



Mississippi Department of Information Technology Services



Technology Solutions for Mississippi Government

## Introduction to Information Technology Procurement

[www.its.ms.gov](http://www.its.ms.gov)

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### ITS Law: Responsibilities and Authority

- [www.sos.ms.gov](http://www.sos.ms.gov): Education & Publications: MS Code of 1972 (Unannotated: via LexisNexis)
- ITS Statute: Title 25, Chapter 53
  - Code Sections 25-53-1 through 25-53-191

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### By Law, ITS must:

- Adopt rules governing the acquisition of all computer and telecom equipment and services
- Review and approve (or disapprove) all IT procurements by agencies & IHLs

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### By Law, ITS must:

- Execute all contracts for IT equipment and services (ITS Executive Director is “contracting agent” for all technology contracts)
- Advertise competitive specifications for all acquisitions above \$50,000 (\$25,000 for projects funded with Stimulus money) total lifecycle cost and award to the “lowest and best”
  - Delegated to IHLs to issue competitive procurements without ITS involvement up to \$250,000

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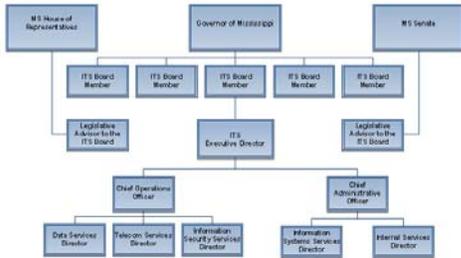
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### ITS Organization




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### Role of ITS Board

- Hire ITS Executive Director
- Set technology direction for state government
- Monitor strategic IT projects undertaken by agency and IHL customers
- Adopt rules and regulations for fulfilling the procurement and strategic IT oversight charges in ITS legislation
- Approve procurements, including exemptions, above the Director Approval Threshold

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### ITS Purview

- State Agencies
- Institutions of Higher Learning
- Other political subdivisions (e.g. cities, counties, K-12 Schools, Community Colleges), on request

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### ITS Rules and Regulations

- ITS website: [www.its.ms.gov](http://www.its.ms.gov)
- Procurement Handbook:
  - “Procurement” Channel
  - “Procurement Handbook”
  - Filed with the Secretary of State’s Office

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### Scope of Procurement Oversight:

- All information technology (i.e. computer, telecommunications)
- Hardware, software, and **services**

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**Procurement oversight requirements are based on total lifecycle cost:**

- Total committed costs of the project, not just the initial or up-front costs.
- Includes all costs associated with obtaining, maintaining and operating technology for its projected lifecycle:
  - Initial costs: purchase price, freight, installation, and training.
  - Ongoing costs: post-warranty maintenance; support, upgrade charges, on-site vendor personnel, and any recurring usage charges.
- Handbook Reference: 005-400

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**ITS has delegated to Agencies:**

- Non-telecom Projects < \$5,000
- Non-telecom Projects between \$5,000 and \$50,000 (\$25,000 for Stimulus projects), with 2 quotes (i.e. sole source certification is NOT delegated)
  - Must select the low quote
- EPL purchases within EPL dollar limits
- Summary of Agency Delegations: Procurement Handbook, 015-010
- Same limits as Public Purchasing (MS Code 31-7 DFA OPTFM)

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**ITS has delegated to IHLs:**

- Non-telecom Projects < \$5,000
- Non-telecom Projects between \$5,000 and \$250,000
- EPL purchases within EPL dollar limits
- Summary of IHL Delegations: Procurement Handbook, 015-020
- Must follow Mississippi purchasing laws regardless of delegation

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- It's technology
- I'm over the delegation limit

What's the easiest way to purchase what I need?

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### Express Products Lists (EPLs)

- What's an EPL?
- How do I use it?
- Are my EPL purchases "legal?"

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### What is an Express Products List?

- Multi-vendor, catalog-type awards for "routine" technology items
- EPLs meet state requirements for legal public purchases (advertised & awarded)
- Customers can use EPLs free of charge, with no involvement from ITS
- ITS recommends that customers contact 2 or more vendors, using "best EPL practices"
- Document, document, document

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### What Can I Buy from EPLs?

- See ITS website for full list
- Examples:
  - **IT Hardware EPL**  
Desktop and mobile-based computers, engineering and GIS-level workstations, desktop monitors, printers/scanners, large format printers and plotters/scanners, projectors, interactive devices such as whiteboards, servers, storage, UPS devices, racks, switches, wireless components, thin client systems, video and audio visual components and related accessories.
  - **Software EPL**  
Includes Adobe, Attachmate, Autodesk, Citrix, Corel, Computer Associates, EMC, IBM/Lotus Passport, McAfee, Novell, Open Text, Quest, SAP Business Objects, Sophos, Symantec, Trend Micro, and VMWare

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I need ITS approval for my purchase. It's not on an EPL. Now, how do I get started?

