Wireless Communication Commission (WCC) Purchasing Guidelines and Procedures for Wireless Products and Services

Mississippi Code Section 25-53-171 establishes the Mississippi Wireless Communication Commission ("Commission") to plan and oversee the implementation of a statewide wireless communication system for use by all government entities in the state. To assist the Commission in achieving that goal, Mississippi Code Section 25-53-171 (4) gives the Commission, in conjunction with the Department of Information Technology Services, the authority and responsibility to approve all wireless communication purchases within the state and to set forth rules and regulations governing these purchases. In accordance with this charge, the Commission has established the following guidelines and procedures for the approval process.

WCC Purview

The following products and services fall within the purview of the WCC and the scope of these purchasing guidelines and procedures:

Technology	Examples
Radio Frequency	Voice: 2-way radio products and services Data: Public safety and emergency services data
Cellular	Voice: Standard cell phone products and services Data: Blackberry and other PDA devices, including GIS applications (AVL); high speed EVDO
Satellite	Voice: Primary voice system for MEMA, Wildlife; emergency voice for DEQ, Health, Transportation, Public Safety Data: Mobile units' use of satellites for Internet connectivity.
Traditional point-to-point high-speed data communication across physical locations using wireless access points	Data: Wireless communication among physical locations; multi-campus wireless point-to-point; Wi-Fi NOTE: Wireless networks within a building or contained to a single campus are NOT included in WCC purview.
IP/RF Dispatch and other hybrid systems	

Statewide Wireless Contracts

In June 2007, the Commission executed a turnkey agreement with Motorola for the implementation of a statewide digital trunked land mobile radio system to be known as the Mississippi Wireless Information Network (MSWIN). The Commission also sponsored and facilitated the establishment of a Master Cellular Agreement with Cellular South, executed in June 2007, for the procurement of cellular products and services.

These statewide contracts may be used by any state or local governmental entity, agency or department within the State of Mississippi for the purchase of wireless products and services as outlined below:

Use of the MSWIN Agreement

The MSWIN Agreement may be used as a purchase instrument by governmental entities as follows:

- Any public entity may purchase subscriber and console equipment from the *Mobile, Portable, and Dispatch Console Units* list under the same rules and regulations as those outlined for the ITS 2-Way Radio EPL.
- **Public entities desiring to join MSWIN**: To join MSWIN, the public entity must, in conjunction with the Wireless Communication Commission Governance Committee, develop and submit a Wireless Communication Plan (See Attachment A) to the Commission and receive the Commission's approval for that plan. The WCC will negotiate any necessary change orders required to the MSWIN contract to bring additional entities onto the system.

Use of the Master Cellular Agreement

Both ITS and the WCC have approved state agencies, institutions, and governing authorities to purchase products and services from the Master Cellular Agreement with Cellular South **without additional oversight by either body and without any dollar limit.**

State law requires state agencies and IHLs to procure cellular products and services from the Master Cellular Agreement. The Commission strongly encourages other public entities to utilize this contract.

Purchases Outside the MSWIN and Master Cellular Agreements

To help achieve its legislated goal of effective wireless communication interoperability throughout the state, the Commission has set price thresholds for the review of wireless initiatives **outside** these statewide contracts **prior to any procurement commitment by the purchasing entity.**

The Commission encourages all entities to look for opportunities for interoperability with the MSWIN system when considering wireless communication procurements. The MSWIN system is designed to allow the use of any vendor's P25-compatible radio equipment. The Commission will work with any government body in the state considering radio system purchases to help ensure an appropriate level of interoperability, whether the entity chooses to purchase equipment

from the MSWIN Agreement or to purchase P-25 compliant equipment from other vendors and manufacturers.

Purchasing thresholds for WCC review and approval of wireless communication purchases are outlined below.

Purchasing Thresholds and Required Approvals

The Commission has delegated certain wireless procurements below defined cost thresholds to the purchasing entity and has also established a Wireless Communication Commission Procurement Review Committee ("Committee") to review purchases prior to or in lieu of full Commission review. The dollar thresholds and approval requirements for all wireless purchases, including those under and those outside the statewide wireless contracts, are set forth below.

Please note that cost ranges are lifecycle costs and should include both initial purchase costs and ongoing expenditures for a reasonable product lifecycle. Both equipment and service charges are included. Maintenance charges for existing equipment do not require WCC approval.

Also note that all approvals by the Committee or Commission are in **addition** to all requirements of public purchasing law and/or any required ITS approvals.

