Personal Service Contract Review Board

Training for the Certified Mississippi Purchasing Agent Program (CMPA)

Content

- General Overview
- Contract Workers and Independent Contractors
- Traditional Methods of Procurement
- Preapproved Vendor Lists
- House Bill 825 (2015 Regular Session)

General Overview

PSCRB History and Purpose

- Established by 1997 Mississippi Legislature
  - Mississippi Code Annotated § 25-9-120
- Our Goals
  - To ensure competition and fairness in the procurement of personal services and to protect the best interest of the State of Mississippi while providing excellent service and assistance to all state agencies

PSCRB Purview

- Applies only to the procurement of personal and professional services
  - Commodities vs. Services; DFA vs. PSCRB
- Applies regardless of funding source
  - Federal, General, and Other
- Applies to agencies under the purview of the Mississippi State Personnel Board

PSCRB Membership

- MSPB Executive Director
- Two appointees by the Governor
- Two appointees by the Lieutenant Governor
- Executive Director of DFA, ex officio

PSCRB Mandate

- Promulgate rules and regulations governing solicitation and selection of contractual services
- Approve personal and professional contracts in excess of $75,000

PSCRB Exemptions

- MDOT personal service contracts
- Computer or information technology related service contracts governed by ITS
- Contracts for equipment repairs governed by Mississippi Code Annotated § 31-7-13

Professional Services Exempt from PSCRB Purview

- Accountant
- Architect
- Attorney
- Professionals utilized by PERS Board
- Auditor
- Engineer
- Utility rate expert

Contract Workers and Independent Contractors

Contract Workers

- Meets requirements for a contract worker under the Internal Revenue Code, see PSCRB Rules and Regulations, Appendix B
- Contracts that cumulatively exceed $75,000 are under PSCRB purview
- Agencies issue a new paper contract each year
  - Renewals
  - Modifications

Independent Contractors

- If the contract worker definition under the Internal Revenue Code is not met, they are an independent contractor
- State does not pay taxes
- Independent contractor exercises control over their own work

Renewal vs. Modification

- A **renewal** is based on optional terms contained in the contract. The renewal will add additional time to the contract term.

- A **modification** is used to change any other item in the contract (e.g. scope of services increase).

Renewal Terms

for Independent Contractors

- Are OPTIONAL
- Must be exercised prior to contract expiration
- Must be issued as an amendment or modification to the contract – not a new contract
- Contract cannot be renewed without renewal terms

Renewal Terms for Independent Contractors

- Must be under same terms and conditions as original contract
- Need PSCRB approval (prior to contract expiration)
- If approval by an appropriate regulatory board is required, such approval must be obtained in sufficient time for the submission deadline contained in Section 7-105 to be met
- Must be submitted 30 days prior to the board meeting (applies to contract workers and independent contractors)

Contract Modifications

- Contract cannot be modified to increase spending authority without a change in scope or an increase in the population served.
- If PSCRB approved the contract, **all** modifications must also be approved (even decreases).
- Modifications are made through an amendment (not by issuing a new contract).

Termination of Contracts

- For contract workers, if the agency terminates a contract, the PSCRB staff should be notified and the contract terminated in SPAHRS. A termination requires Board approval, if previously approved by the Board.
- After all outstanding invoices have been paid, the requested spending authority in SPAHRS should be reduced to the amount paid.
- **After** PSCRB staff approves the reduction, the termination date should be entered into SPAHRS.

Termination of Contracts

- For independent contractors, spending authority in MAGIC should be reduced to the amount paid and a termination date should be entered.

7-105 Contract Submission Dates

- All contract packets, including any applicable PSCRB forms, must be submitted for approval in SPAHRS and by electronic submission through the PSCRB's E-Application system, in their entirety. Submission to PSCRB must be no more than 30 calendar days prior to the scheduled PSCRB meeting date in accordance with the deadlines prescribed by the PSCRB, which are published on the MSPB website, in order to be considered for placement on the agenda for board action.
- Staff approved contracts may be submitted up to 15 working days prior to the scheduled PSCRB meeting date.

