

OFFICE OF CHIEF OPERATIONS OFFICER
Summary of State Board of Education Agenda Items
Consent Agenda
March 7, 2024

OFFICE OF PROCUREMENT

- O. Approval to amend the Administrative Procedures Act process: To revise Mississippi Administrative Code 7-3:23.1. State Board Policy Chapter 23, Rule 23.1 - Contracts

(Has cleared the Administrative Procedures Act process without public comments)

Background Information: The Office of Procurement revises this rule that applies to the State Board of Education's policies regarding the procurement of all personal and professional services contracts.

Recommendation: Approval

Back-up material attached

Part 3 Chapter 23: Contracts

Rule 23.1 Contracts. The MDE Contracts Policy set forth herein applies to the procurement of all personal and professional services and other purchasing for which the State Board of Education is statutorily authorized to promulgate rules and regulations for use by the MDE. Violation of this policy shall carry such penalties as may be applicable under state and federal laws. The awarding office shall be responsible for compliance with the rules and regulations governing the procurement of services.

Contracting for services shall be governed by all applicable rules and regulations promulgated by the Public Procurement Review Board (PPRB), Department of Finance and Administration, Mississippi Department of Information Technology Services Board, State Personnel Board, Mississippi Ethics Commission, and state laws, as well as the policies approved by the Mississippi Board of Education.

Contracts must be procured through adequate and reasonable competition, with the exception of sole-source and emergency procurements. Generally, the total amount of the contract shall be used to determine the appropriate method to be used in procuring services. Contracting for services shall be accomplished by using one of the following methods of source selection:

1. Competitive Sealed Bids
2. Competitive Sealed Proposals
3. Competitive Sealed Qualifications
4. Competitive Sealed Applications
5. Quotes
6. Sole-Source Procurement
7. Emergency Procurement

Contracts totaling \$50,000 or greater must be approved by the Mississippi Board of Education prior to awarding the contracts. Contracts requiring approval by a purview entity shall be submitted to the appropriate purview entity for review and approval before or after final approval by the Mississippi Board of Education. The jurisdiction to approve the contract first will be determined by considering the timeline for approval, aiming to prioritize the jurisdiction with the earliest deadline to ensure timely contract award and execution.

Source: *Miss. Code Ann. § 37-1-3; 31-7- 401 through 31-7-423 (Revised 04/2024)*