

## **TITLE 28: Ports and Airports**

### **PART 301: Operations and Procedures Manual of the Mississippi State Port Authority at Gulfport**

#### **Part 301 Chapter 1. Mississippi State Port Authority (“MSPA”) – Generally**

##### **Rule 1.1 Description.**

The Mississippi State Port Authority at Gulfport is the only State owned deepwater seaport, and is one of the most easily accessible ports on the U.S. Gulf of Mexico. The MSPA is responsible for the daily operations of the Port of Gulfport. The ship channel and harbor basin are maintained by the U.S. Army Corps of Engineers, in cooperation with the MSPA, with an authorized minimum project depth of 36 feet. Tidal range averages 1.5 feet, with actual depth influenced by wind direction and force. Masters and owners of deep laden vessels should consult with the Port Authority and Gulfport Pilots Association. The Port facilities include two piers, East and West, mooring pile clusters and extensive open storage areas, with modern concrete and steel shipside and transit shed, container and trailer marshaling areas. On both piers, shipside double marginal tracks are available with multiple rail trackage serving transit sheds.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

##### **Rule 1.2 Mission.**

To be a profitable, self-sufficient Port providing world class maritime terminal service to present and future customers and to facilitate the economic growth of Mississippi through the promotion of international trade.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

##### **Rule 1.3 Nautical Coordinates.**

The location of the MSPA is at latitude 30 degrees 21’ 45” North and longitude 89 degrees 05’ 24” West, on the north shore of the Mississippi Sound. The distance from the sea buoy to the Port is 16 nautical miles.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

##### **Rule 1.4 Physical Address.**

The location of the Mississippi State Port Authority at Gulfport is 30<sup>th</sup> Avenue South Extension West Pier, Gulfport, Mississippi 39501. The location of the Administrative Offices of the Mississippi State Port Authority at Gulfport are 2510 14<sup>th</sup> Street #1450, Gulfport, Mississippi 39501.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

## **Part 301 Chapter 2: Organizational Structure of MSPA**

### **Rule 2.1 Governance Structure of the MSPA.**

The Port is governed by the Mississippi State Port Authority Board of Commissioners. The MSPA's five-member board represents Harrison County and the City of Gulfport and are appointed to staggered, five-year terms. Three members are appointed by the Governor, one by the Harrison County Board of Supervisors, and one by the City of Gulfport.

- A. **Board of Commissioners.** The five-member Board of Commissioners is composed of a President, Vice President, Secretary, Treasurer, and Commissioner.
- B. **Management.** The Executive Management of the MSPA is appointed by the Board of Commissioners, and is composed of: the Executive Director and CEO; the Chief Operating Officer; the Executive Assistant/Human Resources Officer; the Director of Port Restoration; the Chief Commercial Officer; the Deputy Director of Engineering; the Deputy Director of Finance; the Deputy Director of Facilities; and the Deputy Director of Operations.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

## **Part 301 Chapter 3: Code of Ethics Policy**

### **Rule 3.1 Policy Statement**

This Code of Ethics shall apply to all Mississippi State Port Authority (MSPA or Port) Commissioners and employees. As public servants, MSPA Commissioners and employees are responsible for conducting MSPA business solely in the public interest. MSPA, as a State agency, is committed to maintaining the highest level of honesty, ethical conduct, and public trust. Personal integrity is the cornerstone of this Code. Each Commissioner and employee bears primary responsibility to assure that his or her actions are consistent with the highest degree of ethical conduct in all aspects of MSPA related business. This Code serves as a guideline for conduct and should be reviewed in conjunction with the MSPA Policy on Conflicts, Employee Guide, Operations Manual, and the statutes which govern the MSPA. Each Commissioner and employee is expected to read, understand, and abide by each provision contained within this Code of Ethics.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21'

### **Rule 3.2 Scope**

While the MSPA Code of Ethics is written primarily with Commissioners and employees in mind, contractors, consultants, agents, and any others who may be temporarily assigned to perform work or services on behalf of MSPA shall abide by and be subject to the provisions of

the MSPA Code of Ethics. Failure of a MSPA contractor, consultant, agent or any others to follow the Code may result in termination of their relationship with MSPA. In addition to possible termination, the MSPA reserves the right to pursue any other available legal or equitable remedies. Employees whose active duties with MSPA have been terminated or suspended, but who are still receiving compensation (including paid time off) or benefits from the MSPA, are also expected to comply with the Code of Ethics.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 3.3 Laws and Regulations**

Every MSPA Commissioner, officer and employee shall observe all laws, specifically including but not limited to Miss. Code Ann. §§ 25-4-101 to 25-4-119, and any other regulations that apply to MSPA activities. When in doubt about the interpretation of the law, clarification must be obtained.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 3.4 Public Trust**

No MSPA Commissioner, officer or employee shall use his or her public office or employment for any private gain other than the compensation provided by law.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 3.5 Conflict of Interest**

Every MSPA Commissioner, officer and employee shall avoid conflicts or the appearance of conflicts between his or her private interests and his or her official responsibilities for the MSPA. Each Commissioner shall complete and file with the MSPA's General Counsel the MSPA's Ethics and Conflict of Interest Questionnaire and the Mississippi Ethics Commission Statement of Economic Interest. Each employee shall complete and file with the Executive Director the MSPA's Ethics and Conflict of Interest Questionnaire. Further, each Commissioner and employee shall have the affirmative duty to update his or her responses to the questions therein as reasonably necessary to maintain proper disclosure.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 3.6 Illegal Payments**

No Commissioner, officer or employee shall make illegal payments of any sort to any person or business entity to influence its actions regarding MSPA.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 3.7 Competitive Bidding Practices**

MSPA's policy is to award business on merit, without favoritism, by securing the best product or service available taking into consideration the best interests of the Port. The Board of Commissioners of the MSPA shall follow both legal and ethical standards when evaluating and committing to purchases, and shall follow legal and ethical bidding practices.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 3.8 Political Activities**

The Board of Commissioners of the MSPA shall not use MSPA funds or assets in support of any political candidate or exert political pressure on employees or vendors. The Board of Commissioners shall ensure that the MSPA does not make political contributions on its own behalf or on the behalf of any other person. A Commissioner seeking an elected or appointed public office shall notify the MSPA's General Counsel to obtain an opinion whether holding such public office would pose a conflict with serving as a Commissioner of the MSPA. An employee seeking an elected or appointed public office shall notify the MSPA's Executive Director who shall make such a determination. Commissioners and employees alike shall avoid a conflict or appearance of conflict between the Commissioner's or employee's duties to MSPA and duties to another public office. Notwithstanding the foregoing, in accordance with the requirements of the HATCH Act, no MSPA employee, whose salary is fully funded by federal loans or grants, shall, while employed by the MSPA, enter as a candidate for partisan office.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 3.9 Fraud Awareness and Prevention**

MSPA has a zero tolerance policy for fraud, and shall make a prompt investigation into the substance of all allegedly fraudulent activity. Each Commissioner, officer and employee shall strive to maintain a work environment free of fraudulence, and shall immediately report known or suspected fraudulent activity to the designated authorities pursuant to the MSPA Whistleblower Policy. Under this provision, "fraud" is defined broadly to include any act of deception that is, or could reasonably be expected to, result in personal gain. Fraud includes any situation in which MSPA resources are diverted to a Commissioner, officer or employee, or any respective relative, friend, or associate, without prior authorization, which may also include misappropriation. Fraud may exist whether or not there is actual harm to the MSPA. Commissioners, officers or employees could be subject to progressive discipline up to and including immediate termination or dismissal for actions of fraud. In addition to the provisions contained herein, MSPA reserves the right to pursue any other available legal or equitable remedies for actions of fraud. For more information, please review the provisions contained within the MSPA Whistleblower Policy.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 3.10 MSPA Resources**

The Board of Commissioners shall use the resources of the MSPA, including its funds, property, and the time and talent of its employees, only in the furtherance of MSPA business. The Board of Commissioners, every MSPA officer, and employee shall also strive to protect proprietary information, which is a valuable business asset of the MSPA from unauthorized or improper disclosure and/or use.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 3.11 Gifts**

No Commissioner, officer or employee shall accept or solicit gifts, preferential loans, travel, entertainment, or other favors that might reasonably be viewed as influencing his or her actions or decisions regarding the MSPA business unless authorized by law. The purpose of this provision is to protect the MSPA's business reputation and to protect employees from unfounded allegations of improper behavior.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 3.12 Safe Work Environment**

Every Commissioner, officer and employee of the MSPA shall strive to maintain a safe work environment, including one that is free from alcohol and drug abuse and their effects.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 3.13 Environmental Protection Awareness**

Each Commissioner, officer and employee of the MSPA shall strive to conduct the business of the Port in a manner that protects the environment and in accordance with applicable environmental laws and regulations.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 3.14 Fair Employment Practices**

No person shall be appointed, hired, promoted, or terminated on the basis of race, color, religion, sex, marital status, physical or mental handicap, national origin, or age. The MSPA shall maintain a work environment free of racial or sexual harassment.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 3.15 Discipline – Employees**

Each employee shall be bound by this Code of Ethics as a condition of employment. A violation of this Code by an employee or refusal to sign the acknowledgment page may result in disciplinary action up to and including suspension from or termination of employment.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 3.16 Discipline - Commissioners**

A violation of this Code by a Commissioner may result in an official reprimand by the MSPA, including termination of appointment, with a letter describing the violation being sent to the public official or public office who appointed the Commissioner to the Port. A violation of this Code by a Commissioner which is also a violation of the State Ethics Laws may result in notification of the State Ethics Commission. A violation of this Code by a Commissioner which is also a violation of any Federal or State law may result in notification of the appropriate enforcement agency.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 3.17 Whistleblower Policy.**

All Commissioners, officers and employees have a responsibility to ensure that this policy is followed. Concerns and potential violations should be reported to the designated authorities pursuant to the MSPA Whistleblower Policy as further detailed in Chapter 6 of the MSPA Operations and Procedures Manual. Any Commissioner, officer or employee may raise, in good faith, concerns that one of his or her fellow co-workers is in violation of any provision of the MSPA Code of Ethics without fear of retaliation by his or her supervisor or any other Commissioner, officer or employee of MSPA. For more information, please review the provisions contained within the MSPA Whistleblower Policy.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

## **Part 301 Chapter 4: Conflict of Interest Policy**

### **Rule 4.1 Policy Statement**

Mississippi State Port Authority Commissioners, officers and employees serve in a position of public trust and shall not use their office or employment for improper personal gain. The MSPA requires that each Commissioner, officer and employee avoid any conflict of interest or the appearance of a conflict of interest between his or her personal interests and the interests of the Port when dealing with suppliers, customers, contractors, and all others doing or seeking to do business with the Port.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 4.2 Definitions.**

For purposes of this Chapter, the following definitions apply:

**Relative.** A "relative" includes any Commissioner's, officer's or employee's spouse, mother,

father, children, siblings, mothers-in-law and fathers-in-law, or any other “relative” to a Commissioner, officer or employee identified pursuant to Miss. Code Ann. § 25-4-103.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 4.3 Identifying a Conflict of Interest**

A conflict of interest exists when a Commission’s, officer’s or employee’s duty to give undivided loyalty to MSPA is influenced, or could be influenced, by personal interest. Port Commissioners and employees must ensure that any outside activity or personal interest is kept separate from their position at the MSPA and does not influence their business judgment on the Port’s behalf.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 4.4 Disclosure**

Any Commissioner, officer or employee shall not own, directly or indirectly through a relative, a financial interest or have an association that might be viewed as an interest in any business that does or seeks to do business with the Port or is a competitor of the Port without fully disclosing such interest to the MSPA in writing. Unless inconsistent with other law, no Commissioner, officer or employee shall participate in any decision-making, review, approval, selection, authorization or supervisory activity concerning any contract or MSPA transaction in which he or she has a financial interest without first disclosing such interests to the appropriate personnel and a determination made concerning the matter. Commissioners shall disclose such matters to the MSPA's General Counsel and officers and employees shall disclose such matters to the Port's Executive Director. Situations which must be disclosed to the MSPA would include, but are not limited to:

- A. A financial interest in any organization which has business dealings with the Port where there is an opportunity for preferential treatment to be given or received;
- B. A Commissioner, officer or employee or relative of a Commissioner, officer or employee buying, selling or leasing properties, facilities or equipment from or to the Port or to any entity or individual who is or is seeking to become a contractor, supplier, or customer of the Port; and
- C. A Commissioner, officer, employee or relative of a Commissioner, officer or employee serving as officer, director, or consultant with an entity doing or seeking to do business with the Port.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 4.5 Misuse of Information**

No Commissioner, officer or employee shall use or release to a third party any

confidential information on decisions, plans, or competitive bids or any confidential information concerning the Port which would be prejudicial or detrimental to the interests of the Port. Much of the information developed by the Port is proprietary and confidential and must be protected. Such information includes, but is not limited to, trade secrets, confidential technology, financial records, practices, letters, drawings, personnel records and information, computer programs and databases, customer information, matters discussed during Executive Sessions, requests for proposals, proposed or pending real estate transactions, attorney-client privileged communications, attorney work product, and any other matters not subject to public disclosure.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 4.6 Gifts**

Commissioners, officers and employees and their relatives shall not accept or solicit gifts or other special privileges with the understanding that the gifts or other special privileges would influence the action or judgment of the Commissioner, officer or employee in carrying out his or her official duties. Although the acceptance of gifts or other special privileges from those doing or seeking to do business with the Port is highly discouraged, Commissioners, officers, employees, and their relatives may accept non-cash gifts where the total fair market value does not exceed \$ 100 per year from any single source. Under this provision, “single source” means any person, vendor or business partner, whether acting directly or through any agent or other intermediary. Gifts in excess of \$ 100 must be disclosed to and approved by the Executive Director in conjunction with MSPA’s legal counsel.

- A. The following are gifts presumed not to influence a Commissioner’s or employee’s action or non-action on any matter and may be accepted without regard to the \$ 100 limit. However, in the event that facts suggest that a gift could influence a business decision, then the MSPA may request that the gift not be offered or accepted.
  - 1. Unsolicited flowers, plants, and floral arrangements;
  - 2. Unsolicited advertising or promotional items of nominal value, such as pens and stationary;
  - 3. Unsolicited items received by an employee for the purpose of evaluation or review, if the employee has no financial or beneficial interest in the eventual use or acquisition of the items by the MSPA;
  - 4. Food or beverage consumed at hosted receptions where attendance is related to the Commissioner’s, officer’s or employee’s official duties, including admission to, and the costs of food and beverages consumed at, events sponsored by or in conjunction with a civic, charitable, governmental, or community organization, provided that where the gift exceeds \$ 100 on a single occasion, the recipient of said gift or other special privilege shall report it to it to the Executive Director, who may also act in cooperation with MSPA’s legal counsel; and



5. Occasional gifts in the form of food and beverage in the ordinary course of meals where attendance by the Commissioner, officer or employee is related to the performance of official duties. Under this provision, “occasional” means not more than four to six times per year with the same person, vendor, or business partner.
- B. The following are items which are excluded from consideration as a gift and may be accepted by any Commissioner, officer, employee, or respective relative without constituting a violation of this Policy.
1. Items from family or friends where it is clear that the item was not given as part of any design to gain or maintain influence with the MSPA;
  2. Items related to the outside business of a Port Commissioner, officer or employee that are customary and not related to or implicated by the Commissioner’s, officer’s or employee’s performance of his or her official duties;
  3. Items exchanged among Commissioners, officers or other employees or between Commissioners, officers and employees, or a social event hosted or sponsored by a Commissioner, officer or employee for co-workers;
  4. Items a Commissioner, officer or employee is authorized by law to accept, including, but not limited to, items accepted in accordance with the MSPA’s applicable policies and procedures;
  5. Payment of enrollment and course fees and reasonable travel expenses attributable to attending seminars and educational programs sponsored by a bona fide governmental or nonprofit professional, educational, trade or charitable association or institution; and
  6. Awards, prizes, scholarships, or other items provided in recognition of academic or scientific achievement. Unsolicited tokens or awards of appreciation in the form of a plaque, trophy, desk item, wall memento or similar item.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 4.7 Political Activity**

MSPA funds shall not be used for any direct or indirect political contributions. Any Commissioner, officer or employee who considers running for public office or accepting an appointment to public office must first disclose this to the MSPA. When a Commissioner, officer or employee informs MSPA that he or she is running for public office, MSPA's Executive Director or General Counsel, as appropriate, will review the matter to determine if a conflict exists and if any action is necessary to avoid such conflict. Regardless, such a candidate shall not solicit campaign contributions from MSPA employees or vendors and shall not campaign upon

the MSPA's premises. Notwithstanding the foregoing, in accordance with the requirements of the HATCH Act, no MSPA employee, whose salary is fully funded by federal loans or grants, shall, while employed by the MSPA, enter as a candidate for partisan office.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 4.8 Employment of Relatives**

Any person with authority to hire Port personnel shall not appoint or employ a relative or next of kin of a Commissioner, officer or employee unless certain exceptions apply. Certain exceptions may be made to this policy on a case-by-case basis after disclosure and review by the MSPA's Executive Director or General Counsel, as appropriate, if such an exception serves the best interest of the Port.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 4.9 Emphasis of this Policy**

The emphasis of the MSPA Conflicts of Interest Policy is disclosure and review of potential conflicts of the MSPA in order to prevent conduct which would reflect unfavorably upon the Port, the Board of Commissioners, and/or its officers and/or employees.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Part 301 Chapter 5: Anti-Harassment and Workplace Violence Policy**

#### **Rule 5.1 Policy Statement**

The Mississippi State Port Authority at Gulfport is committed to providing a respectful, supportive and productive workplace for all employees that is free of verbal, physical, and visual forms of unlawful harassment and violence or the threat of violence. One of MSPA's core values is treating co-workers, customers, contractors, vendors and community members with respect. Consistent with that value, the Port does not tolerate unlawful harassment or violence or the threat of violence in the workplace.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 5.2 Scope**

This policy applies to all forms of unwelcomed communication or conduct that is personally offensive, which debilitates morale and interferes with work effectiveness. It includes, but is not necessarily limited to, unwelcomed verbal or physical conduct that is derogatory toward any employee because of their age, race, color, religion, national origin/ancestry, disability, Family Medical Leave Act use, pregnancy, sex/gender, sexual orientation, whistleblower status, marital status, military status, use of workers' compensation, political beliefs, or any other category protected by law. Not all disrespectful activity rises to a

level of severity and pervasiveness that would be considered unlawful harassment. However, MSPA strives to eliminate all disrespectful conduct from the workplace. This policy applies to business-related activities that take place outside of the workplace, such as business-related trips, meetings and social events.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 5.3 Harassment Awareness and Prevention**

All Commissioners, officer, employees and other personnel shall take all reasonable precaution to strive to maintain a work environment free of harassment, and shall immediately report known or suspected harassment to the designated authorities pursuant to the MSPA Whistleblower Policy. For more information, please review the provisions contained within the MSPA Whistleblower Policy.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 5.4 Violence Prohibited**

MSPA does not tolerate any type of workplace violence committed by or against its employees or personnel. Employees are prohibited from making threats or engaging in violent activities. In the event of an immediate, potentially dangerous situation, employees should promptly contact their direct supervisor, the Office of Security, and the Director of Human Resources.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 5.5 Commitment to Investigate**

MSPA will promptly and thoroughly investigate all claims of harassment and/or violence. Complaints will be handled with sensitivity, discretion and confidentially to the extent allowed by the circumstances and the law. In the event prompt remedial action is necessary, MSPA will act in accordance with the terms of this policy and those provided by law.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

## **Part 301 Chapter 6: Whistleblower Policy**

### **Rule 6.1 General Purpose**

The Port Authority is committed to conducting its business and affairs honestly and in accordance with federal, state and local laws and regulations and the Port Authority's internal policies. As such, the Port Authority strives to prevent, detect and swiftly correct any violations of law or policy, whether arising from inadvertence, mistake, lack of information or deliberate misconduct.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 6.2 Disclosure**

To give effect to its commitment, this policy is designed to protect any Port Authority employee who makes a good faith disclosure of potential misconduct to either a designated Port Authority official or public official as described herein below. More specifically this policy:

- A. Encourages employees to disclose wrongful conduct engaged in by others to the appropriate official, so that prompt, corrective steps can be taken by the Port Authority;
- B. Provides employees with information on how allegations of potential misconduct can be disclosed;
- C. Protects employees from reprisal by adverse employment action or retaliation as a result of any employee's having made a good faith disclosure of potential misconduct;
- D. Provides employees who believe they have been subject to any adverse employment action or retaliation as a result of a good faith disclosure of potential misconduct with a prompt, fair process to seek relief; and, further
- E. Provides a fair process and protection to any Port Authority employee who is the subject of a report during any resultant investigation.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 6.3 Supplement Existing Law**

This policy is intended to supplement Sections 25-9-171 through 25-9-177 of the Mississippi Code of 1972 (dealing with reports of improper governmental action), and Section 1553 of the American Recovery and Reinvestment Act of 2009 ("ARRA") (dealing with whistleblowing regarding ARRA funding and whistleblower protections).

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 6.4 Corrective Action**

It is the intention of the Port Authority to take whatever action may be necessary to prevent and correct any activities that violate this policy.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 6.5 Reporting Potential Misconduct (General)**

It is important for employees to report good faith concerns using the proper channels in order to ensure entitlement to the protections available under State and Federal law. Port

Authority employees, contractors and agents are expected to report good faith concerns about:

- A. possible violations of any policy, law, rule or regulation related to Port Authority activities; and
- B. the misuse of Port Authority property, resources or authority for personal gain or non-business related purpose.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 6.6 Reporting Hotline**

Employees can address any such concerns to The Network, Inc. at 1-877-452-3671.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 6.7 Additional Reporting Methods**

In addition to the methods outlined above, reports of wrongful conduct under the above paragraph can also be made under State law to the Mississippi Attorney General, State Auditor, Ethics Commission, Joint Legislative Committee on Performance Evaluation and Expenditure Review or any other standing committee of the legislature, or any district attorney of the State of Mississippi.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 6.8 Reporting Misuse/Abuse of TIGER/ARRA Funding**

- A. Notwithstanding the above paragraphs, in the event that an employee has a good faith belief that, in relation to TIGER or other ARRA funding, there has been:
  - 1. gross mismanagement of an agency contract or grant relating to TIGER/ARRA funds;
  - 2. a gross waste of TIGER/ARRA funds;
  - 3. a substantial and specific danger to public health or safety related to the implementation or use of TIGER/ARRA funds;
  - 4. an abuse of authority related to the implementation or use of TIGER/ARRA funds; or
  - 5. a violation of law, rule, or regulation related to an agency contract or grant awarded or issued relating to TIGER/ARRA funds, such employee should address his or her concerns to The Network, Inc. at 1-877-452-3671.
- B. Reports related to TIGER/ARRA funds can also be made to:

1. the Recovery Accountability and Transparency Board;
2. an Inspector General;
3. the Comptroller General;
4. a member of Congress;
5. a State or Federal regulatory or law enforcement agency;
6. a person with supervisory authority over the employee (or such other person working for the employer who has the authority to investigate, discover or terminate misconduct);
7. a court or grand jury;
8. the head of a Federal agency (or their representatives).

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 6.9 Additional Information**

Additional information regarding whistleblower protection related to ARRA funding may be found at <http://www.recovery.gov>.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 6.10 Retaliation Prohibited**

Any retaliation, harassment or adverse employment consequences, of any kind, against employees for making good faith reports of suspected violations is strictly prohibited. All employees making good faith reports of suspected misconduct should feel safe and protected from retaliation. Retaliation includes, but is not necessarily limited to, reprisal in performance reviews or promotion decisions, discharge, reassignment, demotion, suspension, harassment or other discrimination.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 6.11 Scope of Protection from Retaliation**

Employees need not know the details of a law, rule, regulation or policy or be certain about a violation in order to receive the protection of this policy. Rather, an employee need only have reasonable grounds to believe that a violation has occurred. If an employee is unsure as to whether reasonable grounds exist, it is the Port Authority's policy that the most appropriate course of action is for the employee to report the concern. Employees are entitled to the full protection of this policy unless a disclosure is proven to have been both unsubstantiated and

made with malice or knowledge of its falsity.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 6.12 Response to Retaliatory Action**

The Port Authority will provide all necessary and appropriate support to reporting employees to ensure that they are treated fairly and are protected against retaliation. Further, the Port Authority will promptly respond to concerns of retaliation or unfair treatment linked to an employee's reporting of suspected misconduct. Any employee who retaliates against an individual who makes a disclosure protected under this policy is subject to immediate discipline, up to and including termination.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 6.13 Confidentiality**

Employees may make disclosures on a confidential basis either in person or by telephone through the Port Authority's dedicated reporting line 1-877-452-3671. Any such disclosures will be maintained as confidential to the extent possible, consistent with the need to conduct an adequate investigation, and in accordance with Mississippi and Federal laws.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 6.14 Protection for Subjects of an Employee Report**

Individuals who are subjects of a report will be treated fairly, respectfully, and consistent with all protections set out in Port Authority policy or applicable law.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 6.15 Post-Report Procedures**

Any Port Authority employee with supervisory authority who receives a report of a concern regarding a potential violation of law or policy should promptly refer the matter to the most appropriate office or individual. Reports will be promptly investigated within five (5) calendar days, provided however, that reports involving TIGER/ARRA funding will be investigated within twenty-four (24) hours and appropriate corrective action will be taken if warranted by the investigation.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 6.16 Good Faith Employment Decisions**

This revised whistleblower policy shall not in any way prohibit or interfere with good faith, legitimate employment decisions related to any employee.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

## **Part 301 Chapter 7: MSPA Standard Employment Procedures**

### **Rule 7.1 Purpose**

The purpose of this instruction is to establish the procedure to be used when announcing position openings, selection method in seeking the most qualified applicants and after selection how they are processed for employment.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 7.2 Scope**

This instruction defines the process, assigns responsibilities and delineates specific guidelines to be followed in the hiring of new employees. The procedures of this Chapter have been amended and are contained within Part 305 - the “MSPA Personnel Guidelines, Policies, and Procedures” and Part 309 – the “MSPA Port Restoration Section 3 Plan”.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

## **Part 301 Chapter 8: Equal Employment Policy**

### **Rule 8.1 Policy Statement**

The Mississippi State Port Authority at Gulfport is an equal opportunity employer throughout the job application and hiring process. MSPA embraces and in fact relies on having a diverse workforce. Every employee has the right to work in surroundings that are free from all forms of unlawful employment discrimination. MSPA will not engage in or tolerate any discrimination in the workplace prohibited by local, state or federal law. Specifically, no employee will be discriminated against on the basis of his or her age, race, color, national origin/ancestry, religion, disability, Family Medical Leave Act use, pregnancy, sex/gender, sexual orientation, whistleblower status, marital status, military status, use of workers' compensation, political beliefs, or any other category protected by applicable federal, state or local law.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 8.2 Reasonable Accommodations of Disability and Religion**

MSPA recognizes that employees and other personnel with physical or mental disabilities may need reasonable accommodations to enable them to perform their essential job functions. The need for such accommodations is made on a case-by-case basis. Generally, the Port and the employee will work together in an interactive process to identify and provide possible accommodations. The employee has an obligation to cooperate with the Port in this process,



which may include authorizing the Port to communicate with the employee's health care providers concerning the employee's condition, its impact on the employee's ability to perform necessary job-related functions, and possible reasonable accommodations. MSPA also will generally offer reasonable accommodations for an employee's sincerely held religious belief that conflicts with a workplace rule, unless doing so would create an undue hardship on MSPA. Employees or other personnel who wish to request reasonable accommodation of a disability or religious belief should contact the Director of Human Resources at (228) 865-4300. MSPA will evaluate each request consistent with those standards provided by law.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

## **Part 301 Chapter 9: Public Access to Public Documents**

### **Rule 9.1 General Purpose**

It is the intent of the Mississippi State Port Authority to adopt a procedure for public access to public records pursuant to Mississippi Code Annotated, Section 25-61-1, *et seq.*

Source: Miss. Code §§ 59-1-1, 59-1-9, 59-5-21 and 25-61-1, *et seq.*

### **Rule 9.2 Definitions**

For purposes of this procedure, the following definitions apply:

- A. **Public Records.** "Public Records" shall have the same meaning as that term is defined in Mississippi Code Annotated § 25-61-3, as the same may be amended, but the definition shall not include any documents or records specifically declared confidential or privileged or exempted from public access by law or by a decision of a court of this State or the United States.
- B. **Protected Documents.** "Protected Documents" shall mean records furnished to the Port by third parties which contain trade secrets or confidential commercial or financial information.
- C. **Port.** "Port" shall mean the Mississippi State Port Authority at Gulfport.
- D. **Data Processing Software.** "Data Processing Software" shall have the same meaning as that term is defined in the Mississippi Code Annotated § 25-61-3, as the same may be amended, but the definition shall not include any programs or routines used to employ and control the capabilities of data processing hardware specifically declared confidential or privileged or exempted from public access by law or by a decision of a court of this State or the United States.
- E. **Request.** "Request" shall mean a written request to inspect, copy, or obtain reproductions of Public Records, which describes the Public Record in sufficient detail to allow the Port to identify the documents requested. A request shall be considered made

when it is actually received by the Port.

Source: Miss. Code §§ 59-1-1, 59-1-9, 59-5-21 and 25-61-1, *et seq.*

### **Rule 9.3 Prompt Review of Request**

The Port shall promptly review each Request.

Source: Miss. Code §§ 59-1-1, 59-1-9, 59-5-21 and 25-61-1, *et seq.*

### **Rule 9.4 Adequate Description of Request**

If the Request does not adequately describe the Public Record(s) being sought or is otherwise ambiguous, written notice to that effect shall be given by the Port Authority to the requesting party. If sufficient clarification regarding the Request is not timely received, the Port will employ its best judgment to determine what Public Records are being requested.

Source: Miss. Code §§ 59-1-1, 59-1-9, 59-5-21 and 25-61-1, *et seq.*

### **Rule 9.5 Production of Request**

The Port shall produce or deny the requested Public Records no later than seven (7) working days from the date of receipt of Request. If the Port is unable to produce the requested Public Records by the seventh working day after the Request is made, the Port shall provide to the requesting party a written explanation stating that the record will be produced and specifying with particularity why the Request cannot be produced within the seven-day period. In no event shall the Port's production to a Request be later than fourteen (14) working days from receipt of the original Request by the Port unless there is a mutual agreement between the Port and the requesting party to allow for a longer time period.

Source: Miss. Code §§ 59-1-1, 59-1-9, 59-5-21 and 25-61-1, *et seq.*

### **Rule 9.6 Exempt Records**

If the Request seeks documents which are exempt from disclosure pursuant to Mississippi Code Annotated §§ 25-61-9, 25-61-11, 25-61-12 or otherwise, the Port shall promptly notify the requesting party in writing that the exempt documents shall not be produced and shall state the specific reasons for the denial. If the Public Records subject to a Request contain both exempt and nonexempt material, the Port shall redact all exempt portions of the Public Records and make the nonexempt portions available for inspection or copying, as appropriate. The Port shall maintain a file of all denials of requests for public records and preserve such denials for three (3) years from the date of each denial, which shall be available for inspection and copying upon written request.

Source: Miss. Code §§ 59-1-1, 59-1-9, 59-5-21 and 25-61-1, *et seq.*

### **Rule 9.7 Data Processing Software**

If the Request seeks Data Processing Software obtained by the Port under a licensing agreement that prohibits its disclosure and said software is a trade secret or Data Processing Software produced by the Port which is deemed sensitive, as defined under Mississippi Code Annotated § 25-61-9(6), the Port shall promptly notify the requesting party in writing that the exempt Data Processing Software shall not be produced and shall state the specific reasons for the denial. If requested, the Port shall produce any nonexempt records created by said Data Processing Software and any other nonexempt data relied upon in compiling said records.

Source: Miss. Code §§ 59-1-1, 59-1-9, 59-5-21 and 25-61-1, *et seq.*

### **Rule 9.8 Third-Party Notification of Request**

If the Request seeks Protected Documents furnished to the Port by a third party, the Port shall notify in writing the requesting party and the third party who furnished the Protected Documents that such documents will be produced to the requesting party if within a reasonable time of receipt of said Request the third party shall not have obtained a court order protecting such records as confidential. The Port shall therefore produce the documents or comply with the court order, as appropriate.

Source: Miss. Code §§ 59-1-1, 59-1-9, 59-5-21 and 25-61-1, *et seq.*

### **Rule 9.9 Time, Place, and Fees Related to Production of Request**

Whenever documents are to be produced, the Port shall notify the requesting party of the time, place, estimated fees or charges, and method access.

Source: Miss. Code §§ 59-1-1, 59-1-9, 59-5-21 and 25-61-1, *et seq.*

### **Rule 9.10 Fees or Charges of Request**

The fees or charges shall be the amount reasonably calculated to reimburse the Port for its actual costs of searching, reviewing, duplicating, and mailing, if applicable, the Public Records requested. The cost for searching and reviewing records which may be subject to the Request, shall be based on the actual time expended at the rate of twenty dollars (\$ 20.00) per hour per person performing such work. Copies shall be made at the cost of twenty-five cents (\$ 0.25) per page for documents smaller than 11 by 17 inches. The cost of copying documents larger than 11 by 17 inches shall be at the actual reproduction costs plus the actual time of Port personnel to secure such copies. The estimated amount of all such costs shall be paid in advance of the Port's complying with the Request. If the actual costs differ from the estimate, any overpayment shall be refunded to or any additional costs paid by the requesting party. The Port may require an additional advance deposit calculated to cover the reasonable cost of searching and reviewing documents where such a search and review will require more than one hour. The Port shall have no duty to fulfill the Request until satisfactory fees and charges are received.

Source: Miss. Code §§ 59-1-1, 59-1-9, 59-5-21 and 25-61-1, *et seq.*

### **Rule 9.11 Custody of Public Records**

No Public Records of the Port shall be permitted to leave the custody and control of the Port or its authorized employees or agents.

Source: Miss. Code §§ 59-1-1, 59-1-9, 59-5-21 and 25-61-1, *et seq.*

## **Part 301 Chapter 10: Rule-Making Policy**

### **Rule 10.1 Policy Statement**

The powers of the Port Authority as set forth in Section 59-1-9 and Section 59-5-21 of the Mississippi Code of 1972 include the power to make and publish all needful rules and regulations to govern the harbor, docks and passes within its jurisdiction. In addition, the Port Authority is empowered to act as port wardens and pilot commissioners, and to perform any and all duties pertaining to such within its jurisdiction, and to fix and prescribe tariffs, fees, fines, penalties and forfeitures for the violations of the rules and regulations of said Port Authority. In conjunction with the exercise of certain rule-making authority, the MSPA must comply with the statutory requirements as set forth in the Mississippi Administrative Procedures Act in Section 25-43-1.101, *et seq.*

Source: Miss. Code §§ 59-1-1, 59-1-9, 59-5-21, and 25-43-1.101, *et seq.*

### **Rule 10.2 Definitions**

For purposes of this procedure, the following definitions apply:

- A. **Rule.** “Rule” shall have the same meaning as that term is defined in Mississippi Code Annotated § 25-43-1.102(i), as the same may be amended from time to time.
- B. **Rule-making.** “Rule-making” shall have the same meaning as that term is defined in Mississippi Code Annotated § 25-43-10102(j), as the same may be amended from time to time.

Source: Miss. Code §§ 59-1-1, 59-1-9, 59-5-21, and 25-43-1.101, *et seq.*

### **Rule 10.3 Rule-making Procedure**

The MSPA may within its discretion solicit advice or opinion on a proposed Rule pursuant to the provisions of Section 25-43-3.101 of the Mississippi Code Annotated. In addition to the above mentioned statute, the MSPA may within its discretion encourage public participation pursuant to Section 25-43-3.104 of the Mississippi Code Annotated, as the same may be amended from time to time.

Source: Miss. Code §§ 59-1-1, 59-1-9, 59-5-21, and 25-43-1.101, *et seq.*

#### **Rule 10.4 Notice of Proposed Rule Adoption**

Upon making a determination to adopt a Rule, the MSPA shall provide notice of said proposed Rule pursuant to Section 25-43-3.103 of the Mississippi Code Annotated, as the same may be amended from time to time.