7-106 Contract Approval and Rejection

- Any contract submitted to the PSCRB for review and approval shall be presumed to be approved if the PSCRB does not object to the contract within 30 days of the agency's submission of the contract. If the PSCRB rejects a contract that has been submitted for review or approval, it shall clearly state the basis of its action, including, but not limited to, the policy violated and any corrective actions necessary to bring the contract in compliance with the PSCRB Rules and Regulations.

Right to Audit Procurement Records

- PSCRB authorized to audit procurement records of any agency
- Purpose of audit is to ensure that agency has used competitive procedures

Methods of Procurement

For Independent Contractors

There are 3 competitive procurement methods currently approved by the PSCRB:

- Invitation for Bid (IFB)
- Request for Proposals (RFP); and
- Request for Qualifications (RFQ); (pricing set by agency or pricing negotiated after award).

For Contract Workers

When pricing is set by agency, there are 2 procurement methods currently approved by the PSCRB:

- Request for Qualifications (RFQ); and
- Alternate procurement method for contract workers (3-101.04.1).

Personal Service Contract Review Board

	IFB	RFP	RFQ
PSCRB Rules and Regulations	3-202	3-203	3-204
Advertised in a newspaper?	Yes	Yes	Yes
Do vendors attend opening?	Yes	No	No
Changes to response after opening?	No	Yes	No
Evaluation?	Price only	Minimum 5 required factors	Qualifications
Price evaluated?	Yes	Yes	Depends *
Discussions/ Negotiations?	No	Allowed **	Allowed **
Award	Lowest price	Highest evaluated response	Most qualified response

** Pricing for RFQs may be set by the agency in which case it will not be evaluated. An agency can request that vendors submit sealed pricing documents, which are opened and evaluated only after the vendor has been declared qualified.*

***Allowed if referenced in the procurement document.*

Other source selection methods currently approved by the PSCRB include:

- Small Purchase
- Sole-Source
- Emergency; and
- Pre-approved Vendor List

3-205 Small Purchases

Applies to procurements for personal or professional services of $75,000 or less, with the exception of sole-source purchases and contract workers

Contract Amount	Appropriate Procurement Procedures
Above $50,000 - $75,000	No less than 3 written responses solicited
$50,000 or less	Operational procedures determined by the Agency Head

3-206 Sole-Source Procurement

- Publication requirements
- Procedures for objection to sole-source determination by other vendors
- Written determination or documentation requirements
- PSCRB quarterly reporting requirement of sole-source contracts

3-207 Emergency Procurement

- Restricted circumstances under which emergency procurement of services may be used
- Written determination by Agency Head mirroring provisions in Senate Bill 2400
- Emergency contract limitations

Personal Service Contract Review Board

	Small Purchase $50,000-$75,000	Sole-Source	Emergency
PSCRB Rules and Regulations citation	3-205	3-206	3-207
Advertised in newspaper	Optional	No*	No
Do vendors attend opening	No	N/A	Optional
Changes to response after opening	No	N/A	Optional
Evaluation	Price	N/A	Optional
Price evaluated	Yes	N/A	Optional
Discussions/ Negotiations	Allowed	Yes	Optional
Award	Lowest responsible vendor	Only 1 vendor	Vendor who can meet need

** Without a binding, valid court order the agency must provide notice of intent to award on the Mississippi Contract/Procurement Opportunity Search Portal.*

Required Statements and Clauses for Procurements

Personal Service Contract Review Board

1. Applicable Law
2. Availability of Funds
3. Procurement Regulations
4. Compliance with Laws
5. Stop Work Order
6. Representation Regarding Contingent Fees
7. Representation Regarding Gratuities
8. Acknowledgment of Amendments
9. Certification of Independent Price Determination
10. Prospective Contractor's Representation Regarding Contingent Fees
11. E-Payment
12. E-Verification
13. Transparency
14. Paymode
15. Debriefing

Advertisements

Advertising Time

Section 3-202.06.4

- Advertise for two consecutive weeks with the second notice being published on or after the seventh calendar day after publication of the first notice.
- For example: Monday of week one and Monday of week two.

Content of Advertisement

Section 3-202.06.3

- The *(name of the agency)* will accept sealed bids until *(time of bid opening)*, *(day of the week)*, *(month)*, *(date)*, *(year)* for the purpose of purchasing the following: *(name of service to be procured)*, *(bid file number)*.
- Detailed specifications may be obtained by contacting *(name of contact person)* at *(telephone number)*, *(e-mail address)*, or at *(physical mailing address)*.

