

DEPARTMENT OF FINANCE AND ADMINISTRATION  
OFFICE OF PURCHASING, TRAVEL & FLEET MANAGEMENT (OPTFM)

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**PUBLIC PROCUREMENT REVIEW BOARD**

The Public Procurement Review Board approved new regulations regarding “sole source” and “emergency” procedures effective July 1, 2015. The manual can be viewed at:

<http://www.dfa.state.ms.us/Purchasing/ProcurementManual/chapter3.pdf>

These new regulations change the way that sole source and emergency procurements are currently accomplished. It is important that you take a few minutes to review and forward to all purchasing staff in your office.

1. Advertising requirements for proposed sole source procurements;
2. Procedures for vendor protests of proposed sole source procurements;
3. Advance approval for certain emergency procurements; and
4. A two-step procedure for filing documentation regarding both sole source and emergency procurements.

The Office of Purchasing, Travel and Fleet Management is dedicated to assisting in making this transition as smoothly as possible. Please feel free to call 601-359-3409 for assistance.

**THE NEW REGULATIONS ARE ATTACHED TO THE END OF THIS NEWSLETTER FOR YOUR CONVENIENCE.**

**NEW P-1 INSTRUCTIONS & GUIDANCE FOR ATTACHING INTERNAL/EXTERNAL DOCUMENTS**

New P-1 instructions have been posted on OPTFM’s website. Please review and begin using them immediately.

In addition to following the new instructions, it is important to note that the P-1 listing form is no longer required when submitting a P-1. All other required documentation remains the same. If you are not familiar with the documents that OPT requires, you can find a list of them on OPT’s website under “Purchasing Tools” and then by selecting “P-1 Purchase

Requests – Electronic.” When attaching documents, MAGIC requires that a minimum of one document be “external.” However, for transparency purposes, multiple documents may be required to be checked as “external.” To determine what documents need to be external, Agencies should be familiar with 27-104-155, Mississippi Code Annotated. In short, in regards to attachments and this code, *any contractual documents* are required to be attached as external, including amendments of such documents. Documents should be in a searchable PDF format. Other types of documents that would be considered external would include justification letters for sole source, and bid tabulation sheets for competitive bids. When a bid tabulation is applicable, if you have a bidder that is considered non-responsive, make sure that information is noted on the tabulation sheet.

*If your P-1 will result in a signed contract between the vendor and the agency, the initial P-1 request should include an attachment of the unexecuted contract along with all other required P-1 documents. Since P-1’s are “requests for authority to purchase,” agencies should not execute contracts until they have approval to do so. Once OPT reviews the P-1 and has determined that it should be approved, OPT will use the “inquire” button in MAGIC to send the P-1 back to the requester. Once the agency executes the contract, the executed contract should be added as an external document so that OPT can “approve” the P-1.*

It is important to remember that no external documents shall permit or require the disclosure of trade secrets or other proprietary information, including confidential vendor information, or any other information that is required to be confidential by state or federal law. External documents should be redacted when appropriate.

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# FEATURED CONTRACT

There are new mailing equipment contracts that have been posted on the Office of Purchasing, Travel, and Fleet Management's, (OPTFM) website.

These are negotiated state contracts. (***Negotiated means: that agencies can negotiate the best price from the listed contract vendors.***) State agencies may purchase from any of the listed contract vendors or state agencies may purchase the item(s) from other than the contract vendor provided they follow the applicable procedures set forth in section 31-71-13 (a), (b), or (c) and the price shall not exceed the negotiated contract price.

These contracts features includes various mailing machines, folding machines, folding, inserting and sealing machines, inserting machines, label dispensing machines and accessories, letter extraction and insertion machines, letter openers, postage meters, and mailing equipment rental. The dates of these contracts are July 1, 2015 – June 30, 2016. Also, agencies must use the Rental Agreement (located on OPTFM's website) when renting a mailing equipment. The terms of the Rental Agreement cannot be amended/changed without approval from OPTFM.

