

## **BOARD MEETING MINUTES**

### **MISSISSIPPI DEPARTMENT OF INFORMATION TECHNOLOGY SERVICES**

December 17, 2009

The Mississippi Department of Information Technology Services Board met in the 5<sup>th</sup> floor Conference Room of the Robert G. Clark, Jr. Building, 301 North Lamar Street, Jackson, Mississippi 39201, on Thursday, December 17, 2009, at 11:00 A.M. to discuss Information Technologies efficiencies for state government and to hear from ITS' legal counsel concerning the process for the review and consideration of a protest appeal.

#### **Members Present:**

Thomas A. Wicker, Chairman

Lynn C Patrick, Vice-Chairman

Rodney Pearson

#### **Members Not Present:**

Derek Gibbs

John Hairston

#### **Staff Members Present:**

David L. Litchliter, Executive Director

Lynn Ainsworth, ISS Deputy Division Director

Martha Pemberton, ISS Division Director

Craig Orgeron, Strategic Services Division Director

Michele Blocker, Internal Support Services Division Director

Others Present:

Mark Garriga, Butler Snow

Bill Roach, Wireless Communications Commission

No actions were taken by the Board during this session.

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The Mississippi Department of Information Technology Services Board reconvened in the 4<sup>th</sup> floor Class Room of the Robert G. Clark, Jr. Building, 301 North Lamar Street, Jackson, Mississippi 39201, on Thursday, December 17, 2009, at 1:30 P.M.

Members Present:

Thomas A. Wicker, Chairman

Lynn C Patrick, Vice-Chairman

Rodney Pearson

Members Not Present:

Derek Gibbs

John Hairston

Legislative Advisor Present:

Senator Sampson Jackson, II

Staff Members Present:

David L. Litchliter, Executive Director

Martha Pemberton, ISS Division Director

Lynn Ainsworth, ISS Deputy Division Director

David Johnson, Accounting Manager

Roger Graves, Telecomm Services Division Director  
Craig Orgeron, Strategic Services Division Director  
Mitchell Bounds, Data Services Division Director  
Michele Blocker, Internal Support Services Division Director  
Donna Rogers, Special Assistant Attorney General  
Tina Wilkins, ISS Technology Consultant  
Cheryl Yelverton, ISS Technology Consultant  
Jane Woosley, ISS Technology Consultant  
Melinda Simmons, ISS Technology Consultant  
Tangela Harrion, ISS Technology Consultant  
Rita Rutland, ISS Technology Consultant  
Renee Murray, ISS Technology Consultant  
Vicki Helfrich, Strategic Services Division  
Caren Brister, Strategic Services Division

Others Present:

Gayle Price, AT&T  
Mark Garriga, Butler Snow  
Trudy Massey, Capitol Resources  
Bill Roach, Wireless Communication Commission  
Lee Winborne, Mississippi State Department of Health  
Marc Wilson, Mississippi State Department of Health  
Lou Alesich, Motorola  
John Cacomanolis, Grain Communications

Slade Lindsay, Towers of Mississippi

Karen Newman, The Clay Firm

David J. Grain, Grain Communications

Serena Clark, Office of the Governor

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Agenda Item No. 1: Tom Wicker called the meeting to order and directed the Board's attention to the first agenda item, approval of the minutes from the ITS Board Meeting on November 19, 2009.

On motion by Lynn Patrick and second by Rodney Pearson that the minutes of the November 19, 2009 meeting be approved:

Motion carried; unanimously.

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Agenda Item No. 2: Withdrawn

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Agenda Item No. 3: Tangela Harrion presented the recommendation for Project No. 38462 submitted under the ITS Planned Purchases Procedure for Fiscal Year 2010 by the **MISSISSIPPI STATE DEPARTMENT OF HEALTH (MSDH)** Health Informatics. The staffs of ITS and MSDH jointly recommend approval of the planned purchases request to purchase a three-year Enterprise Agreement Enrollment from the Microsoft Express Products List at a cost not to exceed \$1,470,887.97 during Fiscal Years 2010-2012.

On motion by Tom Wicker and second by Lynn Patrick that the staff recommendation be approved:

Motion carried; unanimously.

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Agenda Item No. 4: Craig Orgeron presented the Mississippi Strategic Master Plan for Information

Technology and the ITS Annual Report for Fiscal Year 2010. Board approval is requested to proceed with the publication of these documents.

On motion by Rodney Pearson and second by Lynn Patrick that the staff recommendation be approved:

Motion carried; unanimously.

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Tom Wicker stated there was a need to go into closed session to determine the need for executive session.