Responsive Bidders and Offerors

Section 3-101(q)

- Determination of non-responsiveness
  - Bidder/Offeror who has not submitted a bid/proposal which conforms in all material respects to the IFB/RFP
- Written determination of non-responsiveness sent to bidder/offeror immediately

Responsibility of Bidders and Offerors

Section 3-401(a)

- Determination of responsibility
  - Standards of responsibility
  - Information pertaining to responsibility
  - Ability to meet standards
  - Duty concerning responsibility
- Written determination required

Right of Nondisclosure

Section 3-401(b)

- Disclosure of information furnished by a bidder, offeror, or respondent pursuant to this section outside of the office of the purchasing agency is subject to the provisions of Mississippi Code Annotated § 25-61-1, et. seq. and 79-23-1.

Evaluating Bids

- Bids evaluated on price
- Contract awarded to the “responsible” bidder who submits the lowest cost

Classifying Proposals

Section 3-203.13.3

- Acceptable
- Potentially acceptable
- Unacceptable
  - Must be notified in writing immediately

Required Evaluation Factors for RFPs

1. Plan for performing the required services
2. Ability to perform the services as reflected by technical training and education, general experience, specific experience in providing the required services, and the qualifications and abilities of personnel proposed to be assigned to perform the services
3. Personnel, equipment, and facilities to perform the services currently available or demonstrated to be made available at the time of contracting
4. Record of past performance of similar work
5. Price

Evaluating Cost

- Should be objective, not subjective
- Consider using the formula
- Lowest price vendor should receive the maximum number of points allowed
- Other vendors' price divided into low price

Formula for Evaluating Cost

1. Company A = $150,000
2. Company B = $160,000
3. Company C = $180,000

Company A is low bidder

Total evaluation points for price = 10

1. Company A = 10 pts
2. Company B = 150,000/160,000 = .9375 x 10 = 9.375 pts
3. Company C = 150,000/180,000 = .8333 x 10 = 8.333 pts

Suggestions for Protest Memo

- Agency procurement type and number
- Number of responses to procurement
- Unacceptable, non-responsive, and non-responsible
- Date bidders/offerors notified
- Contracts awarded as per the IFB/RFP
- Amounts bid by all respondents evaluated
- Debriefing information
- Any protests

Contract Information

Contract Form

- See PSCRB webpage, Preapproved Vendor Contract Template
- Types of Contracts – Section 3-501
- Multi-Term Contract – Section 3-502
- Contract Administration – Chapter 4
- Required Clauses for Service Contracts – Appendix E

Required Clauses – New Contracts

- Applicable Law
- Availability of Funds
- Representation Regarding Contingent Fees
- Representation Regarding Gratuities
- Procurement Regulations
- Compliance with Laws
- Stop Work Order

Required Clauses – New Contracts

- E-Payment
- E-Verification
- Transparency
- Paymode

Complete New Contract Package

- Contract unsigned, unless emergency contract
- Protest memo
- Debriefing information
- Evaluation material, including all vendors' pricing information

Complete New Contract Package

- Other pertinent information
- Selected vendor's response
- Invitation for Bids or Request for Proposals
- Documentation required by procurement and contract
- Notice of Publication

General Information

- Insurance
- Travel
- Letter from Bond Commission
- PSCRB Submission Deadlines

Preapproved Vendor Lists

Preapproved Vendor Lists

- Miss. Code Ann. § 25-9-120 authorizes the PSCRB to "establish a preapproved list of providers of various personal and professional services for set prices with which state agencies may contract without bidding or prior approval from the board."

Personal Service Contract Review Board

Categories of Preapproved Vendor Lists

- Background Screening Services
- Janitorial Services
- Laundry and Linen Services
- On-site Mobile Shredding Services
- Professional Nursing Services
- Security Guard Services – Armed and Unarmed
- Temporary Staffing Services

Background Screening Services

Personal Service Contract Review Board

Miss. Code § 25-1-113(2) Public employment of persons convicted of embezzlement of public funds prohibited

- "From and after *July 1, 2014*, the state and any county, municipality or any other political subdivision *shall not employ or continue to employ* a person who has been convicted or pled guilty in any court of this state, another state, or in federal court of any felony in which public *funds* were unlawfully taken, obtained or misappropriated in the abuse or misuse of the person's office or employment or money coming into the person's hands by virtue of the person's office or employment."

