

Chapter 7

Intergovernmental Relations

7.101 Definitions of Terms Used in this Chapter

- (1) Cooperative Purchasing – procurement conducted by, or on behalf of, more than one Public Procurement Unit, or by a Public Procurement Unit with an External Procurement Activity.
- (2) External Procurement Activity – any buying organization not located in this State which, if located in this State, would qualify as a Public Procurement Unit. An agency of the United States is an External Procurement Activity.
- (3) Governing Authority – defined in [Section 31-7-1, Mississippi Code of 1972, Annotated](#).
- (4) Public Procurement Unit – either a procurement entity of a governing authority or of a state agency.
- (5) Agency – defined in [Section 31-7-1, Mississippi Code of 1972, Annotated](#).

7.102 Purchasing by Governing Authorities

7.102.01 Options Available to Purchase Commodities and Equipment

When purchasing commodities and/or equipment, the governing authority may follow the procedures set forth as follows:

- (1) Follow statutory purchasing procedures set forth in [Section 31-7-13, Mississippi Code of 1972, Annotated](#).
- (2) Make purchases from contracts executed by the Office of Purchasing, Travel and Fleet Management. These contracts may include competitively bid contracts, negotiated contracts, cooperative contracts, and agency contracts which are deemed to be available to all entities by the Office of Purchasing, Travel and Fleet Management. Purchases made under the terms of this section shall be excepted from the normal bid requirements as per [Section 31-7-13\(m\)\(i\), Mississippi Code of 1972, Annotated](#).
- (3) Purchase the identical commodity or equipment offered on a contract established by the Office of Purchasing, Travel and Fleet Management from a vendor other than the one listed on the contract at a price not exceeding the state contract price. Identical shall mean that the product is the same make, model, item number, product code, manufacturer and description as the item on the state contract.

7.102.02 Purchasing Vehicles Having a Gross Weight Rating of Less Than 26,000 Pounds

When purchasing vehicles having a gross weight rating of less than 26,000 pounds, the governing authority may follow the procedures set forth as follows:

- (1) Follow statutory purchasing procedures as set forth in [Section 31-7-13, Mississippi Code of 1972, Annotated](#), and award to the low responsive bidder regardless of dealer's

location within the State. All vehicle sales firms doing business in Mississippi must have a Mississippi Motor Vehicle License Number as authorized in [Section 63-17-73, Mississippi Code of 1972, Annotated](#).

- (2) Follow statutory purchasing procedures as set forth in [Section 31-7-13, Mississippi Code of 1972, Annotated](#), and award to the low responsive bidder domiciled within the county in which the governing authority is located, provided that the bid from the local dealer does not exceed the invoice cost of the vehicle by more than three percent (3%), [Section 31-7-18, Mississippi Code of 1972, Annotated](#).
- (3) Make purchases from contracts established by the Office of Purchasing, Travel and Fleet Management. These contracts may include competitively bid contracts, negotiated contracts, agency contracts, and cooperative contracts which are deemed to be available to all entities by the Office of Purchasing, Travel and Fleet Management. Purchases made under the terms of this section shall be excepted from the normal bid requirements as per [Section 31-7-13\(m\)\(i\), Mississippi Code of 1972, Annotated](#).
- (4) Purchase the identical commodity or equipment offered on a contract established by the Office of Purchasing, Travel and Fleet Management from a vendor other than the one listed on the contract at a price not exceeding the state contract price. Identical shall mean that the product is the same make, model, item number, product code, manufacturer and description as the item on the state contract.

7.103 In-State Cooperative Purchasing

7.103.01 Cooperative Purchasing Agreement Between a State Agency and a Local Governing Authority

Any agreement between the State and a local public procurement unit which provides that certain open-ended procurement contracts (requirement contracts) shall be available to the local public procurement unit shall also provide the following:

- (1) The State shall conduct the procurements in compliance with the Mississippi Procurement Manual and applicable statutes.
- (2) When the governing authority elects to procure any commodity under the state contract, all of its purchases for such commodities shall be obtained by placing purchase orders against the appropriate state contract in accordance with the terms and conditions of such contract.
- (3) Payment for supplies or services ordered by the local public procurement unit under state contracts shall be the exclusive obligation of such jurisdiction.
- (4) Inspection and acceptance of supplies or services ordered by the local public procurement unit under state contracts shall be the exclusive obligation of such jurisdiction.
- (5) The State may terminate the cooperative agreement for failure of the local public procurement unit to comply with the terms of the contract or pay a contractor to whom the State has awarded a contract.

- (6) The exercise of any warranty rights attaching to commodities received by the local public procurement unit under state contracts shall be the exclusive obligation of such jurisdiction.
- (7) Failure of a local public procurement unit which is procuring commodities under a state contract to secure performance from the contractor in accordance with the terms and conditions of its purchase order will not necessarily require the State or any other local public procurement unit to consider the default or to discontinue procuring under the contract.
- (8) Any transactions shall be in compliance with applicable section of [Section 31-7, Mississippi Code of 1972, Annotated](#),

7.104 Sale, Acquisition, or Use of Commodities by a Public Procurement Unit

Any public procurement unit may sell to, acquire from, or use any commodities belonging to another public procurement unit or external procurement activity as authorized by [Sections 31-7-7 and 31-7-13, Mississippi Code 1972, Annotated](#).

7.105 Multi-State Cooperative Contracts

The Office of Purchasing, Travel and Fleet Management may enter into multi-state contracts which allow state agencies and governing authorities to purchase commodities and equipment, at prices established by the contract.