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### Types of Procurement Requests

- There are several different types of procurement requests that can be made to ITS.
- Each has a corresponding form:
  - Competitive Procurement
    - Variation: Cooperative Purchase
  - Sole Source
  - Revision to previous procurement request
  - Exemption
  - Emergency
  - Planned Purchase

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## All forms can be found on the ITS Website

**PROCUREMENT REQUEST FORMS:**

- Competitive Procurement**
  - RFI Form
  - RFP Form
- Emergency Procurement**
  - RFI Form
  - RFP Form
- Exemption Request**
  - RFI Form
  - RFP Form
- Rejection to Previous Procurement Request**
  - RFI Form
  - RFP Form
- Single Source Request**
  - RFI Form
  - RFP Form
- Planned Purchase Request (Only available to agencies with current approved technology plans)**
  - RFI Form
  - RFP Form

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## Online Procurement Request System



The application is intended to help you generate procurement project request to submit to ITS for processing.

When developing the project in the steps to fill documents, this also will be the case as well for information about the bid and you about the project. Based on the type procurement, you will be prompted for the information needed by ITS to process your request. The bid and need to be in every step. If you request to stop working, it is better to go ahead and submit the project with the information you have rather than waiting. The more information you provide, however, the more effectively ITS can process the request.

Select "Submit" to see all requests you have created or submitted to ITS or to create a request for a new project. The only step in the application using your ACS user id and password.

The website, Contact Us.

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## Suggestions on Requests

- Fill in what you know but don't agonize over every blank; your ITS project manager will work with you to obtain additional information, if needed
- Send it in sooner rather than later (see info on turnaround time later in the presentation)
- For online system, please remember to click "Submit to ITS"

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### Competitive Procurement

- ITS typically uses either:
  - Project-specific RFP OR
  - General RFP and Letter of Configuration (LOC) process
- Occasionally use “bid”
- General RFPs/LOCs can shorten the procurement timeline
- Individual RFPs typically involve more complex projects and require more time; may be the only way to procure unique products or services

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Can I use GSA or a contract established by another state to purchase technology?

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### Cooperative Purchasing Agreements

- ITS Handbook: Section 011-070
- Can access Cooperative Agreements via:
  - Certified Purchasing Office (DFA website: <http://www.dfa.state.ms.us/Purchasing/MSCertifiedPurchasingOffice.html>)
  - OR
  - Cooperative Purchasing Agreements approved by the Department of Finance and Administration (GSA Schedule 70, MiCTA, WSCA, NASACT, NCPA and Educational and Institutional Cooperative)

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### Use of Cooperative Agreements

To initiate a technology purchase from any cooperative purchasing agreement, submit a Competitive Procurement request to ITS.

Include the "Cooperative Purchasing Agreement Addendum."

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### Revision to Previous Procurement Request

- When to request a revision:
  - CP-1 has expired/will expire soon
  - Vendor Name or Address Change
  - Need additional products and/or services

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### Sole Source

- ITS must certify sole source for agencies when over \$5,000, since, by definition, you can't get 2 quotes
- ITS must certify sole source for IHLs when over \$250,000.00

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### MS Sole Source Requirements (MS Code 31-7-13 (m) (viii))

- The product or services being purchased must perform a function for which no other product or source of services exists,
- The purchaser must be able to show specific business objectives that can be met only through the unique product or services, AND
- The product or services must be available only from the manufacturer and NOT through resellers who could submit competitive pricing for the product or services.

Additional requirements for sole source acquisition of IT services:

- An explanation about why the amount to be expended is reasonable, and
- An explanation regarding the efforts by the purchaser to obtain the best possible price.

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### Typical Sole Source Advertisement Schedule:

1 <sup>st</sup> Advertisement in Clarion-Ledger:	Tuesday
2 <sup>nd</sup> Advertisement:	One week later
Objections Due from Interested Parties:	Two weeks after 1 <sup>st</sup> Ad
Post Register of Objections:	Two weeks after 1 <sup>st</sup> Ad
Post Notification of Award or No Award:	As soon as two weeks and one day after 1 <sup>st</sup> Ad

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### Exemption

- The Exemption procedure allows agencies and IHLs to request exemption from ITS involvement for a specific IT procurement project that, by law, require the solicitation of bids or proposals.
- **The exemption should be approved by ITS before an advertisement is issued for the procurement.**

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### Emergency

- ITS uses Public Purchasing section of MS Code to administer emergency IT procurements (Title 31, Chapter 7, Section 13)
- Some emergency purchases require pre-approval; others do not
  - Does your emergency “threaten health or safety of any person or the preservation or protection of property”? If so, pre-approval is not required.

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What I want to buy is on an EPL,  
but will cost more than the dollar  
limit of the EPL:  
any way to get there?

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### If the needed purchase is over the dollar limit of the EPL:

- Agencies may exceed the limit using the Planned Procurement Process
- Requirements:
  - (1) The project must be thoroughly documented in the agency's current technology plan on file with ITS; and
  - (2) The equipment or software needed must appear on a current EPL.