Categories of Background Screening Services

- Base Package
- Financial Package
- State Fleet User Package
- Social Security Number Validation and Trace
- Employment Verification (Current/Previous)
- Reference Checks (Professional/Personal)
- U.S. Federal Court Records
- National Criminal Records
- Statewide Criminal Records
- County Criminal Records
- Municipality Criminal Records
- Educational Degree Validation
- Professional Licensure and Credential Verification
- Credit Check
- Sexual Offender Registration Search
- Annual Motor Vehicle Record Check

Background Screening Services Packages

- Base Package
  - SSN validation and trace, employment verification (seven years up to three employers), educational degree validation, and national, state, county, municipality criminal background checks.
- Financial Package
  - Base Package and credit check
- State Fleet User Package
  - Base Package and motor vehicle report

Additional Required Vendor Capabilities

- Results of all background checks will be sent via a secure method to the appropriate Agency representative as soon as available. Such availability is to be no later than **three business days of making a request,** unless otherwise specified by the Agency.
- Vendors must provide secured viewing and real-time access to information (such as, but not limited to, status of requests and historical access of previously collected information).
- Vendors must ensure privacy and confidentiality of information associated with background screening services to the extent required by all Federal and State law(s).

Personal Service Contract Review Board

Regions: ALL			
Vendor Name:	Scott Roberts & Associates, LLC	American Databank	Inquiries, Inc.
Base Package	$36.75	$39.95	$46.00
Financial Package	$44.00	$46.95	$52.00
State Fleet User Package	$42.75	$44.95	$55.00
Social Security Number Validation and Trace	$3.50	$3.95	$2.25
Employment Verification (Current/Previous)	$11.00	$7.95	$8.25
Reference Checks (Professional/Personal)	$11.00	$7.95	$7.75
U. S. Federal Court Records	$8.10	$7.95	$7.75
National Criminal Records	$6.50	$7.95	$5.00
Statewide Criminal Records	$6.50	$7.95	$8.75
County Criminal Records	$6.50	$7.95	$9.75
Municipality Criminal Records	$6.50	$7.95	$10.75
Educational Degree Validation	$5.50	$7.95	$8.25
Pro. Licensure & Credential Verification	$5.50	$7.95	$7.75
Credit Check	$6.90	$9.95	$6.50
Sexual Offender Registration Search	$4.00	$2.95	$5.00
Annual Motor Vehicle Record Check	$5.00	$3.00	$3.25

Just a Reminder

- Conducting a Background Screening is a legally complicated issue. Remember to ***always*** check with your agency attorney before entering into any agreement to conduct background screenings or prior to using the results in your hiring decisions.

Legal Compliance

- Federal law requires a job applicant's or a current employee's consent before an employer hires a third party to run background checks. If these searches are performed and the proper consent not obtained, there is a possibility that the employer could violate federal law and subject itself to civil penalties.

Categories of Janitorial Services

- After business hours only
- After business hours with on-site worker during business hours
- During business hours only

Categories of Laundry and Linen Services

- Small Agency
- Medium Agency
- Large Agency
- Separate list for Ad Hoc Items

Categories of On-Site Mobile Shredding Services

- Pricing for Purge Shredding Service per pound
- Pricing for Purge Shredding Service per box or container
- Pricing for Purge Shredding Service for Scheduled Shredding Service for 32-Gallon Container, 64-Gallon Container, and 96-Gallon Container

Categories of Professional Nursing Services

- Registered Nurses (RNs)
- Licensed Practical Nurses (LPNs)
- Certified Nursing Assistants (CNAs)

Categories of Uniformed, Security Guard Services

- One guard during regular business hours with the option for additional guards
- One guard during after business hours with the option for additional guards
- One guard twenty-four hours a day with the option for additional guards

Two Forms of Security Guard Services

- Foot patrol; and,
- Car patrol

Categories of Temporary Staffing Services

- General office support
- Administrative office support
- Accounting office support

- Vendors are able to provide all three categories of service.

