

Chapter #III

Internal Procedures

3.101.00 Purchase Requisition Procedures

Purchase requisitions represent the initial step in the purchasing process. They are submitted to the accounting section of the Business and Finance by the various Campus Departments, officials and must be approved by the following:

Requisition Flow Chart

<u>Paper Requisition</u>	<u>Online Requisitions</u>	
1. Requestor	10	Requestor
2. Department Head user Department	20	Grant Compliance (T-3 Funds Only)
3. Grant Compliance (T-3 Funds Only)	30.	Budget Accountant
4. Area Vice President	40	Chief Accountant
5. Budget Accountant	50.	Purchasing
6. Chief Accountant	60.	Department Head
7. Vice President for Business and Finance	70.	Area Vice President
8. University President	80.	Vice President for Business and Finance
9. Purchasing	90.	President

Requisitions Approval levels

- Requisitions \$0.01 to \$1,000 requires Department Head and Accountants Signatures
- Requisitions \$1,000 to \$5,000 requires Area Vice President Signature added
- Requisitions \$5,000 to \$10,000 requires VP for Business and Finance Signature added
- Requisitions \$10,000 and above requires The President Signature added

Requested information must be written/typed making sure that it is legible, quantities must be exact, and descriptions clean and concise, property describing what is being requested are accurate with what total estimated cost. Also, ordering departments/officers should determine whether the item requested are on the State Contract List. Those that are on the list must be ordered from the appropriate vendor at the stated price. Those items not on the State Contract List can be ordered from other vendors who have the best price; however, the cost of these items cannot exceed the \$5,000.00 threshold as set by the State of Mississippi.

When approved, purchase requisitions are passed on to the Purchasing Department for purchase order processing. Those not approved are returned to the requesting department/office.

3.101.01 Paper Requisition and Distribution

The Paper Requisition that is generate by the requesting Department is a three part form that must have the appropriate signatures for the various approval levels: No Requisition can be process without the proper approval level signatures, should this occur the Requisition must be returned to the requesting Department to complete the process.

3.101.02 Electronic Requisitions and Distribution

The Electronic Requisitions are generate on line by the requesting Department and are sent through a electronic signatures process once the requisition has been approved by the final approval level the purchasing department will print out a paper copy of the electronic requisition and divide the in the following manner.

The White Copy – The Purchasing Office
The Canary Copy – Attaches to the Requisition
The Pink Copy – Department Copy

3.101.03 Online Requisitions

Online Requisitions, Review the online training manual located at Purchasing website: mvsu.edu/purchasing click on Banner Online Training

3.101.04 Completion of Online Requisitions

Please refer to the online requisition training manual on how to start and complete an online requisition. Requisition started in the last week of June must be completed by June 30th if not it must be deleted. June 30th is the end of the fiscal year therefore; no requisition with a fiscal ending period can be attached to P.O. with a fiscal beginning period.

3.102.00 Quotes/Bids

Quotes/Bids are required for requested items with costs ranging from {\$3,500.00 to \$25,000.00 Federal ARRA and \$50,000.00 State} Each ordering Department/Office must obtain two (2) written quotes from two (2) different vendors of equal or comparable equipment product and/or services. For items where the estimated amount exceeds \$25,000.00 Federal ARRA, \$50,000.00 State, the requesting department/office must gather the product specification(s) and other required information and bring them to the Procurement Office to request that a formal bid be done by the Purchasing Department. See OMB Circular A-110 for Regular Federal purchases

3.102.01 Online Requisitions using Quotes/Bids

For Online Requisitions quotes/bids a minimum of two (2) written quotes/bids must be obtained by the requiting department, followed by the online requisition being completed and forward to the approval process and the number of the forwarded Requisition must be placed on the copies of the quotes/bids and delivered to the purchasing department. Should the Purchasing department not received the quote or bids by the time the requisition reach the purchasing office, the requisition will be denied and the requesting department will have to resubmit the requisition.

3.103.00 Purchase Order Form

Purchase Order is processed only after approved purchase requisitions have been received in the Purchasing Office. Each must be signed by the Purchasing Agent before issuance.