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### Planned Purchases

- Planned Purchases are initiated by a Planned Purchase request form.
- Approval is in the form of a letter from the ITS Executive Director and a CP-1.
- Planned Purchases with a lifecycle cost above \$1,000,000 require ITS Board approval.
- For planning assistance, contact ITS and ask to speak with an IT Planner.

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### Project Initiation

- Project Logged in at ITS
  - Email message acknowledging receipt
- ISS Technology Consultant (TC) Assignment as Project Manager
  - Phone call or email from TC
- Project Kickoff Meeting with customer
- Determine procurement approach, including appropriate instrument
- For larger procurement projects, develop and send customer a project workplan, with timeframes

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### Project Timeframes after project has been assigned

- Letters of Configuration using General RFP Vendor Pools:
  - List of equipment/software products: 4-6 weeks
  - Hardware with basic services; staff augmentation (body shop): 4 – 8 weeks
  - Deliverable-based services: 6 – 10 weeks
- RFP: 3 – 8 months
- Deadlines for Project Submission: Procurement Handbook 009-070
- Board Meeting Schedule  
<http://www.its.ms.gov/About/Pages/Board-Meetings.aspx>

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### The Open and Competitive Procurement Process

- Statutory Requirements:
  - Insure maximum competition
  - All acquisitions must be based upon open and competitive specifications

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### Proposal Evaluation & Scoring

- “Lowest and Best:” i.e. cost + qualitative factors
  - Unlike 2 quotes where low quote wins
- “Best” is determined by compliance of vendor’s proposal with the RFP or LOC specifications
- Consensus Scoring: ITS + customer team determine rating: more representative of the true score than a numerical average

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### Project Contracts

- You may not need a contract.
  - ITS may have a Master Agreement or the underlying RFP & proposal may be enough.
  - For equipment with no services, the P.O. may suffice.

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### Project Contracts

- If a contract is needed, ITS will:
  - prepare a draft to be included in the RFP or LOC
  - check with you on optional terms, pre- and post-competition
  - lead the negotiations with the vendor
- ITS uses attorneys assigned full-time to ITS from the Mississippi Attorney General's Office.

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### Project Contracts

- ITS Executive Director as Contracting Agent
  - Signs all technology contracts "on behalf of"
  - Customer agency signature is at agency's option
  - Has the authority to limit a vendor's liability when deemed to afford the State reasonable protection
- Customer signs acceptance of contract:
  - ITS Executive Director, as Contracting Agent, must be party to amendments, change orders, terminations, or other contract actions
  - Agency responsible for contractual obligations, financial and other
  - Agency responsible for day-to-day management of project and business decisions

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### Legal Considerations

- Post-Procurement Reviews: 021-040
  - Business meeting conducted by ITS at a vendor's request
  - Vendors receive summary information from proposals submitted including costs and scoring
- Public Records Policy and Procedures: 019-010
- Protest Policy and Procedure: 019-020
  - Must first be heard by the ITS Executive Director
- Proposal Confidentiality Procedure: 019-050

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- Final step: CP-1 Approval Document issued and information uploaded to MAGIC. You will receive CP-1 via email.
- A CP-1 is issued for all ITS-approved procurements, including competitive, sole source, exemptions, planned purchases, and revisions to previous spending authority
- CP-1 will indicate a contract, if applicable, is FULLY EXECUTED and ITS will upload to Transparency via MAGIC

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### Contact ITS

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| <ul style="list-style-type: none"> <li>• Procurement Help Desk<br/>(601) 432-8166<br/><a href="mailto:isshelp@its.ms.gov">isshelp@its.ms.gov</a></li> <li>• ITS Website<br/><a href="http://www.its.ms.gov">http://www.its.ms.gov</a></li> <li>• Lynn Ainsworth<br/>Director, ITS-ISS<br/>(601) 432-8150<br/><a href="mailto:lynn.ainsworth@its.ms.gov">lynn.ainsworth@its.ms.gov</a></li> <li>• Tina Wilkins<br/>Procurement Process Specialist<br/>(601) 432-8161<br/><a href="mailto:tina.wilkins@its.ms.gov">tina.wilkins@its.ms.gov</a></li> </ul> | <ul style="list-style-type: none"> <li>• Donna Hamilton<br/>Procurement Team Leader<br/>(601) 432-8114<br/><a href="mailto:donna.hamilton@its.ms.gov">donna.hamilton@its.ms.gov</a></li> <li>• Tangela Harrion<br/>Procurement Team Leader<br/>(601) 432-8110<br/><a href="mailto:tangela.harrion@its.ms.gov">tangela.harrion@its.ms.gov</a></li> <li>• Susan McMichael<br/>EPL Program Coordinator<br/>(601) 432-8118<br/><a href="mailto:tangela.harrion@its.ms.gov">tangela.harrion@its.ms.gov</a></li> <li>• Debra Brown<br/>IT Planning Coordinator<br/>(601) 432-8128<br/><a href="mailto:debra.brown@its.ms.gov">debra.brown@its.ms.gov</a></li> </ul> |
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