

# Mississippi Association of Supervisors Conference

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1-800-321-1275

Shad White  
Mississippi State Auditor



# Purchasing – Definitions 31-7-1

- Agency - state board, commission, committee, council, university, department, or other unit
- Governing Authority - county, city, schools, public water supply dist., municipal utility dist, port authority, public hospital, district attorney, public library, etc.
- Purchasing Agent – has authority to purchase
- Public Funds - all funds or fees received by gov
- Office of General Services - DFA



# More Definitions 31-7-1

- Commodities - goods, merchandise, furniture, equipment, automotive equipment, software, other personal property. (Excludes commodities for resale)
  - Equipment - cars, trucks, tractors, office appliances, etc.
  - Furniture - desks, chairs, tables, seats, filing cabinets, bookcases, carpets, beds, etc.



# More Definitions 31-7-1

- Construction - building, altering, improving, renovating, or demolishing public real property. Not routine operation, repair, or regularly scheduled maintenance.
- Purchase - buying, renting, leasing or otherwise acquiring



# Main Purchase Law 31-7-13

## Scope of Law - All State Agencies & Governing Authorities

- Commodities
- Printing
- Solid Waste Contracts (special procedure)
- Rent
- Public Construction/Destruction



# Bidding Procedure Levels

- Not over \$5,000 - no bids required
- Over \$5,000 but not over \$75,000 - two written competitive bids (quotes) required
- Over \$75,000 - advertising for bids required



# Bidding Purchases Not Over \$5,000

- No advertising required
- No competitive bids required
- \$5,000 is exclusive of freight or shipping charges
- Entity may establish policies requiring competitive bidding on such purchases



# Bidding Purchases Over \$5,000 But Not Over \$75,000

- Two written signed competitive bids (quotes) on bid form or vendor letterhead
- Board may authorize purchase clerk to accept the lowest and best bid (quote)
- Must document best bid
- Exclusive of freight or shipping charges
- Bids may be submitted electronically
- Competitive - bids developed without knowledge of other bids or prospective bids





# Bidding Purchases Over \$75,000

- Advertising for bids required
- Reverse auctions shall be the primary method for receiving bids
- Reverse auction shall not be used for any public contract for design, construction, improvement, repair or remodeling of any public facilities, including the purchase of materials, supplies, equipment or goods for the same and including buildings, roads and bridges and may be used for term contracts
- Board approval to determine lowest & best bid
- Exclusive of freight or shipping



# Bidding Purchases Over \$75,000

## Advertising Requirements

- Advertise once each week for two consecutive weeks, bids opened no less than 7 working days after last advertisement
- If construction over \$75,000, bid opened no less than 15 working days after last advertisement
- May not count day of publication and day of bid opening when calculating bid opening date
- If no bids received, must re-advertise



# Bidding Purchases Over \$75,000

## Advertising Requirements

- Ad to include time and place bids to be received
- Ad should include specifications or where specifications may be obtained
- Specifications to be filed with Clerk of Board
- Newspaper of general circulation
- Notice is to be sent to Miss. Procurement Technical Assistance Program (Attn: Bid Notification) -mail, e-mail or fax



# Specifications Changes

- May not be modified if published in ad
- May be modified if not published and all prospective bidders can be notified
- Notification of amendments can be made electronically
- If amend specs within 2 working days of established time to receive bids, must also amend bid opening to a date no less than 5 working days after the date of the amendment



# Specifications Restrictions

- May include trade-in, lease purchase or other info
- May not exclude comparable equipment of domestic manufacture (with a few exceptions)
- Includes software - may be restrictive (not equip)
- Used equip. may include age, miles or hours
- May not waive specifications affecting the competitiveness of the bid process



# Lowest and Best Bid Decision

- Must document decision
- Freight or shipping charges included
- If not the lowest bid, best bid should be supported by a narrative summary and detailed calculations recorded on the board minutes
- May consider life-cycle costing, total cost bids, extended warranties and guaranteed buy backs
- Cannot accept a bid based on items not included in the specs



# Emergency Definition § 31-7-1

- Emergency - Any circumstances caused by fire, flood, explosion, storm, earthquake, epidemic, riot, insurrection, defective construction, immediate preservation of public health due to unforeseen emergency, when immediate repair of public building, equipment, road or bridge appears advisable, failure of utility production, specific public safety problems, or when delay incident to obtaining competitive bids could cause adverse impact on govt., employees, or citizens.



# Emergency Purchases

## Includes

- Commodities
- Repairs - equipment, buildings, roads, & bridges
- DOES NOT INCLUDE - New Construction
- Governing authority must declare emergency
- Only authorized persons to purchase





# Questions

**Shad White**  
Mississippi State Auditor

