

**NOTICE OF RULE ADOPTION—FINAL RULE
STATE OF MISSISSIPPI
DEPARTMENT OF INFORMATION TECHNOLOGY SERVICES (ITS)**

Department of Information Technology Services
Contact: Martha Pemberton
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Specific Legal Authority authorizing the promulgation of

Rule: MS Code Sections 25-53-5 (g); 25-53-29 (d); 25-53-111 (k);
25-53-21 (f); 25-53-5 (k); 25-53-25 (2)

Reference to Rules repealed, amended or suspended by the

Proposed Rule: Previous delegation of acquisition of classroom training for technology courses reversed.

Explanation of the Purpose of the Proposed Rule and the reason(s) for proposing the rule:

The above-referenced ITS enabling statute requires ITS to establish training programs in information technology for state personnel. ITS law also directs the ITS Executive Director to act as purchasing and contracting agent for the State of Mississippi for all contracts for technology services and to approve or disapprove all requests of agencies of the state for the acquisition of such services.

To clarify which specific equipment and services fall within ITS purview, ITS has included in the ITS Procurement Handbook a list of products and services that, while technology-related, do not appear to meet the intent of the above statute and do not require ITS approval to purchase. Classroom technology training was included in this list of services not under ITS purview. After further review of ITS statute, however, ITS has determined that technology training was clearly within the intended purview of this agency as defined in statute and has deleted classroom technology training from the list of services excluded from ITS purview.

ITS statute authorizes this agency to establish policies and procedures for delegating bidding and contracting responsibilities related to the procurement of information technology services to the purchasing agency. Accordingly, ITS has delegated the competitive purchase of IT services up to \$15,000.00 and the sole source purchase of IT services up to \$3,500.00 to the purchasing agency. These limits will apply to the procurement of classroom technology training. A class costing \$3,500.00 or less can be acquired without bids, proposals, or quotes. A class costing more than \$3,500.00, but less than or equal to \$15,000.00, can be acquired with a minimum of two written quotes or proposals. A class costing more than \$15,000.00 will require approval from ITS, as with other competitive technology services. A class costing more than \$3,500.00 that can only be obtained from a single vendor will require Sole Source approval from ITS, as with other single-source technology services. Classroom technology training for Institutions of Higher Learning will fall within the corresponding procurement limit guidelines for IHLs, which require no ITS approval for services costing \$250,000.00 or less.

This rule is proposed as a Final Rule, and/or a Temporary Rule.

Persons may present their views on the proposed rule by addressing written comments to the agency at the above address. Persons making comments should include their name and address, as well as other contact information, and if you are an agent or attorney, the name, address, and telephone number of the party or parties you represent.

Oral Proceeding:

An oral proceeding is scheduled on this rule on Date: _____ Time: _____
Place: _____

If you wish to be heard and present evidence at the oral proceeding you must make a written request to the agency at the above address at least five (5) days prior to the proceeding to be placed on the agenda. The request should include your name, address, telephone number as well as other contact information; and if you are an agent or attorney, the name, address, and telephone number of the party or parties you represent.

An oral proceeding is not scheduled on this rule. Where an oral proceeding is not scheduled, an oral proceeding will be held if a written request for an oral proceeding is submitted by a political subdivision, an agency, or ten (10) persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address, and telephone number of the

person(s) making the request; and if you are an agent or attorney, the name, address, and telephone number of the party or parties you represent.

Economic Impact Statement:

The agency has determined that an economic impact statement is not required for this rule, or

The concise summary of the economic impact statement required is attached.

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.

Date Rule Proposed: 4/11/2006

Proposed Effective Date of Rule: 5/15/2006

David L. Litchliter, Executive Director
Mississippi Department of Information Technology Services