Source: Miss. Code §§ 59-1-1, 59-1-9, 59-5-21, and 25-43-1.101, *et seq.*

#### **Rule 10.5 Adoption of Final Rule**

After properly submitting proposed Rules pursuant to Section 25-43-3.103 of the Mississippi Code Annotated, the MSPA shall adopt final Rules consistent with the requirements set forth in Sections 25-43-3.106, *et seq.*

Source: Miss. Code §§ 59-1-1, 59-1-9, 59-5-21, and 25-43-1.101, *et seq.*

#### **Rule 10.6 Maintaining a Rule-making Record**

The MSPA shall maintain a Rule-making record pursuant to Section 25-43-3.110 of the Mississippi Code Annotated, as the same may be amended from time to time.

Source: Miss. Code §§ 59-1-1, 59-1-9, 59-5-21, and 25-43-1.101, *et seq.*

### **Part 301 Chapter 11: Open Meetings Requirement**

#### **Rule 11.1 General Purpose**

It is the intent of the Mississippi State Port Authority at Gulfport to adopt a procedure to conduct meetings in an open and public manner, and that citizens be advised of and be aware of the decisions and deliberations involving the determination of public policy and public business pursuant to Mississippi Code Annotated, Section 25-41-1, *et seq.*

Source: Mississippi Code §§ 59-1-1, 59-1-9, 59-5-21, and 25-41-1, *et seq.*

#### **Rule 11.2 Definitions**

For purposes of this Chapter, the following definitions apply:

- A. **Meeting.** "Meeting" shall have the same meaning as that term is defined in Mississippi Code Annotated § 25-41-3, as the same may be amended.
- B. **Executive Session.** "Executive Session" shall be limited to those matters allowed to be exempted from the open meetings requirement under Mississippi Code Annotated § 24-41-7(4), as the same may be amended from time to time.

C. **Port.** "Port" shall mean the Mississippi State Port Authority at Gulfport.

D. **Board.** "Board" shall mean the Board of Commissioners of the Mississippi State Port Authority at Gulfport.

Source: Mississippi Code §§ 59-1-1, 59-1-9, 59-5-21, and 25-41-1, *et seq.*

### **Rule 11.3 Open Meetings Generally Held**

The Port shall hold Meetings open to the public at all times unless such Meeting be declared an Executive Session as provided for in Mississippi Code Annotated, § 25-41-7.

Source: Mississippi Code §§ 59-1-1, 59-1-9, 59-5-21, and 25-41-1, *et seq.*

### **Rule 11.4 Notice**

The Port shall provide notice as required by law, including but not limited to Miss. Code Ann. § 25-41-13. The Port shall not be required to provide advance notice of teleconference or video meetings continued to address an emergency as provided in Mississippi Code Annotated § 25-41-5(5) or to include the agenda of a Meeting conducted by teleconference or video means for which proper notice was already given and the purpose of the continued meeting is set during the meeting prior to adjournment.

Source: Mississippi Code §§ 59-1-1, 59-1-9, 59-5-21, and 25-41-1, *et seq.*

### **Rule 11.5 Emergency Meeting**

The Port may conduct an emergency Meeting by teleconference or video means, or otherwise provided by law, as often as necessary if an emergency exists and the Board is unable to meet in a regular session. The Port shall state the nature of the emergency Meeting upon the minutes. The Port shall comply with the requirements of notice, minute keeping, recordation, and preservation as related to the emergency Meeting.

Source: Mississippi Code §§ 59-1-1, 59-1-9, 59-5-21, and 25-41-1, *et seq.*

### **Rule 11.6 Meeting by Teleconference**

The Port may conduct any Meeting through teleconference or video means allowing a quorum of the Port, as prescribed by law, to be at different locations for the purpose of conducting the Meeting provided participation is available to the public at one or more public locations specified in the public meeting notice. The Port shall suspend any action taken at the Meeting in the event of any interruption in the teleconference or video broadcast of the Meeting until repairs are made and public access restored. If the Port conducts a Meeting by teleconference, an audio recording of the Meeting shall be retained by the Port. If the Port conducts a Meeting by video means, an audio/visual recording of the Meeting shall be retained

by the Port. Any audio or audio/visual recording shall be preserved by the Port for a period of three (3) years following the date of the Meeting and shall be made available to the public at all times therein.

Source: Mississippi Code §§ 59-1-1, 59-1-9, 59-5-21, and 25-41-1, *et seq.*

### **Rule 11.7 Agenda**

The Port make available to the general public at the time of the Meeting an agenda or materials distributed to members of the Port and staff of the Port present at the Meeting.

Source: Mississippi Code §§ 59-1-1, 59-1-9, 59-5-21, and 25-41-1, *et seq.*

### **Rule 11.8 Opportunity to Address the Board**

The Port shall provide the general public attending the Meeting from any designated remote location the opportunity to address the Board just as persons attending the primary or central location.

Source: Mississippi Code §§ 59-1-1, 59-1-9, 59-5-21, and 25-41-1, *et seq.*

### **Rule 11.9 Conduct During Meeting**

The Port may make and enforce reasonable rules and regulations for conduct of persons attending its Meetings in order to avoid disruption. Any person shall be permitted to orderly and respectfully address the Board under the rules and regulations established herein. Any person may be properly excluded from attendance to a Meeting for breach of peace.

Source: Mississippi Code §§ 59-1-1, 59-1-9, 59-5-21, and 25-41-1, *et seq.*

### **Rule 11.10 Minute Record Keeping**

The Port shall keep minutes of all Meetings as required by Mississippi Code Annotated § 25-41-11, showing the members present and absent; the date, time and place of the Meeting; an accurate recording of any final actions taken at such Meeting; and a record, by individual member, of any votes taken; and any other information that the Port requests be included or reflected in the minutes. Votes taken during any Meeting conducted through teleconference or video means shall be recorded by name in roll-call order and included in the minutes. The minutes shall be recorded within a reasonable time not to exceed thirty (30) days after the recess or adjournment and shall be open to public inspection during regular business hours at 2510 14<sup>th</sup> Street # 1450, Gulfport, Mississippi 39501.

Source: Mississippi Code §§ 59-1-1, 59-1-9, 59-5-21, and 25-41-1, *et seq.*

### **Rule 11.11 Executive Session**

Any Commissioner of the Port shall have the right to request by motion a closed determination upon the issue of whether or not to declare an Executive Session. Upon an affirmative majority vote of all members present, such Meeting shall be closed for a preliminary determination of the necessity of Executive Session, and the total vote on the question of entering Executive Session shall be recorded and spread upon the minutes. The Port shall not transact any other business until the discussion of the nature of the matter requiring Executive Session has been completed. The reason for holding an Executive Session shall be stated by the Board in an open meeting, and the reason so stated shall be recorded in the minutes of the Meeting. Any effective declaration of Executive Session shall be effective to that particular meeting on that particular day and, the Port shall not use any Executive Session to circumvent or defeat the purposes of Mississippi Code Annotated § 25-41-1, *et seq.*

Source: Mississippi Code §§ 59-1-1, 59-1-9, 59-5-21, and 25-41-1, *et seq.*

## **Part 301 Chapter 12: Purchasing Rules and Guidelines**

### **Rule 12.1 Governing Law**

The Mississippi State Port Authority at Gulfport shall follow the public purchasing laws expressed in §§ 31-7-1, *et seq.* of the Mississippi Code and any applicable provisions of the Mississippi Department of Finance and Administration, Office of Purchasing, Travel and Fleet Management's Procurement Manual applicable for the purchase of all commodities, equipment and services. In the event any provision herein conflicts with the statutory provisions of §§ 31-7-1, *et seq.* of the Mississippi Code, the statutory provisions shall control.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 12.2 Purchase Requisition**

Purchase requisition form is completed when an employee signs a request for purchase and a Deputy Director or Director approves the requisition with his/her signature.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-2

### **Rule 12.3 Solicitation Process**

The requisition is presented to the Purchasing Agent who then solicits prices on the goods or services requested.

- A. If the price of the good or service is under \$5,000.00, then the purchasing agent will place an order with the lower priced vendor and issue a purchase order at that time.
- B. If price is over \$5,000.00 but less than \$50,000.00, two (2) written bids submitted on a vendor's letterhead or identifiable bid form and signed by authorized personnel representing the vendor must be solicited by Purchasing Agency and approved by the Executive Director. The lowest and best bidder shall be selected.



- C. If the price is over \$ 50,000.00, legal advertisement must be placed in the newspaper specifying the goods or services needed according to the advertisement procedures expressed in § 31-7-13(c). After bids have been received by the Port staff, the accepted bid is presented to the Board of Commissioners of the Mississippi State Port Authority for their approval and selection of the lowest and best bidder.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 12.4 Approval of Board**

The solicitation and contract for any purchase anticipated to cost \$50,000.00 or more shall be approved by the Board of Commissioners prior to advertisement. Any contract over \$100,000.00 has to be approved by the Mississippi Development Authority. After approval from the Mississippi Development Authority, the contract will be returned to the Mississippi State Port Authority.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 12.5 Rights of MSPA**

Nothing herein shall be construed to be inconsistent with the rights provided to the Mississippi State Port Authority pursuant to § 59-5-37 of the Mississippi Code.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 12.6 CDBG Funds**

To the extent U.S. Department of Housing and Urban Development Community Development Block Grant funds are utilized in a procurement, such procurement must fully comply with the applicable requirements set forth in 24 C.F.R. § 84.44 or 85.36, OMB Circulars A-87, A-122, A-21 or A-133.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Part 301 Chapter 13: Bid Protest Procedures**

#### **Rule 13.1 Right to Protest**

Any actual or prospective bidder, offerer, or contractor who is aggrieved in connection with the solicitation or award of a contract may protest to the Executive Director. The protest shall be submitted in writing within seven (7) days after such aggrieved person knows or should have known of the facts giving rise thereto.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 13.2 Authority to Resolve Protests**

The Executive Director or his designee(s) shall have the authority to settle and resolve a protest of an aggrieved bidder, offerer, or contractor, actual or prospective, concerning the solicitation or award of a contract.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 13.3 Decision**

If the protest is not resolved by mutual agreement, the Executive Director or his designee(s) shall promptly issue a decision in writing. The decision shall:

- A. state the reason(s) for the action taken; and
- B. inform the protestant of its right to an administrative hearing before the Port Board of Commissioners.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 13.4 Notice of Decision**

A copy of the decision under Rule 13.3 of this Chapter shall be mailed or otherwise furnished immediately to the protestant and any other party intervening.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 13.5 Finality of Decision**

A decision under Rule 13.3 of this Chapter shall be final and conclusive, unless:

- A. fraudulent; or
- B. any person adversely affected by the decision appeals administratively to the Board of Commissioners in accordance with Rule 15 below.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 13.6 Complaint to Procurement Officer**

Complainants should seek resolution of their complaints initially with the Procurement Officer or the office that issued the solicitation. Such complaints shall be in writing.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 13.7 Filing of Protest**

Protests shall be made in writing to the Executive Director, and shall be filed in duplicate within seven (7) business days after the protestor knows or should have known of the facts giving rise thereto. A protest is considered filed when received by the Executive Director. Protests filed after the seven (7) day period shall not be considered.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 13.8 Subject of Protest**

Protestors may file a protest on any phase of solicitation or award including, but not limited to, specification preparation, bid solicitation, award, or disclosure of information marked confidential in the bid or offer.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 13.9 Form**

To expedite handling of protests, the envelope should be labeled "Protest." The written protest shall include as a minimum the following:

- A. the name and address of the protestor;
- B. appropriate identification of the procurement and if a contract has been awarded, its number;
- C. a statement of reasons for the protest; and
- D. supporting exhibits, evidence, or documents to substantiate any claims unless not available within the filing time in which case the expected availability date shall be indicated.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 13.10 Requested Information; Time for Filing**

Any additional information requested by any of the parties should be submitted as expeditiously as possible to promote consideration of the protest. Failure of any party to comply expeditiously with a request for information by the Executive Director may result in resolution of the protest without consideration of any information which is untimely filed pursuant to such request.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 13.11 Stay of Procurements During Protest**

When a protest has been filed within seven (7) days and before an award has been made, the Port Authority shall make no award of the contract until the protest has been settled unless the Executive Director makes a written determination, after consulting with the Board of Commissioners, that the award of the contract without delay is necessary to protect substantial interests of the Port Authority.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 13.12 Making Information on Protests Available**

The Port Authority shall, upon written request, make available to any interested party information submitted that bears on the substance of the protest except where information is proprietary, confidential, or otherwise permitted or required to be withheld by law or regulation. Persons who wish to keep such information submitted by them confidential should so request by specifically identifying such information within documents submitted, and indicating on the front page of each document that it contains such information. The availability of such information shall be in compliance with the Mississippi Public Records Act of 1983, §§ 25-61-1, *et seq.* of the Mississippi Code.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 13.13 Decision by the Executive Director**

A decision on a protest shall be made by the Executive Director as expeditiously as possible after receiving all relevant, requested information.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 13.14 Effect of Judicial or Administrative Proceedings**

The Executive Director will refuse to decide any protest when a matter involved is the subject of a proceeding before the Board of Commissioners or has been decided on the merits by the Board. If an action concerning the protest has commenced in court, the Executive Director shall not act on the protest. This subsection shall not apply where the Board or a court requests, expects, or otherwise expresses interest in the decision of the Executive Director.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 13.15 Appeal of Protest Decision By Executive Director or His Designee(s).**

- A. **Scope.** This subsection applies to an appeal addressed to the Board of Commissioners of a decision under Rule 4 above.
- B. **Time Limitations on Filing a Protest Appeal.** The aggrieved person shall file an appeal with the Board of Commissioners within seven (7) days of an adverse decision by the Executive Director or his designee(s) under Rule 4 of this Chapter. It is sufficient for

the notice of appeal to be directed to the President of the Board of Commissioners.

- C. **Decision.** The Board of Commissioners shall promptly decide whether the solicitation or award was in accordance with the Constitution, statutes, regulations, and the terms and conditions of the solicitation. The proceeding shall be de novo. Any prior determinations by the Executive Director or his designee(s) shall not be final or conclusive.
- D. **Standard of Review for Factual Issues.** A determination of an issue of fact by the Board of Commissioners under this subsection shall be final and conclusive unless arbitrary, capricious, fraudulent, or clearly erroneous.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 13.16 Request for Hearing**

A contractor or prospective contractor that has appealed a protest decision pursuant to Rule 15 of this Chapter may request a hearing before the Board of Commissioners on the appeal. Such request must be received by the Board of Commissioners at the time the appeal is filed.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 13.17 Notice of Hearing**

If a hearing is requested, the Port Authority shall send a written notice of the time and place of the hearing before the Board of Commissioners.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 13.18 Authority of Chairman of the Board as Hearing Officer**

The Chairman of the Board, as hearing officer, in the conduct of the hearing, has the power, among others, to:

- A. hold informal conferences to settle, simplify, or fix the issues in a proceeding, or to consider other matters that may aid in the expeditious disposition of the proceeding either by consent of the parties or upon such officer's own motion;
- B. require parties to state their positions with respect to the various issues in the proceeding;
- C. require parties to produce for examination those relevant witnesses and documents under their control;
- D. rule on motions, and other procedural items on matters pending before such officer;
- E. regulate the course of the hearing and conduct of participants therein;

- F. receive, rule on, exclude, or limit evidence and limit lines of questioning or testimony which are irrelevant, immaterial, or unduly repetitious;
- G. fix time limits for submission of written documents in matters before such officer;
- H. impose appropriate sanctions against any party or person failing to obey an order under these procedures, which sanctions may include:
  - I. refusing to allow the disobedient party to support or oppose designated claims or defenses, or prohibiting that party from introducing designated matters in evidence;
- J. excluding all testimony of an unresponsive or evasive witness;
- K. expelling any party or person from further participation in the hearing; and
- L. take official notice of any material fact not appearing in evidence in the record, if such fact is among the traditional matters of judicial notice.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 13.19 Hearings Procedures.**

- A. Hearings shall be as informal as may be reasonable and appropriate under the circumstances and in accordance with applicable due process requirements. The weight to be attached to evidence presented in any particular form will be within the discretion of the hearing officer. Stipulations of fact agreed upon by the parties may be regarded and used as evidence at the hearing. The parties may stipulate the testimony that would be given by a witness if the witness was present. The hearing officer may require evidence in addition to that offered by the parties.
- B. A hearing may be recorded but need not be transcribed except at the request and expense of the contractor or prospective contractor. A record of those present, identification of any written evidence presented, and copies of all written statements and a summary of the hearing shall be sufficient record.
- C. Opening statements may be made unless a party waives this right.
- D. Witnesses shall testify under oath or affirmation. All witnesses may be cross-examined.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 13.20 Determination of Hearing Officer; Final Decision**

The Chairman of the Board, as hearing officer, shall prepare a written decision regarding the Board of Commissioner's decision on the appeal as expeditiously as possible. The Board of Commissioner's final decision shall recite the evidence relied upon. The decision shall be sent promptly to the actual or prospective bidder, offerer, or contractor who is aggrieved.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 13.21 Determination that Solicitation or Award Violates Law**

A solicitation or award may be in violation of the law due to actions of state employees, bidders, offerers, contractors, or other persons. The Executive Director or the Board of Commissioners may determine that a solicitation or contract award is in violation of the provisions of state procurement law or regulations. Any such determination shall be made in writing after an opportunity to be heard is given, and such determination is subject to appropriate appeal.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 13.22 Remedies Prior to an Award**

If prior to award it is determined that a solicitation or proposed award of a contract is in violation of law, then the solicitation or proposed award shall be:

- A. canceled; or
- B. revised to comply with the law.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 13.23 Canceling or Revising Solicitation or Proposed Award to Comply with Law**

A finding by the Executive Director, after consultation with the Board of Commissioners, that the solicitation or proposed award is in violation of law will constitute a compelling reason to cancel or revise a solicitation or proposed award.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 13.24 Remedies After an Award**

If after an award it is determined that the solicitation or award is in violation of the law, then the contract will be canceled.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 13.25 Termination**

Contracts based on awards or solicitations that were in violation of law shall be terminated at no cost to the Port Authority, except as may be approved by the Board of Commissioners in compliance with state law.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 13.26 Effect of Declaring a Contract Null and Void**

In all cases where a contract is voided, the Port Authority shall endeavor to return those supplies delivered under the contract that have not been used or distributed. No further payments shall be made under the contract and the Port Authority is entitled to recover the greater of: (a) the difference between payments made under the contract and the contractor's actual costs up until the contract was voided; or (b) the difference between payments under the contract and the value to the Port Authority of the supplies, services, or construction if obtained under the contract. The Port Authority may, in addition, claim damages under any applicable legal theory.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 13.27 Appeal and Review of Board Decision on Appeal**

Any person or party receiving an adverse decision may appeal from a decision by the Board Protest Committee to the designated court or courts of the State.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 13.28 Discontinuance of Contractor's Appeal**

After notice of an appeal to the Board of Commissioners has been filed, a contractor may not discontinue such appeal without prejudice, except as may be authorized by the Board.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

## **Part 301 Chapter 14: Reporting of Oil Spills and Hazardous Chemical Spills**

### **Rule 14.1 Responsibility to Report Incident**

All operators and leaseholders at the Port have the legal obligation to notify various agencies of a release of any potentially hazardous substances. In the event a listed hazardous substance or extremely hazardous waste is released, in an amount equal to or exceeding the reportable quantity (Normally one pound), or that substance, the following parties must be notified:

- A. State Emergency Response Commission (SERC) which includes DEQ at 1-888-786-0661;
- B. Harrison County Civil Defense Office at 228-865-4002;
- C. National Response Commission at 1-800-424-8809 (NRC is manned by U.S. Coast Guard personnel who enter reports of pollution and environmental incidents as received and relate each report to an on-scene coordinator (OSC). The operator of a facility is required to report to NRC immediately upon a release or spill of hazardous substances;



- D. MSPA at 228-865-4300;
- E. U.S. Coast Guard Marine Safety at 1-251-441-5976;
- F. Fire and Police Department at 911; and
- G. To obtain additional assistance for the most effective handling of such an incident, it is important that you also call CHEMTRAC at 1-800-262-8200.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 14.2 Information to Include When Reporting an Incident**

The following information, if available at the time of the report being made, should be included:

- A. Name, address and telephone number of the individual reporting the incident;
- B. Name of the party or individual responsible for the incident;
- C. Mailing address of the responsible party;
- D. Telephone number of the responsible party;
- E. Date and time the incident occurred or was discovered;
- F. Specific location of the incident;
- G. Name of the substance spilled or released, if known;
- H. Source of the released material;
- I. Cause of the release;
- J. Total quantity discharged;
- K. Was material released into the air, around, water or subsurface;
- L. Amount released into water;
- M. Weather conditions existing at the time of the incident and until the time of reporting;
- N. Vessel name, railcar/truck number or other identifying information;
- O. Name of carrier;

- P. Name and type of injuries or fatalities;
- Q. Whether evacuations have occurred;
- R. Estimate dollar amount of property damage;
- S. Description of clean-up action taken and future plans; and
- T. Other agencies you have notified or planned to immediately notify.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 14.3 Penalty for Noncompliance**

If the incident poses an immediate crisis as much of the above information as possible should be communicated and it is not necessary to take time to develop all the information prior to calling. As a matter of fact, failure to immediately notify could result in hefty fines being levied against the operator or leaseholder for untimely report. If operators or leaseholders fail to notify the authorities of a release, either are subject to civil penalties of up to \$25,000 a day for each day of non-compliance. Repeat offenders can be fined up to \$75,000 a day. In addition, criminal penalties may be imposed on any person who knowingly and willfully fails to provide notice.”

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

## **Part 301 Chapter 15: Procedure for Selection of Architectural & Engineering Services.**

### **Rule 15.1 Policy Statement**

This operating procedure establishes the guideline procedures for the selection and engagement of outside professional project management, architectural, engineering, design, and construction management services for public works project at the Port of Gulfport that shall cost in excess of \$ 50,000. For purposes of this operating procedure, “public works projects” shall include both new construction and major maintenance projects. The term “public works costs” shall mean the cost of engineering plus the cost of the improvements (construction and maintenance).

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 15.2 General Application**

This procedure assigns responsibilities and sets forth specific guidelines for the solicitation, evaluation, recommendation, and final selection of professional services to be engaged by the Mississippi State Port Authority.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 15.3 Special Consideration for Projects less than \$50,000**

For projects that cost less than \$ 50,000, the Executive Director may modify these guidelines to meet the specific project requirements. However, prior to a making a recommendation to the Port Commission, the Executive Director shall have received written proposals from at least three qualified firms.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 15.4 Scope and Application**

This operating procedure applies to all Mississippi State Port Authority management personnel involved in the solicitation, evaluation, and recommendation of professional project management, architectural, engineering, design, and construction management services. Selection of professional services shall be made consistent with Section 73-13-45 of the Mississippi Professionals and Vocation Code.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 15.5 Responsibility**

The Executive Director is primarily responsible for the selection process. The Executive Director shall make the final recommendation to the Port Commission. The award of professional services contracts rests with the Mississippi State Port Authority Board of Port Commissioners. All firms engaged to perform project management, architectural, engineering, design, and construction management services shall perform such services in accordance with contract terms and conditions approved by the Port Commission. It shall be the responsibility of all firms seeking work at the Mississippi State Port Authority to be familiar with this Operating Procedure, the Mississippi Professional and Vocation Code, the MSPA Code of Ethics, and the Construction General Conditions.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 15.6 Procedures**

The process for solicitation and evaluation of professional services recommended is as follows:

- A. **RFQ/RFP.** Preparation of a Request for Qualifications and Proposal to include, but not be limited to the following information: Project Identification, Project Objective/Goal, Required professional services, Order of Magnitude Cost, Special Provisions, and Selection Criteria. If the project is associated with any previously performed feasibility study, strategic master plan, or special area plan, then a copy of the plan or study approved by the Port Commission shall be provided.

- B. **Solicitation.** Proposals shall be solicited from qualified firms on an industry-wide basis and based upon the disciplines required. The Mississippi State Port Authority shall maintain an active list of firms interested in providing project management, architectural, engineering, design, and construction management on file with the MSPA staff Engineer. Firms seeking to be placed on a list of firms interested in providing services shall complete Standard Form #254 "Architect-Engineer and Related Services Questionnaire".
1. **Specific Request Projects.** For a specific project, a Request for Qualifications and Proposal shall be mailed to firms on the Port Authority's active list; shall be published in a newspaper of general circulation in Harrison County; shall be distributed to industry clearinghouses related to the specific services needed; and shall be mailed to firms on an industry wide basis who are normally engaged in the disciplines required.
  2. **Non-Active List Firms.** As part of the Request for Qualifications, all firms not on MSPA's active list, shall provide a list of every job performed over the last three (3) years in the area of discipline being sought that is in excess of \$ 100,000 or an amount comparable to the overall project budget as set by the Executive Director in the solicitation. Failure to disclose such information may be grounds to disqualify the firm.
  3. **Cut-Off Date to Respond.** A specific cutoff date and time for submitting the required information will be included in the solicitation
- C. **Selection Criteria.** The Executive Director shall be responsible for establishing selection criteria for specific projects.
- D. **Staff Evaluation.** The Port staff will make an independent evaluation of all the firms responding to the Port Authority Request for Qualifications and Proposal for each specific project. The independent evaluation shall include selecting past clients to make inquiries regarding past experience with the firm. Specific questions to be answered are:
1. Was the quality of work satisfactory?
  2. Was the work performed in a timely manner?
  3. Was the proposed budget for the project met? If not, why?
  4. How were professional fees established for the project? Were the professional fees within the established limits of the project? If not, why?
  5. Are there any potential claims from the contractor, subcontractors, or other vendors related thereto? Are there any threats of litigation related thereto?
  6. Should this firm be recommended for employment again?

- E. **Ranking of Potential Candidates.** Upon completion of the background investigation, the Port staff will review and rank the firms based upon the evaluation factors in this operating procedures and/or those established by the Executive Director in the Request for Proposal for related projects. A written staff evaluation shall be provided to the Executive Director ranking all of the firms in the following categories:
1. Firms Highly Qualified and Recommended for further consideration.
  2. Firms Qualified for the Related Services
  3. Firms Not Qualified and Not Recommended for further consideration.
- F. **Recommendation.** The Executive Director shall review all the materials related to the staff evaluation. Based upon his independent evaluation, the Executive Director may, in his sole discretion, alter the ranking of the staff evaluation of the firms' qualifications and experience to perform the related services.
- G. **Selection – Phase One.** The Executive Director shall select the top firms deserving further consideration. The Executive Director's finalists shall be reviewed with the Mississippi Development Authority.
- H. **Selection – Phase Two.** Following a review and evaluation, the Executive Director and the Mississippi Development Authority shall submit a joint recommendation to the Board of Port Commissioners for their review and consideration. The Board shall select the principal firm to negotiate a fee contract with and an alternate firm to be negotiated with only if the Executive Director and the selected firm are unable to reach agreement. In submitting the joint recommendation to the Board of Port Commissioners, copies of all submittal and materials that influenced the recommendation shall be provided to the members of the Port Commission.
- I. **Selection – Phase Three.** The Board of Port Commissioners shall review and consider the selection of the firm best qualified and experienced to perform the related services at a regular or special public meeting. The Port Commission shall select the firm and one alternate for the Executive Director to negotiate a professional services contract. All firms that proposed on the project shall be notified of the meeting along with the Executive Director's recommendation.
- J. **Modification of Selection Process.** Based upon the scope of the project and prior to initiation of the selection process, the Executive Director may with the concurrence of the Port Commission modify the selection process. This operating procedure shall not limit the Board's decision to invite finalist to appear before them at a regular meeting for further questioning and interviewing. Selection by the Board of Port Commissioners shall be based upon Qualifications and Experience for the related services.
- K. **Fee Negotiations.** Proposed fees shall not be entered into the selection process. Upon

selection by the Board of Port Commissioners of the best qualified and experience firm, negotiations shall be undertaken by the Port Authority's Executive Director. Fees may be negotiated either on a fixed fee, time and materials with a cost not to exceed, or percentage of contract cost basis.

If during the fee negotiations, the Executive Director declares an impasse between the firm selected and the Management, the Port Commission may direct the Executive Director to resolve the impasse on specific terms and conditions or may direct the Executive Director to initiate negotiations with the alternate firm.

- L. **Contract Provisions.** All terms and conditions of the professional services contract shall be consistent with the Request for Proposal and Qualifications. The proposed fee schedule shall be consistent with local standards for related type of services within the State of Mississippi. The contract terms and conditions shall be consistent with the terms and conditions of the Port's Construction General Conditions.
- M. **Engineering Firm Supervision Requirement.** All engineering services shall include provisions that requires a representative firm to be present at the job site for critical phases of the work (i.e. cover-up work such as the pouring of reinforced concrete) to insure that the contractor is complying with the construction specifications of the project. All engineering firms engaged in construction management firms shall sign a certificate stating that the project was "constructed in full compliance with the Plans and Specifications of the Construction Contract"
- N. **Interpretation.** All administrative interpretation of these procedures shall be made by the Executive Director. Nothing in this operating procedure shall prohibit the procedures for selection of project management, architectural, engineering, design, and construction management services to be modified to meet specific project requirements. It shall be the responsibility of the Executive Director to identify all changes and modifications to these operating procedures prior to official solicitation of the proposal.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

## **Part 301 Chapter 16: Sign Approval & Placement.**

### **Rule 16.1 Purpose**

The purpose of this procedure is to establish control and regulate the placement of signs of all types within the boundaries of the port.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 16.2 Scope**

In keeping with this purpose and intent, this ordinance is designed to permit only such signs as will not, by their reason, size, location, construction, or manner of display, endanger the

public safety of individuals, confuse, mislead, or obstruct the vision necessary for traffic safety, or otherwise endanger public health, safety, and morals; and to permit and regulate signs in such a manner as to support and complement land-use objectives in such a fashion that high standards for the visual environment within all areas of the port are developed and maintained.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 16.3 Definitions and City of Gulfport Comprehensive Sign Ordinance, March 1987.**

The Mississippi State Port Authority has adopted by reference and incorporated herein provisions of the City of Gulfport Comprehensive Sign Ordinance, March 1987, as amended from time to time, as follows:

- A. Section II Definitions;
- B. Section IV. Signs Permitted in General Business, Light Industrial and Heavy Industrial Districts;
- C. Section V. Prohibited Signs;
- D. Section VI. Construction Specifications; and
- E. Section VII. Exempt Signs.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 16.4 Conflict between Authorities**

In the event of a conflict between the City of Gulfport Comprehensive Sign Ordinance and this procedure, the policies of the City of Gulfport shall prevail. In all cases where the City of Gulfport must issue a permit for a sign to be placed on property of the Mississippi State Port Authority at Gulfport, the applicants shall submit application to the City of Gulfport independently from the application submitted to the Port Authority. It shall be the applicant's sole responsibility to determine if a City permit is required.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 16.5 Permits**

Except as otherwise provided in this procedure, it shall be unlawful for any person to erect, construct, enlarge, move or convert any sign on the Port of Gulfport or cause the same to be done, without first obtaining a sign permit for each such sign from the Port Authority as required by this procedure. These directives shall not be construed to require any permit for a change of copy on any sign, nor for the repainting, cleaning and other normal maintenance or repair of a sign or sign structure for which a permit has previously been issued, so long as the sign or sign structure is not modified in any way. No new permit is required for signs which have

permits and which conform with requirements of this ordinance on the date of its adoption unless and until the sign is altered or in any manner whatsoever, except as provided herein above, or is relocated to another location at the Port.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 16.6 Application for Permit**

Application for a permit shall be made to the Port Authority and shall be accompanied by such information as may be required to assure compliance with all appropriate laws and regulations of the City of Gulfport Sign Ordinance including, but not limited to:

- A. Name and address of owner of the sign;
- B. Name and address of owner or the person in possession of the premises where the sign is located or to be located;
- C. Clear and legible drawings with descriptions and normal dimensions, showing location of the sign which is the subject of the permit and all other existing signs whose construction requires permits, when such signs are on the same premises;
- D. If required by the City of Gulfport Sign Ordinance, an approved permit from the City of Gulfport issued in accordance with the City's sign ordinance; and
- E. Application for permit shall be filed with the Deputy Director of Engineering, Mississippi State Port Authority at Gulfport, together with a permit fee of \$50.00.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 16.7 Issuance of Permit**

The Port Authority shall issue a permit when the permit application is properly made and approved by the Board of Commissioners of the Mississippi State Port Authority at a regularly scheduled meeting of that body. When a permit is denied, suspended or revoked, written notice shall be given stating the reason therefore.

- A. Duration of Permit. All permits shall be for a one year period and shall be renewed not later than thirty (30) days prior to the expiration date.
- B. Renewal Fees. Unless a sign is to be modified, altered, or replaced, there shall be no renewal fee for the extension of the permit for an additional year. If modification, alteration, or replacement is requested then the applicant shall file a new application and pay a new permit fee.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21



### **Rule 16.8 Notification to MSPA**

The person locating, erecting, altering or relocating a sign shall notify the Port Authority's engineer immediately upon completion of the work for which permits are required. The Port's engineer shall inspect and have the authority to order the repair, alteration or removal of signs.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 16.9 Inspection**

All free-standing signs shall be subject to a footing inspection and all signs to a final electrical inspection by a Qualified Inspector. Applicant shall reimburse the Port Authority for all costs associated with footing and electrical inspection.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 16.10 Maintenance**

Every sign on the Port, excluding building and window signs, including but not limited to those signs, for which permits, or for which no permits are required, shall be maintained in good structural condition at all times at the sole cost and expense of the applicant.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 16.11 Signs Declared Unlawful**

The Port Authority's Executive Director may declare any sign unlawful if it endangers public safety for reason, including but not limited to, improper placement or location, inadequate maintenance, dilapidation or abandonment. Any such declaration shall state the reasons that the sign constitutes a safety hazard to the general public. The Port Authority's Executive Director may declare any such sign to be unlawful, and such declaration shall state, in writing, the reason or reasons why such sign and the keeping, owning, maintenance, construction, and display or operation thereof, is unlawful under the terms of this procedure.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 16.12 Signs Permitted**

Permitted signs shall be those signs permitted under Section 4.3 of the "City of Gulfport Comprehensive Sign Ordinance" covering General-Business, Light-Industrial and Heavy Industrial Districts. All provisions of this Section 4.3 shall apply.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 16.13 Prohibited Signs**

Prohibited signs shall be those signs prohibited under Section V of the "City of Gulfport Comprehensive Sign Ordinance. All provisions of Section V shall apply.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 16.14 Construction Specifications**

Construction Specifications shall be the same as those set forth in Section VI of the "City of Gulfport Comprehensive Sign Ordinance". All provisions of this Section VI shall apply.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 16.15 Exempt Signs**

Exempt signs shall be the same as those set forth in Sections 7.1 (a) thru (c) and 7.2 (a) thru (p) of the "City of Gulfport Comprehensive Sign Ordinance."