General Office Support

Staffing personnel must meet the following criteria:

- High school diploma or GED
- Six (6) months of office support experience
- Good communication skills
- Proficiency operating office equipment (copier, scanner, fax)
- Basic knowledge of Microsoft Office programs
- Experience in telephone etiquette and routing calls
- Other general office support skills, as required

Accounting Office Support

Staffing personnel must meet the following criteria:

- High school diploma or GED
- One (1) year accounting experience
- Advanced knowledge of Microsoft Excel
- Basic knowledge of other Microsoft Office
- Other accounting office support skills, as required

Using Preapproved Vendor Lists

- Go to www.mspb.ms.gov
- Go to the PSCRB tab
- Click on Preapproved Vendor Information
- Click on the link for the selected service
- Check the regions map to locate the list of vendors for your region

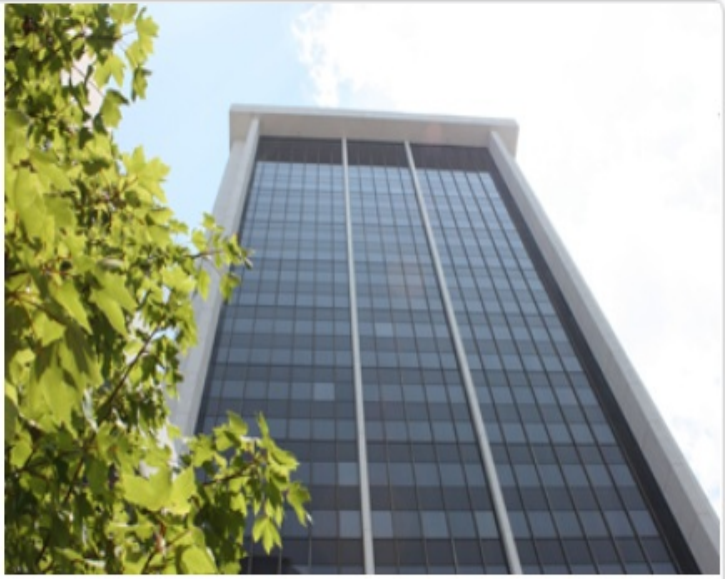
MISSISSIPPI STATE PERSONNEL BOARD

As the central personnel agency for State government, the Mississippi State Personnel Board seeks to recruit qualified individuals from all segments of society. If you are looking for challenging and rewarding work with unlimited career growth potential, you've come to the right place.

The Mississippi State Personnel Board has under its purview more than 30,000 employees who serve the State of Mississippi each day. Our focus is recruiting and retaining those who are committed to serving the people of Mississippi.

Our Vision: To ensure a quality workforce for the State of Mississippi.

Our Mission: To lead the way in human capital and workforce management.



Job Seekers

Find all the information needed to apply for a job within the State of Mississippi here

Current Employees

Information for State employees on policies, health benefits and retirement information

State Agencies

Agencies find resources such as cost analysis, recruitment services, employee development, employee retention

News

Resources

MSPB Calendar

PSCRB Rules & Regulations

PSCRB Contract Submission Portal

Preapproved Vendor Information

Invitations for Bids

Contract/Procurement Opportunity Search

Vendor Debarment

Personal Service Contract Review Board

The Personal Service Contract Review Board (PSCRB) plays an integral role in how personal services are procured for the State of Mississippi.

The Mississippi State Legislature established the PSCRB to ensure that quality services are procured at reasonable prices, with terms that are favorable to the State and with limited risk of liability. The PSCRB develops the policies and procedures that ensure personal services are obtained in a competitive manner, and approves contracts in excess of $75,000.

The PSCRB is responsible for administering standards for the issuance of invitations for bid and requests for proposals, and the award of those bids. It also oversees the consideration of costs and quality of services proposed, the contract negotiations, and the administrative monitoring of contract performance by agencies, as well as the necessary steps in terminating a contract. Administering standards for the procurement of personal or professional services through the use of emergency and sole-source contracts is also a responsibility of the PSCRB.

The Mississippi State Personnel Board provides administrative support for the PSCRB.