The Purchase Order is a document that consists of a six (6) parts form, which is distributed in the following manner

- (1) The Vendor - The Green and White Copy
- (2) The Vendor - The Pink transmittal of payment copy accomplish by check
- (3) The Accounting Office - The Canary Copy
 - (a) Along with the canary copy of the requisition are attached and given to the account payable department.
- (4) The Procurement Office - The Goldenrod Copy

GENERATED BY THE RECEIVING DEPARTMENT

- (5) The Receiving Copy - The Red Copy
- (6) The Warehouse Copy - The White Copy

3.104.00 Requests for Authority to Dispose of Personal Property Form 873, Revised-1990

The Form 873 is a property disposal form and prepared in triplicate that must be completed on any inventory item being disposed of, unless such items is salvaged on a Form 961. Initially the completed 873 is sent to the State Office of Purchasing and Travel along with all applicable documents. If approved, all three copies are then forwarded to the Division of Property Control of the Department of Audit for approval. If the Property Control Officer grants approval, duplicate copy is retained on file with the Division of Property Control. And the two remaining copies are returned to the State Office of Purchasing and Travel. The white copy is retained on file with the State Office of Purchasing and Travel, and the green copy returned to the originating agency. An approved Form 873 must be in the possession of the agency disposing of the property before said property can be released to the successful bidder, except as provided for in Section 8.101.03. Approval from the Office of Purchasing and Travel is not required for sale or transfer of property between state agencies. However the agencies must still submit the completed Form 873 to the Division of Property Control and obtain approval prior to disposing of the property.

3.104.01 Internal Disposal Procedures

All equipment of and/or outdate supplies should be turn over to the Central Warehouse for proper disposal. Each department must sign of on an Inventory Transfer Sheet, transferring the equipment from their department to the warehouse.

3.104.02 Disposal of Weapons

Disposal of weapons that are outdated or confiscated can only be done through a license dealer in the state of Mississippi. A P-1 form must be submitted to the Office of Purchasing and Travel for approval prior to dispose of Fire Arms.

3.105.00 Property Salvage Report, Form 961.

This form is used to dispose of inventory property that, for whatever the reason, has fully depreciated and has no resale value. Such items must have been declared salvage or junk by the agency salvage committee before it qualifies to be deleted on the Form 961. Upon completion, the form is forwarded to the State Office Division of Property Control.

3.105.01 Printed Material

In addition to having two (2) quotes for regular equipment and or supplies, the printing of brochures, pamphlets, booklets and programs, if the cost is expected to exceed \$5,000.00 quotes must be obtained on **VIRGIN** and **RECYCLE PAPERS** if by any means possible. Should the **RECYCLE PAPER** exceed the cost of the **VIRGIN PAPER** by no more than ten (10%) it is mandated by state statute that the **RECYCLE PAPER** be used.

3.105.02 Printing Overruns

Printers in there process of printing brochures, pamphlets or other programs, in there set-up process generate additional copies to set there printers for tone and accuracy. These processes have the tendency to create over or under print of these items. It has been accepted industry standard that these overruns usually runs from 5 to 15% over the requested number being order. However, it is the University position that these costs should not be more than 10% and payment made for the additional cost at the current quoted priced **ONLY IF** the additional quantity can be used. If the overruns exceeds the 10% threshold the vendor should be contacted and asked for explanations and an determination should be made at that time to reject or accept the quantity of overruns

3.106.00 Requests for Authority to Purchase, Form P-1

This is a three-part form printed on carbonless paper in three colors: white, green and yellow. The P-1 is used when requesting authority to purchase commodities under the following conditions:

