

STATE OF MISSISSIPPI



JIM HOOD  
ATTORNEY GENERAL

OPINIONS  
DIVISION

August 24, 2018

Wendy A. Bracey, Superintendent  
Marion County Department of Education  
1010 Highway 13 North  
Columbia, Mississippi 39429

Re: Procurement of internet services

Dear Ms. Bracey:

Attorney General Jim Hood has received your request for an opinion and has assigned it to me for research and response.

### Issues Presented

You inquire as to whether a school district may solicit quotes for the procurement of internet services as opposed to implementing the competitive bidding process contemplated in Mississippi Code Annotated Section 31-7-13. Specifically, you provide the following:

Is a school district allowed to solicit quotes from telecommunications companies for the purchase of Wide Area Network and internet services rather than implementing a formal bid process for those services even if the total for the resulting contract exceeds \$50,000 for the term of said contract?

### Response

Assuming that the proposed procurement involves the acquisition of a contract for purely internet services, the school district may solicit quotes without complying with the formal competitive bidding process provided in Mississippi Code Annotated Section 31-7-13.

### Applicable Law and Discussion

It has consistently been our opinion that the procurement of contracts for services are

Wendy A. Bracey, Superintendent  
August 24, 2018  
Page 2

exempted from the competitive bidding requirements provided in the public purchasing statutes.<sup>1</sup> See MS AG Op., Dillard (January 12, 2012)(contracts that involve only personal or professional services are not required to comply with MCA Section 31-7-13); MS AG Op., Haque (June 20, 2000)(county may procure services of web-based e-Government service provider without advertising for bids); MS AG Op., Lee (December 6, 1988)(county board of education not required to comply with public purchasing statutes when procuring service contracts). While we have opined that service contracts are exempt, we have noted that the mandates of public policy require that the public receive the best possible service at the lowest available price.

Thus, we strongly encourage a competitive procurement process, even when not legally required, in an effort to prevent favoritism and to ensure that the public is receiving the best value at the lowest cost.

If our office may be of further assistance, please advise.

Sincerely,

JIM HOOD, ATTORNEY GENERAL

OFFICIAL By:

  
Leigh Triche Janous  
Special Assistant Attorney General

---

<sup>1</sup>We have interpreted such exemption to apply only to those personal or professional service contracts that do not include the purchase of commodities, equipment, furniture or construction. See MS AG Op., Meadows (October 26, 2001); MS AG Op., O'Donnell (June 17, 2005).