On motion by Tom Wicker and second by Lynn Patrick that the ITS Board would convene in closed session to determine the need for executive session:

Motion carried; unanimously.

The determination for executive session was discussed in closed session, and on motion by Lynn Patrick and second by Rodney Pearson that the ITS Board would convene in executive session to discuss prospective litigation:

Motion carried; unanimously.

The ITS Board returned to open session. Tom Wicker called the session to order and announced that pursuant to Mississippi Code 25-41-7(4)(b), the ITS Board had voted unanimously to convene in executive session to conduct a strategy session with respect to prospective litigation because an open meeting would have a detrimental effect on the litigating position of the ITS Board.

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The ITS Board convened in executive session.

Members Present:

Thomas A. Wicker, Chairman

Lynn C Patrick, Vice-Chairman

Rodney Pearson

Members Not Present:

Derek Gibbs

John Hairston

Staff Members Present:

David L. Litchliter, Executive Director

Martha Pemberton, ISS Division Director

Lynn Ainsworth, ISS Division Deputy Director

Michele Blocker, Internal Support Services Division Director

Melinda Simmons, ISS Technology Consultant

Others Present:

Mark Garriga, Butler Snow

Bill Roach, Wireless Communication Commission

Serena Clark, Office of the Governor

No actions were taken during executive session.

On motion by Lynn Patrick and second by Rodney Pearson that the ITS Board conclude the executive session and return to open session:

Motion carried; unanimously.

The ITS Board returned to open session. Tom Wicker called the session to order and directed the Board's attention to agenda item 4a, the review and consideration of the appeal of the ITS Executive Director's decision in the protest by Grain Communications of Mississippi, LLC of the award of RFP No. 3603 for the acquisition of build-to-suit radio tower construction services for the **MISSISSIPPI WIRELESS COMMUNICATION COMMISSION (WCC)**.

The Board's discussion of the appeal included the following points:

- The Chairman thanked all those responding to RFP 3603 for participating in this procurement process and noted that the reissuance of the RFP in question had resulted in lower prices and better proposals from a number of qualified proposors, including Grain Communications of Mississippi and Towers of Mississippi,
- Towers of Mississippi did not have an unfair advantage as an incumbent vendor. The information provided by ITS in the procurement process was not unduly restrictive and promoted fair and open competition. In addition, all those submitting proposals had enough information to challenge the specifications of the RFP in a timely fashion. The present protest, filed after the proposals were scored and a winner announced, was untimely.
- There was no attempt by ITS to favor a specific vendor in the preparation of the scoring methodology. The methodology employed by ITS was consistent with the RFP and reflected the agency's needs. Also, since Grain Communications was given the opportunity to verify its pricing this aspect of the protest is untimely.

On motion by Tom Wicker and second by Lynn Patrick that the ITS Board uphold the ITS Executive Director's decision in the protest by Grain Communications III, LLC of the award of RFP No. 3603 for the acquisition of build-to-suit radio tower construction services for the **MISSISSIPPI WIRELESS COMMUNICATION COMMISSION (WCC)** and that counsel prepare a written response to the appeal by Grain Communications consistent with the Board's discussion in executive session and decision announced in the open meeting for review by the ITS Board and execution by the Chairman:

Motion carried; unanimously.

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The Board acknowledged Agenda Item No. 5 regarding the summary of equipment, software and services, exemptions and sole source procurements approved by the ITS Executive Director.

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On motion by Rodney Pearson and second by Lynn C Patrick that the following per diem and expenses be approved:

Lynn Patrick - per diem and expenses for 1 day;

Board Meeting, December 17, 2009.

Rodney Pearson - per diem and expenses for 1 day;

Board Meeting, December 17, 2009.

Tom Wicker - per diem and expenses for 2 days;

Senate Appropriations Sub-Committee Hearing December 7, 2009, and Board Meeting, December 17, 2009.

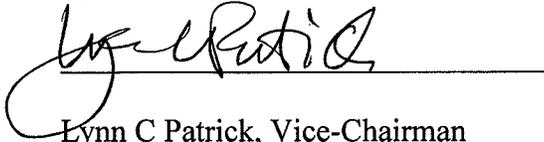
Motion carried; unanimously.

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There being no further business, the meeting was adjourned by Tom Wicker.

A handwritten signature in black ink, appearing to read 'Tom Wicker', written over a horizontal line.

Tom Wicker, Chairman

A handwritten signature in black ink, appearing to read 'Lynn C Patrick', written over a horizontal line.

Lynn C Patrick, Vice-Chairman