

MISSISSIPPI PROCUREMENT CODE

Fiscal Year End: June 30

1. **Prequalifications:** None. Inclusion on the Mississippi state bidders' list is not a prerequisite for bidding on ITBs.
 - a. **MS Proc. Manual 3.402.01.1** → Prospective contractors may be prequalified for bidder lists, but distribution of the solicitation shall not be limited to prequalified contractors, nor may a prospective contractor be denied award of a contract simply because such contractor was not prequalified. The fact that a prospective contractor has been prequalified does not necessarily represent a finding of responsibility.

2. **Auto-drop:** While inclusion on the bidder's list is not necessary in order to bid, failure to bid on 4 consecutive ITBs results in removal from the bidders list.
 - a. **MS Proc. Manual 3.202.07.2** → Businesses that fail to respond to four consecutive bid invitations on any item within a class may be removed from the applicable bidders list after notice to the bidder for that particular class/item. Prospective bidders currently meeting the criteria for inclusion on the list may be reinstated on such lists at their request

3. **Life Cycle Costing (LCC):** Evaluations based on LCC are allowed if included in the ITB.
 - a. **MS Proc. Manual 3.202.14.4** → Following determination of product acceptability as set forth in Subsection 3.202.14.3 of this Section, if any is required, bids will be evaluated to determine which bidder offers the lowest cost to the State in accordance with the evaluation criteria set forth in the Invitation for Bids. Only objectively, measurable criteria which are set forth in the Invitation for Bids shall be applied in determining the lowest bidder. Examples of such criteria include, but are not limited to, guaranteed buy back and ownership or life-cycle cost formulas...

4. **Piggybacking:** State contracts maybe piggybacked by local public procurements.
 - a. **MS Proc. Manual 7.201.01** → Any agreement between the State and a local public procurement unit which provides that certain open-ended procurement contracts (requirement contracts) shall be available to the local public procurement unit shall also provide the following:
 - i. (1) The State shall conduct the procurements in compliance with the Mississippi Procurement Code and applicable statutes.
 - ii. (2) When the governing authority elects to procure any commodity under the state contract, all of its purchases for such commodities shall be obtained by placing purchase orders against the appropriate state contract in accordance with the terms and conditions of such contract

5. **Recycle Preferences:** 10% Price Preference when meet the minimum percentage required recyclable content
 - a. **MS Proc. Manual 10.106.02** → When preparing specifications for products that can be produced from recovered materials, the agency should include a clause indicating the desire for recycled products. The agency should also define, for the purposes of the specific purchase, the minimum percentage of the recovered material, which will be required to be considered for the 10% preference. In addition, the agency should describe the award process so that all vendors know how the evaluation and award is to be made.

- b. **MS Proc. Manual 10.106.03.1** → Mississippi law requires that specifications be written so as to promote the use of products made from recovered materials. Therefore, bidders are asked to consider bidding on a product made from recovered materials; provided, however, that any product bid must be equal in quality, weight, texture, and color to the product required by these specifications. For the purposes of these specifications, a commodity made from recovered materials must be at least 20% post-consumer waste as defined by EPA and ASTM. Products made from recovered materials will be given a preference in the award procedure as follows:
- i. (1) The low bid which meets specifications will be determined. (2) If the low bid meeting specifications is made from recovered materials, then the award will be made to the vendor offering the low bid.
 - ii. (3) If the low bid is not made from recovered materials, then the award will be made to the low bid meeting specifications which is made from recovered materials; provided, however, that the price paid may not be more than 10% higher than the lowest bid received.
 - iii. (4) If there are no bids for recycled products within 10% of the lowest bid, then the award will be made to the vendor offering the lowest bid.
- c. **MS Proc. Manual 10.106.04** → If bidding other products which can be made from recovered materials, the agency should use the same general format as set out in Section 10.106.03.1. The agency should take special care in the writing of the second paragraph to assure that the definition of a product made from recovered material is clear and attainable by several vendors

6. **Minority/Small/Disadvantaged Business Enterprise preferences:** None.

7. **Cooperative Purchasing**

National IPA

The City of Tucson, AZ has awarded a national cooperative purchasing agreement available to agencies through National Intergovernmental Purchasing Alliance (National IPA). Visit the National IPA website for state specific information <http://www.nationalipa.org/statutes.html>

National Joint Powers Alliance (NJPA)

NJPA currently supports over 100 national contracts for products and services that are available to local governmental agencies and other not for profit entities. Additional information can be found by visiting NJPA's State Procurement Resources web site.

<http://www.njpacoop.org/national-cooperative-contract-solutions/legal-authority/>

*****MS Procurement Manual:**

<http://www.dfa.state.ms.us/Purchasing/ProcurementManual.html>

*****MS Code of 1972 Title 31 Chapter 7 (Public Purchases):**

<http://www.mscode.com/free/statutes/31/007/index.htm>