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 16.16 Removal and Disposition of Signs**

All signs shall be maintained in a safe, presentable and good structural material condition at all times. Abandoned, dangerous, defective, or unlawful signs may be removed or required to be removed upon giving 30-days' notice to the owner. All removal and disposition of signs shall be at the sole cost and expense of applicant and/or person responsible for the placement of the sign.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 16.17 Administration**

All administrative interpretations of this policy and procedure shall be made by the Executive Director. The Executive Director shall designate a representative to monitor, inspect and enforce the provisions of this procedure. The duties and responsibilities of the Authority's representative shall include, but not be limited to the following:

- A. Examine all applications for permits for erection of signs, authorize the continued use of signs which conform with the requirements of this ordinance, record and file all applications for permits with any accompanying plans and documents, make an annual inspection of all signs on the Port and make such reports as the Port may require.
- B. If any sign has been constructed or erected or is being maintained in violation of the provisions of the procedure, promptly notify the owner or lessor thereof in writing.
- C. Keep the Executive Director advised of all applications, violations, and inspections.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

## **Part 301 Chapter 17: Use of Alcohol or Controlled Substance(s).**

### **Rule 17.1 Policy Statement**

This instruction promulgates standard Port policy and procedures concerning the use of alcoholic beverages and the use, transport, and/or sale of controlled substances on Port property.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 17.2 Scope**

This instruction defines an alcoholic beverage as any substance/liquid containing alcohol, malted or brewed, which, when consumed may result in an altered sense of awareness.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 17.3 Definition**

This instruction defines “controlled substance” as any substance which is under the control of "controlled substance(s)" legislation and which, when consumed, may result in an altered sense of awareness, and which is not directed for use by competent medical authorities.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 17.4 Application**

This instruction applies to any person on, employed on, or conducting commerce on State Port property.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 17.5 Responsibility of Enforcement**

The Captain of Security, employees of the Port's security department, MSPA officials, MSPA employees, and managers of commercial/firms operating on Port property are responsible to ensure compliance with the provisions of this instruction.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 17.6 Authority**

Schedule of Charges, Rules, and Regulations for Port Terminal Services, Items 102 and 220.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 17.7 Possession Strictly Prohibited**

The possession and/or consumption of alcoholic beverages and illegal drugs (controlled substances) on Port property and within Port facilities is prohibited.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 17.8 Persons Denied Entry**

Persons attempting entry onto the Port, obviously under the influence of alcohol or in an obvious altered state of awareness will be denied. Any resistance to this stipulation will result in an immediate call to Gulfport Police Department for assistance.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 17.9 Expulsion from Premises**

Persons found within the confines of the Port Industrial Area (fenced areas of the East and West Piers) either consuming or under the influence of alcohol or in an altered state of awareness will be expelled from these areas.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-2

#### **Rule 17.10 Operating Machinery or Equipment Strictly Prohibited**

Person found operating vehicles or machinery while obviously under the influence of alcohol or in an altered state of awareness will be reported to:

- A. foreman;
- B. employer; or
- C. Deputy Director of Operations immediately for corrective action/expulsion from the Port.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 17.11 Recordkeeping of Violations**

All violations will be recorded and forwarded to the Port Dock Superintendent for possible continuing action, on an irregularity report.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 17.12 Serious Infractions/Repeat Offenders**

Serious infractions involving damage to property/endangerment of life, and repeat offenders will be reported by the Port Operations to the Port's Executive Offices for possible suspension/barring from Port facilities.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

## **Part 301 Chapter 18: Port Security - Job Description(s) and Duties (Generalized).**

### **Rule 18.1 Purpose**

This instruction is to establish general job descriptions and requirements for the Security Department at the Mississippi State Port Authority at Gulfport, MS.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 18.2 Scope**

This instruction defines generalized position descriptions, job requirements, and the scopes of responsibility for specific positions within the Security Department, also referred to within this and other instructions as Port Security, to promulgate an efficient, effective department in support of Port security and operations.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 18.3 Application**

This instruction is applicable to contract agencies, both present and future, providing contract security advisement and service to the Mississippi State Port Authority at Gulfport.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 18.4 Responsibility**

Contracting security agencies are responsible to be familiar and comply with the contents of this instruction. Personal equipment and supplies, unless otherwise specified in this instruction or as covered in contractual agreement, provided to Security Department employees, as well as care and maintenance of said equipment/supplies rests solely with the contracting Agency.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 18.5 Authority**

Specific procedures and authority to discharge these procedures are contained in this Operations and Procedures Manual.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 18.6 Organizational Structure of the Contract Security Department**

Security Department is organized under a headquarters section staffed by the Captain of Security and Sergeant of Security, and a guard section staffed to cover three permanent entry/exit Gate Guard posts and two Security Vehicle Screeners. General job descriptions and requirements for these positions, as well as the Radio-Telephone Operator are as follows:

A. Job Title: Captain of Security

1. Captain of Security – Position Description:

- (a) Manages a guard force of an average of twenty one (21) security officers in the day-to-day activities of providing physical security and radio operations/dispatcher services to the Mississippi State Port Authority at Gulfport. Responds to security irregularities/incidents. Investigates circumstances surrounding irregularities. Prepares concise irregularity/incident reports for State Port Authority. Conducts continual evaluations of State Port physical security programs and submits security program recommendations to State Port Authority on an as needed basis. Actively supports State Port officials in the safe berthing/sailing of marine vessels. Actively supports State Port officials in the smooth operation of Port activities. Provides short notice security guard capabilities to the State Port on an as needed basis.
- (b) Schedules security officers for duty and assigns security officers to guard posts. Resolves personnel matters of security guards as related to duty performance and job assignments. Manages payroll of assigned security persons (contract security only).
- (c) Acts as senior radio operator/dispatcher for the State Port. Continually evaluates assigned radio operators/dispatchers for compliance with State Port and FCC radio operation requirements. Certifies newly assigned radio operators/dispatchers.
- (d) Maintains mutually supporting, cooperative relationship with local law enforcement agencies such as Homeland Security, which includes USCG Sector Mobile, Customs Border Protection (CBP), Transportation Security Administration (TSA) and local drug enforcement agencies as well as the U. S. Coast Guard - Gulfport Station.
- (e) Actively resolves physical security problems to the greatest extent possible or refers unresolved problems to State Port Authority for justification.

- (f) Develops, schedules, and conducts training of assigned security officers/supervisors on an as needed basis, to include: State Port physical layout, State Port Physical Security Programs, specialized security officer training, first-aid and Cardiopulmonary Resuscitation (CPR), as well as water oriented lifesaving procedures. Develops training programs oriented to safe handling of hazardous cargo as applicable to physical security officers on an as needed basis. Develops, schedules and conducts traffic control training of assigned security officers, on an as needed basis.
- (g) Maintains a mutually supportive, cooperative relationship with commercial agencies operating on the Port.
- (h) Provides a source of primary physical security assessment/evaluation to the State Port Authority, and other agencies actively engaged in commerce on the Port.
- (i) Provides constant physical security coverage to the State Port during nonbusiness/holiday hours.
- (j) Performs other physical security duties at the direction of the State Port Authority.

2. Captain of Security – Job Requirements:

- (a) Applicant must possess a minimum of one (1) year practical experience as a security manager/supervisor. Previous experiences as an executive level manager may be substituted for the requirement upon approval of State Port Authority.
- (b) Applicant must possess a working knowledge of Port and maritime operations. Applicant must possess working knowledge of Limited Coast Radio Station operations, to include practical knowledge of FCC regulations and limitations.
- (c) Applicant must possess a minimum of three (3) years personnel management experience. Applicant must demonstrate ability to schedule employees for duty and to react to short notice requirements for additional security officers. Prior experience in administration of employee payroll programs is desirable.
- (d) Applicant must possess normal color vision and normal hearing. Applicant may not possess any physical incapacities which may adversely affect normal duty requirements. Applicant may be required to produce evidence of a physical examination/evaluation at the request of State Port Authority (contract security only).

- (e) Applicant must possess a current Mississippi Operator's Permit and not have pending or current conviction(s) on driver's records which are drug or alcohol related, or, which reflect an unsafe driving attitude. Prior training or experience in operating emergency response vehicles is desirable. Successful completion of an accredited defensive driving course may be substituted for this requirement.
  - (f) Applicant may not possess a felony-oriented criminal record, pending or previous.
  - (g) Applicant must possess the capability to conduct training needs assessments, determine job requirements, develop physical security and traffic control on-the-job training programs, and conduct on-the-job training for newly assigned security persons. Applicant must possess practical experience in administrative management.
  - (h) Applicant must have a minimum of a high school education.
3. Captain of Security - Related Job Requirements:
- (a) Successful completion of an accredited management school is desirable; however, three (3) years of upper level management experience may be substituted for this requirement.
  - (b) Applicant must be prepared to provide certification of ability to perform all assigned duties under minimum direct supervision. The acceptability of this certification rests solely with executive managers of the State Port Authority.
  - (c) Applicant must possess a minimum of one (1) year developing and conducting on-the-job training programs. Acceptability of this experience rests solely with executive managers of the State Port Authority.
  - (d) Applicant must possess a minimum of one (1) year practical experience in the development and administration of physical security training programs

**B. Job Title: Sergeant of Security**

1. Position Description - Sergeant of Security

Supervises a contract guard force of approximately five (5) security officers providing physical security as well as radio-telephone communications service to the Mississippi State Port Authority at Gulfport. Responds to security irregularities/incidents, vehicle accidents, and disturbances. Prepares CONCISE irregularities/incident reports. Identifies potential physical security shortfalls to



the Chief of Security. Assists in and acquires berthing applications on an "as needed" basis. Ensures smooth operations thru effective traffic control and marshaling of vehicles on an "as needed" basis. Acts as senior radio operator during assigned watch. Ensures strict compliance with FCC guidelines concerning operation of a limited maritime radio-telephone station. Ensures compliance with Port directives concerning "call out" of Port employees during non-business hours. Ensures compliance with Port directives concerning proper maintenance and documentation of radio log(s). Ensures proper accountability and issue/receipt procedures for Port keys. Performs other activities at the direction of the Captain of Security in support of Port activities.

2. Job Requirements - Sergeant of Security

Potential Watch Supervisor(s) must possess a minimum of one (1) year, port oriented physical security officer experience, must be capable of direct supervision and scheduling personnel, must possess working knowledge of Port and maritime operations as well as working knowledge of a limited coast radio station operations, to include practical knowledge of FCC coast radio station regulations and limitations. Successful applicant must possess normal color vision and normal hearing. Job incumbent may not have physical malady(s) which may adversely impact the discharge of normal duties and job oriented requirements. Incumbent must possess a current Mississippi Operator's Permit. Incumbent may not have not have drug/alcohol related convictions. Incumbent must possess the minimum of a high school education.

3. Related Job Requirement(s) - Sergeant of Security

Potential Security officers may be required to undergo a limited medical (Physical) examination, at the expense of the contractor, and provide results of said examination to MSPA upon request.

C. **Job Title: Radio-Telephone (Communications) Officer**

1. Position Description - Radio-Telephone Officer

Maintain constant watch over MSPA radio emergency (hail & distress) radio Channel 16 and State Port Channel 10. Responds to ships calling the Port on Channel 16. Coordinates with concerned State Port Agencies on ship's requirements. Relays messages and information to marine vessels, coordinates ship movement requirements, i.e linehandlers, tug boats assistance identifying assigned berths, etc, and relays information to incoming marine vessels. Coordinates "in port" vessel needs/requirements with concerned State Port and ancillary marine support agencies. Maintains radio operations log(s). Maintains Daily Ship Report log. Dispatches MSPA linehandlers in support of ship's movements during nonbusiness hours. Maintains watch over Port fire alarm system, security cameras and notifies Port Operations or the Captain of Security

for response guidance. Receives documents, and distributes Gulfport Pilot tickets and Gulfport Towing tickets to concerned MSPA and other commercial agencies. Maintains watch over Port freezer alarm system and dispatches response team(s) to alarm location(s). Provides marine radio support services to Gulfport Pilot Association and ship's agents on an as needed basis. Provides Port Security radio desk/dispatcher services. Maintains constant watch over Port Security radio Channel 3. Dispatches security response member. Coordinates immediate response actions with Port Security Watch Supervisor and local law enforcement agencies

2. Job Requirements - Radio-Telephone Officer

- (a) Successful radio operator/dispatcher must possess a minimum of a high school education and write legible. Persons fulfilling this position must speak clearly/distinctively without speech impediment. Applicant must possess normal color vision. Applicant must also possess a working knowledge of marine radio operations, to include marine jargon/terminology as well as a working knowledge of FCC regulations concerning operation of a limited coast radio station. Applicant<sup>1</sup> must possess working knowledge of Port and marine ship movement requirements.
- (b) Successful applicant must possess good communicative skills and be able to retain/relay complex information between a variety of Port and ancillary support agencies.

3. Related Job Requirements - Radio-Telephone Officer

- (a) Applicant must be able to perform all assigned duties under periods of stress with minimum supervision.
- (b) Prior experience as a radio-telephone operator may be substituted for knowledge of Port requirements.
- (c) Applicant must successfully complete a minimum of fourteen (14) days of on the job training and be certified by the MSPA Contract Captain of Security prior to being assigned full time duties in this position.

4. Education/Training Requirements - Radio-Telephone Officer

FCC Radio Operator's Certificate is desirable, however, not mandatory.

5. Supervision - Radio-Telephone Officer

Persons fulfilling this position receive direct supervision from the Captain of Security and indirect supervision from Sergeant of Security during nonbusiness

hours.

**D. Job Title: Security Officer**

1. Position Description - Security Officer

- (a) This position consists of three (3) permanent guard posts (West Gate, East Gate and North Gate located at the Mississippi State Port Authority, Gulfport, Mississippi.
- (b) **West Guard Gate:** Provides physical security and entry/exit control over the West Pier, MSPA Directs inbound traffic to vendors, visitors and commercial traffic to concerned agencies on the West Pier. Obtains dock releases/receipts from outbound traffic for deliveries to MSPA officials. Conducts vehicle inspections(s) of outbound traffic to preclude unauthorized removal (pilferage) of cargo, equipment, and supplies. Detains person(s) suspect of unauthorized removal (pilferage) from exiting West Pier until proper authorities have cleared the person/vehicle or directed assistance from Gulfport Police Department. Assists the Chief of Security in traffic control on West Pier as needed. Performs other security oriented functions at the discretion of the Chief of Security in concert with MSPA.
- (c) **East Gate Guard:** Provides physical security and entry/exit control over the East Pier, of the MSPA. Directs inbound traffic to facilities on the East Pier. Detains person(s) suspect of unauthorized removal (pilferage) from exiting East Pier until proper authorities have cleared the person/vehicle or directed assistance from Gulfport Police Department. Performs traffic control duties at the direction of Chief of Security. Performs other security oriented functions at the discretion of Captain of Security in concert with MSPA officials.

2. Job Requirement(s) - Security Officer

**West Gate, East Gate, North Gate:** Persons performing these duties must be a minimum of twenty one (21) years of age and must not possess a record of criminal (felony) convictions active or pending. Persons performing these duties must possess a high school, or equivalent, education. Although these are unarmed positions, the ability to possess a "weapons card" is considered highly desirable. Persons performing, or being considered for these positions may be required to undergo a medical (physical) examination, at the expense of the contracting agency, to ensure the absence of malady which may be restrictive to the performance of assigned duties, the results of which may be requested by MSPA officials.

3. Other Job requirement(s) - Security Officer

- (a) Persons filling these positions must demonstrate the ability to deal with the general public and to "neutralize" potentially disruptive occurrences without the use of force. Persons filling these positions will be placed on probationary employment at the State Port until they successfully complete a period of training/orientation on State Port facilities and requirements, to include CPR and first aid (buddy care) training, as well as traffic control/direction procedures.
- (b) Screening/Search Security Officers are required to screen vehicles as mandated by the MSPA Facility Security Plan. Screening/Searching can be defined as searching through vehicles prior to access to the Port's Restricted/Secure areas. The officers are searching for weapons, incendiary devices, illegal drugs, etc. Persons performing these duties must be a minimum of 21 years of age and must not possess a criminal (felony) record, whether or not active or pending. Persons performing these duties must possess a high school education or an equivalent thereof. Although these are unarmed positions, the ability to possess a weapon card is considered highly desirable. Persons performing, or being considered for these positions may be required to undergo a medical and/or physical examination, at the expense of the contracting agency, to ensure the absence of condition which may be restrictive to the performance of assigned duties, the results of these examinations may be requested by MSPA officials.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

## **Part 301 Chapter 19: Visitor Control**

### **Rule 19.1 Purpose**

Only authorized persons engaged in port and related vessel activities are permitted within the fenced areas of the Port. Loitering, fishing, is strictly prohibited. Trespassers are subject to immediate expulsion from these areas and persons resisting expulsion are subject to arrest by local law enforcement agencies.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 19.2 Procedures – Generally**

This instruction establishes standard procedures for the Port Security Department in control and identification of visitors entering the fenced area of the Port.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 19.3 Scope**

This instruction defines areas of responsibility and outlines procedures to be followed to ensure the control of visitors to the State Port of Gulfport, Mississippi.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 19.4 Application**

This instruction is applicable to all commercial and MSPA agencies operating or performing port oriented operations within the fenced areas of the Port.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 19.5 Responsibilities**

The Captain of Security is responsible to ensure total compliance with the provision of this instruction.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 19.6 Pilferage Prevention**

Because of the inherent security problems and potential pilferage of cargo associated with Port operations and maritime port activities, the identification and control of visitors entering the fenced areas of the Port is essential.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 19.7 Port of Gulfport Access Limited**

The Port Contract Captain of Security and all members of the Port Security Department staffing the Port of Gulfport entry/exit accesses will limit access to those persons having a legitimate, official need to enter the Port. All persons requesting entrance onto the Port of Gulfport shall be required to possess a Transportation Worker Identification Credential (TWIC).

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 19.8 Certain Vehicles Exempt**

Vehicles displaying the MSPA decal on their windshields are acknowledged to having official business on the Premises but are still required to possess a TWIC card and are subject to searched upon entry. Law enforcement officials at the State and Local levels are not required to possess a TWIC card to gain unescorted access to Restricted/Secure areas at the Port of Gulfport.

First Responders at the State or Local levels are not required to possess a TWIC in order to gain unescorted access to Restricted/Secure areas during an emergency situation. They may,

however, voluntarily obtain a TWIC where their offices fall within or where they desire frequent unescorted access to a restricted/secure area of a vessel, facility in a non-emergency situation.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21 and 33 CFR 101.514

### **Rule 19.9 Limited Access of Visitors**

Casual visitors, i.e. sightseers, tourists, etc., are strictly prohibited from unescorted entry into the Port's Restricted/Secure area(s).

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 19.10 Access of Media and Press**

Members of the news media must obtain permission from and be cleared by MSPA officials prior to being granted access to the Port. If properly granted access, media and press personnel must be escorted at all times while on Port Property.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 19.11 Visitors of Vessels**

All persons desiring entrance to the Port for the purpose of visiting a vessel (except those identified under Rule 8 above) must produce proof of authorization to board the vessel, produce proof of identity, TWIC card and "sign-in" in the Visitors Control Log maintained at the West Gate. Proof of authorization to board the vessel is a letter/pass signed by a member of the ship's officer component or by the ship's agent/stevedore responsible for the vessel's cargo movement. Said proof of authorization will be surrendered to the gate guard and forwarded to Port Operations the next business day.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 19.12 Visitors to Longshoremen**

Visitors to longshoremen (non-emergency) will be required to wait outside the fenced area. The security roving patrol will contact the dock foreman and advise the longshoreman of the visitor.

Visitors to longshoremen to make deliveries, i.e. food, clothing, etc.:

- A. During business hours/cargo movement being accomplished the visitor will be required to wait outside the fenced area and the Security Supervisor will advise the dock foreman of the visitor's presence at the gate.
- B. Unless exempted under Rule 8 above, no one will be allowed access to the Port for the purpose of serving legal writs, summons, etc. Persons desiring contact with an individual on the Port for-said purpose(s) are required to wait outside the fenced area. The Security

Supervisor will notify persons subject to such action(s) they have a visitor, however, will not identify the visitor or the purpose.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

## **Part 301 Chapter 20: Traffic Control (Vehicles)**

### **Rule 20.1 Purpose**

This instruction promulgates standard speed limits on the State Port at Gulfport Mississippi.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 20.2 Scope**

This instruction establishes safe speed zones and limits on the Port and provides authority to the Port Security Department to enforce speed limits on the Port.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 20.3 Application**

This instruction is applicable to all agencies, commercial and State Port Authority, as well as all persons visiting or conducting business on the Port.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 20.4 Responsibility**

- A. All MSPA officials and employees witnessing violations of the contents of this instruction are responsible to report said incidents to the Port Security Department.
- B. The Captain of Security/Facility security Officer, working in concert with security department employees, is responsible to ensure compliance with the Provisions of this instruction.
- C. The Dock Superintendent is responsible for the review of reports generated as the result of this instruction and to forward appropriate (repeat offender) reports to the Deputy Director of Operations/Facility Security Officer for possible further action.
- D. The Port Executive Director is the final arbiter of this instruction and reviews reports (repeat offenders) for possible administrative action(s).

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 20.5 Authority**

Schedule of Charges, Rules, and Regulations for Port Terminal Services, Items 190, 198,

212, and 214.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 20.6 Speed Limits Strictly Enforced**

Because the inherent safety factors of operating a Port Industrial cargo movement facility, and to afford the best possible safe working environment on the Port the speed at which vehicles travel on the Port must be strictly controlled. Therefore, the State Port Authority has established the following speed limits:

- A. Routine traffic throughways: 20 MPH, unless otherwise posted.
- B. Docks, warehouse aprons, and roadways between warehouses: 10 MPH.
- C. Areas where persons are actively engaged in dockside cargo movement operations: 5 MPH.
- D. Open storage area: 15 MPH
- E. Whereas the aforementioned limits are considered maximum speed limits, all vehicle operators entering congested work/traffic areas are enjoined to reduce their speed to a lower, safer limit.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 20.7 Duty to Report Speeding Violations**

MSPA officials/employees, as well as any Port user observing a vehicle exceeding maximum allowable speed limit(s) on the Port are to report their observations to the Port Security Department. This requirement applies equally to any vehicle observed operating in such a manner so as to pose a hazard to persons, cargo movement operations or facilities on the Port.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 20.8 Enforcement**

Vehicles entering the Port at excessive speed(s) will be stopped by the Port Security Department Gate Guard and cautioned to observe Port speed limits. Repeat offenders will be reported, by the gate guard, to the Captain of Security/MSPA Facility Security Officer on duty.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 20.9 Identifying Violators**

The Captain of Security/MSPA Facility Security Officer will make a concentrated effort



to positively identify offenders of this instruction and:

- A. **First time offenders.** Caution the driver and document the incident in the form of an irregularity report.
- B. **Repeat offenders.** Inform the driver a "repeat offense" report is being documented and forwarded to the Deputy Director of Operations. If possible stern administrative actions. (NOTE: Reports in such instances will be prepared to include reference to previous incident report.)

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 20.10 Review of Speeding Reports by Deputy Director of Operations**

The Port Operations will review all reports addressing speeding hazardous vehicle operations on the Port with emphasis in reports concerning repeat offenders. Repeat offender reports shall be forwarded to the Deputy Director of Operations, with suitable recommendation for a formal warning, suspension of driving privileges, permanent barring from driving on the Port, etc.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 20.11 Review of Speeding Reports by Commission**

The Deputy Director of Operations reviews all reports concerning repeat/habitual offenders and determines justification to initiate administrative action(s) against the offender. Should a formal warning be justified, the offender will be notified, in writing over the Executive Director's signature. Should temporary or permanent suspension of driving privilege(s) be justified, the item will be included as an agenda item for the next Port Commissioners meeting where final determination will be made.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 20.12 Notice of Suspension of Driving Privilege**

Persons being considered for temporary or permanent driving suspension will be advised of the Port Commissioners' determination and afforded five (5) working days to provide mitigating circumstances to justify reconsideration. Failure to respond within five (5) days will result in the enactment of the Port Commissioner's decision without further advisement.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 20.13 Violator's Vehicle Prohibited Access**

In all cases addressed in Rules 1 thru 12, this instruction, suspension of driving privileges is restricted to the persons operating a private vehicle on the Port and may include restriction(s)

enacted against the person's vehicle itself.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 20.14 Commercial Agency's Vehicle**

Cases involving the use of a commercial agency's vehicle, to include cargo movement equipment, will be addressed to the concerned commercial agency by the Deputy Director for final determination, using the general procedures contained in this instruction.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Part 301 Chapter 21: Parking of Personal Vehicles.**

#### **Rule 21.1 Policy Statement**

Parking of personal vehicles in unauthorized areas is a matter of daily concern, particularly in congested work areas and dockside. Safety and security considerations are obvious. Incidents of lost time resulting from vehicles blocking operations increase costs and require immediate resolution.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 21.2 Parking Area**

The Stevedore, having obtained prior approval from Port Operations, will regulate parking during their particular operations.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 21.3 Personal Vehicle on Dockside Area Prohibited**

No personal vehicles will be allowed on dockside or in cargo handling areas. The Stevedore will regulate vehicles during their operations.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 21.4 Parking on Dockside or Cargo Handling Areas Prohibited**

Dockside, as well as parking in cargo handling areas, is prohibited. Vehicles found parked in these areas will be cited and may be required to show just cause as to why they should not be restricted from entering the Port.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 21.5 MSPA Not Responsible for Damage to Vehicle Occurring in Prohibited Areas.**

Vehicles must be kept clear of cargo operations at all times. In no way does this imply Port liability for damage to vehicles, nor any additional costs incurred by unauthorized vehicles impeding cargo operations.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-2

#### **Rule 21.6 Additional Parking Prohibitions**

Under no circumstances will vehicles be parked in Fire Lanes or so as to be an obstruction to cargo movement, or impede free passage of Port Operations and Security Vehicles. Under no circumstances is a vehicle to be parked, unattended, within 20 feet of the Port gantries, or on the tracks servicing these apparatus. Vehicles found parked and impeding the safe, free movement of these apparatus may be cited and removed at the owner's expense.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 21.7 Penalty for Violations**

All vehicles that are found parked in unauthorized areas as well as vehicles blocking Port operations and Fire Lanes will be cited and may be towed at the owner's expense.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Part 301 Chapter 22: Port Tours.**

#### **Rule 22.1 Scheduling**

Tours for the Port of Gulfport will be scheduled in the following manner:

- A. All requests for tours will be processed through the Business Development Office. Coordination for tours will be handled by the Administrative Assistant at 228-865-4300.
- B. Tours will be conducted by the Executive Director, or his designee, who will stay with the group during their visit inside the Port Restricted/Secure areas.
- C. Contact: Operations Manager 865-4317

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Part 301 Chapter 23: Control of Weapons, Firearms and Explosive Devices.**

#### **Rule 23.1 Purpose**

This instruction addresses the Port's policy on weapons control on Port property for the purpose of this instruction, "Port property" encompasses the areas bordered on the West by the

sand beach seawall to the eastward boundary of 29th Avenue and extends southward from Highway 90 to the southernmost waterlines and includes the former Commercial Small Craft Harbor as well as the Administrative Offices of the Mississippi State Port Authority at Gulfport are 2510 14th Street #1450, Gulfport, Mississippi 39501

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 23.2 Scope**

This instruction establishes the Port's policy on the possession and transport of weapons on Port property and provides the Port Security Department the authority to enforce its edicts.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 23.3 Application**

This instruction is applicable to all persons and agencies employed on traversing through, or engaged in the conduct of commerce on State Port property. This instruction does not apply to Federal, County, and State law enforcement agencies.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 23.4 Responsibility**

The Captain of Security and all employees of the Port Security Department as well as State employees and officials are responsible to ensure strict compliance with this instruction.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 23.5 Authority**

Schedule of Charges; Rules, and Regulations for Port Terminal Services, Paragraph 2, Item 154 and Item 187.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 23.6 Possession of Firearm Prohibited**

It is unlawful for any person to possess on, or carry, openly or concealed, any gun; rifle, pistol, explosive cartridge, explosive device or powerful explosive as defined in U.S.C.G. 14-284.1 while employed on or conducting business on Port property without the prior, express written approval of MSPA officials.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 23.7 Possession of Certain Knives Prohibited**

It is unlawful for any person to possess on, or carry, openly or concealed, any fixed blade knife exceeding five (5) inches in length, any spring or percussion activated knife, dirk, or dagger while employed on or conducting commerce on Port property. Non-fixed blade knives, less than five (5) inches in length, and bladed tools designed expressly for the purpose c-of material handling/preparation are permitted; however, the use of these devices for other than their designed purposes is prohibited.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 23.8 Possession of Other Dischargeable Weapons Prohibited**

It is unlawful for any person to possess on, or carry, openly or concealed, any sling shot; or flighted, dischargeable device, etc. while employed on or conducting commerce on Port property.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 23.9 Possession of Other Melee Weapons Prohibited**

It is unlawful for any person to possess or carry, openly or concealed any leaded cane blackjack, metallic knuckles, club, whip, or any other device of like kind designed as a weapon or intended to be used as weapon, whether offensive or defensive, while employed, on, or conducting commerce on Port property.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 23.10 Possession of Explosives Prohibited**

It is unlawful for any person to discharge or cause the discharge of any explosive device; firearm or similar like device on Port property.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 23.11 Permission to Use Certain Explosives**

Persons or agencies requiring the use of charged and/or explosive cartridge activated devices must obtain prior, written permission from the Deputy Director of Operations prior employing said or like devices on Port property.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 23.12 Penalty for Violators of this Policy**

Persons attempting entry onto or found on Port property in violation of the contents of this instruction will be subject to:

- A. Denial of entry by Security members.
- B. Immediate expulsion from the confines of Port property by Security members.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 23.13 Reporting Requirement**

All such incidents will be reported by the Security Department to Port Operations.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 23.14 Armed Agents Prohibited**

Commercial agencies/firearms located on Port property, and employing outside or internal security agents are enjoined against arming said agent and must obtain prior, express permission from the Deputy Director of Operations prior to arming their agents. In all cases the Port is faultless from any incident involving the use of a weapon/firearm by agents under the employment of any outside agency.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

## **Part 301 Chapter 24: Unilateral Port Security/Local and Federal Law Enforcement.**

### **Rule 24.1 Purpose**

This instruction establishes guidelines in the unilateral jurisdictions role of the Port Security Department and its relationship with local law enforcement and federal agencies. It also establishes standard procedures in the use of these agencies by Port Security Officers.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 24.2 Scope**

This instruction identifies local and federal law enforcement agencies to be contacted for assistance by the Port Security Department in the promulgation of the Port's mission to protect resources, personnel, and property and in ensuring the edicts of local, state, and federal laws are enforced.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 24.3 Application**

This instruction is applicable to all members of the Port's Security Department.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 24.4 Responsibility**

The Captain of Security, as well as Port Operations, is responsible to ensure the provisions of this instruction are strictly complied with.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 24.5 Authority**

Schedule of Charges, Rules, and Regulations for Port Terminal Services, Items 154 and 187.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 24.6 Importance of Maintaining Rapport with Other Enforcement Agencies**

Because of the uniqueness of the Mississippi State Port Authority at Gulfport in servicing United States and foreign flag vessels, as well as a mixture of cargo and passenger bearing vessels, and its commercial fishing fleet, it is necessary that the Port Security Department maintain a mutually supportive rapport with local as well as federal law enforcement agencies.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 24.7 Unarmed Officer Requirement**

Neither the Captain of Security nor any member of the Port Security Department performs his or her duties "under arm". Any member of the Port Security Department found to be armed will be reported by MSPA officials to the general manager of the contracting agency providing security services to the Port with the recommendation said member be summarily removed from service of the Port.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 24.8 Requesting Assistance of Gulfport Police Department**

The Captain of Security, as well as Sergeant of Security, acting in concert with the Captain and under the Captain's guidance, are empowered to request the assistance of the Gulfport Police Department under the following conditions:

- A. Suspected or actual use, transport, or sale of controlled substances, or any incident in which the use of controlled substance is suspected.
- B. Any incident involving the use, implied or actual, or display of a firearm.

- C. Any incident, i.e. confrontation, which resulted in personal injury or the damage to personal or Port property.
- D. Any incident or threat, violent or potentially violent.
- E. Any larceny committed on Port property.
- F. Any incident involving battery against a member of the Security Department.
- G. Minor, nonviolent incidents will be referred to a member of the MSPA staff with a request for MSPA intervention.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 24.9 Requesting the Assistance of U.S. Customs**

Port Security Supervisory Officers may request the assistance of the U.S. Customs Department, Gulfport, to resolve actual instances of seamen or persons working on Port property attempting to import foreign goods into the United States and being detained at any of the Port's entry/exit gates. Persons suspected of such activities will be identified in confidential irregularity reports and referred to MSPA officials for guidance.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 24.10 Requesting the Assistance of U.S. Border Patrol**

Port Security Supervisory Officers may request the assistance of the U.S. Border Patrol under the following circumstances:

- A. A known foreign seaman departing the Port known not to have U.S. Immigration Documents on his/her person
- B. A previously identified quarantined seaman attempting to or actually departing the Port.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 24.11 Reporting Incidents Involving Foreign Seamen**

All minor conflicts between Port Security members and foreign national seamen will be referred on incident reports to the MSPA Deputy Director of Operations for resolution.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 24.12 Reporting Incidents with Foreign Flag Vessels**

All minor incidents involving foreign seamen and/or agents of foreign flag vessels will be



reported on incident reports to the MSPA Deputy Director of Operations.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 24.13 Short-Range Requests for Assistance by Local and Federal Authorities**

Requests from local and federal law enforcement agencies to the Port Security Department for immediate short range assistance will be honored. However, the MSPA Deputy Director of Operations-will be apprised of the request at the earliest possible opportunity.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 24.14 Long-Range Requests for Assistance by Local and Federal Authorities**

All requests for non-urgent, long range assistance from local and federal law enforcement agencies to the Port Security Department will be referred by the Security Officer receiving the request to the MSPA Director of Operations for review and approval prior to being honored.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 24.15 Access to Port Facilities by Local and Federal Law Enforcement Agencies**

Port Authority Department persons staffing entry/exit control points shall not challenge Law Enforcement on official duty but will notify Port Operations.

These agencies include Gulfport Police Department, Mississippi Highway Patrol, Harrison County Sheriff's Department, and Customs Border Patrol Management.

- A. Members of these departments driving marked vehicles will be granted unchallenged access to Port property while on official duty.
- B. Members of these departments identifying themselves after being challenged and driving unmarked vehicles will be granted access to Port property without further questioning. MSPA Deputy Director of Operations and the Facility Security Officer shall be notified as soon as practical as to the presence of any officer on-site.
- C. Vehicles being operated by members of these departments are exempt from all inspection when departing Port property.
- D. Members of these departments are granted total authority to bear arms without question while on Port property.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Part 301 Chapter 25: Dock Releases/Receipts (General).**

### **Rule 25.1 Purpose**

This instruction promulgates procedures for the issuance of dock releases and/or receipts by all agencies housing/storing cargo, equipment, supplies, etc., within the industrial area of the Mississippi State Port Authority at Gulfport.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 25.2 Scope**

This instruction defines the industrial areas of the Mississippi State Port as the fenced areas of the North, East and West Piers.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 25.3 Application**

This instruction is applicable to all commercial agencies housing/storing cargo, equipment, supplies, etc., within the industrial area of the Mississippi State Port Authority at Gulfport and the Port Security Department.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 25.4 Responsibilities**

Managers of commercial agencies operating within the industrial areas of the Port are responsible to ensure compliance with the provisions of this instruction. The Captain of Security, working in concert with the MSPA Port Operations Manager, is responsible to enforce the provisions of this instruction.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 25.5 Authority**

Schedule of Charges. Rules, and Regulations for Port Terminal Services, Items 154 and 187.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 25.6 Liability for Release/Receipts**

All agencies housing/storing cargo, equipment, supplies, etc., within the industrial area of the Mississippi State Port Authority at Gulfport will be held liable for the design, control, and issue of dock release/receipt documents.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 25.7 Design Requirements**

The design of said documents is left to the discretion of the agent, however, must include the firm's logo/name, commodity, storage location, date, and signature of person issuing the release. Said agencies will further be held liable to provide a list of authorized signature elements within their organization to the Captain of Security, a copy of which will also be provided by the concerned agency to the Port Operations/MSPA.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 25.8 Implementation and Filing of Policies by Agency**

Agencies housing/storing cargo equipment, supplies, etc. within the industrial area of the State Port Authority at Gulfport will develop and implement policies/procedures to ensure the internal control and protection of their dock release/receipts, and to ensure currency of their signature authority letter(s) on file with the Captain of Security and MSPA Deputy Director of Operations.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 25.9 Removal of Materials from Industrial Area**

Agencies housing/storing cargo equipment, supplies, etc., will ensure the removal of said material from the industrial area of the Mississippi State Port Authority at Gulfport is authorized by and covered under the issuance of an authorized dock release/receipt for presentation to Port Security guards as gate passes authorizing removal of the material.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 25.10 Receipts Required for Presentation**

All agencies receiving cargo -or storage on the Port will issue dock receipts for presentation to Port Security at the Entry/Exit Access Gate. Said receipts must indicate type and amount of cargo, and storage location. Agencies releasing empty containers will issue dock receipts on the container marked "empty".

