SOS APA Form 001

**Mississippi Secretary of State**
700 North Street P.O. Box 136, Jackson, MS 39205-0136

## ADMINISTRATIVE PROCEDURES NOTICE FILING

| AGENCY NAME | | CONTACT PERSON | TELEPHONE NUMBER | |
|---|---|---|---|---|
| Personal Service Contract Review Board | | David Stovall, Staff Attorney, MSPB | 601-359-2706 | |
| ADDRESS | | CITY | STATE | ZIP |
| 210 East Capitol Street, Suite 800 | | Jackson | MS | 39201 |
| EMAIL | SUBMIT DATE | Name or number of rule(s): | | |
| David.Stovall@mspb.ms.gov | 5/5/2015 | Title 27, Part 100. | | |

Short explanation of rule/amendment/repeal and reason(s) for proposing rule/amendment/repeal: Revisions to PSCRB regulations for clarity and modification of clauses to be consistent with House Bill 825 (2015 Regular Session); section numbers and titles that are revised are set forth on attached pages to include subsections revised in those sections as well.

Specific legal authority authorizing the promulgation of rule: Miss. Code Ann. §§ 25-9-120 and 25-43-3.103; House Bill 825 (2015 Regular Session).

List all rules repealed, amended, or suspended by the proposed rule: 1-101; 1-102; 1-103; 1-201; 1-301; 2-101; 2-102; 2-103; 2-104; 3-101; 3-102; 3-103; 3-201; 3-202; 3-203; 3-204; 3-205; 3-206; 3-207; 3-301; 3-401; 3-402; 3-403; 3-501; 3-502; 3-503; 3-601; 3-602; 3-701; 3-702; 4-101; 5-101; 5-203; 5-204; 5-205; 7-102; 7-103; 7-104; 7-105; 7-108; 7-109; 7-111; 7-112; 7-115; Appendices B, C, D, E, F, & G.

ORAL PROCEEDING:

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

☒ Presently, an oral proceeding is not scheduled on this rule.

If an oral proceeding is not scheduled, an oral proceeding must be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) or more 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, email address, and telephone number of the person(s) making the request; and, if you are an agent or attorney, the name, address, email address, and telephone number of the party or parties you represent. At any time within the twenty-five (25) day public comment period, written submissions including arguments, data, and views on the proposed rule/amendment/repeal may be submitted to the filing agency.

ECONOMIC IMPACT STATEMENT:

☒ Economic impact statement not required for this rule. ☐ Concise summary of economic impact statement attached.

| TEMPORARY RULES | PROPOSED ACTION ON RULES | FINAL ACTION ON RULES |
|---|---|---|
| _____ Original filing | **Action proposed:** | **Date Proposed Rule Filed:** |
| _____ Renewal of effectiveness | _x_ New rule(s) | **Action taken:** |
| To be in effect in _____ days | _x_ Amendment to existing rule(s) | _____ Adopted with no changes in text |
| Effective date: | _____ Repeal of existing rule(s) | _____ Adopted with changes |
| _____ Immediately upon filing | _____ Adoption by reference | _____ Adopted by reference |
| _____ Other (specify): _____ | **Proposed final effective date:** | _____ Withdrawn |
| | _____ 30 days after filing | _____ Repeal adopted as proposed |
| | _x_ Other (specify): 7/1/2015 | **Effective date:** |
| | | _____ 30 days after filing |
| | | _____ Other (specify): |

Printed name and Title of person authorized to file rules: David Stovall, Staff Attorney
Signature of person authorized to file rules: _____

| OFFICIAL FILING STAMP | DO NOT WRITE BELOW THIS LINE<br>OFFICIAL FILING STAMP | OFFICIAL FILING STAMP |
|---|---|---|
| | FILED<br>MAY 05 2015<br>MISSISSIPPI<br>SECRETARY OF STATE | |
| **Accepted for filing by** | **Accepted for filing by** #21273 | **Accepted for filing by** |

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

Title 27, Part 100

Personal Service Contract Review Board Rules and Regulations

Revisions to the following sections and subparts of those sections:

1-101 GENERAL PROVISIONS

1-102 SUPPLEMENTARY GENERAL PRINCIPLES OF LAW APPLICABLE

1-103 REQUIREMENT OF GOOD FAITH

1-201 DEFINITIONS

1-301 PUBLIC ACCESS TO PROCUREMENT INFORMATION

2-101 CREATION AND MEMBERSHIP OF THE MISSISSIPPI PERSONAL SERVICE CONTRACT REVIEW BOARD

2-102 POLICY AND PROCEDURE FOR MEETINGS

2-103 AUTHORITY AND DUTIES OF THE PERSONAL SERVICE CONTRACT REVIEW BOARD

2-104 CONTINOUS INTERNAL AUDIT REQUIRED

3-101 CONTRACTING PROCEDURES

3-102 GENERAL PROVISIONS

3-103 UNSOLICITED OFFERS

3-201 METHOD OF SOURCE SELECTION

3-202 COMPETITIVE SEALED BIDDING

3-203 COMPETITIVE SEALED PROPOSALS

3-204 COMPETITIVE SEALED QUALIFICATIONS

3-204 SMALL PURCHASES

3-205 SOLE-SOURCE PROCUREMENT

3-206 EMERGENCY PROCUREMENT

3-207 PREAPPROVED VENDOR LISTS

3-301 CANCELLATION OF INVITATIONS FOR BIDS OR REQUESTS FOR PROPOSALS

3-401 RESPONSIBILITY OF BIDDERS AND OFFERORS

3-402 PREQUALIFICATION OF SUPPLIERS

3-403 COST OR PRICING DATA

3-501 TYPES OF CONTRACTS

3-502 MULTI-TERM CONTRACTS
3-503 MULTIPLE SOURCE CONTRACTING
3-601 RIGHT TO INSPECT FACILITY
3-602 RIGHT TO AUDIT RECORDS
3-701 FINALITY OF DETERMINATIONS
3-702 REPORTING OF ANTI-COMPETITIVE PRACTICES
4-101 MODIFICATION AND TERMINATION OF CONTRACTS FOR SERVICES
5-101 AUTHORITY TO DEBAR OR SUSPEND
5-203 APPLICABILITY OF THIS SECTION
5-204 REMEDIES PRIOR TO AN AWARD
5-205 REMEDIES AFTER AN AWARD
7-102 PROCEDURES FOR PROCUREMENT
7-103 COMPETITIVE PROCUREMENT EXCEPTION
7-103 SUBMISSION DEADLINES
7-104 CONTRACT SUBMISSION DEADLINES
7-105 CONTRACT APPROVAL AND REJECTION
7-105 DEADLINE EXCEPTION REQUESTS
7-108 RENEWALS
7-109 MODIFICATIONS
7-111 PROTEST DOCUMENTS
7-112 POST-AWARD VENDOR DEBRIEFING
7-115 EXECUTED CONTRACTS
APPENDIX B – Sample RFP
APPENDIX C – Independent Contractor/Contract Worker Determination
APPENDIX D – Required Clauses in Contracts for Services
APPENDIX E – Required Clauses in RFPs and IFBs
APPENDIX F – Clauses Available for Use in Service Contracts
APPENDIX G – Clauses Available for Use in Solicitations for Bids or Proposals