Radio:	Cellular:	Other Wireless Purchases:
To join the MSWIN system [voice and/or data]: Work with the appropriate WCC Committee(s) to develop Wireless Communication Plan. **Radio Purchases (including use of ITS 2-Way Radio EPL and Mobile, Portable, and Dispatch Console Equipment List from MSWIN contract):** • No Committee or Commission approval or review required up to $100,000 per project or fiscal year; • Between $100,001 and $250,000 per project or per fiscal year requires review and approval of Committee; • Greater than $250,000 per	**Purchases from Master Cellular Agreement:** • No Committee or Commission approval or review required. • No dollar limit. **Purchases OUTSIDE Master Cellular Agreement:** • Must have ITS approval prior to presenting to WCC for ANY agency or IHL purchases outside the Master Agreement; • Committee approval required for any purchase > $75,000 per fiscal year; • Committee review and Commission approval required for any purchase > $150,000 per fiscal year.	• No Committee or Commission approval or review required up to $100,000 per project or fiscal year; • Between $100,001 and $250,000 per project or per fiscal year requires review and approval of Committee; • Greater than $250,000 per project or fiscal year requires preliminary review by Committee and approval of Commission.

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Submission of Information for Approval

For wireless purchases requiring review and approval by the Committee or the full Commission, agencies and institutions under ITS purview should complete the applicable ITS Procurement Request Form. Local governments and other governing authorities not under ITS purview should complete the attached form for wireless purchases requiring Committee or Commission action.

Submit the appropriate form to: Wireless Communication Request, c/o ITS, 301 North Lamar Street, Suite 508, Jackson, MS 39201. Requests must be received no later than one week prior to the date of the regularly scheduled WCC meeting, the first Thursday of each month, to be considered by the Commission and/or the Committee at that month's meeting.

The WCC will return the form to the requesting entity after review, with the Commission's action noted. Where applicable, approved requests will be forwarded to ITS after Committee and/or Commission action.

Emergency Procurements of Wireless Products and Services

A "state of emergency" or "local emergency" as defined in Miss. Code Ann. § 33-15-5 (f) and (g), must exist for such a procurement to be considered an emergency purchase by the Commission. In accordance with Miss. Code Ann. § 33-15-17(b) (1972), as interpreted by the Mississippi Attorney General (Op. No. 2002-0393, August 9, 2002), when any disaster occurs and has been declared in accordance with law, local governments have the power to enter into contracts and incur obligations "necessary to combat such disaster, protecting the health and safety of persons and property, and providing emergency assistance to the victims of such disaster." This power extends to the purchase and rental of equipment as well as the purchase of supplies and materials "without regard to time-consuming procedures and formalities prescribed by law" pertaining to such procurement.

Emergency Procurements by Local Governments: The Commission recognizes that the emergency management law, Miss. Code Ann. § 33-15-17(b) (1972), is the controlling authority and governs wireless communication purchases by local governments during declared emergencies under § 33-15-1 et seq. so long as emergency conditions giving rise to the need for the purchase (combat of the disaster, protection of health and safety of persons and property, and providing emergency assistance to disaster victims) remain in place. When such emergency needs for wireless communication procurement no longer exist, the emergency authority to procure such equipment without compliance with other applicable state law ends as well.

Emergency Procurements by State Agencies: With regard to state agency emergency procurement, the Emergency Management Law, Miss. Code Ann. Section 33-15-11(b)(17)(1) (1972), requires that the Governor suspend provisions of state laws, rules or

regulations prescribing procedures for the conduct of state business before such procedures may be dispensed with. He may do this if strict compliance with the provisions of such procurement statutes, orders, rules or regulation would "in any way" prevent, hinder or delay necessary action in coping with a disaster. When the Governor exercises this authority to suspend public procurement laws for state agencies, the Commission recognizes that the Governor's Order regarding such suspension is the controlling authority and governs wireless communication purchases for the duration of his order. When the Governor lifts the suspension of these rules, the emergency authority to procure such equipment without compliance with other applicable state law ends as well.

Reporting Requirements for Emergency Procurements: The Commission requires that any state agency or local government procuring wireless communication technology, as defined herein, under the authority of Miss. Code Ann. § 33-15-17(b) or the exercise of the Governor's authority under 33-15-11(b)(17)(1) (1972), follow the state and federal laws otherwise applicable. The Commission directs the purchasing entity to strongly consider a temporary solution to the emergency need for wireless communication, to be followed by a competitive process for the selection of a permanent solution in accordance with all applicable statutes and the Commission's rules. For emergency purchases of wireless technology costing more than $100,000, the purchasing entity also shall, within thirty days of the acquisition, inform the Commission of such emergency purchase or rental, the precise nature of the emergency necessitating the purchase or rental, the exact equipment purchased or rented and its cost.

For Assistance

For assistance with a wireless procurement, contact the ITS Procurement Help Desk at 601-576-HELP (576-4357).

Attachment A
Wireless Communication Plan

[NOTE: Content and format to be developed by QA Consultant and Governance Committee]