- (1) Emergency Purchases when total amounts of purchase exceeds \$5,000.00
- (2) Single Source Purchase when total amounts of purchase exceeds \$5,000.00 **federal regulation requires any amount over \$3,500.00 to have two quotes**
- (3) Purchases in excess of \$25,000.00 and \$50,000.00 Federal and State for commodities not covered by a state or agency contract.
- (4) Rentals in excess of 50,000.00 states, for commodities not covered by a state or agency contract.
- (5) Acquisition of equipment by lease-purchase. (Universities are exempt from this requirement. However, each is required to utilize procedure's outline the Institutions of Higher Learning's for all lease-purchase arrangements.)
- (6) Purchase or rental of items covered on state contracts from other than the contract vendor (exception: similar items under \$100.00 see section on Rental and Leases).
- (7) Any construction contract, which is not handled by the Bureau of Building that exceeds \$100,000.00

Approval for making purchase of the aforementioned types must be granted by the State Office of Purchasing and Travel. Each request must be accompanied with the appropriate documentation. If approval is granted, the Office of Purchasing and Travel will assign an identification number that is recorded on the forms. Two copies are returned to the University. The remaining copy is retained on file with the Office of Purchasing and Travel. Upon receipt of the approved copies, the Purchasing Office authorization will be granted.

P-1's for rental, lease-purchase, and/or agency contracts are processed differently than other P-1's. Rather than returning the white and green copies to the University, only the green copy is returned to the University. The white copy is forwarded to the Bureau of Financial Control where it is kept on file for the duration of the agreement. The University must then reference the PI number on each purchase order pertaining to the agreement.

3.107.00 Special Circumstances Approval Form. Form SC-1, 7/93.

This form must be completed and submitted in duplicate along with a Form P-1 when requesting authority to purchase under any of the following special circumstances.

- (1) Emergency purchase.
- (2) Sole-Source purchase.
- (3) Purchase for research.
- (4) Exemption from state contracts.

Adequate support data and justification are required when special circumstance form's are submitted.

3.108.00 RESTOCKING FEE AND CHARGES THAT VENDORS APPLY'S:

A charge that the vendor applies when the entity is requesting to return items. The question being, "Is their authority under existing law for vendors to charge and the entity to pay such a fee? If payment of such fees is authorized, should such a fee be considered a part of the purchasing process; i.e., requiring the issuance of a purchase order?" According to an Attorney General's opinion dated March 15, 1995, there is no authority within the provision of the public purchase law, codified in Section 31-7-1, et. seq. of the Mississippi Code of 1972, for an entity to pay the "restocking fee" that is described. Whether the vendor accepts the return of such items would be at the discretion of the vendor.

3.108.01 Copier Demos

A company often allows departments to test or demo equipment for a period of time, each department must make sure proper paper process has been completed prior to receiving and demo or test equipment. Should the department will decide to keep the equipment a Purchase Order will be sent to the vendor at that point

3.108.02 Emergency Services

To prevent unauthorized purchases all departments that operates vehicles or specialty equipment should have a standing Purchase Order with a minimum dollar amount for any type of service repair that might occur over the course of the year.

3.109.00 PURCHASE CHANGE ORDERS:

3.109.01 Changes Amounts before Purchase Orders are Issued

Should there be conditions that arise where an amount needs to be changed on a requisition, the requesting, Department must use the following procedures:

- a. Pick up the requisition from the Purchasing Office
- b. Take the requisition back to the Budget Accountant and have necessary changes made.
- c. Return corrected requisition to the Purchasing Office
- d. If changes are to done to the vendor scratch through old one and write in the new one.

Under no conditions can items in the description column be altered in these change orders without totally re-doing another requisition (*i.e. changing from computer equip. to carpentry equipment*)

3.109.02 Changes Amounts after Purchase Order has been Issued and mailed.

After a purchase order has been issued, and mail to the vendors and changes need to be made the requesting department/office must

- a. Download a copy of the Purchase Order Change Order Form (POCOF-1) from the Purchasing Office website completed, with the proper signatures and return to the purchasing office.
- b. The form must state the original amount of the Purchase Order and the amending amount.
 1. **In case of a vendor the original vendor cannot be changed**
 2. In case of quantity the original plus any change then the new quantity
 3. In case a product or model # changes or no longer available and the cost exceeds fifty dollars (\$50.00).
 4. In case a product or model # changes or no longer available and the cost **does not** exceeds fifty dollars (\$50.00) document the circumstances and give the accountants and payable a copy of the memo with stated cost.
- c. Chief Fiscal Officers must sign along with the Budget Accountant

1. Grant coordinator must sign in the event there is a change to dollar amounts in the fund 30 accounts
- d. This form should be forward to the Purchasing Office
- e. The Purchase Order must state that this is an amended order and show what amendments they were made.
- f. The Purchasing Office will send an amended purchase order to the company.