There are currently three, (3) vendors who have contracts and provide an array of products and supplies suited to meet your needs. These contracts may be viewed on OPTFM's website at the below link and in MAGIC.

<http://www.dfa.state.ms.us/Purchasing/StateContracts/MailingMachineList603.html>

If you have questions regarding the Mailing Equipment Contracts, you may contact the Office of Purchasing and Travel at (601) 359-3409.

Spend: \$876,368.98

Contract Analyst: Regina Irvin, [Regina.Irvin@dfa.ms.gov](mailto:Regina.Irvin@dfa.ms.gov)

Welcome  
JULY

## EMPLOYEE'S SPOTLIGHT



The Office of Purchasing, Travel and Fleet Management welcomes Kathy Kehle as Administrative Assistant. Kat joined the team on June 15, 2015 and was previously with OPTFM. She returns to us from DFA's Office of Insurance. Her hobbies include spending time with family and friends, (especially 2 year old grandson Declan), painting and crafts.

The Office of Purchasing, Travel and Fleet Management congratulates Yolanda Thurman on her promotion to Special Projects Officer. Yolanda assumes the responsibilities from recent retiree Brenda Carpenter. We know Yolanda will be a great asset in this area and expedite those contracts into MAGIC!!

OPTFM would like to extend congratulations to Ramona Jones, Office of Fleet Management and Ashley Harrell, Office of Purchase and Travel for their completion of the MSPB Administrative Services Certification Program. Way to go ladies!!

## PROCUREMENT CARD

The State Procurement Card program was developed for state agencies and governing authorities to conveniently purchase items necessary for their office functions for \$5,000.00 or less. When using the State Procurement Card to purchase items from **vendors within the state** – whether the vendor be a state contract approved vendor or just a local vendor supplying goods and/or services, please notify that vendor that all purchases must be tax and surcharge exempt. Some vendors apply a surcharge to the total purchase amount for using a credit card. According to MS Code 31-7-9 (d): In a sale of goods or services, the seller shall not impose a surcharge on a buyer who uses a state-issued credit card, procurement card, travel card, or fuel card. When a state procurement card is used and a vendor imposes a surcharge, please ask for a full refund from the vendor as a credit back to the card and a receipt of the issued credit. After the credit has been received, type a memo and place it in the file along with the original receipt of purchase and the credit receipt for reference.

For more information on procurement card rules and regulations, please feel free to contact Symone Bounds, Procurement Card Administrator, at [Symone.Bounds@dfa.ms.gov](mailto:Symone.Bounds@dfa.ms.gov) or 601-359-9373 or Ross Campbell, Director of Marketing and Audit, at [Ross.Campbell@dfa.ms.gov](mailto:Ross.Campbell@dfa.ms.gov) or 601-359-2004.

## FLEET MANAGEMENT



The State of Mississippi is happy to announce the **NASPO ValuePoint RFP for Fire Trucks and Fire Apparatus with Related Accessories and Supplies** has been released. The Bureau of Fleet Management acted as the Lead State Contract Administrator for this solicitation. A copy of the RFP can be found at the following link:

[https://www.ms.gov/dfa/contract\\_bid\\_search/bid\\_search.aspx#SearchResults](https://www.ms.gov/dfa/contract_bid_search/bid_search.aspx#SearchResults)

A Pre-Bid Vendor meeting for the Fire Trucks and Fire Apparatus RFP will be held on July 7, 2015 at 8:30 a.m. in Room 145 of the Woolfolk State Office Building.



BFM is also preparing to release the 2015-2016 Vehicles and Police Vehicles competitive bid. A vendor meeting for this contract will be held on July 8, 2015 at 1:30 pm in Room 117 of the Woolfolk State Office Building.