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 25.11 Verification by MSPA Gate Guards**

Port Security gate guards will ensure the accuracy of and collect dock release/receipts prior to allowing the removal of equipment, cargo, supplies, etc., housed/stored within the industrial area of the Port. This review procedure includes the verification of the signature element authorizing said removal. All attempts to remove material from the Port without proper documentation will result in the denial of exit and return of the vehicle to the storage location for

proper documentation.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 25.12 Resolving Conflicts**

Should a conflict arise between this instruction and the removal of material from the Port, the concerned agency manager will be contacted by Port Security to resolve the conflict. Vehicles attempting to depart the Port Industrial area without proper authorization, yet unwilling to return to obtain proper documentation, will be detained at the Entry/Exit Access Gate by Port Security, who will contact the concerned agency manager and request the manager come to the gate and resolve the conflict. Unresolved conflicts will be reported to the MSPA Deputy Director of Operations by Port Security, with a request for assistance in resolving the conflict.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 25.13 Special Recordkeeping**

Port Security gate guards collect and ensure delivery of release documentation for Port Operations the next business day. The implementation of special records and logs, covering specific commodities housed/stored on the Port Industrial area, by Port Security, may be directed by the Chief of Security upon the council, request, and/or consent of the Port's Operations Manager. Said special records and logs, however, must be fully justified to meet a particular situation/circumstance and not duplicate other records/logs being maintained on the commodity.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 25.14 Oversight of Captain of Security**

The Captain of Security will provide a source of guidance and information to MSPA officials, as well as commercial agencies operating on the Port concerning the provisions of this instruction.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

## **Part 301 Chapter 26: Verification of Ship Chandler Licenses.**

### **Rule 26.1 Purpose**

This instruction provides standardized verification procedures by the Port Security Department to ensure the authorization of commercial agencies providing ship chandler services on the Mississippi State Port at Gulfport, Mississippi.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 26.2 Scope**

This instruction defines “ship chandler” as any agency providing supplies and services to any vessel docked/berthed at any pier within the confines of the Mississippi State Port Authority Industrial Area. This instruction excludes commercial agencies providing supplies and/or services to administrative offices confined within the Port's Industrial Area from requirement to possess said licenses.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 26.3 Application**

This instruction is applicable to members of the Port Security Department, as well as to any MSPA employee/official who witness the recurring activities of an agency which could be defined as being ship chandler oriented.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 26.4 Responsibilities.**

- A. **Reporting Unauthorized Use of License.** All MSPA employees suspecting the unauthorized activity of a ship chandler are responsible to report said activity to the Chief of Security/Security Watch Supervisor for Investigation/resolution.
- B. **Implementation.** The Captain of Security/MSPA Port Operations is responsible for implementing the provisions of this instruction.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 26.5 Authority**

Schedule of Charges, Rules, and Regulations for Port Terminal Services, Items 154, 158 and 187.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 26.6 Administrative Support**

Port Operations, working in concert with the Port Administrative Office, will provide to the Captain of Security the following administrative support material in support of this instruction:

- A. A current listing of agencies licensed to provide ship chandler services on the Port; and
- B. A ready supply of Ship Chandler Information Packages to be issued to agencies found operating in violation of Item 162 Schedule of Charges, Rules and Regulations for Port Terminal Services Mississippi State Port at Gulfport.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 26.7 On-Site Enforcement Authority**

Port Operations, working in concert with and under the advisement of the Deputy Director of Operations, retains on-site authority to determine authorization/exclusion of commercial agencies found in violation of Item 162, Schedule of Charges, Rules, and Regulations for Terminal Services Mississippi State Port Authority at Gulfport and will provide advisement/guidance to the Port Security Department.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 26.8 Guard Outpost Reporting Requirement**

Port Security officers staffing the Entry/Exit Access Gates will consult the current listing of ship chandlers posted by the Captain of Security at each guard house when passing supply and services oriented vehicles through their guard post. These persons will advise the Captain of Security of any commercial agency entering the Port to provide chandler services, suspect to being in violation of Item 162, Schedule of Charges, Rules, and Regulations for Terminal Services - Mississippi State Port Authority at Gulfport.

NOTE: Port Security officers do not have the authority to arbitrarily bar or deny entry of chandler/services oriented vehicle to Port/Shipside facilities except upon the explicit written directions of the MSPA Deputy Director of Operations. This restriction applies to and is extended to include the Port's Captain of Security.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 26.9 MSPA Response to Violations**

Upon advisement, by either a Port Security gate officer or a member of the MSPA staff of suspected activities in violation of Item 162, Schedule of Charges, Rules, and Regulations for Terminal Services--Mississippi State Port Authority at Gulfport, the Chief of Security/Security Watch Supervisor will:

- A. Determine the validity of the commercial agency to conduct chandler oriented services on the Port by consulting the current listing of chandler's licenses
- B. Issue a "Ship Chandler Information" package to drivers of vehicles whose agency is found to be in violation of Item 162. Document said issuance on the registry of information packages for future reference as required. (FIRST VIOLATION)
- C. Issue a "Ship Chandler Information" package marked "2nd Warning" to drivers of vehicles whose agency is found to be in violation of Item 162. Orally caution the driver that failure of the agency to contact the Port Authority to resolve the matter may result in

the agency being barred from the Port.

- D. Document said action, to include full name of company/agency, mailing address and telephone number, on an irregularity report for submission, through the Captain of Security to the MSPA Deputy Director of Operations. (SECOND VIOLATION)
- E. Order the cessation of all service oriented activities by agency/employees of agency found to be in violation of Item 162. Temporarily detain the vehicle at the location and advise the MSPA Deputy Director of Operations of the situation and request assistance/guidance. Be prepared to transport employee to Port Operations or to escort the vehicle from the Port, at the direction of MSPA officials. (THIRD VIOLATION)

NOTE: Irregularity reports generated as the result of Second and Third Violations will be annotated to include reference to previous violation(s) and action(s) initiated.

- F. Upon advisement by MSPA officials; of restrictions implemented against a ship chandler, either currently licensed or found to be in violation of Item 162, the Captain of Security will post an exclusion advisement at all of the Entry/Exit Access Gates. Said advisement will include the requirement for gate guards to contact the Captain of Security, who will verify the validity of the exclusion advisement with MSPA officials before allowing/denying access to the Port.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

## **Part 301 Chapter 27: West Gated Railroad Entrances.**

### **Rule 27.1 Purpose**

Because of the inherent dangers of an unprotected, ground level railroad crossing in a congested traffic area, this instruction establishes procedures to alert vehicles to passing trains and preclude unwarranted accidents.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 27.2 Scope**

This instruction defines areas of responsibility as well as procedures to be taken by the Port Security Department.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 27.3 Application**

This instruction is applicable to all Port Security Officers staffing the West Gate.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 27.4 Responsibility**

The Chief of Security is responsible to ensure compliance with the provisions of this instruction.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 27.5 Authority**

Schedule of Charges, Rules, and Regulations for Terminal Services, Items 154 and 187.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 27.6 Procedures When Inbound Train Approaches**

KCS is required to contact the West Gate Radio/Telephone operator via radio with an estimated time of arrival of inbound train. The radio operator will contact the Security Roving Patrol who will:

- A. Open the railroad access gate as requested by KCS.
- B. KCS railroad will enter the Port Facility at a speed of not more than 5 MPH. Under certain situations KCS will request Port Security help with Port traffic control while the train is servicing the Port of Gulfport.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 27.7 Procedures When Outbound Train Approaches**

KCS will advise Port Security when the outbound train is ready to exit the Port. Port Security will secure each rail gate upon KCS completion of duties on the Port.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Part 301 Chapter 28: Contractor Access Control Procedures.**

#### **Rule 28.1 Purpose**

This instruction promulgates access/departure control and documentation of contractors and their agents/employees onto Port property and facilities.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 28.2 Scope**



This instruction defines responsibilities and establishes procedures to control and document contractor access to the Port.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 28.3 Responsibilities**

- A. The Port Authority, through Port Operations and Port Engineering, is responsible to identify a contract monitor for all contracts let by the Port.
- B. The MSPA Contract Monitor is responsible to identify, to the Port Security, new contractors and areas to be worked as the Port lets new contracts.
- C. The Captain of Security and Port Operations, through Security Officers, are responsible to ensure compliance with this instruction.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 28.4 Authority**

Schedule of Charges, Rules, and Regulations for Port Terminal Services. Item 187.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 28.5 Duties of the Contract Monitor**

As new contracts are let to perform work on the Port, the Port's Contract Monitor identifies:

- A. the contractor's name,
- B. work area and
- C. projected time span of the contract to Port Operations who briefs the Captain of Security.

In the event a contractor has prepaid material, will be dealing with material belonging to the Port, or has material to be left on the Port, the Contract Monitor will provide to the Port Operations and Captain of Security a description of the material.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 28.6 Further Duties of the Contract Monitor**

The Port's Contract Monitor will brief all contractors on access control and documentation procedures implemented by this instruction. Contractors using prepaid material or dealing with material owned by or to be returned to the Port will further be briefed on dock

receipt procedures by the Port's Contract Monitor.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 28.7 Logbook**

The Port Security Department, through its Entry Control Security Officers, will require all contractors to sign in/out in the "Contractor Control" logbook. (NOTE: Contractors working on the East Pier will be logged In/Cut in the Daily Logbook. All such entries will include: name of contractor, area being worked in, name of individual, and time IN and time OUT.) (NOTE: Contractor vehicles entering the Port with more than one person will be documented by the driver and all persons being transported to the job site.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 28.8 Removal of Material from Port by Contractor**

Any contractor attempting to remove material previously identified by the Contract Monitor as belonging to the Port, will be challenged by the Access Control Security Officer to present authorization (Gate Pass/Dock Receipt) from the Port. Should said authorization not be available, the contractor will be denied exit and the Captain of Security will be notified, investigate the incident, and contact the Contract Monitor/Port Operations for guidance. (NOTE: All such incidents will be documented as an irregularity as outlined elsewhere in this manual.)

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 28.9 Visitors to Contractor Area**

Visitors to all contractor areas are to sign in/out using the same procedures outlined in this instruction for contractor/contractor employees. All visitors to construction sites are required to possess a TWIC card for access.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 28.10 Delivery Vehicles**

Vehicles (non-contractor owned) entering the Port for the purpose of making deliveries are required to possess a TWIC card for access onto the Port property and will be required to sign In/Out; also, any vehicle attempting to remove Port prepaid or controlled property, or suspect of attempting to remove said property, will be required to provide to the Access Control Officer(s) authorization, i.e. gate pass/property removal receipt.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 28.11 Highly Pilferageable Materials Monitored**

The Captain of Security/Port Operations will be advised, by the Contract Monitor, of contractor owned/supplied, highly pilferageable supplies/materials pre-positioned/housed on the Port. Whereas the contractor retains responsibility for this material, the Captain of Security and Watch Supervisors will familiarize themselves with said materials' location and periodically check the material to ensure its security.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

## **Part 301 Chapter 29: Berth Assignment.**

### **Rule 29.1 Berth Assignment**

The Port Authority will assign berths, sheds and open storage areas on a fair and equitable basis, with due consideration for preferential assignment, leases and other existing agreements.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 29.2 Untimely Arrival**

Failure to arrive as scheduled may result in vessel's loss of berth assignment.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 29.3 Berth Application**

No vessel shall enter or depart the Port of Gulfport until such time as the vessel has received authorization from the Port Authority. Vessels and/or their agents shall be held liable for the payment of all charges incurred by the vessel and its agent, including liability for the payment of all charges incurred by the vessel's cargo, disclosure of principals to the contrary notwithstanding.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 29.4 Berth Application Procedures**

Any vessel desiring a berth at the Port of Gulfport shall, not less than 48 hours prior to the time of docking, make application in writing on the prescribed form through a licensed agent to the Port Authority for a berth assignment specifying the dates and estimated hours of arrival and sailing, and the nature and quantity of cargo, if any, to be handled. Applications for berth assignments are made by agents of the vessel. Requests made by agents acting for the owners, shippers or receivers of the cargo and performance of any service under this tariff constitutes an agreement by said agents, as the case may be, to be held separately bound and ultimately liable for the payment of all or any part of the charges incurred by the vessel and/or its owners or by the cargo and/or its owners, shippers or receivers, as their respective interests may appear. Application for berth assignment or other facility constitutes an agreement between the applicant and the Port Authority that all charges will be promptly paid upon presentation of invoice

therefor, and that applicant will comply with all rules and regulations of the Port Authority.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 29.5 Notification of Indemnity Coverage**

As a part of its application for berth, the vessel, its owners or agents, shall advise the Port Authority of the Protection and Indemnity Association (P & I Club) which affords the vessel indemnity coverage as well as the name and telephone number of the nearest local legal representative thereof knowledgeable to such coverage.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 29.6 Penalty for Noncompliance**

A penalty charge, equal to the first day's dockage may be assessed against the agent, master and/or owner for any vessel, barge or other water craft that occupies a berth, and/or marginal track in shedded dock space, anchorage, open dock, mooring place, or any other facility in the port for which a berth application in writing has not been received by the Port Authority in advance of the vessel's arrival in port.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 29.7 Temporary Berth**

Temporary berthing may be assigned tugs, barges, crew boats, research vessels or any other vessel during emergency, inclement weather, or any other condition requiring such assignment. Immediately upon arrival the master, owner, or agent must file a formal application for berth assignment. All such vessels are subject to all applicable port rules, regulations and charges. Should such vessels not have a licensed agent, the Port Authority may, at its discretion, act as the vessel's temporary agent and assign an agent's fee in the amount of \$ 50 for each 30-day period of continued service for each unit (tow). All applicable charges shall be paid in full prior to departure of the vessel unless acceptable credit or bond is provided to the satisfaction of the Port Authority.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 29.8 Berthing During Nonbusiness Hours**

The Captain of Security/Security Roving Patrol on duty during nonbusiness hours, or at the direction of Port Authority, will, acting in concert with the Deputy Director of Operations, make temporary berthing assignments for unscheduled vessels entering the Port. In all such cases, the Captain of Security/Security Roving Patrol will ensure a berthing application is completed by the ship's master/agent immediately upon arrival in the Port. All such berthing applications will be forwarded by the Port Security Department to the Deputy Director of Operations the next business day. Under provisions of this requirement, the Captain of

Security/Security Roving Patrol will ensure Berthing Application includes full address, including zip code and telephone number of the vessel's owner responsible for all Port berthing related charges and fees.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

## **Part 301 Chapter 30: Cargo Space Application.**

### **Rule 30.1 Assignment Application**

Space in sheds and/or open storage will be assigned on receipt or written application, on prescribed Port Authority form, subject always to available space. Application for space should specify commodity, origin and/or destination, tonnage, date of cargo delivery, date of discharge and/or shipment, name of shipper or consignee, vessel, owner and agent.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 30.2 Maintenance of Space Assigned**

Space assigned will be clean, free of any infestation and suitable in all respects to receive cargo, and acceptance of such space assignment without exception shall be considered an acknowledgement of such good condition and preclude any subsequent claim for damages. Following use, assigned space must be returned in like condition.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 30.3 MSPA's Right to Control or Assign Space**

The facilities of the Port Authority are for storage, unloading, and/or handling of import, export, coastwise, intercoastal and local cargoes, and the Port Authority reserves the right to control and assign space in the Port terminals for the storage, loading, unloading and/or handling of all freight on and/or in these facilities.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 30.4 Unauthorized Use Penalty**

A penalty assessment equal to the doubling of all applicable tariff charges shall be made against any agency, stevedoring firm or other user utilizing any Port facilities for the loading, unloading, handling, and/or storage of cargo without prior assignment by the Port Authority of the space being used.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 30.5 Charges related to Cargo Storage**

Sheddage, open dock, and/or marginal track use is a charge assessed against a specific vessel, barge, or substitute, for providing warehouse, open area and/or marginal track space for the handling of inbound and/or outbound cargo.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 30.6 Covered Cargo Sheds**

Covered cargo sheds, immediately adjacent to wharves and aprons, are intended to directly serve vessels. Covered sheds located a short distance away from wharves and aprons are primarily used for cargo assembly, processing and distribution.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

## **Part 301 Chapter 31: Shed Assignment.**

### **Rule 31.1 Assignment**

Generally Upon receipt of Application for Cargo Space Assignment Form, space will be assigned subject to space available, commodity, tonnage, date of receipt of cargo and date of departure of cargo.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 31.2 Inspection of Shed by Project Manager**

Upon assignment of cargo space the Deputy Director of Operations or his/her designated representative will inspect the shed to ensure it is clean and free of infestation.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 31.3 Cleaning Sheds**

As needed, sheds will be washed clean. Upon washing and if type cargo requires, the Deputy Director of Operations or his/her designated representative will call in the contract pest control company to inspect and treat shed as needed. The cost of the inspection and treatment will be passed on to the stevedore making application.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 31.4 Post-Cleaning Inspection**

After cleaning, inspecting and treating is complete the Deputy Director of Operations or his/her designated representative will, in the company of the Stevedore, make a joint inspection of the shed. The Stevedore making application shall receive copies of both warehouse inspection form and the Certification of Inspection and Warehouse Condition. The originals of these forms

shall be kept on file by the Deputy Director of Operations.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 31.5 Shed Inspection Form**

When it is determined that the shed meets the needs and requirements, a Shed Inspection Form will be completed and signed by both the Deputy Director of Operations or his/her designated representative and the stevedore representative.

The Shed Inspection Form will include, in addition to cleanliness, the fire station conditions, the doors, both roll-up and personnel, condition and any other pertinent information.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 31.6 Inspection Upon Completion of Space Requirement**

When space requirement is completed the Deputy Director of Operations or his/her designated representative and the stevedore representative will again jointly inspect the space. The stevedore will be billed for any cleaning needed and/or damage noted during this inspection. Both the Deputy Director of Operations or his/her designated representative and the stevedore representative will sign the Shed Inspection Form terminating the space assignment.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

## **Part 301 Chapter 32: Overseas Waste/Garbage.**

### **Rule 32.1 Definitions**

“Garbage”, as regulated by the terms of this agreement, is defined as "all waste material derived in whole or in part from fruits, vegetables, meats or other plant or animal (including poultry) material and other refuse of any character whatsoever that has been associated with any such material onboard any means of conveyance and including food scraps, table refuse, galley food wrappers or packaging materials and other waste material from stores, food preparation areas, passenger's or crew's quarters, dining rooms, or any other areas on vessels or other means of conveyance."

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 32.2 Approved Providers of Service**

In accordance with the International Convention for the Prevention of Pollution from ships. MARPOL 73/78 Annex V effective December 31, 1988. The Port of Gulfport has approved the following companies for collection and disposal of domestic and foreign garbage generated by vessels.

Dockside Services 500 Beauregard Street Mobile, Alabama 36603 Phone: (251) 438-2362
--

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 32.3 Policy Reviewed Annually**

This agreement will be amended as needed to keep it current with revisions of quarantine requirements and shall be reviewed at least once annually.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 32.4 Plant Protection and Quarantine Officer**

The waste disposal company that is contracted to manipulate, handle, or store regulated garbage in a manner approved by the local Plant Protection and Quarantine (PPQ) Officer (Paul Smallwood) and in a designated area before disposal.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 32.5 Storage of Garbage**

Storage of regulated garbage in plastic bags must be inside a closed building; if outside, must be in sealed plastic bags in a container with a tight fitting lid.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 32.6 Transport of Garbage**

The waste disposal company transports regulated garbage directly from the USDA APHIS approved storage container or vessel to the disposal facility in closed leakproof containers without diversion. Regulated garbage incinerated to ash.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 32.7 Approved Disposal Facility**

Dockside Services is an approved handler by the U.S.D.A. to properly remove, process and dispose of regulated and non-regulated waste.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 32.8 Recordkeeping of Disposal Company**



The contracted waste disposal company will maintain a log which will include the disposal date and quantity (weight) of the garbage. This log will be made available to PPQ upon request.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 32.9 Reporting and Cleaning Spillage**

PPQ Officer will be notified of any spillage. Cleaning and disinfecting will be accomplished immediately. A PPQ Officer can be reached at (228) 822-3102 twenty-four hours a day.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 32.10 Misappropriation Prohibited**

The contracted waste disposal company will be responsible for foreign food waste in its possession and will not permit misappropriation of any food items.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 32.11 Identification of Foreign Garbage**

The contracted waste disposal company will use identifiable containers for foreign garbage. Rigid containers shall be lettered with the words "FOREIGN GARBAGE" or a similar acceptable phrase. Letters shall be at least 2 inches high on indoor containers and 4 inches high on outdoor containers.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 32.12 Using a Truck/Container for Purposes Other Than Hauling Foreign Garbage**

The truck/container to be used for a purpose other than hauling foreign garbage must have markings obliterated and be cleaned and disinfected under PPQ supervision prior to such use.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 32.13 Regulated Garbage Kept Separate**

All regulated garbage is to be kept completely separate from domestic garbage.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 32.14 Penalty of Noncompliance**

This agreement may be immediately cancelled or revoked for noncompliance or violation of the Federal regulations and may result in a criminal penalty of up to a \$5,000 fine and a year in jail, or both, or a civil penalty of up to \$ 1,000 per violation.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 32.15 Training Program Required**

The companies that are approved by the Port Authority for collection and disposal of regulated garbage shall present a training program to all employees before they are permitted to handle and supervise the handling of regulated garbage.

- A. The training must be approved by the local PPQ Officer in charge.
- B. The training must:
  - 1. Define regulated garbage.
  - 2. Explain garbage regulations and their purpose.
  - 3. Include films, slides, or other training aids on foreign animal, plant pests, and diseases.
  - 4. Specifically outline step-by-step handling procedures for regulated garbage.
  - 5. Be prepared in English and other appropriate languages.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 32.16 Use of Disinfectants**

Disinfectants should be in accordance with the following guidelines:

- A. 4 percent sodium carbonate solution (soda ash).
- B. The diluted solution is only mildly caustic but will dull paint and varnished surfaces. Mix in proportion of 40 grams per liter of water. (1.4 oz. per quart) 160 grams per 4 liters (5.33 oz. per gallon)
- C. 1" Stroke Environ
- D. Mix 4 ml. per liter of water 1/2 oz/per gallon. Apply to point of runoff. Surface should be free of dirt, grease, etc. before application. Solution is known to be harmful to aircraft. (1" Stroke Environ" is produced by Vestrel Laboratories Div. of Chemed Corp., St. Louis, MO 63110)

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 32.17 Removal of Garbage**

Garbage may be removed from the vessel under these provisions:

- A. All garbage must be placed in double heavy duty, leak proof plastic bags.
- B. Garbage can only be removed from the vessel under direct supervision of a USDA Officer and a representative of the Port.
- C. Garbage must be placed in a special USDA approved container marked "FOREIGN GARBAGE". This container will remain locked except when garbage is being removed from the vessel.
- D. The garbage will be transported by a USDA approved firm for immediate incineration.
- E. Unauthorized removal of garbage will result in a fine of not less than \$500.00.
- F. Encl:
  - 1. USDA Maritime Garbage Controlling Regulations.
  - 2. Compliance Agreement: Dockside Services, Inc.
  - 3. Compliance Agreement: Browning-Ferris Industries.
  - 4. Provisions Letter from USDA PPQ to Vessel.
  - 5. U.S. Naval Vessel Garbage Handling Agreement.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 32.18 U.S. Navy Vessels**

Recent Veterinary Medical Officer port reviews have indicated the need to restate garbage safeguarding policy for U.S. Navy vessels returning to the U.S. from foreign ports.

- A. U.S. Navy policy is that no foreign origin meats, produce, or milk products will remain aboard any ship returning to a U.S. continental, territorial or offshore U.S. port. "Foreign origin" does not include U.S. origin frozen or canned products issued to a ship from a U.S. overseas military depot or U.S. underway replenishment.
- B. If the boarding officer finds foreign stores, the vessel will be handled exactly like a commercial vessel with respect to garbage safeguarding.

- C. If no foreign stores are found by the boarding officer, the first offloading of garbage must be sterilized or incinerated. This will include, in addition to any garbage on board the vessel at docking, all garbage produced during the first 24 hours in port. Vessels which dock with no garbage will be handled exactly like vessels docking with garbage on board. Garbage generated subsequent to the above stated first offloading will be handled the same as domestic garbage.
- D. Plan Protection and Quarantine policy relative to military vessel boarding is being incorporated into the shipboarding guidelines (M390.340).

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-2

### **Part 301 Chapter 33: Foreign Trade Zone.**

#### **Rule 33.1 Location**

The Foreign Trade Zone (FTZ) of the Port of Gulfport, FTZ No. 92, is located at the entire Mississippi State Port Authority at Gulfport. The Foreign Trade Zone is a U.S. Customs controlled facility in which certain imported products can be stored, processed and repackaged, or assembled with U.S. goods without being subject to customs duties until leaving the zone.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Part 301 Chapter 34: Deep Draft Vessels.**

#### **Rule 34.1 Deep Draft Vessels**

On a case-by-case basis the Executive Director may grant use of the Gulfport Harbor and Ship Channel to vessels with drafts greater than 30 feet, but not exceeding thirty-six (36) feet, upon a written request of the master, owner and/or agent of the vessel and upon the written recommendation of the Pilots licensed by this Port Authority that such usage is not reasonably expected to impair use of the Harbor or Ship Channel by said vessel or any other vessel. In making such recommendation, the Pilots are to use their best discretion, considering anticipated tides, winds and other factors prevailing at the time. In doing so, the master owner and/or agent shall covenant and express in writing not to assert liability against the Port Authority and the Pilots and to defend and indemnify the Port Authority and the Pilots from any and all damages arising from or connected with such use and expressly agree to cure any impediment to the continued safe use of the Harbor and Channel by other vessels that may be caused by said vessel. Again, this is not an open policy. It is on a case-by-case basis. MSPA will rely exclusively on the Gulfport Pilots Association's written recommendation in each and every case and if favorable recommendation is not received the vessel will not be granted approval enter the Harbor or Channel.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Part 301 Chapter 35: Hurricane Readiness Procedures.**

### **Rule 35.1 Introduction**

This document is intended to establish guidelines and procedures for personnel at the Mississippi State Port Authority at Gulfport ("Port Authority") before, during, and after a tropical storm or hurricane striking in proximity to the Port pursuant to the Mississippi Emergency Management Law, §§ 33-15-1, et seq., of the Mississippi Code. The guidelines and procedures contained herein are not designed to handle every situation an employee may encounter during a tropical storm or hurricane. Considering the uncertainty and unpredictability associated with a tropical storm or hurricane, employees are encouraged to use their basic common sense, personal experience, and discretion in responding to specific situations. Accordingly, all guidelines and procedures contained herein shall be exercised in the discretion of Port Authority employees regardless of whether a particular provision purports to require or mandate certain action. The timelines for certain guidelines and procedures expressed herein assumes that sufficient notice of a potential tropical storm or hurricane is given so that such guidelines and procedures may be utilized, which may or may not be the circumstance with any given tropical storm or hurricane.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 35.2 Associated Policies and Procedures**

Besides this Procedure, the following associated policies and procedures apply:

- A. Port Authority Terminal Tariff No. 6, as amended from time to time, or any successor tariff;
- B. Administrative Codes of the State of Mississippi;
- C. Port Authority Port Facility Security Plan; and
- D. Any conflict between these Hurricane Procedures and other agreements and regulations should be referred to the Executive Director for resolution.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 35.3 Oversight Responsibilities**

The following are the general responsibilities of the Port Authority during a threat of a tropical storm or hurricane striking near the Port:

- A. **Executive Department** - Declare the emergency, coordinate intergovernmental activities, keep Board of Port Commissioners and the Mississippi Development Authority informed of all ongoing activities, and supervise overall emergency activities.
- B. **Trade and Development** - Establish a public information service, establish

communications with Port Authority customers and assess their needs, and coordinate logistic services in support of recovery.

- C. **Finance & Administration** - Maintain the Port Authority's overall administration functions, human resource functions, and assist Port Authority employee family members.
- D. **Operations & Maintenance** - Maintain operations at the deepwater Harbor, maintain communication with the U.S. Coast Guard, monitor weather channels and stations and other broadcasts for notification of severe weather reports, implement this Hurricane Procedure, prepare for the threat of the tropical storm or hurricane striking near the Port, and report the status of the tropical storm or hurricane, and the Port Authority's preparations for same, to the Executive Director of the Port Authority
- E. **Official MSPA Spokesperson.** The official spokesperson for the Port Authority during any emergency is the Executive Director.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 35.4 Conditions of Readiness**

Hurricane Season begins on June 1st and extends through November 30th. Hurricane conditions are set by the U.S. Coast guard Captain of the Port ("COTP"), Mobile Area of Responsibility, and are used to alert the maritime community to changes that may need to be made in the port operations in preparation of an upcoming tropical storm or hurricane. The COTP will provide Maritime Safety Information Bulletins ("MSIB") to all port interest via fax or email whenever a tropical storm or hurricane is approaching or may affect the Port.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 35.5 MSPA Hurricane Readiness Designations**

The following designations described in Rule 35.8 will be used for describing the Port Authority's Hurricane Readiness Conditions.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 35.6 Cooperation with U.S. Coast Guard**

The U. S. Coast Guard (Mobile) will keep the Port Authority informed of the formation, path, and threat of a Hurricane or tropical storm. Besides the U.S. Coast Guard, the Port Authority will maintain contact with the Harrison County Civil Defense Office. A Port Emergency Action Team (PEAT) within the Coast Guard has been established to monitor and set storm conditions for the Port. The Port Authority will use the PEAT for assistance in the implementation of the Port Authority's hurricane preparations.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 35.7 Tenants' Hurricane Preparedness Requirement**

Prior to Condition 5 (the duration of hurricane season), tenants are requested to review their own hurricane program, provide a copy of their program to the Port's Operations Department, and to be alert for hurricane warnings. Tenants should secure all non-utilized equipment and/or cargo in their respective leased areas during hurricane season.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 35.8 Condition-Related Preparation.**

As Hurricane Conditions are set by the Coast Guard, the Port Authority will make efforts to notify tenants and customers so that appropriate action can be taken:

#### **A. Hurricane Alert Condition Five (5) (Hurricane Season – Generally):**

1. Every effort should be made by tenants and customers to secure or remove non-utilized or non-essential equipment or products (e.g., pallets, gear, dunnage, etc.).
2. The Port Authority Deputy Director, Engineering, will make arrangements as necessary, based on the Deputy Director's discretion, for emergency services and equipment to be made available to the Port on a contingency basis.
3. The Deputy Director, Facilities, will make an inventory list of supplies, materials and equipment which, in the Deputy Director's discretion are necessary to perform any and all tasks called for in an emergency situation. The inventory list will be submitted to the Port's Finance and Administration Office for appropriate purchase.
4. The Deputy Director, Operations, will check the emergency communications equipment to verify that it is in a ready condition.
5. The Trade and Development Department will prepare an emergency contact list with the names and telephone numbers of key personnel to be distributed to the employees of the Port Authority for use during the recovery phase.

#### **B. Hurricane Alert Condition Four (4) (Hurricane force winds are possible within 72 hours):**

1. The Operations Department will make efforts to notify tenants, stevedore companies, vessel masters, owners and agents in the main harbor, and Port Authority personnel that Condition 4 is in effect.
2. Port Authority employees will be assigned appropriate materials, equipment and

supplies. The Director, Facilities, will, as he or she determines, procure any additional materials needed for the possible hurricane or tropical storm. The Finance and Administration Department will prepare and proceed with any and all purchases for supplies, materials, and equipment deemed necessary in the event of a hurricane.

3. The Operations Department will prepare a list of expected vessel arrivals and sailings. All expected vessel movements will be confirmed with the vessel masters, owners or agents. Vessels and tenants should complete cargo operations within 36 hours prior to the predicted landfall of the storm and be encourage to leave the Port.
4. The Trade and Development Department will make efforts notify the cargo interests and tenants at the Port to remove sensitive cargoes from the Port to a safe location.
5. Tenants and customers should submit a plan to the Port Authority for securing and/or removing equipment, containers and general cargoes.
6. The Deputy Director, Operations, will make efforts to contact the masters, owners and agents of ocean-going vessels at the Port and request that same vessels be removed to a safe haven. Masters, owners and agents of all ocean-going vessels and Coast Guard regulated barges must advise the Coast Guard and the Port Authority of their intentions and schedule for departing the Port. Vessels that desire to remain in Port must have approval from the Deputy Director, Operations, of the Port authority and provide a heavy weather mooring plan to the Coast Guard for approval.
7. The Operations Department will make efforts to notify ship owners and agents, Gulfport Towing and the Gulfport Pilot Association that any ocean-going vessel with an estimated time of arrival at the Port of less than 72 hours prior to predicted hurricane force winds should be directed elsewhere to seek shelter.
8. All cranes and conveyors will be secured with lashing.
9. A Command Center will be set up and manned in the Port Authority's Administration Offices to monitor the progress of the storm and to be a clearinghouse for all communications. Employees of the Port Authority and local emergency management officials will be notified of the location of the Command Center.
10. The Administration and Finance Department shall prepare, as determined necessary within the discretion of same Department, for evacuation of the Port Authority's records. Computers and related equipment will be removed from the Operation and Maintenance buildings. Any transportation needed by the Administration and Finance Department for evacuation of records and/or



equipment will be arranged by the Operations Department.

C. **Hurricane Alert Condition Three (3)** (Hurricane force winds are possible within 48 hours):

1. The Operations Department will make efforts to notify tenants, stevedore companies, vessel masters, owners and agents in the main harbor, and Port Authority personnel that Condition 3 is in effect.
2. The Deputy Executive Director, Operations, will, within his discretion, notify service providers and contractors to stand by for contingent assignments at the Port and will distribute the Port Authority's vehicles and emergency equipment to assigned personnel as necessary.
3. No ocean-going vessel will be allowed into the Port after the setting of Hurricane Alert Condition 3.
4. The Deputy Director, Operations, will make efforts to contact the masters, owners and agents of ocean-going vessels at the Port and request that same vessels be removed to a safe haven. Masters, owners and agents of all ocean-going vessels and Coast Guard regulated barges must advise the Coast Guard and the Deputy Director, Operations, of the Port Authority of their intentions and schedule for departing the Port. Vessels that desire to remain in Port must have approval from the Port Authority and provide a heavy weather mooring plan to the Coast Guard for approval.
5. Upon recommendation of the Deputy Director, Operations, and in consultation with PEAT, the Executive Director may order vessels to evacuate the Port despite the vessel master's, owner's or agent's desire to remain in Port. If an evacuation is not ordered or a vessel cannot evacuate, the Deputy Directors of Engineering and Operations in consultation with PEAT and the vessel's master, owner and/or agent will establish a storm mooring system for the vessel which must be approved by the Coast Guard.
6. The Trade and Development Department will make efforts to notify tenants and customers at the Port to secure and/or remove their equipment, containers and general cargoes.
7. The Maintenance Department will tape or board up the windows and glass doors to the Port Authority's offices.
8. Cargo operations will be ordered to end by the Operations Department of the Port Authority prior to the entry of Condition 2.
9. The Deputy Director Operations, or his or her designee, will make efforts to inspect Port areas and finalize preparations for the storm. Refrigeration equipment

in the chillers and freezers will be secured within the buildings. Upon completion of the inspection and any remaining cargo operations, the Deputy Director, Operations, or the Executive Director will declare the Port closed to all personnel and vessels. The Harrison County Civil Defense Center shall be contacted indicating that the Port is closed.

D. **Hurricane Alert Condition Two (2)** (Hurricane force winds are possible within 24 hours):

1. The Operations Department will make efforts to notify tenants, stevedore companies, vessel masters, owners and agents in the main harbor, and Port Authority personnel that Condition 2 is in effect.
2. The Mississippi Gaming Commission shall be notified that the Port has declared Condition 2.
3. Emergency communications will be established between Harrison County Civil Defense and designated Port Authority personnel. The Port Authority will man the Center at the Harrison County Civil Defense Center on a 24-hour basis.
4. It is anticipated that the Harrison County Civil Defense will require the evacuation of all persons south of Highway 90.