3.109.03 ITEMS OMITTED FROM PURCHASE ORDER

Omissions from Purchase Orders for previously requisitioned items are corrected in the Purchasing Office by comparing the previously approved requisition, items and amount with the actual items and amounts listed on the Purchased Orders. Amended Purchase Orders are Processed Signed and issued for all previous omission of approved requisitioned items.

3.110.00 CROSS BUDGET YEAR PURCHASES:

After the books for any particular year have been closed no purchase requisition or purchase order can be processed and changed against budget allocation^s for that particular fiscal year. Processed purchase requisition and purchase orders are charge against approved current year budget allocations until the end of the fiscal year.

3.111.00 BUYING EQUIPMENT AT AUCTIONS:

Mississippi Valley State University may purchase motor vehicles and other equipment from a public auction held by an agency or governing authority without following normal bid procedures (Mississippi Code 31-7-13 (m) (v)). Each auction held may have their own procedures that any agency or governing authority must follow on order to participate.

The State surplus auction held at Mid-South Auto Auction each month is open to all state agencies and governing authorities. The auction company will accept purchase orders from an entity, but payment must be made for the equipment within five days. Each buying entity is charged a flat fee for which is added to the selling price of the vehicle.

3.112.00 BUREAU OF SURPLUS PROPERTY:

Section 31-9-9 of the Mississippi Code allows the University to purchase from the Office of Surplus Property without any need to comply with the normal bidding requirements. Surplus Property has supplies and equipment which are in good condition and could benefit the University. Items generally in stock are heavy equipment, computers, office furniture, refrigerators, freezers, hardware and tools, educational equipment, and vehicles.

3.113.00 AMENDMENT PROCEDURE:

Senate Bill 2900 states that no addendum may be issued within 48 working hours of the time of the bid opening unless such addendums' also amends the bid opening to a date not less than five

working days after the date of the addendum. For example; If an addendum is needed during the last 6 working days prior to the bid opening date, then you may also need to make sure that you amend the bid opening date. The intent of this change is to assure the potential bidders that they have at least five working days to make required changes and adjustments to their bid.

3.114.00 TERM CONTRACTS AND PRICE ADJUSTMENT CAPABILITY:

3.114.01 SENATE BILL 2900

Senate Bill 200 now allowed longer term contracts and also allowed for bid proposals and contracts to include price adjustment clauses based upon a nationally published industry wide or nationally published and recognized cost indexes. To assist in the use of this new capability, we offer below a few examples of clauses that you may want to consider.

Please remember that this tool which can be used to improve the efficiency of the procurement process. You must carefully consider the proper use of this tool. Please do not attempt to use a “one size fit all” solution. Some commodities do not have fluctuating prices and therefore would not require an adjustment clause. Some commodities have prices that fluctuate on a regular basis and may require adjustments on a quarterly basis.

3.114.02 Bureau of Purchasing and Travel suggested that,

Prior to issuing any solicitation which includes a price adjustment clause, the agency should submit a draft copy to several potential bidders and request input and suggestions.

“Prices shall be firm fro the first year of the contract. Upon the anniversary date of the contract, the contractor may apply for an adjustment in contract price based upon changes in the producers’ price Index from the start of initial contract for Code 42, Transportation and Warehouse services as published by the U.S. Dept. of Labor, Bureau of labor Statistics. The Contractor shall provide the Office a copy of the latest Producers Price Index and other applicable documents necessary to support a requested increase in prices. An increase will not take effect until formal approval is received from the Office. Decreases will be effective immediately upon notice by the Contractor.”