If there are any vehicles that you would like to see added to the contract, any issues with vendors, or other topics that you would like to have us discuss, please feel free to contact Billy Beard at [billy.beard@dfa.ms.gov](mailto:billy.beard@dfa.ms.gov) or Wayne Cranford at [wayne.cranford@dfa.ms.gov](mailto:wayne.cranford@dfa.ms.gov)

### **Moratorium**

The Bureau of Fleet Management wants to thank all agencies that met the 2% fleet reduction and complied with the moratorium of Senate Bill 2503. It was a challenge but with your cooperation we made it through.

### **Upcoming Vehicle Meetings**

We will be meeting with our dealers regarding the Vehicle and Police Vehicle contracts in July. If you have any suggestions or ideas on how we can improve these contracts, please contact

Billy Beard at 601-359-5171 or email at [billy.beard@dfa.ms.gov](mailto:billy.beard@dfa.ms.gov).

### **Compare Fuelman Statements with OPIS**

Fleetcor (Fuelman) is the Fuel Access Card Services for the State of Mississippi. All fuel prices are based on the weekly average rack OPIS pricing. OPTFM posts the weekly pricing (FuelCard Pricing) on our website. Please review these prices to compare with your weekly Fuelman bill.

### **Issuing of New Fuelman Cards**

Also a reminder that a new co-branded Chevron/Texaco/Fuelman card will be issued as the old cards expire. The new cards will have the State of Mississippi name and the State Seal. This card as well as the current design card will be universally accepted at all FUELMAN NETWORK locations and all CHEVRON and TEXACO locations.



An additional savings of \$0.02 per gallon will be offered if the fuel is purchased at a Chevron or Texaco location. This rebate will be earned at the transaction level on all gallons purchased at Chevron or Texaco locations.

This is a tremendous opportunity for the State and each agency and other entities to earn some extra savings.

### **New APP for Finding Fuelman Locations**

Have you ever been working in the field and realize that you are running low on fuel? Do not know where the closest Fuelman location is? Well, there is an app for that. Check out our website at <http://www.dfa.state.ms.us/Purchasing/Home.html> and click on the **Fuelman Mobile Site Locator** link, download the app to your i-phone, and quickly find the nearest location.

## MAGPPA

The Third Quarter MAGPPA meeting is scheduled for August 12, 2015 at Hinds Community College, Raymond campus. At this meeting we will elect officers for 2016. If you would like to be considered for an office or would like to nominate someone, please send an email to [billy.beard@dfa.ms.gov](mailto:billy.beard@dfa.ms.gov).

The MAGPPA Annual Conference and Vendor show will be held October 18-21, 2015 in Biloxi, MS. The Beau Rivage will again serve as the host vendor show will be at the Coliseum and Convention theme this year is "Putting The Roaring 20's." Check website for information on The website address is [www.MAGPPA.org](http://www.MAGPPA.org).



hotel and the Gulf Coast Center. The on the Glitz, the MAGPPA registration.

## NEW PROCUREMENT REGULATIONS EFFECTIVE IMMEDIATELY

The following sections of the Procurement Manual have been revised and are effective immediately. Please make sure and review all new regulations.

### 2.102.04 Public Procurement Review Board (PPRB) Approval

Any request for any purchase authority (to include multiple purchases or a "not to exceed" amount), award, or awards (when such awards are the result of one competitive procurement) which exceeds \$500,000 of commodities, goods, merchandise, furniture, equipment, automotive equipment of every kind, and other personal property purchased by the agencies of the state, but not commodities purchased for resale or raw materials converted into products for resale as provided by [Section 31-7-1\(e\), Mississippi Code of 1972, Annotated](#):

### 3.101.03 Exemptions Requiring Approval

Unless otherwise ordered by regulation of the Public Procurement Review Board (PPRB), the following listed items are exempt from the competitive bid process provided they follow 3.109.02; however, these purchases do require [P-1](#) approval of the [Office of Purchasing, Travel and Fleet Management](#).