E. **Hurricane Alert Condition One (1)** (Hurricane force winds are possible within 12 hours):

1. Emergency communications will continue with the Harrison County Civil Defense Headquarters. The Harrison County Civil Defense Headquarters shall be provided names of any personnel remaining at the Port and the names of vessels and their owners, agents and crews remaining on a vessel.
2. The Finance and Administration Department will contact all Port Commissioners, officers, and employees to find out their availability for post-storm recovery actions. A full list of names and telephone numbers of Port Commissioners, directors, and employees will be supplied to the Port's representative at the Civil Defense Headquarters, and the Port Authority Executive Director and Deputy Director, Operations.
3. It is anticipated that the Coast Guard will order that all waterways in the Mobile Area of Responsibility be secured.

F. **Hurricane Arrival:**

1. The Port's designated representatives at the Harrison County Civil Defense Headquarters are to maintain regular contact with key personnel of the Port Authority by telephone or by cellular phone if possible.

2. All Port Authority officers and employees will comply with all directions provided by the Harrison County Civil Defense Headquarters.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 35.9 Administrative Offices and Other Port Authority Offices**

- A. **Office Preparation.** The Mississippi State Port Authority administrative offices are at One Hancock Plaza, 14th floor, Gulfport, Mississippi. The Deputy Director, Finance, will be responsible for securing the Port Authority offices at this location. Similar procedures should be followed by all other Deputy Directors for each of their respective offices.
- B. **Office Preparation Procedures.** These suggested procedures are to be guidelines for office personnel in preparation for a storm:
  1. Desktops, shelves and work tables are to be completely clear of objects (paper and desk items may be placed in desk drawers).
  2. Computers and printers are to be moved away from windows, labeled, placed in double plastic bags, and placed in interior office areas.
  3. Telephones are to be unplugged, wrapped in plastic bags and stored in desks or file cabinets.
  4. Small personal objects (e.g., wall pictures, coffee cups, lamps, etc.) are to be stored in desks or file cabinets.
  5. File cabinets are to be moved away from exterior walls and if possible moved to an interior area.
  6. Office doors are to be closed.
  7. Official documents, personnel files, agreements, contracts, permits, and other critical Port Authority documents are to be placed in fire proof cabinets.
  8. All items being moved to interior areas are to be clearly labeled for ease of identification upon return to the offices.
  9. In cases of forecasted Category 3 or greater hurricanes, Port Authority office equipment located on Terminals will be placed in a marine container and moved to a designated offsite location. The Deputy Director, Operations, will be responsible for providing the Finance and Administration Department with a marine cargo container and transportation for the evacuation of the office materials, supplies, and equipment. Materials, supplies, tools, and equipment that may be necessary for recovery should be evacuated to an offsite location.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 35.10 Aftermath and Recovery**

Following a tropical storm or hurricane striking near the Port, the mission of the Port Authority is to:

- A. First, help local, state, and federal emergency agencies in the immediate protection of life and safety of the public. Second, with the assistance of appropriate State and Federal Agencies, reestablish commercial, deepwater cargo activities at the facilities of the Port. Third, reestablish other business activities at the Port.
- B. Following a hurricane or tropical storm striking near the Port, all employees of the Authority will attempt to contact the Port Authority's Command Center within six hours of the storm passing inland. All employees are expected to return to work as soon as practical and feasible, but should exercise caution in traveling back to work. All employees are needed as soon as possible for recovery efforts; therefore, employees should attempt to contact the Port Authority Command Center for recovery effort schedule information. Each employee will be provided with an emergency contact list to use as needed prior to and after the storm.
- C. The following recovery process will be followed for placing the Port back into operation:
  - 1. The Port Authority personnel at the Harrison County Civil Defense Headquarters will establish communications with the Executive Director, Deputy Directors, and the Temporary Command Center.
  - 2. The Executive Director, all senior Directors, and consulting engineers will assemble at the Port Authority's Temporary Command Center as soon as possible following the storm passing inland. Any member unable to travel to the Command Center will contact the Center by telephone, if possible.
  - 3. Communications will be reestablished with the Coast Guard COTP, Mobile, the Coast Guard Aids to Navigation Office in Mobile and the Arm Corp of Engineers in Mobile to coordinate with PEAT and in consultation with the Gulfport Pilots' Association.
  - 4. The Operations Department and representatives will as soon as possible report to the main East and West Gates at the Port. No one will be allowed to enter the Port Authority without prior approval of a director of the Port Authority or the Harrison county Civil Defense. Engineering and maintenance personnel will as soon as possible report to the West Terminal Operations Offices for job assignments in conducting a full condition survey of the Port.
  - 5. When possible, a full condition survey will be made of all Port facilities and

navigation leading to and from the Port. The results of this condition survey need to be transmitted to the Command Center immediately after its completion. The Port will be reopened to inbound and outbound traffic at the completion of the survey and when the Coast Guard and the Gulfport Pilot Association deem the channel safe for transit. Should a tropical storm or hurricane restrict navigation in or around the Port, the Coast Guard is to be informed so that a Notice to Mariners may be issued indicating same.

6. The Executive Director or his designee will establish contact with appropriate Municipal, County, State and Federal authorities to seek assistance for early reactivation of the Port and to offer assistance when possible.
7. A special meeting of the Board of Port Commissioners will be called when practical to review damage reports and plans for restoration of Port operations.

Source: Miss. Code Ann. §§ 59-1-1, 59-1-9, 59-5-5, and 59-5-21

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## **TITLE 28: Ports and Airports**

### **PART 301: Operations and Procedures Manual of the Mississippi State Port Authority at Gulfport**

#### **Part 301 Chapter 1. Mississippi State Port Authority (“MSPA”) – Generally**

##### **Rule 1.1 Description.**

The Mississippi State Port Authority at Gulfport is the only State owned deepwater seaport, and is one of the most easily accessible ports on the U.S. Gulf of Mexico. The MSPA is responsible for the daily operations of the Port of Gulfport. The ship channel and harbor basin are maintained by the U.S. Army Corps of Engineers, in cooperation with the MSPA, with an authorized minimum project depth of 36 feet. Tidal range averages 1.5 feet, with actual depth influenced by wind direction and force. Masters and owners of deep laden vessels should consult with the Port Authority and Gulfport Pilots Association. The Port facilities include two piers, East and West, mooring pile clusters and extensive open storage areas, with modern concrete and steel shipside and transit shed, container and trailer marshaling areas. On both piers, shipside double marginal tracks are available with multiple rail trackage serving transit sheds.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

##### **Rule 1.2 Mission.**

To be a profitable, self-sufficient Port providing world class maritime terminal service to present and future customers and to facilitate the economic growth of Mississippi through the promotion of international trade.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

##### **Rule 1.3 Nautical Coordinates.**

The location of the MSPA is at latitude 30 degrees 21’ 45” North and longitude 89 degrees 05’ 24” West, on the north shore of the Mississippi Sound. The distance from the sea buoy to the Port is 16 nautical miles.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

##### **Rule 1.4 Physical Address.**

The location of the Mississippi State Port Authority at Gulfport is 30<sup>th</sup> Avenue South Extension West Pier, Gulfport, Mississippi 39501. The location of the Administrative Offices of the Mississippi State Port Authority at Gulfport are 2510 14<sup>th</sup> Street #1450, Gulfport, Mississippi 39501.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

## **Part 301 Chapter 2: Organizational Structure of MSPA**

### **Rule 2.1 Governance Structure of the MSPA.**

The Port is governed by the Mississippi State Port Authority Board of Commissioners. The MSPA's five-member board represents Harrison County and the City of Gulfport and are appointed to staggered, five-year terms. Three members are appointed by the Governor, one by the Harrison County Board of Supervisors, and one by the City of Gulfport.

- A. **Board of Commissioners.** The five-member Board of Commissioners is composed of a President, Vice President, Secretary, Treasurer, and Commissioner.
- B. **Management.** The Executive Management of the MSPA is appointed by the Board of Commissioners, and is composed of: the Executive Director and CEO; the Chief Operating Officer; the Executive Assistant/Human Resources Officer; the Director of Port Restoration; the Chief Commercial Officer; the Deputy Director of Engineering; the Deputy Director of Finance; the Deputy Director of Facilities; and the Deputy Director of Operations.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

## **Part 301 Chapter 3: Code of Ethics Policy**

### **Rule 3.1 Policy Statement**

This Code of Ethics shall apply to all Mississippi State Port Authority (MSPA or Port) Commissioners and employees. As public servants, MSPA Commissioners and employees are responsible for conducting MSPA business solely in the public interest. MSPA, as a State agency, is committed to maintaining the highest level of honesty, ethical conduct, and public trust. Personal integrity is the cornerstone of this Code. Each Commissioner and employee bears primary responsibility to assure that his or her actions are consistent with the highest degree of ethical conduct in all aspects of MSPA related business. This Code serves as a guideline for conduct and should be reviewed in conjunction with the MSPA Policy on Conflicts, Employee Guide, Operations Manual, and the statutes which govern the MSPA. Each Commissioner and employee is expected to read, understand, and abide by each provision contained within this Code of Ethics.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21'

### **Rule 3.2 Scope**

While the MSPA Code of Ethics is written primarily with Commissioners and employees in mind, contractors, consultants, agents, and any others who may be temporarily assigned to



perform work or services on behalf of MSPA shall abide by and be subject to the provisions of the MSPA Code of Ethics. Failure of a MSPA contractor, consultant, agent or any others to follow the Code may result in termination of their relationship with MSPA. In addition to possible termination, the MSPA reserves the right to pursue any other available legal or equitable remedies. Employees whose active duties with MSPA have been terminated or suspended, but who are still receiving compensation (including paid time off) or benefits from the MSPA, are also expected to comply with the Code of Ethics.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 3.3 Laws and Regulations**

Every MSPA Commissioner, officer and employee shall observe all laws, specifically including but not limited to Miss. Code Ann. §§ 25-4-101 to 25-4-119, and any other regulations that apply to MSPA activities. When in doubt about the interpretation of the law, clarification must be obtained.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 3.4 Public Trust**

No MSPA Commissioner, officer or employee shall use his or her public office or employment for any private gain other than the compensation provided by law.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 3.5 Conflict of Interest**

Every MSPA Commissioner, officer and employee shall avoid conflicts or the appearance of conflicts between his or her private interests and his or her official responsibilities for the MSPA. Each Commissioner shall complete and file with the MSPA's General Counsel the MSPA's Ethics and Conflict of Interest Questionnaire and the Mississippi Ethics Commission Statement of Economic Interest. Each employee shall complete and file with the Executive Director the MSPA's Ethics and Conflict of Interest Questionnaire. Further, each Commissioner and employee shall have the affirmative duty to update his or her responses to the questions therein as reasonably necessary to maintain proper disclosure.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 3.6 Illegal Payments**

No Commissioner, officer or employee shall make illegal payments of any sort to any person or business entity to influence its actions regarding MSPA.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 3.7 Competitive Bidding Practices**

MSPA's policy is to award business on merit, without favoritism, by securing the best product or service available taking into consideration the best interests of the Port. The Board of Commissioners of the MSPA shall follow both legal and ethical standards when evaluating and committing to purchases, and shall follow legal and ethical bidding practices.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 3.8 Political Activities**

The Board of Commissioners of the MSPA shall not use MSPA funds or assets in support of any political candidate or exert political pressure on employees or vendors. The Board of Commissioners shall ensure that the MSPA does not make political contributions on its own behalf or on the behalf of any other person. A Commissioner seeking an elected or appointed public office shall notify the MSPA's General Counsel to obtain an opinion whether holding such public office would pose a conflict with serving as a Commissioner of the MSPA. An employee seeking an elected or appointed public office shall notify the MSPA's Executive Director who shall make such a determination. Commissioners and employees alike shall avoid a conflict or appearance of conflict between the Commissioner's or employee's duties to MSPA and duties to another public office. Notwithstanding the foregoing, in accordance with the requirements of the HATCH Act, no MSPA employee, whose salary is fully funded by federal loans or grants, shall, while employed by the MSPA, enter as a candidate for partisan office.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 3.9 Fraud Awareness and Prevention**

MSPA has a zero tolerance policy for fraud, and shall make a prompt investigation into the substance of all allegedly fraudulent activity. Each Commissioner, officer and employee shall strive to maintain a work environment free of fraudulence, and shall immediately report known or suspected fraudulent activity to the designated authorities pursuant to the MSPA Whistleblower Policy. Under this provision, "fraud" is defined broadly to include any act of deception that is, or could reasonably be expected to, result in personal gain. Fraud includes any situation in which MSPA resources are diverted to a Commissioner, officer or employee, or any respective relative, friend, or associate, without prior authorization, which may also include misappropriation. Fraud may exist whether or not there is actual harm to the MSPA. Commissioners, officers or employees could be subject to progressive discipline up to and including immediate termination or dismissal for actions of fraud. In addition to the provisions contained herein, MSPA reserves the right to pursue any other available legal or equitable remedies for actions of fraud. For more information, please review the provisions contained within the MSPA Whistleblower Policy.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 3.10 MSPA Resources**

The Board of Commissioners shall use the resources of the MSPA, including its funds, property, and the time and talent of its employees, only in the furtherance of MSPA business. The Board of Commissioners, every MSPA officer, and employee shall also strive to protect proprietary information, which is a valuable business asset of the MSPA from unauthorized or improper disclosure and/or use.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 3.11 Gifts**

No Commissioner, officer or employee shall accept or solicit gifts, preferential loans, travel, entertainment, or other favors that might reasonably be viewed as influencing his or her actions or decisions regarding the MSPA business unless authorized by law. The purpose of this provision is to protect the MSPA's business reputation and to protect employees from unfounded allegations of improper behavior.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 3.12 Safe Work Environment**

Every Commissioner, officer and employee of the MSPA shall strive to maintain a safe work environment, including one that is free from alcohol and drug abuse and their effects.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 3.13 Environmental Protection Awareness**

Each Commissioner, officer and employee of the MSPA shall strive to conduct the business of the Port in a manner that protects the environment and in accordance with applicable environmental laws and regulations.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 3.14 Fair Employment Practices**

No person shall be appointed, hired, promoted, or terminated on the basis of race, color, religion, sex, marital status, physical or mental handicap, national origin, or age. The MSPA shall maintain a work environment free of racial or sexual harassment.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 3.15 Discipline – Employees**

Each employee shall be bound by this Code of Ethics as a condition of employment. A violation of this Code by an employee or refusal to sign the acknowledgment page may result in disciplinary action up to and including suspension from or termination of employment.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 3.16 Discipline - Commissioners**

A violation of this Code by a Commissioner may result in an official reprimand by the MSPA, including termination of appointment, with a letter describing the violation being sent to the public official or public office who appointed the Commissioner to the Port. A violation of this Code by a Commissioner which is also a violation of the State Ethics Laws may result in notification of the State Ethics Commission. A violation of this Code by a Commissioner which is also a violation of any Federal or State law may result in notification of the appropriate enforcement agency.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 3.17 Whistleblower Policy.**

All Commissioners, officers and employees have a responsibility to ensure that this policy is followed. Concerns and potential violations should be reported to the designated authorities pursuant to the MSPA Whistleblower Policy as further detailed in Chapter 6 of the MSPA Operations and Procedures Manual. Any Commissioner, officer or employee may raise, in good faith, concerns that one of his or her fellow co-workers is in violation of any provision of the MSPA Code of Ethics without fear of retaliation by his or her supervisor or any other Commissioner, officer or employee of MSPA. For more information, please review the provisions contained within the MSPA Whistleblower Policy.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

## **Part 301 Chapter 4: Conflict of Interest Policy**

### **Rule 4.1 Policy Statement**

Mississippi State Port Authority Commissioners, officers and employees serve in a position of public trust and shall not use their office or employment for improper personal gain. The MSPA requires that each Commissioner, officer and employee avoid any conflict of interest or the appearance of a conflict of interest between his or her personal interests and the interests of the Port when dealing with suppliers, customers, contractors, and all others doing or seeking to do business with the Port.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 4.2 Definitions.**

For purposes of this Chapter, the following definitions apply:

**Relative.** A "relative" includes any Commissioner's, officer's or employee's spouse, mother, father, children, siblings, mothers-in-law and fathers-in-law, or any other "relative" to a Commissioner, officer or employee identified pursuant to Miss. Code Ann. § 25-4-103.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 4.3 Identifying a Conflict of Interest**

A conflict of interest exists when a Commission's, officer's or employee's duty to give undivided loyalty to MSPA is influenced, or could be influenced, by personal interest. Port Commissioners and employees must ensure that any outside activity or personal interest is kept separate from their position at the MSPA and does not influence their business judgment on the Port's behalf.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 4.4 Disclosure**

Any Commissioner, officer or employee shall not own, directly or indirectly through a relative, a financial interest or have an association that might be viewed as an interest in any business that does or seeks to do business with the Port or is a competitor of the Port without fully disclosing such interest to the MSPA in writing. Unless inconsistent with other law, no Commissioner, officer or employee shall participate in any decision-making, review, approval, selection, authorization or supervisory activity concerning any contract or MSPA transaction in which he or she has a financial interest without first disclosing such interests to the appropriate personnel and a determination made concerning the matter. Commissioners shall disclose such matters to the MSPA's General Counsel and officers and employees shall disclose such matters to the Port's Executive Director. Situations which must be disclosed to the MSPA would include, but are not limited to:

- A. A financial interest in any organization which has business dealings with the Port where there is an opportunity for preferential treatment to be given or received;
- B. A Commissioner, officer or employee or relative of a Commissioner, officer or employee buying, selling or leasing properties, facilities or equipment from or to the Port or to any entity or individual who is or is seeking to become a contractor, supplier, or customer of the Port; and
- C. A Commissioner, officer, employee or relative of a Commissioner, officer or employee serving as officer, director, or consultant with an entity doing or seeking to do business with the Port.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

## **Rule 4.5 Misuse of Information**

No Commissioner, officer or employee shall use or release to a third party any confidential information on decisions, plans, or competitive bids or any confidential information concerning the Port which would be prejudicial or detrimental to the interests of the Port. Much of the information developed by the Port is proprietary and confidential and must be protected. Such information includes, but is not limited to, trade secrets, confidential technology, financial records, practices, letters, drawings, personnel records and information, computer programs and databases, customer information, matters discussed during Executive Sessions, requests for proposals, proposed or pending real estate transactions, attorney-client privileged communications, attorney work product, and any other matters not subject to public disclosure.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

## **Rule 4.6 Gifts**

Commissioners, officers and employees and their relatives shall not accept or solicit gifts or other special privileges with the understanding that the gifts or other special privileges would influence the action or judgment of the Commissioner, officer or employee in carrying out his or her official duties. Although the acceptance of gifts or other special privileges from those doing or seeking to do business with the Port is highly discouraged, Commissioners, officers, employees, and their relatives may accept non-cash gifts where the total fair market value does not exceed \$ 100 per year from any single source. Under this provision, “single source” means any person, vendor or business partner, whether acting directly or through any agent or other intermediary. Gifts in excess of \$ 100 must be disclosed to and approved by the Executive Director in conjunction with MSPA’s legal counsel.

- A. The following are gifts presumed not to influence a Commissioner’s or employee’s action or non-action on any matter and may be accepted without regard to the \$ 100 limit. However, in the event that facts suggest that a gift could influence a business decision, then the MSPA may request that the gift not be offered or accepted.
1. Unsolicited flowers, plants, and floral arrangements;
  2. Unsolicited advertising or promotional items of nominal value, such as pens and stationary;
  3. Unsolicited items received by an employee for the purpose of evaluation or review, if the employee has no financial or beneficial interest in the eventual use or acquisition of the items by the MSPA;
  4. Food or beverage consumed at hosted receptions where attendance is related to the Commissioner’s, officer’s or employee’s official

duties, including admission to, and the costs of food and beverages consumed at, events sponsored by or in conjunction with a civic, charitable, governmental, or community organization, provided that where the gift exceeds \$ 100 on a single occasion, the recipient of said gift or other special privilege shall report it to it to the Executive Director, who may also act in cooperation with MSPA's legal counsel; and

5. Occasional gifts in the form of food and beverage in the ordinary course of meals where attendance by the Commissioner, officer or employee is related to the performance of official duties. Under this provision, "occasional" means not more than four to six times per year with the same person, vendor, or business partner.

B. The following are items which are excluded from consideration as a gift and may be accepted by any Commissioner, officer, employee, or respective relative without constituting a violation of this Policy.

1. Items from family or friends where it is clear that the item was not given as part of any design to gain or maintain influence with the MSPA;
2. Items related to the outside business of a Port Commissioner, officer or employee that are customary and not related to or implicated by the Commissioner's, officer's or employee's performance of his or her official duties;
3. Items exchanged among Commissioners, officers or other employees or between Commissioners, officers and employees, or a social event hosted or sponsored by a Commissioner, officer or employee for co-workers;
4. Items a Commissioner, officer or employee is authorized by law to accept, including, but not limited to, items accepted in accordance with the MSPA's applicable policies and procedures;
5. Payment of enrollment and course fees and reasonable travel expenses attributable to attending seminars and educational programs sponsored by a bona fide governmental or nonprofit professional, educational, trade or charitable association or institution; and
6. Awards, prizes, scholarships, or other items provided in recognition of academic or scientific achievement. Unsolicited

tokens or awards of appreciation in the form of a plaque, trophy, desk item, wall memento or similar item.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 4.7 Political Activity**

MSPA funds shall not be used for any direct or indirect political contributions. Any Commissioner, officer or employee who considers running for public office or accepting an appointment to public office must first disclose this to the MSPA. When a Commissioner, officer or employee informs MSPA that he or she is running for public office, MSPA's Executive Director or General Counsel, as appropriate, will review the matter to determine if a conflict exists and if any action is necessary to avoid such conflict. Regardless, such a candidate shall not solicit campaign contributions from MSPA employees or vendors and shall not campaign upon the MSPA's premises. Notwithstanding the foregoing, in accordance with the requirements of the HATCH Act, no MSPA employee, whose salary is fully funded by federal loans or grants, shall, while employed by the MSPA, enter as a candidate for partisan office.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 4.8 Employment of Relatives**

Any person with authority to hire Port personnel shall not appoint or employ a relative or next of kin of a Commissioner, officer or employee unless certain exceptions apply. Certain exceptions may be made to this policy on a case-by-case basis after disclosure and review by the MSPA's Executive Director or General Counsel, as appropriate, if such an exception serves the best interest of the Port.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 4.9 Emphasis of this Policy**

The emphasis of the MSPA Conflicts of Interest Policy is disclosure and review of potential conflicts of the MSPA in order to prevent conduct which would reflect unfavorably upon the Port, the Board of Commissioners, and/or its officers and/or employees.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Part 301 Chapter 5: Anti-Harassment and Workplace Violence Policy**

#### **Rule 5.1 Policy Statement**

The Mississippi State Port Authority at Gulfport is committed to providing a respectful, supportive and productive workplace for all employees that is free of verbal, physical, and visual forms of unlawful harassment and violence or the threat of violence. One of MSPA's core values is treating co-workers, customers, contractors, vendors and community members with



respect. Consistent with that value, the Port does not tolerate unlawful harassment or violence or the threat of violence in the workplace.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 5.2 Scope**

This policy applies to all forms of unwelcomed communication or conduct that is personally offensive, which debilitates morale and interferes with work effectiveness. It includes, but is not necessarily limited to, unwelcomed verbal or physical conduct that is derogatory toward any employee because of their age, race, color, religion, national origin/ancestry, disability, Family Medical Leave Act use, pregnancy, sex/gender, sexual orientation, whistleblower status, marital status, military status, use of workers' compensation, political beliefs, or any other category protected by law. Not all disrespectful activity rises to a level of severity and pervasiveness that would be considered unlawful harassment. However, MSPA strives to eliminate all disrespectful conduct from the workplace. This policy applies to business-related activities that take place outside of the workplace, such as business-related trips, meetings and social events.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 5.3 Harassment Awareness and Prevention**

All Commissioners, officer, employees and other personnel shall take all reasonable precaution to strive to maintain a work environment free of harassment, and shall immediately report known or suspected harassment to the designated authorities pursuant to the MSPA Whistleblower Policy. For more information, please review the provisions contained within the MSPA Whistleblower Policy.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 5.4 Violence Prohibited**

MSPA does not tolerate any type of workplace violence committed by or against its employees or personnel. Employees are prohibited from making threats or engaging in violent activities. In the event of an immediate, potentially dangerous situation, employees should promptly contact their direct supervisor, the Office of Security, and the Director of Human Resources.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 5.5 Commitment to Investigate**

MSPA will promptly and thoroughly investigate all claims of harassment and/or violence. Complaints will be handled with sensitivity, discretion and confidentially to the extent allowed

by the circumstances and the law. In the event prompt remedial action is necessary, MSPA will act in accordance with the terms of this policy and those provided by law.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

## **Part 301 Chapter 6: Whistleblower Policy**

### **Rule 6.1 General Purpose**

The Port Authority is committed to conducting its business and affairs honestly and in accordance with federal, state and local laws and regulations and the Port Authority's internal policies. As such, the Port Authority strives to prevent, detect and swiftly correct any violations of law or policy, whether arising from inadvertence, mistake, lack of information or deliberate misconduct.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 6.2 Disclosure**

To give effect to its commitment, this policy is designed to protect any Port Authority employee who makes a good faith disclosure of potential misconduct to either a designated Port Authority official or public official as described herein below. More specifically this policy:

- A. Encourages employees to disclose wrongful conduct engaged in by others to the appropriate official, so that prompt, corrective steps can be taken by the Port Authority;
- B. Provides employees with information on how allegations of potential misconduct can be disclosed;
- C. Protects employees from reprisal by adverse employment action or retaliation as a result of any employee's having made a good faith disclosure of potential misconduct;
- D. Provides employees who believe they have been subject to any adverse employment action or retaliation as a result of a good faith disclosure of potential misconduct with a prompt, fair process to seek relief; and, further
- E. Provides a fair process and protection to any Port Authority employee who is the subject of a report during any resultant investigation.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 6.3 Supplement Existing Law**

This policy is intended to supplement Sections 25-9-171 through 25-9-177 of the Mississippi Code of 1972 (dealing with reports of improper governmental action), and Section 1553 of the American Recovery and Reinvestment Act of 2009 (“ARRA”) (dealing with whistleblowing regarding ARRA funding and whistleblower protections).

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 6.4 Corrective Action**

It is the intention of the Port Authority to take whatever action may be necessary to prevent and correct any activities that violate this policy.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 6.5 Reporting Potential Misconduct (General)**

It is important for employees to report good faith concerns using the proper channels in order to ensure entitlement to the protections available under State and Federal law. Port Authority employees, contractors and agents are expected to report good faith concerns about:

- A. possible violations of any policy, law, rule or regulation related to Port Authority activities; and
- B. the misuse of Port Authority property, resources or authority for personal gain or non-business related purpose.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 6.6 Reporting Hotline**

Employees can address any such concerns to The Network, Inc. at 1-877-452-3671.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 6.7 Additional Reporting Methods**

In addition to the methods outlined above, reports of wrongful conduct under the above paragraph can also be made under State law to the Mississippi Attorney General, State Auditor, Ethics Commission, Joint Legislative Committee on Performance Evaluation and Expenditure Review or any other standing committee of the legislature, or any district attorney of the State of Mississippi.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 6.8 Reporting Misuse/Abuse of TIGER/ARRA Funding**

A. Notwithstanding the above paragraphs, in the event that an employee has a good faith belief that, in relation to TIGER or other ARRA funding, there has been:

1. gross mismanagement of an agency contract or grant relating to TIGER/ARRA funds;
2. a gross waste of TIGER/ARRA funds;
3. a substantial and specific danger to public health or safety related to the implementation or use of TIGER/ARRA funds;
4. an abuse of authority related to the implementation or use of TIGER/ARRA funds; or
5. a violation of law, rule, or regulation related to an agency contract or grant awarded or issued relating to TIGER/ARRA funds, such employee should address his or her concerns to The Network, Inc. at 1-877-452-3671.

B. Reports related to TIGER/ARRA funds can also be made to:

1. the Recovery Accountability and Transparency Board;
2. an Inspector General;
3. the Comptroller General;
4. a member of Congress;
5. a State or Federal regulatory or law enforcement agency;
6. a person with supervisory authority over the employee (or such other person working for the employer who has the authority to investigate, discover or terminate misconduct);
7. a court or grand jury;
8. the head of a Federal agency (or their representatives).

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 6.9 Additional Information**

Additional information regarding whistleblower protection related to ARRA funding may be found at <http://www.recovery.gov>.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 6.10 Retaliation Prohibited**

Any retaliation, harassment or adverse employment consequences, of any kind, against employees for making good faith reports of suspected violations is strictly prohibited. All employees making good faith reports of suspected misconduct should feel safe and protected from retaliation. Retaliation includes, but is not necessarily limited to, reprisal in performance reviews or promotion decisions, discharge, reassignment, demotion, suspension, harassment or other discrimination.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 6.11 Scope of Protection from Retaliation**

Employees need not know the details of a law, rule, regulation or policy or be certain about a violation in order to receive the protection of this policy. Rather, an employee need only have reasonable grounds to believe that a violation has occurred. If an employee is unsure as to whether reasonable grounds exist, it is the Port Authority's policy that the most appropriate course of action is for the employee to report the concern. Employees are entitled to the full protection of this policy unless a disclosure is proven to have been both unsubstantiated and made with malice or knowledge of its falsity.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 6.12 Response to Retaliatory Action**

The Port Authority will provide all necessary and appropriate support to reporting employees to ensure that they are treated fairly and are protected against retaliation. Further, the Port Authority will promptly respond to concerns of retaliation or unfair treatment linked to an employee's reporting of suspected misconduct. Any employee who retaliates against an individual who makes a disclosure protected under this policy is subject to immediate discipline, up to and including termination.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 6.13 Confidentiality**

Employees may make disclosures on a confidential basis either in person or by telephone through the Port Authority's dedicated reporting line 1-877-452-3671. Any such disclosures will be maintained as confidential to the extent possible, consistent with the need to conduct an adequate investigation, and in accordance with Mississippi and Federal laws.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 6.14 Protection for Subjects of an Employee Report**

Individuals who are subjects of a report will be treated fairly, respectfully, and consistent with all protections set out in Port Authority policy or applicable law.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 6.15 Post-Report Procedures**

Any Port Authority employee with supervisory authority who receives a report of a concern regarding a potential violation of law or policy should promptly refer the matter to the most appropriate office or individual. Reports will be promptly investigated within five (5) calendar days, provided however, that reports involving TIGER/ARRA funding will be investigated within twenty-four (24) hours and appropriate corrective action will be taken if warranted by the investigation.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 6.16 Good Faith Employment Decisions**

This revised whistleblower policy shall not in any way prohibit or interfere with good faith, legitimate employment decisions related to any employee.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

## **Part 301 Chapter 7: MSPA Standard Employment Procedures**

### **Rule 7.1 Purpose**

The purpose of this instruction is to establish the procedure to be used when announcing position openings, selection method in seeking the most qualified applicants and after selection how they are processed for employment.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 7.2 Scope**

This instruction defines the process, assigns responsibilities and delineates specific guidelines to be followed in the hiring of new employees. The procedures of this Chapter have been amended and are contained within Part 305 - the “MSPA Personnel Guidelines, Policies, and Procedures” and Part 309 – the “MSPA Port Restoration Section 3 Plan”.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

## **Part 301 Chapter 8: Equal Employment Policy**

### **Rule 8.1 Policy Statement**

The Mississippi State Port Authority at Gulfport is an equal opportunity employer throughout the job application and hiring process. MSPA embraces and in fact relies on having a diverse workforce. Every employee has the right to work in surroundings that are free from all

forms of unlawful employment discrimination. MSPA will not engage in or tolerate any discrimination in the workplace prohibited by local, state or federal law. Specifically, no employee will be discriminated against on the basis of his or her age, race, color, national origin/ancestry, religion, disability, Family Medical Leave Act use, pregnancy, sex/gender, sexual orientation, whistleblower status, marital status, military status, use of workers' compensation, political beliefs, or any other category protected by applicable federal, state or local law.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

## **Rule 8.2 Reasonable Accommodations of Disability and Religion**

MSPA recognizes that employees and other personnel with physical or mental disabilities may need reasonable accommodations to enable them to perform their essential job functions. The need for such accommodations is made on a case-by-case basis. Generally, the Port and the employee will work together in an interactive process to identify and provide possible accommodations. The employee has an obligation to cooperate with the Port in this process, which may include authorizing the Port to communicate with the employee's health care providers concerning the employee's condition, its impact on the employee's ability to perform necessary job-related functions, and possible reasonable accommodations. MSPA also will generally offer reasonable accommodations for an employee's sincerely held religious belief that conflicts with a workplace rule, unless doing so would create an undue hardship on MSPA. Employees or other personnel who wish to request reasonable accommodation of a disability or religious belief should contact the Director of Human Resources at (228) 865-4300. MSPA will evaluate each request consistent with those standards provided by law.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

## **Part 301 Chapter 9: Public Access to Public Documents**

### **Rule 9.1 General Purpose**

It is the intent of the Mississippi State Port Authority to adopt a procedure for public access to public records pursuant to Mississippi Code Annotated, Section 25-61-1, *et seq.*

Source: Miss. Code §§ 59-1-1, 59-1-9, 59-5-21 and 25-61-1, *et seq.*

### **Rule 9.2 Definitions**

For purposes of this procedure, the following definitions apply:

- A. **Public Records.** "Public Records" shall have the same meaning as that term is defined in Mississippi Code Annotated § 25-61-3, as the same may be amended, but the definition shall not include any documents or records specifically declared confidential or privileged or exempted from public access by law or by a decision of a court of this State or the United States.

- B. **Protected Documents.** "Protected Documents" shall mean records furnished to the Port by third parties which contain trade secrets or confidential commercial or financial information.
- C. **Port.** "Port" shall mean the Mississippi State Port Authority at Gulfport.
- D. **Data Processing Software.** "Data Processing Software" shall have the same meaning as that term is defined in the Mississippi Code Annotated § 25-61-3, as the same may be amended, but the definition shall not include any programs or routines used to employ and control the capabilities of data processing hardware specifically declared confidential or privileged or exempted from public access by law or by a decision of a court of this State or the United States.
- E. **Request.** "Request" shall mean a written request to inspect, copy, or obtain reproductions of Public Records, which describes the Public Record in sufficient detail to allow the Port to identify the documents requested. A request shall be considered made when it is actually received by the Port.

Source: Miss. Code §§ 59-1-1, 59-1-9, 59-5-21 and 25-61-1, *et seq.*

### **Rule 9.3 Prompt Review of Request**

The Port shall promptly review each Request.

Source: Miss. Code §§ 59-1-1, 59-1-9, 59-5-21 and 25-61-1, *et seq.*

### **Rule 9.4 Adequate Description of Request**

If the Request does not adequately describe the Public Record(s) being sought or is otherwise ambiguous, written notice to that effect shall be given by the Port Authority to the requesting party. If sufficient clarification regarding the Request is not timely received, the Port will employ its best judgment to determine what Public Records are being requested.

Source: Miss. Code §§ 59-1-1, 59-1-9, 59-5-21 and 25-61-1, *et seq.*

### **Rule 9.5 Production of Request**

The Port shall produce or deny the requested Public Records no later than seven (7) working days from the date of receipt of Request. If the Port is unable to produce the requested Public Records by the seventh working day after the Request is made, the Port shall provide to the requesting party a written explanation stating that the record will be produced and specifying with particularity why the Request cannot be produced within the seven-day period. In no event shall the Port's production to a Request be later than fourteen (14) working days from receipt of



the original Request by the Port unless there is a mutual agreement between the Port and the requesting party to allow for a longer time period.

Source: Miss. Code §§ 59-1-1, 59-1-9, 59-5-21 and 25-61-1, *et seq.*

### **Rule 9.6 Exempt Records**

If the Request seeks documents which are exempt from disclosure pursuant to Mississippi Code Annotated §§ 25-61-9, 25-61-11, 25-61-12 or otherwise, the Port shall promptly notify the requesting party in writing that the exempt documents shall not be produced and shall state the specific reasons for the denial. If the Public Records subject to a Request contain both exempt and nonexempt material, the Port shall redact all exempt portions of the Public Records and make the nonexempt portions available for inspection or copying, as appropriate. The Port shall maintain a file of all denials of requests for public records and preserve such denials for three (3) years from the date of each denial, which shall be available for inspection and copying upon written request.