3.114.03 The contract prices may be subject to increase or decrease

During the contract period in accordance with changes which may be made by the manufacturer in their established, nationally distributed prices list or published catalog. Catalog or price lists may indicate increases or decreases in pricing, but the percentage discount originally accepted for award shall not be decreased during the contract period.”

3.114.04 “On each anniversary date of the contract,

The Contractor will be granted an increase or decrease in his/her bid dependent upon fluctuations in the latest published copy of the Producer Price Index (PPI) for Passenger Car Rental, Business

Travel (Series ID: pcu 7514#211) as published by the U.S. Department of Labor, Bureau of Labor Statistics, Washington, D.C. 2012. The Index is also available through the Internet at the Bureau of Labor Statistics web site at <http://stats.bls.gov/ppihome.htm>. Under the Data heading click "Selective access," "under Producer Price Index heading click" Producer Price Index Revision-current series." Under Choose Industry Scroll down to 7514 Passenger car rental, click (highlight) that industry, click next form. Under Choose Product for Passenger Car Rental scroll down to #211 Business Travel, click (highlight) that category, click next form. Under view list of your selected series ids(s) now, click (highlight) the appropriate years, click Retrieve Data.

3.114.05 **PROFESSIONAL SERVICE CONTRACTS**

All Service Contracts with the exception of Waste Disposal, and Utilities Services, that exceeds \$5,000.00 MUST have a Professional Service Contract completed, listing the responsibility of the requesting Department and all the duties and responsibilities of the Contractor. The Contractor must sign and the contract must be forwarded to the appropriate level of approvals alone with a conflict of interest form if circumstances warrant it.

3.115.00 **UNDERCOVER EQUIPMENT FOR POLICE DEPARTMENT**

In the past, the law has allowed the purchase of surveillance equipment or any other high-tech equipment for use by narcotics agents in undercover operation without compliance with the bidding procedure, provided that the purchase must be in compliance with regulations established by D.F.A. The new law takes into consideration that more than just narcotics agents are working undercover. The new law allows such purchases for law enforcement agents in undercover operations. Please note that these purchases still require compliance with the procedures established by D.F.A. You can view these procedures on page 10-5 of the procurement Manual which can be viewed at:

<http://www.mmrs.state.ms.us/Purchasing/ecom> manual.pdf

3.116.00 **INSURANCE**

Previously the beginning of Section 31-7-13 included Insurance as an item that fell under the purchasing laws. Later, in 31-7-13(m), Insurance was exempted from the bidding requirements. In an attempt to remove any misunderstanding, "insurance" was removed from the entire Section 31-7-13, therefore, the purchase of Insurance does not require compliance with the public purchasing laws unless there is agency specific legislation which requires competition.

3.116.01 **VENDORS INSURANCE REQUIREMENT**

All vendors are required to have a minimum of \$1,000,000 dollars of liability insurance coverage that perform any type of services or work on the University Campus. Proof of insurance coverage must be given to the Purchasing Department before any work is scheduled.

3.117.00 SPECIFICATION RESTRICTIONS

The statement which indicated that professional engineers or architects have the authority to write specifications for a specific item has been removed. The law is now very clear that, for state agencies, the Department of Finance and Administration may approve a request for specific equipment necessary to perform a specific job, and, for governing authorities, the board of the governing authority may approve a request for specific equipment necessary to perform a specific job.

Section 31-7-13 (b) was changed to allow for quotes to be made by “facsimile, electronic mail, or other generally accepted method of information distribution. Bids submitted by electronic transmission shall not require the signature of the vendor’s representative unless required by agencies or governing authorities.” This allows entities to receive quotes (between \$5,000.00 and \$25,000.00 ARRA, \$50,000.00 Federal and State respectfully) via e-mail, with no requirement for a signature. If an agency or governing authority wants to require signatures, they still may do so.

3.118.00 NOTIFICATION OF NON RECEIVED SUPPLIES OR EQUIPMENT

It is the responsibility of the requesting department to contact the warehouse and purchasing office if supplies or equipment has not been delivered within a reasonable time span.(meaning)supplies should be receive within one to two weeks.