The first PSCRB meeting of FY 2016 will be Tuesday, July 14, 2015 at 9:00 AM at the Mississippi State Personnel Board office at 210 E. Capitol Street, Suite 270, Jackson, MS.

PSCRB meeting dates for FY 2016 are listed below:

PSCRB Rules & Regulations
PSCRB Contract Submission Portal
Preapproved Vendor Information
Invitations for Bids
Contract/Procurement Opportunity Search
Vendor Debarment

Preapproved Vendor Lists

Miss. Code Ann. § 25-9-120 established the Personal Service Contract Review Board (PSCRB) in 1997. Pursuant to this statute, the PSCRB "may establish a preapproved list of providers of various personal and professional services for set prices with which state agencies may contract without bidding or prior approval from the board."

As the need arises, the PSCRB seeks to establish a List of Preapproved Vendors of Services for use by state agencies and entities under the purview of the PSCRB (hereafter "agencies").

This page contains links to information about the various regions, services available, and preapproved providers of those services. PSCRB has developed contract templates which may be used when contracting with a provider on the preapproved vendor list. These templates are available upon request.

If you have questions about this information, please contact Faye James at 601.359.1406.

Security Services Vendor List	*Contract Template*
Janitorial Services Vendor List	*Contract Template*
Nursing Services Vendor List	*Contract Template*
Temporary Staffing Vendor List	*Contract Template*
Background Screening Vendor List	*Contract Template*
On-site Mobile Shredding Service Vendor List	*Contract Template*
Laundry and Linen Services Vendor List	*Contract Template*

Archives

Background Screening Services
ALL Regions

Winning bids (base price*) for all background services for **ALL REGIONS**

Vendor Name:	**American Databank**	**Inquiries, Inc.**	**Scott Roberts & Associates, LLC**
Base Package	$39.95	$46.00	$36.75
Financial Package	$46.95	$52.00	$44.00
State Fleet User Package	$44.95	$55.00	$42.75
Social Security Number Validation and Trace	$3.95	$2.25	$3.50
Employment Verification (Current/Previous)	$7.95	$8.25	$11.00

Using Preapproved Vendor Lists

- Scroll down to your preapproved vendor region
- Contact the lowest bidding vendor first
- No changes can be made to scope of services
- Use contract template on PSCRB webpage and submit to PSCRB consultant for review