Source: Miss. Code §§ 59-1-1, 59-1-9, 59-5-21 and 25-61-1, *et seq.*

### **Rule 9.7 Data Processing Software**

If the Request seeks Data Processing Software obtained by the Port under a licensing agreement that prohibits its disclosure and said software is a trade secret or Data Processing Software produced by the Port which is deemed sensitive, as defined under Mississippi Code Annotated § 25-61-9(6), the Port shall promptly notify the requesting party in writing that the exempt Data Processing Software shall not be produced and shall state the specific reasons for the denial. If requested, the Port shall produce any nonexempt records created by said Data Processing Software and any other nonexempt data relied upon in compiling said records.

Source: Miss. Code §§ 59-1-1, 59-1-9, 59-5-21 and 25-61-1, *et seq.*

### **Rule 9.8 Third-Party Notification of Request**

If the Request seeks Protected Documents furnished to the Port by a third party, the Port shall notify in writing the requesting party and the third party who furnished the Protected Documents that such documents will be produced to the requesting party if within a reasonable time of receipt of said Request the third party shall not have obtained a court order protecting such records as confidential. The Port shall therefore produce the documents or comply with the court order, as appropriate.

Source: Miss. Code §§ 59-1-1, 59-1-9, 59-5-21 and 25-61-1, *et seq.*

### **Rule 9.9 Time, Place, and Fees Related to Production of Request**

Whenever documents are to be produced, the Port shall notify the requesting party of the time, place, estimated fees or charges, and method access.

Source: Miss. Code §§ 59-1-1, 59-1-9, 59-5-21 and 25-61-1, *et seq.*

### **Rule 9.10 Fees or Charges of Request**

The fees or charges shall be the amount reasonably calculated to reimburse the Port for its actual costs of searching, reviewing, duplicating, and mailing, if applicable, the Public Records requested. The cost for searching and reviewing records which may be subject to the Request, shall be based on the actual time expended at the rate of twenty dollars (\$ 20.00) per hour per person performing such work. Copies shall be made at the cost of twenty-five cents (\$ 0.25) per page for documents smaller than 11 by 17 inches. The cost of copying documents larger than 11 by 17 inches shall be at the actual reproduction costs plus the actual time of Port personnel to secure such copies. The estimated amount of all such costs shall be paid in advance of the Port's complying with the Request. If the actual costs differ from the estimate, any overpayment shall be refunded to or any additional costs paid by the requesting party. The Port may require an additional advance deposit calculated to cover the reasonable cost of searching and reviewing documents where such a search and review will require more than one hour. The Port shall have no duty to fulfill the Request until satisfactory fees and charges are received.

Source: Miss. Code §§ 59-1-1, 59-1-9, 59-5-21 and 25-61-1, *et seq.*

### **Rule 9.11 Custody of Public Records**

No Public Records of the Port shall be permitted to leave the custody and control of the Port or its authorized employees or agents.

Source: Miss. Code §§ 59-1-1, 59-1-9, 59-5-21 and 25-61-1, *et seq.*

## **Part 301 Chapter 10: Rule-Making Policy**

### **Rule 10.1 Policy Statement**

The powers of the Port Authority as set forth in Section 59-1-9 and Section 59-5-21 of the Mississippi Code of 1972 include the power to make and publish all needful rules and regulations to govern the harbor, docks and passes within its jurisdiction. In addition, the Port Authority is empowered to act as port wardens and pilot commissioners, and to perform any and all duties pertaining to such within its jurisdiction, and to fix and prescribe tariffs, fees, fines, penalties and forfeitures for the violations of the rules and regulations of said Port Authority. In conjunction with the exercise of certain rule-making authority, the MSPA must comply with the statutory requirements as set forth in the Mississippi Administrative Procedures Act in Section 25-43-1.101, *et seq.*

Source: Miss. Code §§ 59-1-1, 59-1-9, 59-5-21, and 25-43-1.101, *et seq.*

### **Rule 10.2 Definitions**

For purposes of this procedure, the following definitions apply:

- A. **Rule.** “Rule” shall have the same meaning as that term is defined in Mississippi Code Annotated § 25-43-1.102(i), as the same may be amended from time to time.
- B. **Rule-making.** “Rule-making” shall have the same meaning as that term is defined in Mississippi Code Annotated § 25-43-10102(j), as the same may be amended from time to time.

Source: Miss. Code §§ 59-1-1, 59-1-9, 59-5-21, and 25-43-1.101, *et seq.*

### **Rule 10.3 Rule-making Procedure**

The MSPA may within its discretion solicit advice or opinion on a proposed Rule pursuant to the provisions of Section 25-43-3.101 of the Mississippi Code Annotated. In addition to the above mentioned statute, the MSPA may within its discretion encourage public participation pursuant to Section 25-43-3.104 of the Mississippi Code Annotated, as the same may be amended from time to time.

Source: Miss. Code §§ 59-1-1, 59-1-9, 59-5-21, and 25-43-1.101, *et seq.*

### **Rule 10.4 Notice of Proposed Rule Adoption**

Upon making a determination to adopt a Rule, the MSPA shall provide notice of said proposed Rule pursuant to Section 25-43-3.103 of the Mississippi Code Annotated, as the same may be amended from time to time.

Source: Miss. Code §§ 59-1-1, 59-1-9, 59-5-21, and 25-43-1.101, *et seq.*

### **Rule 10.5 Adoption of Final Rule**

After properly submitting proposed Rules pursuant to Section 25-43-3.103 of the Mississippi Code Annotated, the MSPA shall adopt final Rules consistent with the requirements set forth in Sections 25-43-3.106, *et seq.*

Source: Miss. Code §§ 59-1-1, 59-1-9, 59-5-21, and 25-43-1.101, *et seq.*

### **Rule 10.6 Maintaining a Rule-making Record**

The MSPA shall maintain a Rule-making record pursuant to Section 25-43-3.110 of the Mississippi Code Annotated, as the same may be amended from time to time.

Source: Miss. Code §§ 59-1-1, 59-1-9, 59-5-21, and 25-43-1.101, *et seq.*

## **Part 301 Chapter 11: Open Meetings Requirement**

### **Rule 11.1 General Purpose**

It is the intent of the Mississippi State Port Authority at Gulfport to adopt a procedure to conduct meetings in an open and public manner, and that citizens be advised of and be aware of the decisions and deliberations involving the determination of public policy and public business pursuant to Mississippi Code Annotated, Section 25-41-1, *et seq.*

Source: Mississippi Code §§ 59-1-1, 59-1-9, 59-5-21, and 25-41-1, *et seq.*

### **Rule 11.2 Definitions**

For purposes of this Chapter, the following definitions apply:

- A.       **Meeting.** "Meeting" shall have the same meaning as that term is defined in Mississippi Code Annotated § 25-41-3, as the same may be amended.
- B.       **Executive Session.** "Executive Session" shall be limited to those matters allowed to be exempted from the open meetings requirement under Mississippi Code Annotated § 24-41-7(4), as the same may be amended from time to time.
- C.       **Port.** "Port" shall mean the Mississippi State Port Authority at Gulfport.
- D.       **Board.** "Board" shall mean the Board of Commissioners of the Mississippi State Port Authority at Gulfport.

Source: Mississippi Code §§ 59-1-1, 59-1-9, 59-5-21, and 25-41-1, *et seq.*

### **Rule 11.3 Open Meetings Generally Held**

The Port shall hold Meetings open to the public at all times unless such Meeting be declared an Executive Session as provided for in Mississippi Code Annotated, § 25-41-7.

Source: Mississippi Code §§ 59-1-1, 59-1-9, 59-5-21, and 25-41-1, *et seq.*

### **Rule 11.4 Notice**

The Port shall provide notice as required by law, including but not limited to Miss. Code Ann. § 25-41-13. The Port shall not be required to provide advance notice of teleconference or video meetings continued to address an emergency as provided in Mississippi Code Annotated § 25-41-5(5) or to include the agenda of a Meeting conducted by teleconference or video means for which proper notice was already given and the purpose of the continued meeting is set during the meeting prior to adjournment.

Source: Mississippi Code §§ 59-1-1, 59-1-9, 59-5-21, and 25-41-1, *et seq.*

### **Rule 11.5 Emergency Meeting**

The Port may conduct an emergency Meeting by teleconference or video means, or otherwise provided by law, as often as necessary if an emergency exists and the Board is unable to meet in a regular session. The Port shall state the nature of the emergency Meeting upon the minutes. The Port shall comply with the requirements of notice, minute keeping, recordation, and preservation as related to the emergency Meeting.

Source: Mississippi Code §§ 59-1-1, 59-1-9, 59-5-21, and 25-41-1, *et seq.*

### **Rule 11.6 Meeting by Teleconference**

The Port may conduct any Meeting through teleconference or video means allowing a quorum of the Port, as prescribed by law, to be at different locations for the purpose of conducting the Meeting provided participation is available to the public at one or more public locations specified in the public meeting notice. The Port shall suspend any action taken at the Meeting in the event of any interruption in the teleconference or video broadcast of the Meeting until repairs are made and public access restored. If the Port conducts a Meeting by teleconference, an audio recording of the Meeting shall be retained by the Port. If the Port conducts a Meeting by video means, an audio/visual recording of the Meeting shall be retained by the Port. Any audio or audio/visual recording shall be preserved by the Port for a period of three (3) years following the date of the Meeting and shall be made available to the public at all times therein.

Source: Mississippi Code §§ 59-1-1, 59-1-9, 59-5-21, and 25-41-1, *et seq.*

### **Rule 11.7 Agenda**

The Port make available to the general public at the time of the Meeting an agenda or materials distributed to members of the Port and staff of the Port present at the Meeting.

Source: Mississippi Code §§ 59-1-1, 59-1-9, 59-5-21, and 25-41-1, *et seq.*

### **Rule 11.8 Opportunity to Address the Board**

The Port shall provide the general public attending the Meeting from any designated remote location the opportunity to address the Board just as persons attending the primary or central location.

Source: Mississippi Code §§ 59-1-1, 59-1-9, 59-5-21, and 25-41-1, *et seq.*

### **Rule 11.9 Conduct During Meeting**

The Port may make and enforce reasonable rules and regulations for conduct of persons attending its Meetings in order to avoid disruption. Any person shall be permitted to orderly and

respectfully address the Board under the rules and regulations established herein. Any person may be properly excluded from attendance to a Meeting for breach of peace.

Source: Mississippi Code §§ 59-1-1, 59-1-9, 59-5-21, and 25-41-1, *et seq.*

#### **Rule 11.10 Minute Record Keeping**

The Port shall keep minutes of all Meetings as required by Mississippi Code Annotated § 25-41-11, showing the members present and absent; the date, time and place of the Meeting; an accurate recording of any final actions taken at such Meeting; and a record, by individual member, of any votes taken; and any other information that the Port requests be included or reflected in the minutes. Votes taken during any Meeting conducted through teleconference or video means shall be recorded by name in roll-call order and included in the minutes. The minutes shall be recorded within a reasonable time not to exceed thirty (30) days after the recess or adjournment and shall be open to public inspection during regular business hours at 2510 14<sup>th</sup> Street # 1450, Gulfport, Mississippi 39501.

Source: Mississippi Code §§ 59-1-1, 59-1-9, 59-5-21, and 25-41-1, *et seq.*

#### **Rule 11.11 Executive Session**

Any Commissioner of the Port shall have the right to request by motion a closed determination upon the issue of whether or not to declare an Executive Session. Upon an affirmative majority vote of all members present, such Meeting shall be closed for a preliminary determination of the necessity of Executive Session, and the total vote on the question of entering Executive Session shall be recorded and spread upon the minutes. The Port shall not transact any other business until the discussion of the nature of the matter requiring Executive Session has been completed. The reason for holding an Executive Session shall be stated by the Board in an open meeting, and the reason so stated shall be recorded in the minutes of the Meeting. Any effective declaration of Executive Session shall be effective to that particular meeting on that particular day and, the Port shall not use any Executive Session to circumvent or defeat the purposes of Mississippi Code Annotated § 25-41-1, *et seq.*

Source: Mississippi Code §§ 59-1-1, 59-1-9, 59-5-21, and 25-41-1, *et seq.*

### **Part 301 Chapter 12: Purchasing Rules and Guidelines**

#### **Rule 12.1 Governing Law**

The Mississippi State Port Authority at Gulfport shall follow the public purchasing laws expressed in §§ 31-7-1, *et seq.* of the Mississippi Code and any applicable provisions of the Mississippi Department of Finance and Administration, Office of Purchasing, Travel and Fleet Management's Procurement Manual applicable for the purchase of all commodities, equipment and services. In the event any provision herein conflicts with the statutory provisions of §§ 31-7-1, *et seq.* of the Mississippi Code, the statutory provisions shall control.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 12.2 Purchase Requisition**

Purchase requisition form is completed when an employee signs a request for purchase and a Deputy Director or Director approves the requisition with his/her signature.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-2

### **Rule 12.3 Solicitation Process**

The requisition is presented to the Purchasing Agent who then solicits prices on the goods or services requested.

- A. If the price of the good or service is under \$5,000.00, then the purchasing agent will place an order with the lower priced vendor and issue a purchase order at that time.
- B. If price is over \$5,000.00 but less than \$50,000.00, two (2) written bids submitted on a vendor's letterhead or identifiable bid form and signed by authorized personnel representing the vendor must be solicited by Purchasing Agency and approved by the Executive Director. The lowest and best bidder shall be selected.
- C. If the price is over \$ 50,000.00, legal advertisement must be placed in the newspaper specifying the goods or services needed according to the advertisement procedures expressed in § 31-7-13(c). After bids have been received by the Port staff, the accepted bid is presented to the Board of Commissioners of the Mississippi State Port Authority for their approval and selection of the lowest and best bidder.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 12.4 Approval of Board**

The solicitation and contract for any purchase anticipated to cost \$50,000.00 or more shall be approved by the Board of Commissioners prior to advertisement. Any contract over \$100,000.00 has to be approved by the Mississippi Development Authority. After approval from the Mississippi Development Authority, the contract will be returned to the Mississippi State Port Authority.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 12.5 Rights of MSPA**

Nothing herein shall be construed to be inconsistent with the rights provided to the Mississippi State Port Authority pursuant to § 59-5-37 of the Mississippi Code.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 12.6 CDBG Funds**

To the extent U.S. Department of Housing and Urban Development Community Development Block Grant funds are utilized in a procurement, such procurement must fully comply with the applicable requirements set forth in 24 C.F.R. § 84.44 or 85.36, OMB Circulars A-87, A-122, A-21 or A-133.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

## **Part 301 Chapter 13: Bid Protest Procedures**

### **Rule 13.1 Right to Protest**

Any actual or prospective bidder, offerer, or contractor who is aggrieved in connection with the solicitation or award of a contract may protest to the Executive Director. The protest shall be submitted in writing within seven (7) days after such aggrieved person knows or should have known of the facts giving rise thereto.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 13.2 Authority to Resolve Protests**

The Executive Director or his designee(s) shall have the authority to settle and resolve a protest of an aggrieved bidder, offerer, or contractor, actual or prospective, concerning the solicitation or award of a contract.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 13.3 Decision**

If the protest is not resolved by mutual agreement, the Executive Director or his designee(s) shall promptly issue a decision in writing. The decision shall:

- A. state the reason(s) for the action taken; and
- B. inform the protestant of its right to an administrative hearing before the Port Board of Commissioners.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 13.4 Notice of Decision**



A copy of the decision under Rule 13.3 of this Chapter shall be mailed or otherwise furnished immediately to the protestant and any other party intervening.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 13.5 Finality of Decision**

A decision under Rule 13.3 of this Chapter shall be final and conclusive, unless:

- A. fraudulent; or
- B. any person adversely affected by the decision appeals administratively to the Board of Commissioners in accordance with Rule 15 below.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 13.6 Complaint to Procurement Officer**

Complainants should seek resolution of their complaints initially with the Procurement Officer or the office that issued the solicitation. Such complaints shall be in writing.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 13.7 Filing of Protest**

Protests shall be made in writing to the Executive Director, and shall be filed in duplicate within seven (7) business days after the protestor knows or should have known of the facts giving rise thereto. A protest is considered filed when received by the Executive Director. Protests filed after the seven (7) day period shall not be considered.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 13.8 Subject of Protest**

Protestors may file a protest on any phase of solicitation or award including, but not limited to, specification preparation, bid solicitation, award, or disclosure of information marked confidential in the bid or offer.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 13.9 Form**

To expedite handling of protests, the envelope should be labeled "Protest." The written protest shall include as a minimum the following:

- A. the name and address of the protestor;
- B. appropriate identification of the procurement and if a contract has been awarded, its number;
- C. a statement of reasons for the protest; and
- D. supporting exhibits, evidence, or documents to substantiate any claims unless not available within the filing time in which case the expected availability date shall be indicated.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 13.10 Requested Information; Time for Filing**

Any additional information requested by any of the parties should be submitted as expeditiously as possible to promote consideration of the protest. Failure of any party to comply expeditiously with a request for information by the Executive Director may result in resolution of the protest without consideration of any information which is untimely filed pursuant to such request.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 13.11 Stay of Procurements During Protest**

When a protest has been filed within seven (7) days and before an award has been made, the Port Authority shall make no award of the contract until the protest has been settled unless the Executive Director makes a written determination, after consulting with the Board of Commissioners, that the award of the contract without delay is necessary to protect substantial interests of the Port Authority.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 13.12 Making Information on Protests Available**

The Port Authority shall, upon written request, make available to any interested party information submitted that bears on the substance of the protest except where information is proprietary, confidential, or otherwise permitted or required to be withheld by law or regulation. Persons who wish to keep such information submitted by them confidential should so request by specifically identifying such information within documents submitted, and indicating on the front page of each document that it contains such information. The availability of such information shall be in compliance with the Mississippi Public Records Act of 1983, §§ 25-61-1, *et seq.* of the Mississippi Code.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 13.13 Decision by the Executive Director**

A decision on a protest shall be made by the Executive Director as expeditiously as possible after receiving all relevant, requested information.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 13.14 Effect of Judicial or Administrative Proceedings**

The Executive Director will refuse to decide any protest when a matter involved is the subject of a proceeding before the Board of Commissioners or has been decided on the merits by the Board. If an action concerning the protest has commenced in court, the Executive Director shall not act on the protest. This subsection shall not apply where the Board or a court requests, expects, or otherwise expresses interest in the decision of the Executive Director.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 13.15 Appeal of Protest Decision By Executive Director or His Designee(s).**

- A. **Scope.** This subsection applies to an appeal addressed to the Board of Commissioners of a decision under Rule 4 above.
- B. **Time Limitations on Filing a Protest Appeal.** The aggrieved person shall file an appeal with the Board of Commissioners within seven (7) days of an adverse decision by the Executive Director or his designee(s) under Rule 4 of this Chapter. It is sufficient for the notice of appeal to be directed to the President of the Board of Commissioners.
- C. **Decision.** The Board of Commissioners shall promptly decide whether the solicitation or award was in accordance with the Constitution, statutes, regulations, and the terms and conditions of the solicitation. The proceeding shall be de novo. Any prior determinations by the Executive Director or his designee(s) shall not be final or conclusive.
- D. **Standard of Review for Factual Issues.** A determination of an issue of fact by the Board of Commissioners under this subsection shall be final and conclusive unless arbitrary, capricious, fraudulent, or clearly erroneous.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 13.16 Request for Hearing**

A contractor or prospective contractor that has appealed a protest decision pursuant to Rule 15 of this Chapter may request a hearing before the Board of Commissioners on the appeal. Such request must be received by the Board of Commissioners at the time the appeal is filed.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 13.17 Notice of Hearing**

If a hearing is requested, the Port Authority shall send a written notice of the time and place of the hearing before the Board of Commissioners.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 13.18 Authority of Chairman of the Board as Hearing Officer**

The Chairman of the Board, as hearing officer, in the conduct of the hearing, has the power, among others, to:

- A. hold informal conferences to settle, simplify, or fix the issues in a proceeding, or to consider other matters that may aid in the expeditious disposition of the proceeding either by consent of the parties or upon such officer's own motion;
- B. require parties to state their positions with respect to the various issues in the proceeding;
- C. require parties to produce for examination those relevant witnesses and documents under their control;
- D. rule on motions, and other procedural items on matters pending before such officer;
- E. regulate the course of the hearing and conduct of participants therein;
- F. receive, rule on, exclude, or limit evidence and limit lines of questioning or testimony which are irrelevant, immaterial, or unduly repetitious;
- G. fix time limits for submission of written documents in matters before such officer;
- H. impose appropriate sanctions against any party or person failing to obey an order under these procedures, which sanctions may include:
- I. refusing to allow the disobedient party to support or oppose designated claims or defenses, or prohibiting that party from introducing designated matters in evidence;
- J. excluding all testimony of an unresponsive or evasive witness;
- K. expelling any party or person from further participation in the hearing; and

- L. take official notice of any material fact not appearing in evidence in the record, if such fact is among the traditional matters of judicial notice.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 13.19 Hearings Procedures.**

- A. Hearings shall be as informal as may be reasonable and appropriate under the circumstances and in accordance with applicable due process requirements. The weight to be attached to evidence presented in any particular form will be within the discretion of the hearing officer. Stipulations of fact agreed upon by the parties may be regarded and used as evidence at the hearing. The parties may stipulate the testimony that would be given by a witness if the witness was present. The hearing officer may require evidence in addition to that offered by the parties.
- B. A hearing may be recorded but need not be transcribed except at the request and expense of the contractor or prospective contractor. A record of those present, identification of any written evidence presented, and copies of all written statements and a summary of the hearing shall be sufficient record.
- C. Opening statements may be made unless a party waives this right.
- D. Witnesses shall testify under oath or affirmation. All witnesses may be cross-examined.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 13.20 Determination of Hearing Officer; Final Decision**

The Chairman of the Board, as hearing officer, shall prepare a written decision regarding the Board of Commissioner's decision on the appeal as expeditiously as possible. The Board of Commissioner's final decision shall recite the evidence relied upon. The decision shall be sent promptly to the actual or prospective bidder, offerer, or contractor who is aggrieved.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 13.21 Determination that Solicitation or Award Violates Law**

A solicitation or award may be in violation of the law due to actions of state employees, bidders, offerers, contractors, or other persons. The Executive Director or the Board of Commissioners may determine that a solicitation or contract award is in violation of the provisions of state procurement law or regulations. Any such determination shall be made in writing after an opportunity to be heard is given, and such determination is subject to appropriate appeal.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 13.22 Remedies Prior to an Award**

If prior to award it is determined that a solicitation or proposed award of a contract is in violation of law, then the solicitation or proposed award shall be:

- A. canceled; or
- B. revised to comply with the law.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 13.23 Canceling or Revising Solicitation or Proposed Award to Comply with Law**

A finding by the Executive Director, after consultation with the Board of Commissioners, that the solicitation or proposed award is in violation of law will constitute a compelling reason to cancel or revise a solicitation or proposed award.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 13.24 Remedies After an Award**

If after an award it is determined that the solicitation or award is in violation of the law, then the contract will be canceled.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 13.25 Termination**

Contracts based on awards or solicitations that were in violation of law shall be terminated at no cost to the Port Authority, except as may be approved by the Board of Commissioners in compliance with state law.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 13.26 Effect of Declaring a Contract Null and Void**

In all cases where a contract is voided, the Port Authority shall endeavor to return those supplies delivered under the contract that have not been used or distributed. No further payments shall be made under the contract and the Port Authority is entitled to recover the greater of: (a) the difference between payments made under the contract and the contractor's actual costs up until the contract was voided; or (b) the difference between payments under the contract and the value to the Port Authority of the supplies, services, or construction if obtained under the contract. The Port Authority may, in addition, claim damages under any applicable legal theory.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 13.27 Appeal and Review of Board Decision on Appeal**

Any person or party receiving an adverse decision may appeal from a decision by the Board Protest Committee to the designated court or courts of the State.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 13.28 Discontinuance of Contractor's Appeal**

After notice of an appeal to the Board of Commissioners has been filed, a contractor may not discontinue such appeal without prejudice, except as may be authorized by the Board.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

## **Part 301 Chapter 14: Reporting of Oil Spills and Hazardous Chemical Spills**

### **Rule 14.1 Responsibility to Report Incident**

All operators and leaseholders at the Port have the legal obligation to notify various agencies of a release of any potentially hazardous substances. In the event a listed hazardous substance or extremely hazardous waste is released, in an amount equal to or exceeding the reportable quantity (Normally one pound), or that substance, the following parties must be notified:

- A. State Emergency Response Commission (SERC) which includes DEQ at 1-888-786-0661;
- B. Harrison County Civil Defense Office at 228-865-4002;
- C. National Response Commission at 1-800-424-8809 (NRC is manned by U.S. Coast Guard personnel who enter reports of pollution and environmental incidents as received and relate each report to an on-scene coordinator (OSC). The operator of a facility is required to report to NRC immediately upon a release or spill of hazardous substances;
- D. MSPA at 228-865-4300;
- E. U.S. Coast Guard Marine Safety at 1-251-441-5976;
- F. Fire and Police Department at 911; and
- G. To obtain additional assistance for the most effective handling of such an incident, it is important that you also call CHEMTRAC at 1-800-262-8200.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 14.2 Information to Include When Reporting an Incident**

The following information, if available at the time of the report being made, should be included:

- A. Name, address and telephone number of the individual reporting the incident;
- B. Name of the party or individual responsible for the incident;
- C. Mailing address of the responsible party;
- D. Telephone number of the responsible party;
- E. Date and time the incident occurred or was discovered;
- F. Specific location of the incident;
- G. Name of the substance spilled or released, if known;
- H. Source of the released material;
- I. Cause of the release;
- J. Total quantity discharged;
- K. Was material released into the air, around, water or subsurface;
- L. Amount released into water;
- M. Weather conditions existing at the time of the incident and until the time of reporting;
- N. Vessel name, railcar/truck number or other identifying information;
- O. Name of carrier;
- P. Name and type of injuries or fatalities;
- Q. Whether evacuations have occurred;
- R. Estimate dollar amount of property damage;
- S. Description of clean-up action taken and future plans; and



T. Other agencies you have notified or planned to immediately notify.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 14.3 Penalty for Noncompliance**

If the incident poses an immediate crisis as much of the above information as possible should be communicated and it is not necessary to take time to develop all the information prior to calling. As a matter of fact, failure to immediately notify could result in hefty fines being levied against the operator or leaseholder for untimely report. If operators or leaseholders fail to notify the authorities of a release, either are subject to civil penalties of up to \$25,000 a day for each day of non-compliance. Repeat offenders can be fined up to \$75,000 a day. In addition, criminal penalties may be imposed on any person who knowingly and willfully fails to provide notice.”

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

## **Part 301 Chapter 15: Procedure for Selection of Architectural & Engineering Services.**

### **Rule 15.1 Policy Statement**

This operating procedure establishes the guideline procedures for the selection and engagement of outside professional project management, architectural, engineering, design, and construction management services for public works project at the Port of Gulfport that shall cost in excess of \$ 50,000. For purposes of this operating procedure, “public works projects” shall include both new construction and major maintenance projects. The term “public works costs” shall mean the cost of engineering plus the cost of the improvements (construction and maintenance).

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 15.2 General Application**

This procedure assigns responsibilities and sets forth specific guidelines for the solicitation, evaluation, recommendation, and final selection of professional services to be engaged by the Mississippi State Port Authority.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 15.3 Special Consideration for Projects less than \$50,000**

For projects that cost less than \$ 50,000, the Executive Director may modify these guidelines to meet the specific project requirements. However, prior to a making a recommendation to the Port Commission, the Executive Director shall have received written proposals from at least three qualified firms.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 15.4 Scope and Application**

This operating procedure applies to all Mississippi State Port Authority management personnel involved in the solicitation, evaluation, and recommendation of professional project management, architectural, engineering, design, and construction management services. Selection of professional services shall be made consistent with Section 73-13-45 of the Mississippi Professionals and Vocation Code.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 15.5 Responsibility**

The Executive Director is primarily responsible for the selection process. The Executive Director shall make the final recommendation to the Port Commission. The award of professional services contracts rests with the Mississippi State Port Authority Board of Port Commissioners. All firms engaged to perform project management, architectural, engineering, design, and construction management services shall perform such services in accordance with contract terms and conditions approved by the Port Commission. It shall be the responsibility of all firms seeking work at the Mississippi State Port Authority to be familiar with this Operating Procedure, the Mississippi Professional and Vocation Code, the MSPA Code of Ethics, and the Construction General Conditions.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 15.6 Procedures**

The process for solicitation and evaluation of professional services recommended is as follows:

- A. **RFQ/RFP.** Preparation of a Request for Qualifications and Proposal to include, but not be limited to the following information: Project Identification, Project Objective/Goal, Required professional services, Order of Magnitude Cost, Special Provisions, and Selection Criteria. If the project is associated with any previously performed feasibility study, strategic master plan, or special area plan, then a copy of the plan or study approved by the Port Commission shall be provided.
- B. **Solicitation.** Proposals shall be solicited from qualified firms on an industry-wide basis and based upon the disciplines required. The Mississippi State Port Authority shall maintain an active list of firms interested in providing project management, architectural, engineering, design, and construction management on file with the MSPA staff Engineer. Firms seeking to be placed on a list of firms interested in providing services shall complete Standard Form #254 "Architect-Engineer and Related Services Questionnaire".

1. **Specific Request Projects.** For a specific project, a Request for Qualifications and Proposal shall be mailed to firms on the Port Authority's active list; shall be published in a newspaper of general circulation in Harrison County; shall be distributed to industry clearinghouses related to the specific services needed; and shall be mailed to firms on an industry wide basis who are normally engaged in the discipline required.
  2. **Non-Active List Firms.** As part of the Request for Qualifications, all firms not on MSPA's active list, shall provide a list of every job performed over the last three (3) years in the area of discipline being sought that is in excess of \$ 100,000 or an amount comparable to the overall project budget as set by the Executive Director in the solicitation. Failure to disclose such information may be grounds to disqualify the firm.
  3. **Cut-Off Date to Respond.** A specific cutoff date and time for submitting the required information will be included in the solicitation
- C. **Selection Criteria.** The Executive Director shall be responsible for establishing selection criteria for specific projects.
- D. **Staff Evaluation.** The Port staff will make an independent evaluation of all the firms responding to the Port Authority Request for Qualifications and Proposal for each specific project. The independent evaluation shall include selecting past clients to make inquiries regarding past experience with the firm. Specific questions to be answered are:
1. Was the quality of work satisfactory?
  2. Was the work perform in a timely manner?
  3. Was the proposed budget for the project met? If not, why?
  4. How were professional fees established for the project? Were the professional fees within the established limits of the project? If not, why?
  5. Are there any potential claims from the contractor, subcontractors, or other vendors related thereto? Are there any threats of litigation related thereto?
  6. Should this firm be recommended for employment again?

- E. **Ranking of Potential Candidates.** Upon completion of the background investigation, the Port staff will review and rank the firms based upon the evaluation factors in this operating procedures and/or those established by the Executive Director in the Request for Proposal for related projects. A written staff evaluation shall be provided to the Executive Director ranking all of the firms in the following categories:
1. Firms Highly Qualified and Recommended for further consideration.
  2. Firms Qualified for the Related Services
  3. Firms Not Qualified and Not Recommended for further consideration.
- F. **Recommendation.** The Executive Director shall review all the materials related to the staff evaluation. Based upon his independent evaluation, the Executive Director may, in his sole discretion, alter the ranking of the staff evaluation of the firms' qualifications and experience to perform the related services.
- G. **Selection – Phase One.** The Executive Director shall select the top firms deserving further consideration. The Executive Director's finalists shall be reviewed with the Mississippi Development Authority.
- H. **Selection – Phase Two.** Following a review and evaluation, the Executive Director and the Mississippi Development Authority shall submit a joint recommendation to the Board of Port Commissioners for their review and consideration. The Board shall select the principal firm to negotiate a fee contract with and an alternate firm to be negotiated with only if the Executive Director and the selected firm are unable to reach agreement. In submitting the joint recommendation to the Board of Port Commissioners, copies of all submittal and materials that influenced the recommendation shall be provided to the members of the Port Commission.
- I. **Selection – Phase Three.** The Board of Port Commissioners shall review and consider the selection of the firm best qualified and experienced to perform the related services at a regular or special public meeting. The Port Commission shall select the firm and one alternate for the Executive Director to negotiate a professional services contract. All firms that proposed on the project shall be notified of the meeting along with the Executive Director's recommendation.
- J. **Modification of Selection Process.** Based upon the scope of the project and prior to initiation of the selection process, the Executive Director may with the concurrence of the Port Commission modify the selection process. This

operating procedure shall not limit the Board's decision to invite finalist to appear before them at a regular meeting for further questioning and interviewing. Selection by the Board of Port Commissioners shall be based upon Qualifications and Experience for the related services.

- K. **Fee Negotiations.** Proposed fees shall not be entered into the selection process. Upon selection by the Board of Port Commissioners of the best qualified and experience firm, negotiations shall be undertaken by the Port Authority's Executive Director. Fees may be negotiated either on a fixed fee, time and materials with a cost not to exceed, or percentage of contract cost basis.

If during the fee negotiations, the Executive Director declares an impasse between the firm selected and the Management, the Port Commission may direct the Executive Director to resolve the impasse on specific terms and conditions or may direct the Executive Director to initiate negotiations with the alternate firm.

- L. **Contract Provisions.** All terms and conditions of the professional services contract shall be consistent with the Request for Proposal and Qualifications. The proposed fee schedule shall be consistent with local standards for related type of services within the State of Mississippi. The contract terms and conditions shall be consistent with the terms and conditions of the Port's Construction General Conditions.
- M. **Engineering Firm Supervision Requirement.** All engineering services shall include provisions that requires a representative firm to be present at the job site for critical phases of the work (i.e. cover-up work such as the pouring of reinforced concrete) to insure that the contractor is complying with the construction specifications of the project. All engineering firms engaged in construction management firms shall sign a certificate stating that the project was "constructed in full compliance with the Plans and Specifications of the Construction Contract"
- N. **Interpretation.** All administrative interpretation of these procedures shall be made by the Executive Director. Nothing in this operating procedure shall prohibit the procedures for selection of project management, architectural, engineering, design, and construction management services to be modified to meet specific project requirements. It shall be the responsibility of the Executive Director to identify all changes and modifications to these operating procedures prior to official solicitation of the proposal.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

## **Part 301 Chapter 16: Sign Approval & Placement.**

### **Rule 16.1 Purpose**

The purpose of this procedure is to establish control and regulate the placement of signs of all types within the boundaries of the port.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 16.2 Scope**

In keeping with this purpose and intent, this ordinance is designed to permit only such signs as will not, by their reason, size, location, construction, or manner of display, endanger the public safety of individuals, confuse, mislead, or obstruct the vision necessary for traffic safety, or otherwise endanger public health, safety, and morals; and to permit and regulate signs in such a manner as to support and complement land-use objectives in such a fashion that high standards for the visual environment within all areas of the port are developed and maintained.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 16.3 Definitions and City of Gulfport Comprehensive Sign Ordinance, March 1987.**

The Mississippi State Port Authority has adopted by reference and incorporated herein provisions of the City of Gulfport Comprehensive Sign Ordinance, March 1987, as amended from time to time, as follows:

- A. Section II Definitions;
- B. Section IV. Signs Permitted in General Business, Light Industrial and Heavy Industrial Districts;
- C. Section V. Prohibited Signs;
- D. Section VI. Construction Specifications; and
- E. Section VII. Exempt Signs.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 16.4 Conflict between Authorities**

In the event of a conflict between the City of Gulfport Comprehensive Sign Ordinance and this procedure, the policies of the City of Gulfport shall prevail. In all cases where the City of Gulfport must issue a permit for a sign to be placed on property of the Mississippi State Port Authority at Gulfport, the applicants shall submit application to the City of Gulfport independently from the application submitted to the Port Authority. It shall be the applicant's sole responsibility to determine if a City permit is required.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 16.5 Permits**

Except as otherwise provided in this procedure, it shall be unlawful for any person to erect, construct, enlarge, move or convert any sign on the Port of Gulfport or cause the same to be done, without first obtaining a sign permit for each such sign from the Port Authority as required by this procedure. These directives shall not be construed to require any permit for a change of copy on any sign, nor for the repainting, cleaning and other normal maintenance or repair of a sign or sign structure for which a permit has previously been issued, so long as the sign or sign structure is not modified in any way. No new permit is required for signs which have permits and which conform with requirements of this ordinance on the date of its adoption unless and until the sign is altered or in any manner whatsoever, except as provided herein above, or is relocated to another location at the Port.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 16.6 Application for Permit**

Application for a permit shall be made to the Port Authority and shall be accompanied by such information as may be required to assure compliance with all appropriate laws and regulations of the City of Gulfport Sign Ordinance including, but not limited to:

- A. Name and address of owner of the sign;
- B. Name and address of owner or the person in possession of the premises where the sign is located or to be located;
- C. Clear and legible drawings with descriptions and normal dimensions, showing location of the sign which is the subject of the permit and all other existing signs whose construction requires permits, when such signs are on the same premises;
- D. If required by the City of Gulfport Sign Ordinance, an approved permit from the City of Gulfport issued in accordance with the City's sign ordinance; and
- E. Application for permit shall be filed with the Deputy Director of Engineering, Mississippi State Port Authority at Gulfport, together with a permit fee of \$50.00.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 16.7 Issuance of Permit**

The Port Authority shall issue a permit when the permit application is properly made and approved by the Board of Commissioners of the Mississippi State Port Authority at a regularly scheduled meeting of that body. When a permit is denied, suspended or revoked, written notice shall be given stating the reason therefore.