Freight line equipment should be received within 6-8 weeks (depending on the size) Measuring time start from the date of processing of the requisition onward. It is the department responsibility to call and say that they have not received the items.

3.118.01 DEPARTMENT VERIFICATION OF SERVICES

Purchase Orders will only be paid when the requesting department has approved the Purchase Order for payment, this will be done by Department Head signing the Receiving Report and the Vendor Invoice. Therefore, it is the responsibility of each Department to verify if a vendor has performed a particular service and that, that service has been render to their satisfaction before signing the receiving report for payment.

3.118.02 Cut-off-Time for P & T-Cards

All state operated Purchase and Travel Card that is used by each Department will be automatically turned off during the period of May 15, to July 1 of each fiscal year. Expenditures for this time period must be turned in no later than the eight day of Month of June.

3.119.00

INFORMATION TECHNOLOGY SERVICE

The Information Technology Service (ITS) is established to monitor and oversee the purchase of computer and telecommunication equipment of state agencies, universities, and junior colleges. All computer and telecommunication equipment costing up to \$250,000 can be purchased from ITS Express Products List (bids and quotes are not required when items are purchased from the ITS Express Product List). For all telecommunication equipment and all computers costing more than \$250,000, a CP28, Request Form for state agencies, universities, and junior colleges (See Exhibit 41) submitted to the ITS (these items must be formally bided). This form indicates the fiscal year of purchase, the state fund number which identifies the fund to be used in the purchase, the method of acquisition (federal or state) and a list of items requested for purchase, including quantity, description, and estimated cost. The Bid Sheet (See Exhibit 38), if required, should be attached to the CP28. The request form should be signed by the President and then forwarded to ITS.

Computer and telecommunication equipment costing less than \$50,000 may be purchased directly by the University from the ITS approved vendor list, provided the vendor and equipment are collected from an EPL listing. However, a form CP-1 must be approved and received from the ITS.

The following is a list of forms, including their purposes, that are currently being used by ITS:

1. **CP-28 Request Form for State Agencies, Universities, and Junior Community Colleges** This form is used to make request to ITS for all purchases that exceed \$250,000.00 for Computer Services or Telecommunication equipment or item that is not on the Express Product List (EPL). Chapter II of ITS manual
2. **CP-5A Certification of Use Form**
This form is used to accommodate the acquisition of computers or related equipment and services which fall into the “gray area.” Computer equipment or services that are to be used for some very specialized non-Computer Services applications may be eligible for exemption under this procedure. Chapter III of ITS manual. (See Exhibit 42)
3. **CP-5B Certification of Use Form for Institution of Higher Learning**
Same purpose as CP-5A but this form is used only for Institution of Higher Learning. Chapter III of ITS manual. (See Exhibit 43)
4. **CP-2 Disposal/Cancellations Form**
The state property office requires that all disposal of state own Computer Services and Telecommunication equipment be approved by ITS. All items must be submitted to ITS for approval thirty (30) days prior to the proposed cancellation/disposal. ITS will stamp the form approved or disapproved and mail it back to the University. Computer Services and Telecommunication equipment may not be included on the same form. A separate form must be used for each type of equipment. Chapter VII of ITS manual. (See Exhibit 44)

5. **CP-24 Request for Revised or Extended Approval of CP-1 Form**
This form is to be used if the price on the CP-1 Form increases by 1% or \$1,000.00 of the purchase price, or if there is a vendor change, or if the increase on a recurring cost exceed 1% or \$300 per year. Chapter VIII of ITS manual. (See Exhibit 45)
6. **CP-1 Acquisition Approved Form**
When ITS receives a request, per an of-28 form, they send a CP-1 form to the University. Appendix E of ITS manual.
7. **CP-3 Memorandum -**
This form is used when there is a change in the President, Computer Services contact person, Telecommunication contact person, or the Purchasing Agent. (See Exhibit 46)

3.120.00 Adding New Vendors

Before a vendor can be added to the system three things has to take place, (1) all New vendor's must complete the vendor application form located on the purchasing web-page (mvsu.edu/purchasing/) click on vendor information and click vendor information form, complete and sent to the requesting department for their signature. The requesting department will bring form to the Purchasing Department to be added to the system. (2) The vendor must also attach a completed copy of their Federal W-9 or International WEB-8 form with vendor application form. (3) MVSU Purchasing Department must complete a back ground check on all new vendors with the Federal Government System to see if the company has been Debarred from the Federal Government, if the search yield a NO EXCLUSION or NO INFORMATION then the company will be added to the system, however, if the search yield an EXCLUSION then the department will notified that the vendor cannot be added to the system because they have been debarred from during business with the Federal Government.