- (1) Non-competitive items that are available from only one source;
- (2) Items purchased for research that are available from only one source

### 3.109.02 Conditions for Use of Sole-Source / Research Procurement(s)

Sole-source procurement (including any item purchased for research that is available from only one source) is not permissible unless a requirement is available from only a single supplier. A requirement for a particular proprietary item does not justify sole-source procurement if there is more than one potential bidder or offerer for that item. The following are examples of circumstances which could necessitate sole-source procurement:

- (1) Where the compatibility of equipment, accessories, or replacement parts is the paramount consideration (and manufacturer is sole supplier).
- (2) Where a sole supplier's item is needed for trial use or testing.
- (3) Where a sole supplier's item is to be required when no other item will serve the need of the user entity.

Any agency seeking sole source procurement authority for commodities shall advertise in the same manner provided in Section 31-7-13(c), Mississippi Code of 1972, Annotated. Such advertisement shall direct vendors to the procurement portal website established by Sections 25-53-151 and 27-104-165, where the agency shall publish for a minimum of fourteen (14) days the terms of the proposed sole source procurement. The portal publication shall include, but is not limited to, the following information:

1. A description of the commodity that the agency is seeking to procure;
2. An explanation of why the commodity 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 commodity;
4. An explanation of why the amount to be expended for the commodity is reasonable;
5. The efforts that the agency went through to obtain the best possible price for the commodity; and
6. Procedures for any person or entity that objects and proposes that the commodity published on the procurement portal is not sole source and can be provided by another person or entity. These procedures shall direct the objecting person or entity to notify the agency that published the proposed sole source procurement request with a detailed explanation of why the commodity is not a sole source procurement. If such an objection has been raised, the agency shall follow the following steps:
  - a. If the agency determines after review that the commodity in the proposed sole source request can be provided by another person or entity, then the agency must withdraw the sole source request publication from the procurement portal website and submit the procurement of the commodity to an advertised competitive bid or selection process.
  - b. If the agency determines after review that there is only one (1) source for the required commodity, then the agency may appeal to the Public Procurement Review Board. The agency has the burden of proving that the commodity is only provided by one (1) source.

- c. If the Public Procurement Review Board has any reasonable doubt as to whether the commodity can only be provided by one (1) source, then the agency must submit the procurement of the commodity to an advertised competitive bid or selection process.

Once the procedures listed above have been followed, and an item has been certified as a single source item, the item may be purchased without complying with provisions for competitive bidding. Authority must be granted by the [Office of Purchasing, Travel and Fleet Management](#) prior to acquisition of the item by using the electronic P-1 process. A letter must be accompanied as an attachment to the P1 request outlining the results of the procedures that have been detailed above.

Following the approved purchase, per 31-7-13 (m) (viii) the executive head of the state agency, or his designees, shall file with the Department of Finance and Administration, documentation of the purchase, including a description of the commodity purchased, the purchase price thereof and the source from whom it was purchased when submitting the applicable payment request as more particularly prescribed in the DFA MAAPP Manual. In the case of Institutions of Higher Learning, this can be done by adding an attachment to the university's previously approved P1 request.

### 3.109.03 Negotiation in Sole-Source Procurement

Once an item has been certified as sole source, the head of the purchasing agency or his/her designee shall conduct negotiations, as appropriate, as to price, delivery, and terms.

### 3.110 Emergency Procurements

Notwithstanding any other provisions of this regulation, the Chief Procurement Officer, the head of a purchasing agency, or a designee of either officer may make or authorize others to make emergency procurements under emergency conditions as defined in [Section 31-7-1\(f\), Mississippi Code of 1972, Annotated](#); provided, that such emergency procurements shall be made with such competition as is practicable under the circumstances. A written determination of the basis for the emergency and for the selection of the particular contractor shall be included in the contract file. Such purchases shall be made in compliance with [Section 31-7-13\(j\), Mississippi Code of 1972, Annotated](#). Agencies shall notify or seek approval from, where required, the [Office of Purchasing, Travel and Fleet Management](#) by using the electronic P-1 process.

