 So. 2d 696, 2007 Miss. App. LEXIS 133 (Miss. Ct. App.), cert. denied, 964 So. 2d 508, 2007 Miss. LEXIS 540 (Miss. 2007).

OPINIONS OF THE ATTORNEY GENERAL

Mississippi Business Finance Corporation is a state agency, and one part-time employee and one full-time attorney, each of whom will be paid solely with MBFC funds, would be non state service employees. Harris, July 22, 1992, A.G. Op. #92-0524.

Miss. Code Section 25-9-107(c)(vii) provides that all academic officials, members of teaching staff and employees of state institutions of higher learning are non-state service and, therefore, are not subject to activities, rules and regulations of State Personnel Board. Cleere, Jan. 19, 1993, A.G. Op. #93-0019.

Section 25-3-97 refers to persons appointed to a position in state service or non-state service as defined in § 25-9-107. Ranck, August 14, 1998, A.G. Op. #98-0313.

In order to give meaning to the conflicting statutory provisions, the nursing board and the state personnel board have roles in setting the salary of the executive director. Since Section 73-15-17(m) is specific to the nursing board and Section 25-9-107(c) is a general statute, the nursing board sets the salary of its executive director within a salary range established by the state personnel board in accordance with the variable compensation plan. Owens, Aug. 11, 2006, A.G. Op. 06-0361.

The Board of Nursing sets the salary of its executive director within a salary range established by the State Personnel Board in accordance with the variable compensation plan. The Board may vote at any time to adjust the salary within the range established and amended by the Personnel Board. The Board does not have to vote to change the salary each time the range changes. Mabry, Nov. 10, 2006, A.G. Op. 06-0544.

RESEARCH REFERENCES

Am. Jur.

15A Am. Jur. 2d, Civil Service §§ 8- 22, 31.

CJS.

67 C.J.S., Officers §§ 75–134.

Mississippi Code 1972 Annotated
Copyright © 2024 All rights reserved.

End of Document