3.121.00 Debarment Form

All bidders that submit a bid on a project, if selected must complete the debarment form located on our web-site and submit to the Purchasing Department after they have been notified that they are the apparent low bidder.

3.122.00 Gifts and Gift Card Purchases

Gifts

Section 66 and Section 96 of the Mississippi Constitution prohibit gifts to state employees where there is no obligation. However, gifts are allowed for speakers only if the speaker is not compensated. The gift should not be purchased with taxpayer dollars. The gift should be of good quality but reasonably priced.

Gift Cards

Gift Cards cannot be purchased with state funds and given to employees as gifts or rewards. Gift cards can be purchased and given as awards to individuals other than employees during conferences or other functions. The maximum amount for each gift card cannot exceed \$50 and prior approval from the Purchasing Agent is needed before purchasing gift cards.

Once approval has been granted to purchase gift cards, the Office of Business and Finance will be notified. The department must supply the Office of Business and Finance with the names, the social security numbers, and the addresses of the individual given gift cards for reporting purposes. Multiple cards cannot be issued to the same individual for the same event. Accounts Payable will report any taxable income to the IRS and issue Form 1099 to individuals receiving a total of \$600 in gift cards during a calendar year. If the stated information is not provided to the Office of Business and Finance, the full amount for the gift card purchases will be reported as taxable income to the purchaser.

Gift cards should be kept in a secure location at all times. In addition, the person who purchases the gift cards should not issue the cards to the recipients.

3.123.00 Membership Dues

The university will only pay dues for agency memberships. An agency membership is a membership which belongs to the university or specific department rather than an individual. The membership will remain with the university or department even if an individual becomes separated from the university.

3.124.00 Emergency Procurements

Notwithstanding any other provisions of this regulation, the Chief Procurement Officer, the head of a purchasing agency, or a designee of either officer may make or authorize others to make emergency procurements under emergency conditions as defined in Section 31-7-1(f), Mississippi Code of 1972, Annotated; provided, that such emergency procurements shall be made with such competition as is practicable under the circumstances. A written determination of the basis for the emergency and for the selection of the particular contractor shall be included in the contract file. Such purchases shall be made in compliance with Section 31-7-13(j), Mississippi Code of 1972, Annotated. Agencies shall notify or seek approval from, where required, the Office of Purchasing, Travel and Fleet Management by using the electronic P-1 process.

(1) Emergencies threatening health and safety or property

If such emergency threatens the health or safety of any person, or the preservation or protection of property, then the provisions of competitive bidding shall not apply and any officer or agent of the agency having general or specific authority for making the purchase or repair contract shall approve the bill presented for payment and provide justification and certification in writing detailing from whom the purchase was made or with whom the repair contract was made to the Office of Purchasing, Travel and Fleet Management using the electronic P-1 process.

The justification should be written in sufficient detail so that a person not familiar with the situation could be expected to understand the need to forego the normal purchasing procedure. As per Section 31-7-13(j),

Mississippi Code of 1972, Annotated, the certification for an emergency purchase must be submitted on letterhead and signed by the executive head or his/her designee(s) of the requesting agency. Agencies shall address the following when preparing the justification:

- (a) Does it fall under the definition of an emergency set forth in Sections 31-7-1(f), Mississippi Code of 1972, Annotated?
- (b) What happened to cause the emergency?
- (c) What would be the negative consequences of following normal purchasing procedures?
- (d) Does it threaten the health or safety of any person, or the preservation or protection of property?
- (e) The total purchases made shall only be for the purpose of meeting the needs created by the emergency situation.

