

Petition for Relief

Instructions for Submission to OPSCR

Public Procurement Review Board Approval Required

"Competitive sealed bidding is the preferred method of procurement; however, if it is not practicable and advantageous, a request for proposals or request for qualifications may be used." Miss. Code Ann. § 31-7-403(1). If an agency "determines, in writing, that the use of competitive sealed bidding is either not practicable or not advantageous to the state," the Agency must submit that determination to the Public Procurement Review Board (PPRB). If the PPRB determines competitive sealed bidding is either not practicable or not advantageous to the state, then a contract may be entered into for the procurement of ... personal and professional services ... by a request for proposals or request for qualifications." Miss. Code Ann. § 31-7-403(4). This submission to the PPRB "shall include ... the evaluation factors that will be used in reviewing the submitted proposals or qualifications. The evaluation factors shall be approved by the [PPRB] ..." Miss. Code Ann. § 31-7-413(1).

Description of Services or Scope of Work to be Solicited

Provide enough information to describe the umbrella of services the Agency intends to procure, the reason the Agency needs an Independent Contractor to provide those services, and any unique information about the scope of services that is relevant to the need to use the requested procurement method. Include all services the Agency intends to solicit using the requested procurement method. The Agency will not be able to include services in the solicitation which are not included in the Petition for Relief. Services which may be solicited using an Invitation for Bids may not be combined with services requiring use of a Request for Proposals or Request for Qualifications.

Competitive Sealed Bidding is not Practicable or Advantageous *OPSCR Rules Section 6.3.1*

Describe why it is not practicable and/or advantageous for the Agency to use an Invitation for Bids. The term "practicable" denotes what may be accomplished or put into practical application. "Advantageous" denotes a judgmental assessment of what is in the state's best interest. The Agency shall consider the factors as required by Miss. Code Ann. § 31-7-403. *After consideration of these factors and any other relevant factors, OPSCR recommends that the Agency describe its reasoning in its own words and in plain language.*

Evaluation Factors *OPSCR Rules Section 6.8.4*

List the Evaluation Factors the Agency wishes to use, and their corresponding percentage of points. The PPRB must approve the Evaluation Factors used in the solicitation. Only the Evaluation Factors are required – individual subfactors under each category of Evaluation Factors are not required except as discussed herein.

Price, as an individual subfactor under Cost, is required and must be weighted 35% or more and must be the highest weighted individual subfactor. No other individual subfactors are required unless necessary to demonstrate that Price is the highest weighted individual subfactor.

Please see the examples below:

Example 1

Technical:	25
Management:	30
Cost (Price only):	35
Interview:	10

Example 2

Technical:	<u>40</u>
• Describe Individual Subfactor 1	10
• Describe Individual Subfactor 2	10
• Describe Individual Subfactor 3	10
• Describe Individual Subfactor 4	10
Management:	20
Cost:	<u>40</u>
• Price	35
• Describe Individual Subfactor 1	5

The Agency may use any Evaluation Factors it deems appropriate for its procurement. Agencies are not limited to Management, Technical, and Cost factors, and they are not all-inclusive. Agencies may also adapt or supplement these factors to meet the Agency's individual needs. *OPSCR recommends that the Agency consider what factors, under the Agency's particular circumstances, will assist the Agency in determining which Offeror will provide the highest quality services at the best price. The Agency should choose, adapt, or supplement any evaluation factors needed to meet the Agency's needs and obtain the best value for the State.*

The Agency is Bound by the Scope of PPRB's Approval

The Agency will be bound by what it states on the Petition for Relief regarding:

- the Procurement Method requested;
- the umbrella of services described;
- the Evaluation Factors and their assigned weights; and
- whether the Agency sets the price.

The Following Requested Information is for Informational Purposes Only

Agencies should provide the best information available to them at the time they submit the petition for relief, but will not be bound by what is stated on the Petition for Relief regarding:

- The intended initial contract term and renewal terms; the Agency should put the amount of time anticipated for the initial contract term and renewal terms, rather than specific dates. For example, "four years" for initial term and "one optional one-year renewal" for renewal terms.
- The anticipated contract amount; provide the Agency's best estimate of all funds that will be expended on all contracts the Agency intends to award, assuming all contract renewal periods are exercised.
- The number of contracts intended to be Awarded; if the Agency is unsure, a firm number is not required (i.e., "at least two" or "no more than five").



Petition for Relief from Competitive Sealed Bidding Requirements

Miss. Code Ann. § 31-7-403 and § 31-7-413

PPRB OPSCR Rules and Regulations Sections 6.3 and 6.8.4

Agency: _____

Requested Date for PPRB Approval: _____

Procurement Method Requested: _____

Intended Initial Contract Term: _____

Intended Renewal Terms Available: _____

Number of Contracts Intended to be Awarded: _____

Anticipated Contract Amount: _____

The Agency intends to solicit the following service(s) and/or scope of work:

As explained below, use of an Invitation for Bids is:

not practicable
not advantageous
both

The Agency intends to use the following Evaluation Factors:

Is the Agency setting the price? Yes No
If yes, please provide an explanation:

Are these services currently being provided to the Agency? Yes No
If yes, who is currently providing the services?

Agency Representative for PPRB Meeting: _____

The Agency Representative will attend: In Person Remote

*The option to attend remotely is not available to Agencies located in Hinds, Rankin, or Madison counties.

By signing below, I certify that all information provided herein is true, correct, and complete to the best of my knowledge.

Chief Procurement Officer

Date

Chief Procurement Officer Name: _____

Telephone Number: _____ **Email Address:** _____

The PPRB may modify or revoke its approval of the Petition for Relief at any time. The Board's approval must be "reviewed for current applicability from time to time." Miss. Code Ann. §31-7-403(4). Therefore, a solicitation cannot be issued from this Petition for Relief if the Board's approval occurred more than one year prior to the date the solicitation will be issued.