

001-030 Exceptions to ITS Purview

State statute governing ITS provides for some specific exemptions from ITS purview and also allows ITS to establish policies and procedures for delegating bidding and contracting responsibilities for IT procurement to the purchasing agency. However, ITS is not authorized to exempt any purchase from applicable state statute, including but not limited to the competitive bid requirement.

Section 25-53-25 (1) of the Mississippi code excludes any agency financed entirely by federal funds from ITS purview. Section 25-53-25 (3) excludes the following acquisitions from ITS jurisdiction: "Acquisitions of computer equipment and services by institutions of higher learning or junior colleges wholly with federal funds and not with state general funds...." Please note that neither of these code sections exempts acquisitions made by state agencies with federal funds from ITS purview unless the entire agency is federally funded and has no general or special fund budget.

Section 25-53-25 (2) of the Mississippi code gives ITS the authority to delegate purchasing responsibility and is the basis for the Exemption, Delegation of Approval, and Planned Purchases Procedures.

Equipment, software, or services for a specialized application whose primary function or purpose is other than information technology and for which any IT functionality or component is secondary or incidental to the equipment's primary function are outside the purview of ITS.

ITS maintains a partial list of items and services about which frequent questions are asked regarding ITS purview. The list is not exhaustive and is updated as new situations arise.

The following procurements do not require ITS approval. Because of potential impact on technology infrastructure, notification to ITS is required in some cases, as noted below:

| Product: | Examples: |
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| Specialized medical or scientific products whose primary purpose is other than information technology | <ul style="list-style-type: none"> ● Spectrophotometers/spectrometers ● CT and other medical scanners ● Equipment for performing lab tests or analyses ● Automated weather stations and monitoring devices |
| Computer supplies | <ul style="list-style-type: none"> ● Laser and magnetic media ● Printer toner cartridges ● Computer paper |
| Computer furniture | <ul style="list-style-type: none"> ● Computer desks ● Computer cabinets |
| Computer accessories | <ul style="list-style-type: none"> ● Printer paper trays ● Envelope feeders ● Power strips ● Surge protectors |
| Technology Reference Manuals: hardcopy or electronic | <ul style="list-style-type: none"> ● User manuals ● Technical manuals |
| Electronic or online publication of state-published documents (static, without functionality) | <ul style="list-style-type: none"> ● Annual reports ● Policy manuals ● State's "Blue Book" |
| Online Research or Educational Material (standard "off the shelf" delivery of static information without customized or interactive functionality) | <ul style="list-style-type: none"> ● Electronic magazines ● Electronic databases: Lexis/Nexis, Westlaw, Solinet ● Electronic textbooks or reference material |
| Radio/TV station broadcast equipment (i.e. one-way transmission) | <ul style="list-style-type: none"> ● Equipment needed to create, edit, and/or broadcast audio/video programming |
| Radar equipment | |
| Microfilm and other analog image storage media | <ul style="list-style-type: none"> ● Microfilm/microfiche viewing and duplicating equipment ● Microfilm cameras ● Digital indexing systems for analog storage media |
| Digital cameras and self-contained surveillance equipment | <ul style="list-style-type: none"> ● Surveillance cameras ● Video monitors |

001-030 Exceptions to ITS Purview

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| NOTE: Surveillance systems for which devices have assigned IP addresses or have a network connection DO fall within ITS purview | |
| Satellite dishes for receipt of television broadcast programming (Note: Satellite transmission and reception systems for providing communication facilities DO fall within ITS purview.) | |
| Services: | Examples: |
| Vendor-independent Advisory / Research Subscription Services: (Prior approval not required. Supply ITS with a copy of any supplement to an ITS Master Agreement) | <ul style="list-style-type: none"> • Gartner "seats" Subscription • Giga Advisory Service Subscription |
| Technology products or services provided by one Mississippi agency or institution for another. These types acquisitions are specifically exempted from the bid requirement per Mississippi code Section 31-7-13 (m) (vi). Notify ITS during the planning phase for any acquisitions having market value above the current Delegation of Approval limits. In addition, please provide ITS with a copy of any contracts or agreements executed for agency-to-agency acquisitions immediately upon execution. Note: If the acquisition commits the state entity to expenditures with any <u>private company</u> in an amount above the current Delegation of Approval limits, the acquisition is NOT exempt from ITS purview. | <ul style="list-style-type: none"> • The Mississippi EDNET Institute • Mississippi's public universities • State agencies • The John C. Stennis Institute of Government |
| Technology products or services furnished to state entities by other governmental entities or instruments or by peer or affiliated organizations. These types acquisitions are specifically exempted from the bid requirement per Mississippi code Section 31-7-13 (m) (vi). Notify ITS during the planning phase for any acquisitions having market value above the current Delegation of Approval limits. In addition, please provide ITS with a copy of any contracts or agreements executed for agency-to-agency acquisitions immediately upon execution. Note: If the acquisition commits the state entity to expenditures with any <u>private company</u> in an amount above the current Delegation of Approval limits, the acquisition is NOT exempt from ITS purview. | <ul style="list-style-type: none"> • Federal agencies: EPA, USDA • AASHTO (American Association of State Highway and Transportation Officials) • Public universities • Counterpart agency from another state |
| Technology services provided by contract employees, designated according to the agency's determination under the guidelines of the Internal Revenue Service (IRS) Questionnaire for Classification of Contractual Personnel. (Note: IT services provided by independent contractors DO fall under the purview of ITS). | |

ITS customers should procure the items or services listed above in compliance with the regulations of the Department of Finance and Administration Office of Purchasing and Travel or the regulations of the Personal Service Contract Review Board, or local purchasing requirements, if applicable. However, if it is appropriate and desirable to procure an item from the above list in conjunction with a turnkey information technology procurement, the item may be included with that acquisition under ITS purchasing statute and procedures.

Even if the item being purchased is not listed above, ITS approval may not be required if the equipment or service is for a special purpose other than information technology.

When uncertain about a specific procurement, please contact the ITS Help Desk at 576-HELP (576-4357) to

001-030 Exceptions to ITS Purview

determine whether ITS involvement is required. To obtain written verification from ITS of whether ITS approval is required for a specific acquisition, please submit a letter or e-mail to: Information Technology Services - ISS, 301 North Lamar Street, Suite 508, Jackson, MS 39201, requests@its.state.ms.us. Upon ITS staff review of the exemption request, if the ITS staff concurs that the procurement is not within the scope of ITS law/policy/procedure, the ITS Executive Director will write a letter or memo to the requesting agency/institution specifying that the acquisition does not fall within ITS purview. No CP-1 Acquisition Approval is issued or required. The agency/institution may proceed with the procurement in compliance with applicable laws.