Following the emergency purchase, documentation of the purchase, including a description of the commodity purchased the purchase price thereof and the nature of the emergency shall be filed with the Department of Finance and Administration when submitting the applicable payment request as more particularly prescribed in the DFA MAAPP Manual. In the case of Institutions of Higher Learning, this can be done by adding an attachment to the university's P1 request.

(2) Emergencies Requiring Approval Prior to Purchase

If the governing board or the executive head, or his designees, of any agency of the state shall determine that an emergency exists in regard to the purchase of any commodities or repair contracts, so that the delay incident to giving opportunity for competitive bidding would be detrimental to the interests of the state, then the head of such agency, or his designees, shall seek approval of the Office of Purchasing, Travel and Fleet Management using the electronic P-1 process.

The justification should be written in sufficient detail so that a person not familiar with the situation could be expected to understand the need to forego the normal purchasing procedure. As per Section 31-7-13(j), Mississippi Code of 1972, Annotated, the certification for an emergency purchase must be submitted on letterhead and signed by the executive head or his/her designee(s) of the requesting agency. Agencies shall address the following when preparing the justification:

- (a) Does it fall under the definition of an emergency set forth in Sections 31-7-1(f), Mississippi Code of 1972, Annotated?
- (b) What happened to cause the emergency?
- (c) What would be the negative consequences of following normal purchasing procedures?
- (d) The total purchases made shall only be for the purpose of meeting the needs created by the emergency situation.

Upon receipt of the justification and any applicable board certification, the State Fiscal Officer or his designees, may authorize the purchase or repair without having to comply with competitive bidding requirements.

Following the emergency purchase, documentation of the purchase, including a description of the commodity purchased the purchase price thereof and the nature of the emergency shall be filed with the Department of Finance and Administration when submitting the applicable payment request as more particularly prescribed in the DFA

MAAPP Manual. In the case of Institutions of Higher Learning, this can be done by adding an attachment to the university's P1 request.

3.124.01 Application

The provisions of this regulation apply to every procurement made under emergency conditions that will not permit other source selection methods to be used.

3.124.02 Definition of Emergency Conditions

The term "emergency" shall mean any circumstances caused by fire, flood, explosion, storm, earthquake, epidemic, riot, insurrection, or caused by any inherent defect due to defective construction, or when the immediate preservation of order or public health is necessary by reason of unforeseen emergency, or when the restoration of a condition of usefulness of any public building, equipment, road or bridge appears advisable, or in the case of a public utility when there is a failure of any machine or other thing used and useful in the generation, production or distribution of electricity, water or natural gas or in the transportation or treatment of sewage; or when the delay incident to obtaining competitive bids could cause adverse impact upon the governing authorities or agency, its employees or its citizens. See Section 31-7-1(f), Mississippi Code of 1972, Annotated.

3.124.03 Scope of Emergency Procurement

Emergency procurement shall be limited in scope to those supplies, services, or construction items necessary to meet the emergency and limited in term to the time necessary to meet the emergency; however in no event shall any emergency contract exceed a term of one (1) year.

3.124.04 Authority to Make Emergency Procurements

Any state agency may make emergency procurements when an emergency condition arises and the need cannot be met through normal procurement methods, provided approval by the executive head of the agency shall be obtained prior to the procurement and provided 3.110 is followed. Governing authorities shall comply with Section 31-7-13(k), Mississippi Code of 1972, Annotated.

3.124.05 Source Selection Methods

3.124.05.1 General

The procedure used shall be selected to assure that the required commodities are procured in time to meet the emergency. Given this constraint, such competition as is practicable shall be obtained.

3.124.05.2 After Unsuccessful Competitive Sealed Bidding

Competitive, sealed bidding is unsuccessful when bids received pursuant to an Invitation for Bids are unreasonable, non-competitive, or the low bid exceeds available funds as certified by the appropriate fiscal officer, and time or other circumstances will not permit the delay required to re-solicit competitive sealed bids. If emergency conditions exist after an unsuccessful attempt to use competitive sealed bidding, an emergency procurement may be made.