AMENDMENT TO SECTION 101 OF THE 1998 OPERATIONS AND PROCEDURES MANUAL OF THE MISSISSIPPI STATE PORT AUTHORITY AT GULFPORT ("MSPA")

Section 101, Code of Ethics, of the 1998 Operations and Procedures Manual of the MSPA shall be amended in the Subpart entitled "Laws and Regulations" to read as follows:

Laws and Regulations

We observe all laws, specifically including but not limited to Miss. Code Ann. §§ 25-4-101 to 25-4-119, and regulations that apply to MSPA Activities ~~and its Commissioners and employees~~. When in doubt about the interpretation of the law or regulation, ~~obtain~~ a clarification must be obtained ~~from the MSPA Executive Director or General Counsel~~.

AMENDMENT TO SECTION 108 OF THE 1998 OPERATIONS AND PROCEDURES MANUAL OF THE MISSISSIPPI STATE PORT AUTHORITY AT GULFPORT ("MSPA")

Section 108, Purchasing Rules and Guidelines, of the 1998 Operations and Procedures Manual of the MSPA shall be amended by adding a new Paragraph 9 and new Paragraph 10 under the Subpart entitled "Purchasing Procedures". The new Section 108 shall read as follows:

108. Purchasing Rules and Guidelines

Purpose:

To provide all appropriate personnel with the rules and guidelines to be followed in making purchases for the Mississippi State Port Authority at Gulfport. Governing authorities may, by law, purchase their commodities and equipment under the provisions of term contracts established by the Bureau of Purchasing Provisions of these contacts, in accordance with Section 31-7-7 of Mississippi Code of 1972.

Definitions:

Purchase - Any order of commodities, equipment or furniture issued to a vendor constitutes a purchase. The terms commodities, equipment or furniture cover anything that is bought or sold.

Emergency - Shall mean any circumstance caused by fire, flood, explosion, storm, earthquake, epidemic, riot, insurrection, or caused by any inherent defect due to defective construction or when immediate preservation of order of public health is necessary by reason of unforeseen emergency, or when restoration of a condition of usefulness of any public building appears advisable, or in the case of a public utility when there is a failure of any machine or other thing used and useful in the generation, production or distribution of electricity or water.

Purchasing Procedures:

1. Purchase requisition form is completed when an employee signs a request for purchase and the supervisor approves the requisition with his signature.

2. The requisition is presented to the Purchasing Agent who then solicits prices on the goods or services requested. If the price of the good or service is under $500.00, then the purchasing agent will place an order with the lower priced vendor and issue a purchase order at that time.

3. If price is over $500.00 but less than $2,500.00, two (2) written quotes on company letterhead must be solicited by the Purchasing Agency. Upon receipt of the quotes accompany the P-1 Form (Request for Authority to Purchase) which is then sent to the Bureau of Purchasing in Jackson for approval. After approval of the purchase by the Bureau, the form is then sent back to the authority and a purchase order is issued.

4. If the price is over $2,500.00, legal advertisement must be placed in the newspaper specifying the goods or services needed. These advertisements must appear 1 time for 2 consecutive weeks with the sealed bids to be received and delivered to the Mississippi State Port Authority within six (6) working days after the second advertisement was printed. After bids have been received by the Port staff, the accepted bid is presented to the Board of Commissioners of the Mississippi State Port Authority for their approval. Upon the approval of the Board, and if bid does not involve contracts for repairs or services, the bid is submitted with a P-1 along with proof of advertisement and copies of bids to the Bureau of Purchasing for approval. Upon approval from the Bureau a purchase order is issued.

5. All construction bids over $2,500.00, but less than $100,000.00 must go before the Board of Commissioners of the Mississippi State Port Authority for approval. Upon approval, the bid and contract is sent to the Department of Economic Development for approval by its Director. After approval, these are sent back to the Port Authority. The Purchasing Agent for the Port then issues a purchase order and work may begin.

6. If the contract is for more than $100,000.00, the Board of Commissioners has to approve it. After Board approval it is sent to the Department of Economic Development for approval. If signed and approved, it is then returned to the Mississippi State Port Authority. It is then sent with a P-1 form with all pertinent information to the Public Procurement Board, which meets every first Wednesday of each month, for approval. After their approval, it is returned to the Port Authority and the Purchasing Agent issues a purchase order and the contract can begin.

7. In the case of an emergency the Purchasing Agent may receive verbal approval from the Bureau of Purchasing to proceed with buying goods or services. Later the Purchasing Agent must then supply pertinent information to the Bureau explaining the need of the emergency purchase.

8. The Bureau of Purchasing has the right to disapprove any contract if it is determined to create excessive cost and not be in the best interest of the State.

9. The requirements of the Procurement Manual of the Mississippi Department of Finance and Administration ("Procurement Manual") are incorporated herein by reference in their entirety, including the bid-protest procedures provided for therein. To the extent any provision under this Subpart conflicts with the provisions of the Procurement Manual, the provisions of the Procurement Manual shall control.

10. To the extent U.S. Department of Housing and Urban Development Community Development Block Grant funds are utilized in a procurement, such procurement must fully comply with the applicable requirements set forth in 24 C.F.R. § 84.44 or 85.36, OMB Circulars A-87, A-122, A-21 or A-133.