Using Preapproved Vendor Lists

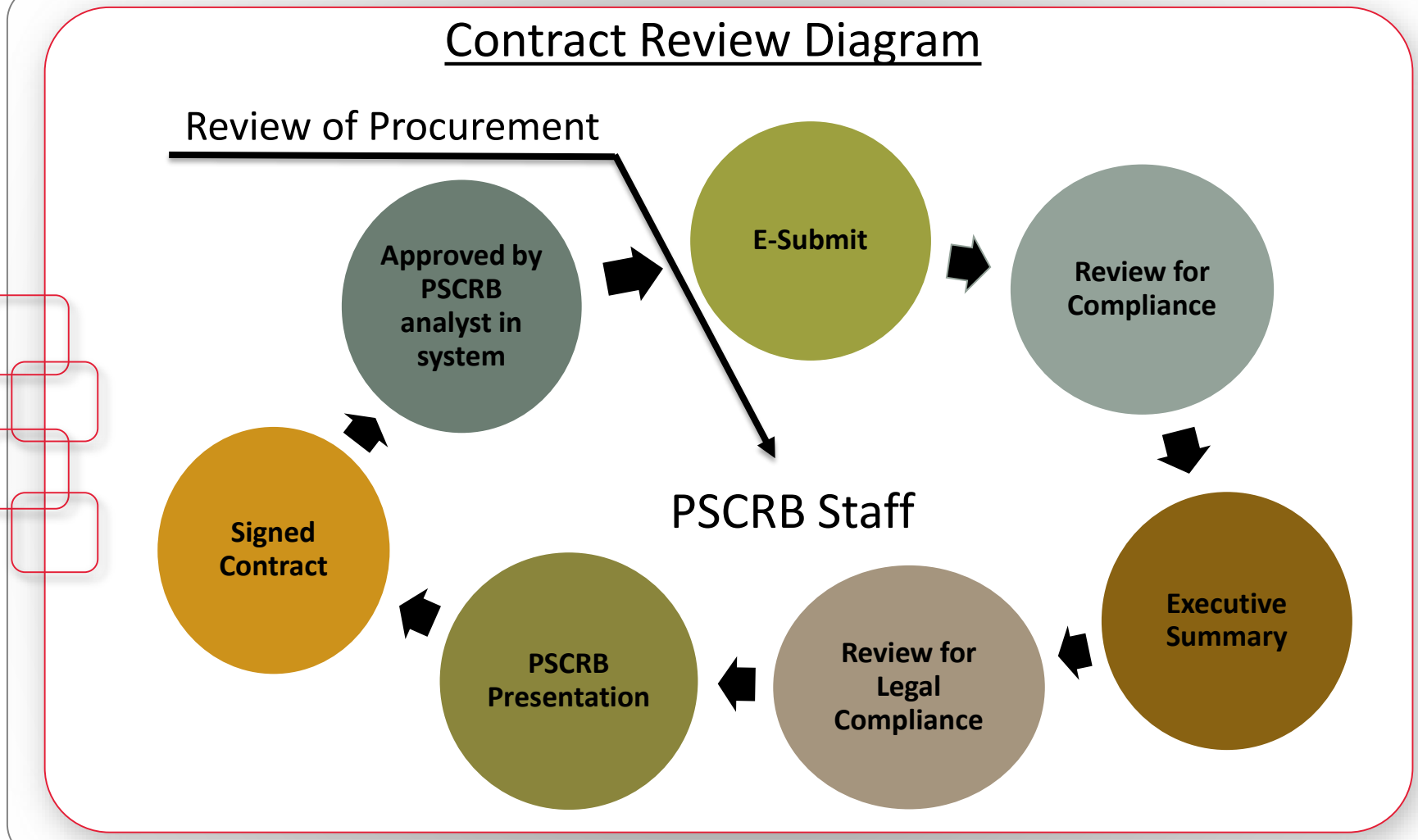
- Receive notification when contract is ready to be executed
- Submit executed contract for final approval
- Approved after executed version submitted (if contract template used)

Benefits of Preapproved Vendors

- No procurement necessary
- Cost savings
- Time savings
- Form contracts available

PSCRB Processes

Personal Service Contract Review Board



PSCRB Meetings

- The PSCRB meets the Tuesday before the third Thursday of each month
  - Meeting dates/times posted on the PSCRB page of the MSPB website

- Location for meetings:
  - 210 East Capitol Street, Jackson, MS 39201
  - Second Floor, Regions Plaza, Suite 250

Contract Execution

- Contracts are executed only after Board approval.
- If the Board approved a renewal, the renewal document must be executed, submitted and approved prior to the expiration of the initial term.
- The vendor should have reviewed the contract prior to it being submitted to the PSCRB. If the contractor requests changes after the Board approves the contract, it will have to go back before the Board.

5-101 AUTHORITY TO DEBAR OR SUSPEND

5-101(a) Authority

- Last year, an online Vendor Quality Report form was made available for use by agencies. This revision adds that the Vendor Quality Report must be submitted to the PSCRB to request the debarment or suspension of a contractor or potential contractor.

APPENDIX A – AGENCIES UNDER PSCRB PURVIEW

- Revisions suggested for Appendix A provide updates necessary as a result of the new MAGIC numbering system.

APPENDIX C – REQUIRED CLAUSES IN CONTRACTS FOR SERVICES

APPENDIX D – REQUIRED CLAUSES IN IFB's, RFP's, and RFQ's

Trade Secrets, Commercial and Financial Information

- **price to be paid, term of the contract shall not be deemed to be a trade secret or confidential commercial or financial information**

Paymode Clauses

- **Changes name of "Statewide Automated Accounting System (SAAS)" to generic phrase "State's accounting system".**

APPENDIX E – CLAUSES AVAILABLE FOR USE IN SERVICE CONTRACTS

APPENDIX F – CLAUSES AVAILABLE FOR USE IN SOLICITATIONS FOR BIDS, PROPOSALS, OR STATEMENT OF QUALIFICATIONS

Questions and Answers

PSCRB Staff

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Personal Service Contract Review Board