- A. Duration of Permit. All permits shall be for a one year period and shall be renewed not later than thirty (30) days prior to the expiration date.
- B. Renewal Fees. Unless a sign is to be modified, altered, or replaced, there shall be no renewal fee for the extension of the permit for an additional year. If modification, alteration, or replacement is requested then the applicant shall file a new application and pay a new permit fee.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 16.8 Notification to MSPA**

The person locating, erecting, altering or relocating a sign shall notify the Port Authority's engineer immediately upon completion of the work for which permits are required. The Port's engineer shall inspect and have the authority to order the repair, alteration or removal of signs.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 16.9 Inspection**

All free-standing signs shall be subject to a footing inspection and all signs to a final electrical inspection by a Qualified Inspector. Applicant shall reimburse the Port Authority for all costs associated with footing and electrical inspection.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 16.10 Maintenance**

Every sign on the Port, excluding building and window signs, including but not limited to those signs, for which permits, or for which no permits are required, shall be maintained in good structural condition at all times at the sole cost and expense of the applicant.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 16.11 Signs Declared Unlawful**

The Port Authority's Executive Director may declare any sign unlawful if it endangers public safety for reason, including but not limited to, improper placement or location, inadequate maintenance, dilapidation or abandonment. Any such declaration shall state the reasons that the sign constitutes a safety hazard to the general public. The Port Authority's Executive Director may declare any such sign to be unlawful, and such declaration shall state, in writing, the reason or reasons why such sign and the keeping, owning, maintenance, construction, and display or operation thereof, is unlawful under the terms of this procedure.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21



### **Rule 16.12 Signs Permitted**

Permitted signs shall be those signs permitted under Section 4.3 of the "City of Gulfport Comprehensive Sign Ordinance" covering General-Business, Light-Industrial and Heavy Industrial Districts. All provisions of this Section 4.3 shall apply.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 16.13 Prohibited Signs**

Prohibited signs shall be those signs prohibited under Section V of the "City of Gulfport Comprehensive Sign Ordinance. All provisions of Section V shall apply.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 16.14 Construction Specifications**

Construction Specifications shall be the same as those set forth in Section VI of the "City of Gulfport Comprehensive Sign Ordinance". All provisions of this Section VI shall apply.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 16.15 Exempt Signs**

Exempt signs shall be the same as those set forth in Sections 7.1 (a) thru (c) and 7.2 (a) thru (p) of the "City of Gulfport Comprehensive Sign Ordinance."

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 16.16 Removal and Disposition of Signs**

All signs shall be maintained in a safe, presentable and good structural material condition at all times. Abandoned, dangerous, defective, or unlawful signs may be removed or required to be removed upon giving 30-days' notice to the owner. All removal and disposition of signs shall be at the sole cost and expense of applicant and/or person responsible for the placement of the sign.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 16.17 Administration**

All administrative interpretations of this policy and procedure shall be made by the Executive Director. The Executive Director shall designate a representative to monitor, inspect and enforce the provisions of this procedure. The duties and responsibilities of the Authority's representative shall include, but not be limited to the following:

- A. Examine all applications for permits for erection of signs, authorize the continued use of signs which conform with the requirements of this ordinance, record and file all applications for permits with any accompanying plans and documents, make an annual inspection of all signs on the Port and make such reports as the Port may require.
- B. If any sign has been constructed or erected or is being maintained in violation of the provisions of the procedure, promptly notify the owner or lessor thereof in writing.
- C. Keep the Executive Director advised of all applications, violations, and inspections.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

## **Part 301 Chapter 17: Use of Alcohol or Controlled Substance(s).**

### **Rule 17.1 Policy Statement**

This instruction promulgates standard Port policy and procedures concerning the use of alcoholic beverages and the use, transport, and/or sale of controlled substances on Port property.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 17.2 Scope**

This instruction defines an alcoholic beverage as any substance/liquid containing alcohol, malted or brewed, which, when consumed may result in an altered sense of awareness.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 17.3 Definition**

This instruction defines “controlled substance” as any substance which is under the control of "controlled substance(s)" legislation and which, when consumed, may result in an altered sense of awareness, and which is not directed for use by competent medical authorities.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 17.4 Application**

This instruction applies to any person on, employed on, or conducting commerce on State Port property.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 17.5 Responsibility of Enforcement**

The Captain of Security, employees of the Port's security department, MSPA officials, MSPA employees, and managers of commercial/firms operating on Port property are responsible to ensure compliance with the provisions of this instruction.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 17.6 Authority**

Schedule of Charges, Rules, and Regulations for Port Terminal Services, Items 102 and 220.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 17.7 Possession Strictly Prohibited**

The possession and/or consumption of alcoholic beverages and illegal drugs (controlled substances) on Port property and within Port facilities is prohibited.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 17.8 Persons Denied Entry**

Persons attempting entry onto the Port, obviously under the influence of alcohol or in an obvious altered state of awareness will be denied. Any resistance to this stipulation will result in an immediate call to Gulfport Police Department for assistance.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 17.9 Expulsion from Premises**

Persons found within the confines of the Port Industrial Area (fenced areas of the East and West Piers) either consuming or under the influence of alcohol or in an altered state of awareness will be expelled from these areas.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-2

### **Rule 17.10 Operating Machinery or Equipment Strictly Prohibited**

Person found operating vehicles or machinery while obviously under the influence of alcohol or in an altered state of awareness will be reported to:

A. foreman;

B. employer; or

C. Deputy Director of Operations immediately for corrective action/expulsion from the Port.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 17.11 Recordkeeping of Violations**

All violations will be recorded and forwarded to the Port Dock Superintendent for possible continuing action, on an irregularity report.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 17.12 Serious Infractions/Repeat Offenders**

Serious infractions involving damage to property/endangerment of life, and repeat offenders will be reported by the Port Operations to the Port's Executive Offices for possible suspension/barring from Port facilities.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

## **Part 301 Chapter 18: Port Security - Job Description(s) and Duties (Generalized).**

### **Rule 18.1 Purpose**

This instruction is to establish general job descriptions and requirements for the Security Department at the Mississippi State Port Authority at Gulfport, MS.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 18.2 Scope**

This instruction defines generalized position descriptions, job requirements, and the scopes of responsibility for specific positions within the Security Department, also referred to within this and other instructions as Port Security, to promulgate an efficient, effective department in support of Port security and operations.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 18.3 Application**

This instruction is applicable to contract agencies, both present and future, providing contract security advisement and service to the Mississippi State Port Authority at Gulfport.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 18.4 Responsibility**

Contracting security agencies are responsible to be familiar and comply with the contents of this instruction. Personal equipment and supplies, unless otherwise specified in this instruction or as covered in contractual agreement, provided to Security Department employees, as well as care and maintenance of said equipment/supplies rests solely with the contracting Agency.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 18.5 Authority**

Specific procedures and authority to discharge these procedures are contained in this Operations and Procedures Manual.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 18.6 Organizational Structure of the Contract Security Department**

Security Department is organized under a headquarters section staffed by the Captain of Security and Sergeant of Security, and a guard section staffed to cover three permanent entry/exit Gate Guard posts and two Security Vehicle Screeners. General job descriptions and requirements for these positions, as well as the Radio-Telephone Operator are as follows:

A. Job Title: Captain of Security

1. Captain of Security – Position Description:

- (a) Manages a guard force of an average of twenty one (21) security officers in the day-to-day activities of providing physical security and radio operations/dispatcher services to the Mississippi State Port Authority at Gulfport. Responds to security irregularities/incidents. Investigates circumstances surrounding irregularities. Prepares concise irregularity/incident reports for State Port Authority. Conducts continual evaluations of State Port physical security programs and submits security program recommendations to State Port Authority on an as needed basis. Actively supports State Port officials in the safe berthing/sailing of marine vessels. Actively supports State Port officials in the smooth operation of Port activities. Provides short notice security guard capabilities to the State Port on an as needed basis.
- (b) Schedules security officers for duty and assigns security officers to guard posts. Resolves personnel matters of security guards as related to duty performance and job

assignments. Manages payroll of assigned security persons (contract security only).

- (c) Acts as senior radio operator/dispatcher for the State Port. Continually evaluates assigned radio operators/dispatchers for compliance with State Port and FCC radio operation requirements. Certifies newly assigned radio operators/dispatchers.
- (d) Maintains mutually supporting, cooperative relationship with local law enforcement agencies such as Homeland Security, which includes USCG Sector Mobile, Customs Border Protection (CBP), Transportation Security Administration (TSA) and local drug enforcement agencies as well as the U. S. Coast Guard - Gulfport Station.
- (e) Actively resolves physical security problems to the greatest extent possible or refers unresolved problems to State Port Authority for justification.
- (f) Develops, schedules, and conducts training of assigned security off-cars/supervisors on an as needed basis, to include: State Port physical layout, State Port Physical Security Programs, specialized security officer training, first-aid and Cardiopulmonary Resuscitation (CPR), as well as water oriented lifesaving procedures. Develops training programs oriented to safe handling of hazardous cargo as applicable to physical security officers on an as needed basis. Develops, schedules and conducts traffic control training of assigned security officers, on an as needed basis.
- (g) Maintains a mutually supportive, cooperative relationship with commercial agencies operating on the Port.
- (h) Provides a source of primary physical security assessment/evaluation to the State Port Authority, and other agencies actively engaged in commerce on the Port.
- (i) Provides constant physical security coverage to the State Port during nonbusiness/holiday hours.

- (j) Performs other physical security duties at the direction of the State Port Authority.

2. Captain of Security – Job Requirements:

- (a) Applicant must possess a minimum of one (1) year practical experience as a security manager/supervisor. Previous experiences as an executive level manager may be substituted for the requirement upon approval of State Port Authority.
- (b) Applicant must possess a working knowledge of Port and maritime operations. Applicant must possess working knowledge of Limited Coast Radio Station operations, to include practical knowledge of FCC regulations and limitations.
- (c) Applicant must possess a minimum of three (3) years personnel management experience. Applicant must demonstrate ability to schedule employees for duty and to react to short notice requirements for additional security officers. Prior experience in administration of employee payroll programs is desirable.
- (d) Applicant must possess normal color vision and normal hearing. Applicant may not possess any physical incapacities which may adversely affect normal duty requirements. Applicant may be required to produce evidence of a physical examination/evaluation at the request of State Port Authority (contract security only).
- (e) Applicant must possess a current Mississippi Operator's Permit and not have pending or current conviction(s) on driver's records which are drug or alcohol related, or, which reflect an unsafe driving attitude. Prior training or experience in operating emergency response vehicles is desirable. Successful completion of an accredited defensive driving course may be substituted for this requirement.
- (f) Applicant may not possess a felony-oriented criminal record, pending or previous.
- (g) Applicant must possess the capability to conduct training needs assessments, determine job requirements, develop physical security and traffic control on-the-job

training programs, and conduct on-the-job training for newly assigned security persons. Applicant must possess practical experience in administrative management.

- (h) Applicant must have a minimum of a high school education.

3. Captain of Security - Related Job Requirements:

- (a) Successful completion of an accredited management school is desirable; however, three (3) years of upper level management experience may be substituted for this requirement.
- (b) Applicant must be prepared to provide certification of ability to perform all assigned duties under minimum direct supervision. The acceptability of this certification rests solely with executive managers of the State Port Authority.
- (c) Applicant must possess a minimum of one (1) year developing and conducting on-the-job training programs. Acceptability of this experience rests solely with executive managers of the State Port Authority.
- (d) Applicant must possess a minimum of one (1) year practical experience in the development and administration of physical security training programs

**B. Job Title: Sergeant of Security**

1. Position Description - Sergeant of Security

Supervises a contract guard force of approximately five (5) security officers providing physical security as well as radio-telephone communications service to the Mississippi State Port Authority at Gulfport. Responds to security irregularities/incidents, vehicle accidents, and disturbances. Prepares CONCISE irregularities/incident reports. Identifies potential physical security shortfalls to the Chief of Security. Assists in and acquires berthing applications on an "as needed" basis. Ensures smooth operations thru effective traffic control and marshaling of vehicles on an "as needed" basis. Acts as senior radio operator during assigned watch. Ensures strict compliance with FCC guidelines concerning operation of a limited maritime radio-telephone station. Ensures compliance with Port directives concerning "call out" of Port



employees during non-business hours. Ensures compliance with Port directives concerning proper maintenance and documentation of radio log(s). Ensures proper accountability and issue/receipt procedures for Port keys. Performs other activities at the direction of the Captain of Security in support of Port activities.

2. Job Requirements - Sergeant of Security

Potential Watch Supervisor(s) must possess a minimum of one (1) year, port oriented physical security officer experience, must be capable of direct supervision and scheduling personnel, must possess working knowledge of Port and maritime operations as well as working knowledge of a limited coast radio station operations, to include practical knowledge of FCC coast radio station regulations and limitations. Successful applicant must possess normal color vision and normal hearing. Job incumbent may not have physical malady(s) which may adversely impact the discharge of normal duties and job oriented requirements. Incumbent must possess a current Mississippi Operator's Permit. Incumbent may not have not have drug/alcohol related convictions. Incumbent must possess the minimum of a high school education.

3. Related Job Requirement(s) - Sergeant of Security

Potential Security officers may be required to undergo a limited medical (Physical) examination, at the expense of the contractor, and provide results of said examination to MSPA upon request.

C. **Job Title: Radio-Telephone (Communications) Officer**

1. Position Description - Radio-Telephone Officer

Maintain constant watch over MSPA radio emergency (hail & distress) radio Channel 16 and State Port Channel 10. Responds to ships calling the Port on Channel 16. Coordinates with concerned State Port Agencies on ship's requirements. Relays messages and information to marine vessels, coordinates ship movement requirements, i.e linehandlers, tug boats assistance identifying assigned berths, etc, and relays information to incoming marine vessels. Coordinates "in port" vessel needs/requirements with concerned State Port and ancillary marine support agencies. Maintains radio operations log(s). Maintains Daily Ship Report log. Dispatches MSPA linehandlers in support of ship's movements during nonbusiness hours. Maintains watch over Port fire alarm system, security cameras and notifies Port Operations or the Captain of Security for response guidance. Receives documents, and distributes Gulfport Pilot tickets and Gulfport Towing tickets to concerned MSPA and other commercial agencies. Maintains watch over Port freezer alarm system and dispatches response team(s) to alarm

location(s). Provides marine radio support services to Gulfport Pilot Association and ship's agents on an as needed basis. Provides Port Security radio desk/dispatcher services. Maintains constant watch over Port Security radio Channel 3. Dispatches security response member. Coordinates immediate response actions with Port Security Watch Supervisor and local law enforcement agencies

2. Job Requirements - Radio-Telephone Officer

- (a) Successful radio operator/dispatcher must possess a minimum of a high school education and write legible. Persons fulfilling this position must speak clearly/distinctively without speech impediment. Applicant must possess normal color vision. Applicant must also possess a working knowledge of marine radio operations, to include marine jargon/terminology as well as a working knowledge of FCC regulations concerning operation of a limited coast radio station. Applicant must possess working knowledge of Port and marine ship movement requirements.
- (b) Successful applicant must possess good communicative skills and be able to retain/relay complex information between a variety of Port and ancillary support agencies.

3. Related Job Requirements - Radio-Telephone Officer

- (a) Applicant must be able to perform all assigned duties under periods of stress with minimum supervision.
- (b) Prior experience as a radio-telephone operator may be substituted for knowledge of Port requirements.
- (c) Applicant must successfully complete a minimum of fourteen (14) days of on the job training and be certified by the MSPA Contract Captain of Security prior to being assigned full time duties in this position.

4. Education/Training Requirements - Radio-Telephone Officer

FCC Radio Operator's Certificate is desirable, however, not mandatory.

5. Supervision - Radio-Telephone Officer

Persons fulfilling this position receive direct supervision from the Captain of Security and indirect supervision from Sergeant of Security during nonbusiness hours.

D. **Job Title: Security Officer**

1. Position Description - Security Officer

- (a) This position consists of three (3) permanent guard posts (West Gate, East Gate and North Gate located at the Mississippi State Port Authority, Gulfport, Mississippi.
- (b) **West Guard Gate:** Provides physical security and entry/exit control over the West Pier, MSPA Directs inbound traffic to vendors, visitors and commercial traffic to concerned agencies on the West Pier. Obtains dock releases/receipts from outbound traffic for deliveries to MSPA officials. Conducts vehicle inspections(s) of outbound traffic to preclude unauthorized removal (pilferage) of cargo, equipment, and supplies. Detains person(s) suspect of unauthorized removal (pilferage) from exiting West Pier until proper authorities have cleared the person/vehicle or directed assistance from Gulfport Police Department. Assists the Chief of Security in traffic control on West Pier as needed. Performs other security oriented functions at the discretion of the Chief of Security in concert with MSPA.
- (c) **East Gate Guard:** Provides physical security and entry/exit control over the East Pier, of the MSPA. Directs inbound traffic to facilities on the East Pier. Detains person(s) suspect of unauthorized removal (pilferage) from exiting East Pier until proper authorities have cleared the person/vehicle or directed assistance from Gulfport Police Department. Performs traffic control duties at the direction of Chief of Security. Performs other security oriented functions at the discretion of Captain of Security in concert with MSPA officials.

2. Job Requirement(s) - Security Officer

**West Gate, East Gate, North Gate:** Persons performing these duties must be a minimum of twenty one (21) years of age and

must not possess a record of criminal (felony) convictions active or pending. Persons performing these duties must possess a high school, or equivalent, education. Although these are unarmed positions, the ability to possess a "weapons card" is considered highly desirable. Persons performing, or being considered for these positions may be required to undergo a medical (physical) examination, at the expense of the contracting agency, to ensure the absence of malady which may be restrictive to the performance of assigned duties, the results of which may be requested by MSPA officials.

3. Other Job requirement(s) - Security Officer

- (a) Persons filling these positions must demonstrate the ability to deal with the general public and to "neutralize" potentially disruptive occurrences without the use of force. Persons filling these positions will be placed on probationary employment at the State Port until they successfully complete a period of training/orientation on State Port facilities and requirements, to include CPR and first aid (buddy care) training, as well as traffic control/direction procedures.
- (b) Screening/Search Security Officers are required to screen vehicles as mandated by the MSPA Facility Security Plan. Screening/Searching can be defined as searching through vehicles prior to access to the Port's Restricted/Secure areas. The officers are searching for weapons, incendiary devices, illegal drugs, etc. Persons performing these duties must be a minimum of 21 years of age and must not possess a criminal (felony) record, whether or not active or pending. Persons performing these duties must possess a high school education or an equivalent thereof. Although these are unarmed positions, the ability to possess a weapon card is considered highly desirable. Persons performing, or being considered for these positions may be required to undergo a medical and/or physical examination, at the expense of the contracting agency, to ensure the absence of condition which may be restrictive to the performance of assigned duties, the results of these examinations may be requested by MSPA officials.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Part 301 Chapter 19: Visitor Control**

### **Rule 19.1 Purpose**

Only authorized persons engaged in port and related vessel activities are permitted within the fenced areas of the Port. Loitering, fishing, is strictly prohibited. Trespassers are subject to immediate expulsion from these areas and persons resisting expulsion are subject to arrest by local law enforcement agencies.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 19.2 Procedures – Generally**

This instruction establishes standard procedures for the Port Security Department in control and identification of visitors entering the fenced area of the Port.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 19.3 Scope**

This instruction defines areas of responsibility and outlines procedures to be followed to ensure the control of visitors to the State Port of Gulfport, Mississippi.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 19.4 Application**

This instruction is applicable to all commercial and MSPA agencies operating or performing port oriented operations within the fenced areas of the Port.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 19.5 Responsibilities**

The Captain of Security is responsible to ensure total compliance with the provision of this instruction.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 19.6 Pilferage Prevention**

Because of the inherent security problems and potential pilferage of cargo associated with Port operations and maritime port activities, the identification and control of visitors entering the fenced areas of the Port is essential.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 19.7 Port of Gulfport Access Limited**

The Port Contract Captain of Security and all members of the Port Security Department staffing the Port of Gulfport entry/exit accesses will limit access to those persons having a legitimate, official need to enter the Port. All persons requesting entrance onto the Port of Gulfport shall be required to possess a Transportation Worker Identification Credential (TWIC).

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 19.8 Certain Vehicles Exempt**

Vehicles displaying the MSPA decal on their windshields are acknowledged to having official business on the Premises but are still required to possess a TWIC card and are subject to searched upon entry. Law enforcement officials at the State and Local levels are not required to possess a TWIC card to gain unescorted access to Restricted/Secure areas at the Port of Gulfport.

First Responders at the State or Local levels are not required to possess a TWIC in order to gain unescorted access to Restricted/Secure areas during an emergency situation. They may, however, voluntarily obtain a TWIC where their offices fall within or where they desire frequent unescorted access to a restricted/secure area of a vessel, facility in a non-emergency situation.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21 and 33 CFR 101.514

### **Rule 19.9 Limited Access of Visitors**

Casual visitors, i.e. sightseers, tourists, etc., are strictly prohibited from unescorted entry into the Port's Restricted/Secure area(s).

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 19.10 Access of Media and Press**

Members of the news media must obtain permission from and be cleared by MSPA officials prior to being granted access to the Port. If properly granted access, media and press personnel must be escorted at all times while on Port Property.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 19.11 Visitors of Vessels**

All persons desiring entrance to the Port for the purpose of visiting a vessel (except those identified under Rule 8 above) must produce proof of authorization to board the vessel, produce proof of identity, TWIC card and "sign-in" in the Visitors Control Log maintained at the West Gate. Proof of authorization to board the vessel is a letter/pass signed by a member of the ship's officer component or by the ship's agent/stevedore responsible for the vessel's cargo movement.

Said proof of authorization will be surrendered to the gate guard and forwarded to Port Operations the next business day.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 19.12 Visitors to Longshoremen**

Visitors to longshoremen (non-emergency) will be required to wait outside the fenced area. The security roving patrol will contact the dock foreman and advise the longshoreman of the visitor.

Visitors to longshoremen to make deliveries, i.e. food, clothing, etc.:

- A. During business hours/cargo movement being accomplished the visitor will be required to wait outside the fenced area and the Security Supervisor will advise the dock foreman of the visitor's presence at the gate.
- B. Unless exempted under Rule 8 above, no one will be allowed access to the Port for the purpose of serving legal writs, summons, etc. Persons desiring contact with an individual on the Port for said purpose(s) are required to wait outside the fenced area. The Security Supervisor will notify persons subject to such action(s) they have a visitor, however, will not identify the visitor or the purpose.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

## **Part 301 Chapter 20: Traffic Control (Vehicles)**

### **Rule 20.1 Purpose**

This instruction promulgates standard speed limits on the State Port at Gulfport Mississippi.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 20.2 Scope**

This instruction establishes safe speed zones and limits on the Port and provides authority to the Port Security Department to enforce speed limits on the Port.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 20.3 Application**

This instruction is applicable to all agencies, commercial and State Port Authority, as well as all persons visiting or conducting business on the Port.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 20.4 Responsibility**

- A. All MSPA officials and employees witnessing violations of the contents of this instruction are responsible to report said incidents to the Port Security Department.
- B. The Captain of Security/Facility security Officer, working in concert with security department employees, is responsible to ensure compliance with the Provisions of this instruction.
- C. The Dock Superintendent is responsible for the review of reports generated as the result of this instruction and to forward appropriate (repeat offender) reports to the Deputy Director of Operations/Facility Security Officer for possible further action.
- D. The Port Executive Director is the final arbiter of this instruction and reviews reports (repeat offenders) for possible administrative action(s).

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 20.5 Authority**

Schedule of Charges, Rules, and Regulations for Port Terminal Services, Items 190, 198, 212, and 214.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 20.6 Speed Limits Strictly Enforced**

Because the inherent safety factors of operating a Port Industrial cargo movement facility, and to afford the best possible safe working environment on the Port the speed at which vehicles travel on the Port must be strictly controlled. Therefore, the State Port Authority has established the following speed limits:

- A. Routine traffic throughways: 20 MPH, unless otherwise posted.
- B. Docks, warehouse aprons, and roadways between warehouses: 10 MPH.
- C. Areas where persons are actively engaged in dockside cargo movement operations: 5 MPH.
- D. Open storage area: 15 MPH



- E. Whereas the aforementioned limits are considered maximum speed limits, all vehicle operators entering congested work/traffic areas are enjoined to reduce their speed to a lower, safer limit.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 20.7 Duty to Report Speeding Violations**

MSPA officials/employees, as well as any Port user observing a vehicle exceeding maximum allowable speed limit(s) on the Port are to report their observations to the Port Security Department. This requirement applies equally to any vehicle observed operating in such a manner so as to pose a hazard to persons, cargo movement operations or facilities on the Port.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 20.8 Enforcement**

Vehicles entering the Port at excessive speed(s) will be stopped by the Port Security Department Gate Guard and cautioned to observe Port speed limits. Repeat offenders will be reported, by the gate guard, to the Captain of Security/MSPA Facility Security Officer on duty.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 20.9 Identifying Violators**

The Captain of Security/MSPA Facility Security Officer will make a concentrated effort to positively identify offenders of this instruction and:

- A. **First time offenders.** Caution the driver and document the incident in the form of an irregularity report.
- B. **Repeat offenders.** Inform the driver a "repeat offense" report is being documented and forwarded to the Deputy Director of Operations. If possible stern administrative actions. (NOTE: Reports in such instances will be prepared to include reference to previous incident report.)

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 20.10 Review of Speeding Reports by Deputy Director of Operations**

The Port Operations will review all reports addressing speeding hazardous vehicle operations on the Port with emphasis in reports concerning repeat offenders. Repeat offender reports shall be forwarded to the Deputy Director of Operations, with suitable recommendation for a formal warning, suspension of driving privileges, permanent barring from driving on the Port, etc.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 20.11 Review of Speeding Reports by Commission**

The Deputy Director of Operations reviews all reports concerning repeat/habitual offenders and determines justification to initiate administrative action(s) against the offender. Should a formal warning be justified, the offender will be notified, in writing over the Executive Director's signature. Should temporary or permanent suspension of driving privilege(s) be justified, the item will be included as an agenda item for the next Port Commissioners meeting where final determination will be made.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 20.12 Notice of Suspension of Driving Privilege**

Persons being considered for temporary or permanent driving suspension will be advised of the Port Commissioners' determination and afforded five (5) working days to provide mitigating circumstances to justify reconsideration. Failure to respond within five (5) days will result in the enactment of the Port Commissioner's decision without further advisement.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 20.13 Violator's Vehicle Prohibited Access**

In all cases addressed in Rules 1 thru 12, this instruction, suspension of driving privileges is restricted to the persons operating a private vehicle on the Port and may include restriction(s) enacted against the person's vehicle itself.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 20.14 Commercial Agency's Vehicle**

Cases involving the use of a commercial agency's vehicle, to include cargo movement equipment, will be addressed to the concerned commercial agency by the Deputy Director for final determination, using the general procedures contained in this instruction.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Part 301 Chapter 21: Parking of Personal Vehicles.**

#### **Rule 21.1 Policy Statement**

Parking of personal vehicles in unauthorized areas is a matter of daily concern, particularly in congested work areas and dockside. Safety and security considerations are obvious. Incidents of lost time resulting from vehicles blocking operations increase costs and require immediate resolution.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 21.2 Parking Area**

The Stevedore, having obtained prior approval from Port Operations, will regulate parking during their particular operations.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 21.3 Personal Vehicle on Dockside Area Prohibited**

No personal vehicles will be allowed on dockside or in cargo handling areas. The Stevedore will regulate vehicles during their operations.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 21.4 Parking on Dockside or Cargo Handling Areas Prohibited**

Dockside, as well as parking in cargo handling areas, is prohibited. Vehicles found parked in these areas will be cited and may be required to show just cause as to why they should not be restricted from entering the Port.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 21.5 MSPA Not Responsible for Damage to Vehicle Occurring in Prohibited Areas.**

Vehicles must be kept clear of cargo operations at all times. In no way does this imply Port liability for damage to vehicles, nor any additional costs incurred by unauthorized vehicles impeding cargo operations.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-2

### **Rule 21.6 Additional Parking Prohibitions**

Under no circumstances will vehicles be parked in Fire Lanes or so as to be an obstruction to cargo movement, or impede free passage of Port Operations and Security Vehicles. Under no circumstances is a vehicle to be parked, unattended, within 20 feet of the Port gantries, or on the tracks servicing these apparatus. Vehicles found parked and impeding the safe, free movement of these apparatus may be cited and removed at the owner's expense.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 21.7 Penalty for Violations**

All vehicles that are found parked in unauthorized areas as well as vehicles blocking Port operations and Fire Lanes will be cited and may be towed at the owner's expense.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

## **Part 301 Chapter 22: Port Tours.**

### **Rule 22.1 Scheduling**

Tours for the Port of Gulfport will be scheduled in the following manner:

- A. All requests for tours will be processed through the Business Development Office. Coordination for tours will be handled by the Administrative Assistant at 228-865-4300.
- B. Tours will be conducted by the Executive Director, or his designee, who will stay with the group during their visit inside the Port Restricted/Secure areas.
- C. Contact: Operations Manager 865-4317

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

## **Part 301 Chapter 23: Control of Weapons, Firearms and Explosive Devices.**

### **Rule 23.1 Purpose**

This instruction addresses the Port's policy on weapons control on Port property for the purpose of this instruction, "Port property" encompasses the areas bordered on the West by the sand beach seawall to the eastward boundary of 29th Avenue and extends southward from Highway 90 to the southernmost waterlines and includes the former Commercial Small Craft Harbor as well as the Administrative Offices of the Mississippi State Port Authority at Gulfport are 2510 14th Street #1450, Gulfport, Mississippi 39501

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 23.2 Scope**

This instruction establishes the Port's policy on the possession and transport of weapons on Port property and provides the Port Security Department the authority to enforce its edicts.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 23.3 Application**

This instruction is applicable to all persons and agencies employed on traversing through, or engaged in the conduct of commerce on State Port property. This instruction does not apply to Federal, County, and State law enforcement agencies.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 23.4 Responsibility**

The Captain of Security and all employees of the Port Security Department as well as State employees and officials are responsible to ensure strict compliance with this instruction.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 23.5 Authority**

Schedule of Charges; Rules, and Regulations for Port Terminal Services, Paragraph 2, Item 154 and Item 187.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 23.6 Possession of Firearm Prohibited**

It is unlawful for any person to possess on, or carry, openly or concealed, any gun; rifle, pistol, explosive cartridge, explosive device or powerful explosive as defined in U.S.C.G. 14-284.1 while employed on or conducting business on Port property without the prior, express written approval of MSPA officials.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 23.7 Possession of Certain Knives Prohibited**

It is unlawful for any person to possess on, or carry, openly or concealed, any fixed blade knife exceeding five (5) inches in length, any spring or percussion activated knife, dirk, or dagger while employed on or conducting commerce on Port property. Non-fixed blade knives, less than five (5) inches in length, and bladed tools designed expressly for the purpose c-of material handling/preparation are permitted; however, the use of these devices for other than their designed purposes is prohibited.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 23.8 Possession of Other Dischargeable Weapons Prohibited**

It is unlawful for any person to possess on, or carry, openly or concealed, any sling shot; or flighted, dischargeable device, etc. while employed on or conducting commerce on Port property.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 23.9 Possession of Other Melee Weapons Prohibited**

It is unlawful for any person to possess or carry, openly or concealed any leaded cane blackjack, metallic knuckles, club, whip, or any other device of like kind designed as a weapon or intended to be used as weapon, whether offensive or defensive, while employed, on, or conducting commerce on Port property.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 23.10 Possession of Explosives Prohibited**

It is unlawful for any person to discharge or cause the discharge of any explosive device; firearm or similar like device on Port property.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 23.11 Permission to Use Certain Explosives**

Persons or agencies requiring the use of charged and/or explosive cartridge activated devices must obtain prior, written permission from the Deputy Director of Operations prior employing said or like devices on Port property.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 23.12 Penalty for Violators of this Policy**

Persons attempting entry onto or found on Port property in violation of the contents of this instruction will be subject to:

- A. Denial of entry by Security members.
- B. Immediate expulsion from the confines of Port property by Security members.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 23.13 Reporting Requirement**

All such incidents will be reported by the Security Department to Port Operations.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 23.14 Armed Agents Prohibited**

Commercial agencies/firearms located on Port property, and employing outside or internal security agents are enjoined against arming said agent and must obtain prior, express permission from the Deputy Director of Operations prior to arming their agents. In all cases the Port is faultless from any incident involving the use of a weapon/firearm by agents under the employment of any outside agency.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

## **Part 301 Chapter 24: Unilateral Port Security/Local and Federal Law Enforcement.**

### **Rule 24.1 Purpose**

This instruction establishes guidelines in the unilateral jurisdictions role of the Port Security Department and its relationship with local law enforcement and federal agencies. It also establishes standard procedures in the use of these agencies by Port Security Officers.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 24.2 Scope**

This instruction identifies local and federal law enforcement agencies to be contacted for assistance by the Port Security Department in the promulgation of the Port's mission to protect resources, personnel, and property and in ensuring the edicts of local, state, and federal laws are enforced.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 24.3 Application**

This instruction is applicable to all members of the Port's Security Department.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 24.4 Responsibility**

The Captain of Security, as well as Port Operations, is responsible to ensure the provisions of this instruction are strictly complied with.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 24.5 Authority**

Schedule of Charges, Rules, and Regulations for Port Terminal Services, Items 154 and 187.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 24.6 Importance of Maintaining Rapport with Other Enforcement Agencies**

Because of the uniqueness of the Mississippi State Port Authority at Gulfport in servicing United States and foreign flag vessels, as well as a mixture of cargo and passenger bearing vessels, and its commercial fishing fleet, it is necessary that the Port Security Department maintain a mutually supportive rapport with local as well as federal law enforcement agencies.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 24.7 Unarmed Officer Requirement**

Neither the Captain of Security nor any member of the Port Security Department performs his or her duties "under arm". Any member of the Port Security Department found to be armed will be reported by MSPA officials to the general manager of the contracting agency providing security services to the Port with the recommendation said member be summarily removed from service of the Port.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 24.8 Requesting Assistance of Gulfport Police Department**

The Captain of Security, as well as Sergeant of Security, acting in concert with the Captain and under the Captain's guidance, are empowered to request the assistance of the Gulfport Police Department under the following conditions:

- A. Suspected or actual use, transport, or sale of controlled substances, or any incident in which the use of controlled substance is suspected.
- B. Any incident involving the use, implied or actual, or display of a firearm.
- C. Any incident, i.e. confrontation, which resulted in personal injury or the damage to personal or Port property.
- D. Any incident or threat, violent or potentially violent.
- E. Any larceny committed on Port property.
- F. Any incident involving battery against a member of the Security Department.
- G. Minor, nonviolent incidents will be referred to a member of the MSPA staff with a request for MSPA intervention.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 24.9 Requesting the Assistance of U.S. Customs**



Port Security Supervisory Officers may request the assistance of the U.S. Customs Department, Gulfport, to resolve actual instances of seamen or persons working on Port property attempting to import foreign goods into the United States and being detained at any of the Port's entry/exit gates. Persons suspected of such activities will be identified in confidential irregularity reports and referred to MSPA officials for guidance.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 24.10 Requesting the Assistance of U.S. Border Patrol**

Port Security Supervisory Officers may request the assistance of the U.S. Border Patrol under the following circumstances:

- A. A known foreign seaman departing the Port known not to have U.S. Immigration Documents on his/her person
- B. A previously identified quarantined seaman attempting to or actually departing the Port.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 24.11 Reporting Incidents Involving Foreign Seamen**

All minor conflicts between Port Security members and foreign national seamen will be referred on incident reports to the MSPA Deputy Director of Operations for resolution.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 24.12 Reporting Incidents with Foreign Flag Vessels**

All minor incidents involving foreign seamen and/or agents of foreign flag vessels will be reported on incident reports to the MSPA Deputy Director of Operations.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 24.13 Short-Range Requests for Assistance by Local and Federal Authorities**

Requests from local and federal law enforcement agencies to the Port Security Department for immediate short range assistance will be honored. However, the MSPA Deputy Director of Operations will be apprised of the request at the earliest possible opportunity.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 24.14 Long-Range Requests for Assistance by Local and Federal Authorities**

All requests for non-urgent, long range assistance from local and federal law enforcement agencies to the Port Security Department will be referred by the Security Officer receiving the request to the MSPA Director of Operations for review and approval prior to being honored.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 24.15 Access to Port Facilities by Local and Federal Law Enforcement Agencies**

Port Authority Department persons staffing entry/exit control points shall not challenge Law Enforcement on official duty but will notify Port Operations.

