

PPRB Procedures

This memorandum provides the administrative procedures for submitting required documentation to implement requests for procurement to be approved or acknowledged by the Public Procurement Review Board (APPRB@). These provisions shall supersede all conflicting policies and procedures.

Pursuant to Mississippi Code Annotated ' 27-104-7, the PPRB shall have the following powers and responsibilities: (See statute for entire text)

- (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 facilities;
- (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; and
- (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. Provided, however, that the provisions herein 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.

ADMINISTRATIVE PROCEDURES

Items requiring approval/acknowledgment of the PPRB include:

Office of Purchasing and Travel

- a) Policies and procedures which relate to the purchasing 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 Mississippi Code Annotated ' 31-7-1(e)(' 31-7-9);
- b) Any request for a one-time purchase 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 Mississippi Code Annotated ' 31-7-1(e);
- c) Rules and regulations regarding the sale or disposal of property (' 29-9-9);
- d) Proposed equipment acquisition schedules for Master Lease Purchase Program (' 31-7-10);
- e) Correctional System contracts which exceed \$100,000 (' 47-5-105); and
- f) Cancellation of Correctional System contracts on minutes (' 47-5-107);

Bureau of Building, Grounds and Real Property Management

- Professional service contracts related to construction which exceed \$250,000 (' 31-11-3);
- Planning information contracts which exceed \$250,000 (' 31-11-3);
- Construction contracts under the management and control of the Bureau of Building which exceed \$5,000,000 (including Change Orders) and cumulative Change Orders over 25% of the initial contract amount or any Change Order in the amount of \$1,000,000, whichever is less and other agency construction contracts which exceed \$5,000,000 , excluding construction contracts under the management and control of the Institutions of Higher Learning(' 31-11-3) ;
- Furniture & Equipment contracts which exceed \$2,000,000 (excluding all items under state contract and all CP-1's) (' 31-11-3);
- Concurrence of DFA=s approval of leasing/renting of space outside the buildings under the jurisdiction of DFA (' 29-5-2(c));
- Leasing of Penitentiary land for agricultural purposes (' 47-5-64);
- Payment for leased Penitentiary lands, other than cash in advance (' 47-5-66);
- Lease of Wildlife Conservation lands;
- Sell and convey state lands when authorized by the Legislature;
- Acquire land or property necessary for development or expansion of state institutions or agencies;
- Acquisition of land or property by condemnation proceedings (' 31-11-25);
- Leasing of Seat of Government lands (' 29-1-201);
- Justification provided to/approval of contracts on lease, sublease or lease-purchase of real property by DFA (' 27-104-107);
- Approval of leases entered into by Mississippi Veterans Memorial Stadium Commission (' 55-23-8);

Any construction projects within the jurisdiction of the Bureau of Building shall be administered in accordance with the Bureau of Building Procedure Manual.

Other items requiring PPRB approval/acknowledgement as provided by statute:

- Approval of consideration for conveyance for national headquarters of organization promoting scholarship and service (' 29-1-205);
- Approval of surplus property contracts (' 31-9-5);
- Justification provided to regarding lease purchase or similar arrangement of youth housing and facilities (' 43-27-35);
- Approval of State Fire Academy contracts regarding hiring of instructors and personnel, lease and purchase of training equipment and lease, purchase and construction of premises/quarters for conducting school and seminars (' 45-11-7);
- Approval of leases of department-owned land for funding or operations of the corporation (' 47-5-569)

Items not requiring specific board approval as outlined above, shall be approved/acknowledged by the Executive Director of the Department of Finance and Administration or his/her designee.

Time frame for submittal of items to be included on agenda. Requests shall be submitted to the PPRB Recorder no later than three (3) full working days prior to the board meeting date that precedes the proposed effective date of procurement to provide for sufficient time for board action. The requirement for emergency procurement shall be considered the only exception to the prior approval clause. Exceptions to this time frame shall only be granted and communicated to the Recorder by the Vice Chairman or designee of the PPRB. A copy of the agenda shall be provided to the PPRB members at least one (1) full working day prior to the respective meeting. CAVEAT: Agency authorization for procurement, other than emergency procurement, without prior approval of the PPRB may result in individual liability for payment of the unauthorized procurement.

Pursuant to MCA ' 25-41-13(2), the PPRB will hold a regularly scheduled meeting on the first Wednesday of every month at 2:00 p.m. in the 13th Floor Conference Room in the Woolfolk Building, Jackson, Mississippi, unless otherwise scheduled. Notice of regular meetings shall be posted one (1) full working day prior to the scheduled meeting. Notice of meetings, other than the regularly scheduled meetings, shall be posted within one (1) hour after such meeting is called. All notices (regular, special and other) may be found on the basement floor and first floor of the Woolfolk building or by calling the DFA office.

Minutes of the PPRB meetings shall be recorded by the PPRB Recorder via notes and/or tape recording. If the meeting is tape recorded, the tape will not normally be transcribed, unless directed by the Chairman of the PPRB. Minutes of meetings shall be developed for review by the PPRB no later than seven (7) working days and approved by PPRB no later than thirty (30) days subsequent to the respective meeting. Minutes of the PPRB meetings shall be filed on a monthly basis with the Legislative Budget Office@ pursuant to MCA ' 27-104-7(1).

Correspondence notifying all parties of a PPRB determination in the event of a protest proceeding shall be developed by the Recorder or designee and submitted to PPRB for review within two (2) working days of the protest proceeding.