- (1) Emergencies threatening health and safety or property

If such emergency threatens the health or safety of any person, or the preservation or protection of property, then the provisions of competitive bidding shall not apply and any officer or agent of the agency having general or specific authority for making

the purchase or repair contract shall approve the bill presented for payment and provide justification and certification in writing detailing from whom the purchase was made or with whom the repair contract was made to the Office of Purchasing, Travel and Fleet Management using the electronic P-1 process.

The justification should be written in sufficient detail so that a person not familiar with the situation could be expected to understand the need to forego the normal purchasing procedure. As per [Section 31-7-13\(j\), Mississippi Code of 1972, Annotated](#), the certification for an emergency purchase must be submitted on letterhead and signed by the executive head or his/her designee(s) of the requesting agency. Agencies shall address the following when preparing the justification:

- (a) Does it fall under the definition of an emergency set forth in [Sections 31-7-1\(f\), Mississippi Code of 1972, Annotated](#)?
- (b) What happened to cause the emergency?
- (c) What would be the negative consequences of following normal purchasing procedures?
- (d) Does it threaten the health or safety of any person, or the preservation or protection of property?
- (e) The total purchases made shall only be for the purpose of meeting the needs created by the emergency situation.

Following the emergency purchase, documentation of the purchase, including a description of the commodity purchased, the purchase price thereof and the nature of the emergency shall be filed with the Department of Finance and Administration when submitting the applicable payment request as more particularly prescribed in the DFA MAAPP Manual. In the case of Institutions of Higher Learning, this can be done by adding an attachment to the university's P1 request.

- (2) Emergencies Requiring Approval Prior to Purchase

If the governing board or the executive head, or his designees, of any agency of the state shall determine that an emergency exists in regard to the purchase of any commodities or repair contracts, so that the delay incident to giving opportunity for competitive bidding would be detrimental to the interests of the state, then the head of such agency, or his designees, shall seek approval of the Office of Purchasing, Travel and Fleet Management using the electronic P-1 process.

The justification should be written in sufficient detail so that a person not familiar with the situation could be expected to understand the need to forego the normal purchasing procedure. As per [Section 31-7-13\(j\), Mississippi Code of 1972, Annotated](#), the certification for an emergency purchase must be

submitted on letterhead and signed by the executive head or his/her designee(s) of the requesting agency. Agencies shall address the following when preparing the justification:

- (a) Does it fall under the definition of an emergency set forth in [Sections 31-7-1\(f\), Mississippi Code of 1972, Annotated](#)?
- (b) What happened to cause the emergency?
- (c) What would be the negative consequences of following normal purchasing procedures?
- (d) The total purchases made shall only be for the purpose of meeting the needs created by the emergency situation.

Upon receipt of the justification and any applicable board certification, the State Fiscal Officer or his designees, may authorize the purchase or repair without having to comply with competitive bidding requirements.

Following the emergency purchase, documentation of the purchase, including a description of the commodity purchased, the purchase price thereof and the nature of the emergency shall be filed with the Department of Finance and Administration when submitting the applicable payment request as more particularly prescribed in the DFA MAAPP Manual. In the case of Institutions of Higher Learning, this can be done by adding an attachment to the university's P1 request.

**3.110.04 Authority to Make Emergency Procurements**

Any state agency may make emergency procurements when an emergency condition arises and the need cannot be met through normal procurement methods, provided approval by the executive head of the agency shall be obtained prior to the procurement and provided 3.110 is followed. Governing authorities shall comply with [Section 31-7-13\(k\), Mississippi Code of 1972, Annotated](#).

**Section 3.124.03 has been removed from the Manual.**

**3.124.03 Special Circumstances Required Information, SC-1**

The information provided on the [SC-1](#) document must be followed when submitting an electronic [P-1](#). Information for [SC-1](#) can be found in the [Training Section of the OPTFM website](#).

- (1) Emergency purchase
- (2) Sole-Source purchase
- (3) Purchase for research
- (4) Exemption from state contract

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**The Office of Purchasing, Travel and  
Fleet Management**

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