These agencies include Gulfport Police Department, Mississippi Highway Patrol, Harrison County Sheriff's Department, and Customs Border Patrol Management.

- A. Members of these departments driving marked vehicles will be granted unchallenged access to Port property while on official duty.
- B. Members of these departments identifying themselves after being challenged and driving unmarked vehicles will be granted access to Port property without further questioning. MSPA Deputy Director of Operations and the Facility Security Officer shall be notified as soon as practical as to the presence of any officer on-site.
- C. Vehicles being operated by members of these departments are exempt from all inspection when departing Port property.
- D. Members of these departments are granted total authority to bear arms without question while on Port property.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Part 301 Chapter 25: Dock Releases/Receipts (General).**

#### **Rule 25.1 Purpose**

This instruction promulgates procedures for the issuance of dock releases and/or receipts by all agencies housing/storing cargo, equipment, supplies, etc., within the industrial area of the Mississippi State Port Authority at Gulfport.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 25.2 Scope**

This instruction defines the industrial areas of the Mississippi State Port as the fenced areas of the North, East and West Piers.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 25.3 Application**

This instruction is applicable to all commercial agencies housing/storing cargo, equipment, supplies, etc., within the industrial area of the Mississippi State Port Authority at Gulfport and the Port Security Department.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 25.4 Responsibilities**

Managers of commercial agencies operating within the industrial areas of the Port are responsible to ensure compliance with the provisions of this instruction. The Captain of Security, working in concert with the MSPA Port Operations Manager, is responsible to enforce the provisions of this instruction.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 25.5 Authority**

Schedule of Charges. Rules, and Regulations for Port Terminal Services, Items 154 and 187.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 25.6 Liability for Release/Receipts**

All agencies housing/storing cargo, equipment, supplies, etc., within the industrial area of the Mississippi State Port Authority at Gulfport will be held liable for the design, control, and issue of dock release/receipt documents.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 25.7 Design Requirements**

The design of said documents is left to the discretion of the agent, however, must include the firm's logo/name, commodity, storage location, date, and signature of person issuing the release. Said agencies will further be held liable to provide a list of authorized signature elements within their organization to the Captain of Security, a copy of which will also be provided by the concerned agency to the Port Operations/MSPA.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 25.8 Implementation and Filing of Policies by Agency**

Agencies housing/storing cargo equipment, supplies, etc. within the industrial area of the State Port Authority at Gulfport will develop and implement policies/procedures to ensure the internal control and protection of their dock release/receipts, and to ensure currency of their signature authority letter(s) on file with the Captain of Security and MSPA Deputy Director of Operations.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 25.9 Removal of Materials from Industrial Area**

Agencies housing/storing cargo equipment, supplies, etc., will ensure the removal of said material from the industrial area of the Mississippi State Port Authority at Gulfport is authorized by and covered under the issuance of an authorized dock release/receipt for presentation to Port Security guards as gate passes authorizing removal of the material.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 25.10 Receipts Required for Presentation**

All agencies receiving cargo -or storage on the Port will issue dock receipts for presentation to Port Security at the Entry/Exit Access Gate. Said receipts must indicate type and amount of cargo, and storage location. Agencies releasing empty containers will issue dock receipts on the container marked "empty".

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 25.11 Verification by MSPA Gate Guards**

Port Security gate guards will ensure the accuracy of and collect dock release/receipts prior to allowing the removal of equipment, cargo, supplies, etc., housed/stored within the industrial area of the Port. This review procedure includes the verification of the signature element authorizing said removal. All attempts to remove material from the Port without proper documentation will result in the denial of exit and return of the vehicle to the storage location for proper documentation.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 25.12 Resolving Conflicts**

Should a conflict arise between this instruction and the removal of material from the Port, the concerned agency manager will be contacted by Port Security to resolve the conflict. Vehicles attempting to depart the Port Industrial area without proper authorization, yet unwilling to return to obtain proper documentation, will be detained at the Entry/Exit Access Gate by Port

Security, who will contact the concerned agency manager and request the manager come to the gate and resolve the conflict. Unresolved conflicts will be reported to the MSPA Deputy Director of Operations by Port Security, with a request for assistance in resolving the conflict.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 25.13 Special Recordkeeping**

Port Security gate guards collect and ensure delivery of release documentation for Port Operations the next business day. The implementation of special records and logs, covering specific commodities housed/stored on the Port Industrial area, by Port Security, may be directed by the Chief of Security upon the council, request, and/or consent of the Port's Operations Manager. Said special records and logs, however, must be fully justified to meet a particular situation/circumstance and not duplicate other records/logs being maintained on the commodity.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 25.14 Oversight of Captain of Security**

The Captain of Security will provide a source of guidance and information to MSPA officials, as well as commercial agencies operating on the Port concerning the provisions of this instruction.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

## **Part 301 Chapter 26: Verification of Ship Chandler Licenses.**

### **Rule 26.1 Purpose**

This instruction provides standardized verification procedures by the Port Security Department to ensure the authorization of commercial agencies providing ship chandler services on the Mississippi State Port at Gulfport, Mississippi.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 26.2 Scope**

This instruction defines “ship chandler” as any agency providing supplies and services to any vessel docked/berthed at any pier within the confines of the Mississippi State Port Authority Industrial Area. This instruction excludes commercial agencies providing supplies and/or services to administrative offices confined within the Port's Industrial Area from requirement to possess said licenses.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 26.3 Application**

This instruction is applicable to members of the Port Security Department, as well as to any MSPA employee/official who witness the recurring activities of an agency which could be defined as being ship Chandler oriented.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 26.4 Responsibilities.**

- A.       **Reporting Unauthorized Use of License.** All MSPA employees suspecting the unauthorized activity of a ship Chandler are responsible to report said activity to the Chief of Security/Security Watch Supervisor for Investigation/resolution.
- B.       **Implementation.** The Captain of Security/MSPA Port Operations is responsible for implementing the provisions of this instruction.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 26.5 Authority**

Schedule of Charges, Rules, and Regulations for Port Terminal Services, Items 154, 158 and 187.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 26.6 Administrative Support**

Port Operations, working in concert with the Port Administrative Office, will provide to the Captain of Security the following administrative support material in support of this instruction:

- A.       A current listing of agencies licensed to provide ship Chandler services on the Port; and
- B.       A ready supply of Ship Chandler Information Packages to be issued to agencies found operating in violation of Item 162 Schedule of Charges, Rules and Regulations for Port Terminal Services Mississippi State Port at Gulfport.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 26.7 On-Site Enforcement Authority**

Port Operations, working in concert with and under the advisement of the Deputy Director of Operations, retains on-site authority to determine authorization/exclusion of

commercial agencies found in violation of Item 162, Schedule of Charges, Rules, and Regulations for Terminal Services Mississippi State Port Authority at Gulfport and will provide advisement/guidance to the Port Security Department.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 26.8 Guard Outpost Reporting Requirement**

Port Security officers staffing the Entry/Exit Access Gates will consult the current listing of ship chandlers posted by the Captain of Security at each guard house when passing supply and services oriented vehicles through their guard post. These persons will advise the Captain of Security of any commercial agency entering the Port to provide chandler services, suspect to being in violation of Item 162, Schedule of Charges, Rules, and Regulations for Terminal Services - Mississippi State Port Authority at Gulfport.

NOTE: Port Security officers do not have the authority to arbitrarily bar or deny entry of chandler/services oriented vehicle to Port/Shipside facilities except upon the explicit written directions of the MSPA Deputy Director of Operations. This restriction applies to and is extended to include the Port's Captain of Security.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 26.9 MSPA Response to Violations**

Upon advisement, by either a Port Security gate officer or a member of the MSPA staff of suspected activities in violation of Item 162, Schedule of Charges, Rules, and Regulations for Terminal Services--Mississippi State Port Authority at Gulfport, the Chief of Security/Security Watch Supervisor will:

- A. Determine the validity of the commercial agency to conduct chandler oriented services on the Port by consulting the current listing of chandler's licenses
- B. Issue a "Ship Chandler Information" package to drivers of vehicles whose agency is found to be in violation of Item 162. Document said issuance on the registry of information packages for future reference as required. (FIRST VIOLATION)
- C. Issue a "Ship Chandler Information" package marked "2nd Warning" to drivers of vehicles whose agency is found to be in violation of Item 162. Orally caution the driver that failure of the agency to contact the Port Authority to resolve the matter may result in the agency being barred from the Port.
- D. Document said action, to include full name of company/agency, mailing address and telephone number, on an irregularity report for submission,

through the Captain of Security to the MSPA Deputy Director of Operations.  
(SECOND VIOLATION)

- E. Order the cessation of all service oriented activities by agency/employees of agency found to be in violation of Item 162. Temporarily detain the vehicle at the location and advise the MSPA Deputy Director of Operations of the situation and request assistance/guidance. Be prepared to transport employee to Port Operations or to escort the vehicle from the Port, at the direction of MSPA officials. (THIRD VIOLATION)

NOTE: Irregularity reports generated as the result of Second and Third Violations will be annotated to include reference to previous violation(s) and action(s) initiated.

- F. Upon advisement by MSPA officials, of restrictions implemented against a ship chandler, either currently licensed or found to be in violation of Item 162, the Captain of Security will post an exclusion advisement at all of the Entry/Exit Access Gates. Said advisement will include the requirement for gate guards to contact the Captain of Security, who will verify the validity of the exclusion advisement with MSPA officials before allowing/denying access to the Port.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

## **Part 301 Chapter 27: West Gated Railroad Entrances.**

### **Rule 27.1 Purpose**

Because of the inherent dangers of an unprotected, ground level railroad crossing in a congested traffic area, this instruction establishes procedures to alert vehicles to passing trains and preclude unwarranted accidents.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 27.2 Scope**

This instruction defines areas of responsibility as well as procedures to be taken by the Port Security Department.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 27.3 Application**

This instruction is applicable to all Port Security Officers staffing the West Gate.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21



#### **Rule 27.4 Responsibility**

The Chief of Security is responsible to ensure compliance with the provisions of this instruction.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 27.5 Authority**

Schedule of Charges, Rules, and Regulations for Terminal Services, Items 154 and 187.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 27.6 Procedures When Inbound Train Approaches**

KCS is required to contact the West Gate Radio/Telephone operator via radio with an estimated time of arrival of inbound train. The radio operator will contact the Security Roving Patrol who will:

- A. Open the railroad access gate as requested by KCS.
- B. KCS railroad will enter the Port Facility at a speed of not more than 5 MPH. Under certain situations KCS will request Port Security help with Port traffic control while the train is servicing the Port of Gulfport.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 27.7 Procedures When Outbound Train Approaches**

KCS will advise Port Security when the outbound train is ready to exit the Port. Port Security will secure each rail gate upon KCS completion of duties on the Port.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Part 301 Chapter 28: Contractor Access Control Procedures.**

#### **Rule 28.1 Purpose**

This instruction promulgates access/departure control and documentation of contractors and their agents/employees onto Port property and facilities.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 28.2 Scope**

This instruction defines responsibilities and establishes procedures to control and document contractor access to the Port.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 28.3 Responsibilities**

- A. The Port Authority, through Port Operations and Port Engineering, is responsible to identify a contract monitor for all contracts let by the Port.
- B. The MSPA Contract Monitor is responsible to identify, to the Port Security, new contractors and areas to be worked as the Port lets new contracts.
- C. The Captain of Security and Port Operations, through Security Officers, are responsible to ensure compliance with this instruction.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 28.4 Authority**

Schedule of Charges, Rules, and Regulations for Port Terminal Services. Item 187.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 28.5 Duties of the Contract Monitor**

As new contracts are let to perform work on the Port, the Port's Contract Monitor identifies:

- A. the contractor's name,
- B. work area and
- C. projected time span of the contract to Port Operations who briefs the Captain of Security.

In the event a contractor has prepaid material, will be dealing with material belonging to the Port, or has material to be left on the Port, the Contract Monitor will provide to the Port Operations and Captain of Security a description of the material.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 28.6 Further Duties of the Contract Monitor**

The Port's Contract Monitor will brief all contractors on access control and documentation procedures implemented by this instruction. Contractors using prepaid material or

dealing with material owned by or to be returned to the Port will further be briefed on dock receipt procedures by the Port's Contract Monitor.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 28.7 Logbook**

The Port Security Department, through its Entry Control Security Officers, will require all contractors to sign in/out in the "Contractor Control" logbook. (NOTE: Contractors working on the East Pier will be logged In/Cut in the Daily Logbook. All such entries will include: name of contractor, area being worked in, name of individual, and time IN and time OUT.) (NOTE: Contractor vehicles entering the Port with more than one person will be documented by the driver and all persons being transported to the job site.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 28.8 Removal of Material from Port by Contractor**

Any contractor attempting to remove material previously identified by the Contract Monitor as belonging to the Port, will be challenged by the Access Control Security Officer to present authorization (Gate Pass/Dock Receipt) from the Port. Should said authorization not be available, the contractor will be denied exit and the Captain of Security will be notified, investigate the incident, and contact the Contract Monitor/Port Operations for guidance. (NOTE: All such incidents will be documented as an irregularity as outlined elsewhere in this manual.)

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 28.9 Visitors to Contractor Area**

Visitors to all contractor areas are to sign in/out using the same procedures outlined in this instruction for contractor/contractor employees. All visitors to construction sites are required to possess a TWIC card for access.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 28.10 Delivery Vehicles**

Vehicles (non-contractor owned) entering the Port for the purpose of making deliveries are required to possess a TWIC card for access onto the Port property and will be required to sign In/Out; also, any vehicle attempting to remove Port prepaid or controlled property, or suspect of attempting to remove said property, will be required to provide to the Access Control Officer(s) authorization, i.e. gate pass/property removal receipt.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 28.11 Highly Pilferageable Materials Monitored**

The Captain of Security/Port Operations will be advised, by the Contract Monitor, of contractor owned/supplied, highly pilferageable supplies/materials pre-positioned/housed on the Port. Whereas the contractor retains responsibility for this material, the Captain of Security and Watch Supervisors will familiarize themselves with said materials' location and periodically check the material to ensure its security.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

## **Part 301 Chapter 29: Berth Assignment.**

### **Rule 29.1 Berth Assignment**

The Port Authority will assign berths, sheds and open storage areas on a fair and equitable basis, with due consideration for preferential assignment, leases and other existing agreements.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 29.2 Untimely Arrival**

Failure to arrive as scheduled may result in vessel's loss of berth assignment.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 29.3 Berth Application**

No vessel shall enter or depart the Port of Gulfport until such time as the vessel has received authorization from the Port Authority. Vessels and/or their agents shall be held liable for the payment of all charges incurred by the vessel and its agent, including liability for the payment of all charges incurred by the vessel's cargo, disclosure of principals to the contrary notwithstanding.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 29.4 Berth Application Procedures**

Any vessel desiring a berth at the Port of Gulfport shall, not less than 48 hours prior to the time of docking, make application in writing on the prescribed form through a licensed agent to the Port Authority for a berth assignment specifying the dates and estimated hours of arrival and sailing, and the nature and quantity of cargo, if any, to be handled. Applications for berth assignments are made by agents of the vessel. Requests made by agents acting for the owners, shippers or receivers of the cargo and performance of any service under this tariff constitutes an agreement by said agents, as the case may be, to be held separately bound and ultimately liable for the payment of all or any part of the charges incurred by the vessel and/or its owners or by the cargo and/or its owners, shippers or receivers, as their respective interests may appear. Application for berth assignment or other facility constitutes an agreement between the applicant

and the Port Authority that all charges will be promptly paid upon presentation of invoice therefor, and that applicant will comply with all rules and regulations of the Port Authority.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 29.5 Notification of Indemnity Coverage**

As a part of its application for berth, the vessel, its owners or agents, shall advise the Port Authority of the Protection and Indemnity Association (P & I Club) which affords the vessel indemnity coverage as well as the name and telephone number of the nearest local legal representative thereof knowledgeable to such coverage.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 29.6 Penalty for Noncompliance**

A penalty charge, equal to the first day's dockage may be assessed against the agent, master and/or owner for any vessel, barge or other water craft that occupies a berth, and/or marginal track in shedded dock space, anchorage, open dock, mooring place, or any other facility in the port for which a berth application in writing has not been received by the Port Authority in advance of the vessel's arrival in port.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 29.7 Temporary Berth**

Temporary berthing may be assigned tugs, barges, crew boats, research vessels or any other vessel during emergency, inclement weather, or any other condition requiring such assignment. Immediately upon arrival the master, owner, or agent must file a formal application for berth assignment. All such vessels are subject to all applicable port rules, regulations and charges. Should such vessels not have a licensed agent, the Port Authority may, at its discretion, act as the vessel's temporary agent and assign an agent's fee in the amount of \$ 50 for each 30-day period of continued service for each unit (tow). All applicable charges shall be paid in full prior to departure of the vessel unless acceptable credit or bond is provided to the satisfaction of the Port Authority.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 29.8 Berthing During Nonbusiness Hours**

The Captain of Security/Security Roving Patrol on duty during nonbusiness hours, or at the direction of Port Authority, will, acting in concert with the Deputy Director of Operations, make temporary berthing assignments for unscheduled vessels entering the Port. In all such cases, the Captain of Security/Security Roving Patrol will ensure a berthing application is completed by the ship's master/agent immediately upon arrival in the Port. All such berthing applications will be forwarded by the Port Security Department to the Deputy Director of

Operations the next business day. Under provisions of this requirement, the Captain of Security/Security Roving Patrol will ensure Berthing Application includes full address, including zip code and telephone number of the vessel's owner responsible for all Port berthing related charges and fees.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

## **Part 301 Chapter 30: Cargo Space Application.**

### **Rule 30.1 Assignment Application**

Space in sheds and/or open storage will be assigned on receipt or written application, on prescribed Port Authority form, subject always to available space. Application for space should specify commodity, origin and/or destination, tonnage, date of cargo delivery, date of discharge and/or shipment, name of shipper or consignee, vessel, owner and agent.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 30.2 Maintenance of Space Assigned**

Space assigned will be clean, free of any infestation and suitable in all respects to receive cargo, and acceptance of such space assignment without exception shall be considered an acknowledgement of such good condition and preclude any subsequent claim for damages. Following use, assigned space must be returned in like condition.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 30.3 MSPA's Right to Control or Assign Space**

The facilities of the Port Authority are for storage, unloading, and/or handling of import, export, coastwise, intercoastal and local cargoes, and the Port Authority reserves the right to control and assign space in the Port terminals for the storage, loading, unloading and/or handling of all freight on and/or in these facilities.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 30.4 Unauthorized Use Penalty**

A penalty assessment equal to the doubling of all applicable tariff charges shall be made against any agency, stevedoring firm or other user utilizing any Port facilities for the loading, unloading, handling, and/or storage of cargo without prior assignment by the Port Authority of the space being used.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 30.5 Charges related to Cargo Storage**

Sheddage, open dock, and/or marginal track use is a charge assessed against a specific vessel, barge, or substitute, for providing warehouse, open area and/or marginal track space for the handling of inbound and/or outbound cargo.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 30.6 Covered Cargo Sheds**

Covered cargo sheds, immediately adjacent to wharves and aprons, are intended to directly serve vessels. Covered sheds located a short distance away from wharves and aprons are primarily used for cargo assembly, processing and distribution.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

## **Part 301 Chapter 31: Shed Assignment.**

### **Rule 31.1 Assignment**

Generally Upon receipt of Application for Cargo Space Assignment Form, space will be assigned subject to space available, commodity, tonnage, date of receipt of cargo and date of departure of cargo.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 31.2 Inspection of Shed by Project Manager**

Upon assignment of cargo space the Deputy Director of Operations or his/her designated representative will inspect the shed to ensure it is clean and free of infestation.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 31.3 Cleaning Sheds**

As needed, sheds will be washed clean. Upon washing and if type cargo requires, the Deputy Director of Operations or his/her designated representative will call in the contract pest control company to inspect and treat shed as needed. The cost of the inspection and treatment will be passed on to the stevedore making application.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 31.4 Post-Cleaning Inspection**

After cleaning, inspecting and treating is complete the Deputy Director of Operations or his/her designated representative will, in the company of the Stevedore, make a joint inspection of the shed. The Stevedore making application shall receive copies or both warehouse inspection

form and the Certification of Inspection and Warehouse Condition. The originals of these forms shall be kept on file by the Deputy Director of Operations.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 31.5 Shed Inspection Form**

When it is determined that the shed meets the needs and requirements, a Shed Inspection Form will be completed and signed by both the Deputy Director of Operations or his/her designated representative and the stevedore representative.

The Shed Inspection Form will include, in addition to cleanliness, the fire station conditions, the doors, both roll-up and personnel, condition and any other pertinent information.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 31.6 Inspection Upon Completion of Space Requirement**

When space requirement is completed the Deputy Director of Operations or his/her designated representative and the stevedore representative will again jointly inspect the space. The stevedore will be billed for any cleaning needed and/or damage noted during this inspection. Both the Deputy Director of Operations or his/her designated representative and the stevedore representative will sign the Shed Inspection Form terminating the space assignment.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

## **Part 301 Chapter 32: Overseas Waste/Garbage.**

### **Rule 32.1 Definitions**

“Garbage”, as regulated by the terms of this agreement, is defined as "all waste material derived in whole or in part from fruits, vegetables, meats or other plant or animal (including poultry) material and other refuse of any character whatsoever that has been associated with any such material onboard any means of conveyance and including food scraps, table refuse, galley food wrappers or packaging materials and other waste material from stores, food preparation areas, passenger's or crew's quarters, dining rooms, or any other areas on vessels or other means of conveyance."

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 32.2 Approved Providers of Service**

In accordance with the International Convention for the Prevention of Pollution from ships. MARPOL 73/78 Annex V effective December 31. 1988. The Port of Gulfport has approved the following companies for collection and disposal of domestic and foreign garbage generated by vessels.



Dockside Services 500 Beauregard Street Mobile, Alabama 36603 Phone: (251) 438-2362
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Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 32.3 Policy Reviewed Annually**

This agreement will be amended as needed to keep it current with revisions of quarantine requirements and shall be reviewed at least once annually.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 32.4 Plant Protection and Quarantine Officer**

The waste disposal company that is contracted to manipulate, handle, or store regulated garbage in a manner approved by the local Plant Protection and Quarantine (PPQ) Officer (Paul Smallwood) and in a designated area before disposal.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 32.5 Storage of Garbage**

Storage of regulated garbage in plastic bags must be inside a closed building; if outside, must be in sealed plastic bags in a container with a tight fitting lid.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 32.6 Transport of Garbage**

The waste disposal company transports regulated garbage directly from the USDA APHIS approved storage container or vessel to the disposal facility in closed leakproof containers without diversion. Regulated garbage incinerated to ash.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 32.7 Approved Disposal Facility**

Dockside Services is an approved handler by the U.S.D.A. to properly remove, process and dispose of regulated and non-regulated waste.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 32.8 Recordkeeping of Disposal Company**

The contracted waste disposal company will maintain a log which will include the disposal date and quantity (weight) of the garbage. This log will be made available to PPQ upon request.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 32.9 Reporting and Cleaning Spillage**

PPQ Officer will be notified of any spillage. Cleaning and disinfecting will be accomplished immediately. A PPQ Officer can be reached at (228) 822-3102 twenty-four hours a day.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 32.10 Misappropriation Prohibited**

The contracted waste disposal company will be responsible for foreign food waste in its possession and will not permit misappropriation of any food items.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 32.11 Identification of Foreign Garbage**

The contracted waste disposal company will use identifiable containers for foreign garbage. Rigid containers shall be lettered with the words "FOREIGN GARBAGE" or a similar acceptable phrase. Letters shall be at least 2 inches high on indoor containers and 4 inches high on outdoor containers.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 32.12 Using a Truck/Container for Purposes Other Than Hauling Foreign Garbage**

The truck/container to be used for a purpose other than hauling foreign garbage must have markings obliterated and be cleaned and disinfected under PPQ supervision prior to such use.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 32.13 Regulated Garbage Kept Separate**

All regulated garbage is to be kept completely separate from domestic garbage.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 32.14 Penalty of Noncompliance**

This agreement may be immediately cancelled or revoked for noncompliance or violation of the Federal regulations and may result in a criminal penalty of up to a \$5,000 fine and a year in jail, or both, or a civil penalty of up to \$ 1,000 per violation.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 32.15 Training Program Required**

The companies that are approved by the Port Authority for collection and disposal of regulated garbage shall present a training program to all employees before they are permitted to handle and supervise the handling of regulated garbage.

- A. The training must be approved by the local PPQ Officer in charge.
- B. The training must:
  - 1. Define regulated garbage.
  - 2. Explain garbage regulations and their purpose.
  - 3. Include films, slides, or other training aids on foreign animal, plant pests, and diseases.
  - 4. Specifically outline step-by-step handling procedures for regulated garbage.
  - 5. Be prepared in English and other appropriate languages.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 32.16 Use of Disinfectants**

Disinfectants should be in accordance with the following guidelines:

- A. 4 percent sodium carbonate solution (soda ash).
- B. The diluted solution is only mildly caustic but will dull paint and varnished surfaces. Mix in proportion of 40 grams per liter of water. (1.4 oz. per quart) 160 grams per 4 liters (5.33 oz. per gallon)
- C. 1" Stroke Environ
- D. Mix 4 ml. per liter of water 1/2 oz/per gallon. Apply to point of runoff. Surface should be free of dirt, grease, etc. before application. Solution is known to be harmful to aircraft. (1" Stroke Environ" is produced by Vestrel Laboratories Div. of Chemed Corp., St. Louis, MO 63110)

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 32.17 Removal of Garbage**

Garbage may be removed from the vessel under these provisions:

- A. All garbage must be placed in double heavy duty, leak proof plastic bags.
- B. Garbage can only be removed from the vessel under direct supervision of a USDA Officer and a representative of the Port.
- C. Garbage must be placed in a special USDA approved container marked "FOREIGN GARBAGE". This container will remain locked except when garbage is being removed from the vessel.
- D. The garbage will be transported by a USDA approved firm for immediate incineration.
- E. Unauthorized removal of garbage will result in a fine of not less than \$500.00.
- F. Encl:
  - 1. USDA Maritime Garbage Controlling Regulations.
  - 2. Compliance Agreement: Dockside Services, Inc.
  - 3. Compliance Agreement: Browning-Ferris Industries.
  - 4. Provisions Letter from USDA PPQ to Vessel.
  - 5. U.S. Naval Vessel Garbage Handling Agreement.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 32.18 U.S. Navy Vessels**

Recent Veterinary Medical Officer port reviews have indicated the need to restate garbage safeguarding policy for U.S. Navy vessels returning to the U.S. from foreign ports.

- A. U.S. Navy policy is that no foreign origin meats, produce, or milk products will remain aboard any ship returning to a U.S. continental, territorial or offshore U.S. port. "Foreign origin" does not include U.S. origin frozen or canned products issued to a ship from a U.S. overseas military depot or U.S. underway replenishment.

- B. If the boarding officer finds foreign stores, the vessel will be handled exactly like a commercial vessel with respect to garbage safeguarding.
- C. If no foreign stores are found by the boarding officer, the first offloading of garbage must be sterilized or incinerated. This will include, in addition to any garbage on board the vessel at docking, all garbage produced during the first 24 hours in port. Vessels which dock with no garbage will be handled exactly like vessels docking with garbage on board. Garbage generated subsequent to the above stated first offloading will be handled the same as domestic garbage.
- D. Plan Protection and Quarantine policy relative to military vessel boarding is being incorporated into the shipboarding guidelines (M390.340).

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-2

### **Part 301 Chapter 33: Foreign Trade Zone.**

#### **Rule 33.1 Location**

The Foreign Trade Zone (FTZ) of the Port of Gulfport, FTZ No. 92, is located at the entire Mississippi State Port Authority at Gulfport. The Foreign Trade Zone is a U.S. Customs controlled facility in which certain imported products can be stored, processed and repackaged, or assembled with U.S. goods without being subject to customs duties until leaving the zone.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Part 301 Chapter 34: Deep Draft Vessels.**

#### **Rule 34.1 Deep Draft Vessels**

On a case-by-case basis the Executive Director may grant use of the Gulfport Harbor and Ship Channel to vessels with drafts greater than 30 feet, but not exceeding thirty-six (36) feet, upon a written request of the master, owner and/or agent of the vessel and upon the written recommendation of the Pilots licensed by this Port Authority that such usage is not reasonably expected to impair use of the Harbor or Ship Channel by said vessel or any other vessel. In making such recommendation, the Pilots are to use their best discretion, considering anticipated tides, winds and other factors prevailing at the time. In doing so, the master owner and/or agent shall covenant and express in writing not to assert liability against the Port Authority and the Pilots and to defend and indemnify the Port Authority and the Pilots from any and all damages arising from or connected with such use and expressly agree to cure any impediment to the continued safe use of the Harbor and Channel by other vessels that may be caused by said vessel. Again, this is not an open policy. It is on a case-by-case basis. MSPA will rely exclusively on the Gulfport Pilots Association's written recommendation in each and every case and if favorable

recommendation is not received the vessel will not be granted approval enter the Harbor or Channel.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

## **Part 301 Chapter 35: Hurricane Readiness Procedures.**

### **Rule 35. 1 Introduction**

This document is intended to establish guidelines and procedures for personnel at the Mississippi State Port Authority at Gulfport ("Port Authority") before, during, and after a tropical storm or hurricane striking in proximity to the Port pursuant to the Mississippi Emergency Management Law, §§ 33-15-1, et seq., of the Mississippi Code. The guidelines and procedures contained herein are not designed to handle every situation an employee may encounter during a tropical storm or hurricane. Considering the uncertainty and unpredictability associated with a tropical storm or hurricane, employees are encouraged to use their basic common sense, personal experience, and discretion in responding to specific situations. Accordingly, all guidelines and procedures contained herein shall be exercised in the discretion of Port Authority employees regardless of whether a particular provision purports to require or mandate certain action. The timelines for certain guidelines and procedures expressed herein assumes that sufficient notice of a potential tropical storm or hurricane is given so that such guidelines and procedures may be utilized, which may or may not be the circumstance with any given tropical storm or hurricane.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 35.2 Associated Policies and Procedures**

Besides this Procedure, the following associated policies and procedures apply:

- A. Port Authority Terminal Tariff No. 6, as amended from time to time, or any successor tariff;
- B. Administrative Codes of the State of Mississippi;
- C. Port Authority Port Facility Security Plan; and
- D. Any conflict between these Hurricane Procedures and other agreements and regulations should be referred to the Executive Director for resolution.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 35.3 Oversight Responsibilities**

The following are the general responsibilities of the Port Authority during a threat of a tropical storm or hurricane striking near the Port:

- A. **Executive Department** - Declare the emergency, coordinate intergovernmental activities, keep Board of Port Commissioners and the Mississippi Development Authority informed of all ongoing activities, and supervise overall emergency activities.
- B. **Trade and Development** - Establish a public information service, establish communications with Port Authority customers and assess their needs, and coordinate logistic services in support of recovery.
- C. **Finance & Administration** - Maintain the Port Authority's overall administration functions, human resource functions, and assist Port Authority employee family members.
- D. **Operations & Maintenance** - Maintain operations at the deepwater Harbor, maintain communication with the U.S. Coast Guard, monitor weather channels and stations and other broadcasts for notification of severe weather reports, implement this Hurricane Procedure, prepare for the threat of the tropical storm or hurricane striking near the Port, and report the status of the tropical storm or hurricane, and the Port Authority's preparations for same, to the Executive Director of the Port Authority
- E. **Official MSPA Spokesperson.** The official spokesperson for the Port Authority during any emergency is the Executive Director.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 35.4 Conditions of Readiness**

Hurricane Season begins on June 1st and extends through November 30th. Hurricane conditions are set by the U.S. Coast guard Captain of the Port ("COTP"), Mobile Area of Responsibility, and are used to alert the maritime community to changes that may need to be made in the port operations in preparation of an upcoming tropical storm or hurricane. The COTP will provide Maritime Safety Information Bulletins ("MSIB") to all port interest via fax or email whenever a tropical storm or hurricane is approaching or may affect the Port.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 35.5 MSPA Hurricane Readiness Designations**

The following designations described in Rule 35.8 will be used for describing the Port Authority's Hurricane Readiness Conditions.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 35.6 Cooperation with U.S. Coast Guard**

The U. S. Coast Guard (Mobile) will keep the Port Authority informed of the formation, path, and threat of a Hurricane or tropical storm. Besides the U.S. Coast Guard, the Port Authority will maintain contact with the Harrison County Civil Defense Office. A Port Emergency Action Team (PEAT) within the Coast Guard has been established to monitor and set storm conditions for the Port. The Port Authority will use the PEAT for assistance in the implementation of the Port Authority's hurricane preparations.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 35.7 Tenants' Hurricane Preparedness Requirement**

Prior to Condition 5 (the duration of hurricane season), tenants are requested to review their own hurricane program, provide a copy of their program to the Port's Operations Department, and to be alert for hurricane warnings. Tenants should secure all non-utilized equipment and/or cargo in their respective leased areas during hurricane season.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 35.8 Condition-Related Preparation.**

As Hurricane Conditions are set by the Coast Guard, the Port Authority will make efforts to notify tenants and customers so that appropriate action can be taken:

#### **A. Hurricane Alert Condition Five (5) (Hurricane Season – Generally):**

1. Every effort should be made by tenants and customers to secure or remove non-utilized or non-essential equipment or products (e.g., pallets, gear, dunnage, etc.).
2. The Port Authority Deputy Director, Engineering, will make arrangements as necessary, based on the Deputy Director's discretion, for emergency services and equipment to be made available to the Port on a contingency basis.
3. The Deputy Director, Facilities, will make an inventory list of supplies, materials and equipment which, in the Deputy Director's discretion are necessary to perform any and all tasks called for in an emergency situation. The inventory list will be submitted to the Port's Finance and Administration Office for appropriate purchase.
4. The Deputy Director, Operations, will check the emergency communications equipment to verify that it is in a ready condition.
5. The Trade and Development Department will prepare an emergency contact list with the names and telephone numbers of



key personnel to be distributed to the employees of the Port Authority for use during the recovery phase.

**B. Hurricane Alert Condition Four (4)** (Hurricane force winds are possible within 72 hours):

1. The Operations Department will make efforts to notify tenants, stevedore companies, vessel masters, owners and agents in the main harbor, and Port Authority personnel that Condition 4 is in effect.
2. Port Authority employees will be assigned appropriate materials, equipment and supplies. The Director, Facilities, will, as he or she determines, procure any additional materials needed for the possible hurricane or tropical storm. The Finance and Administration Department will prepare and proceed with any and all purchases for supplies, materials, and equipment deemed necessary in the event of a hurricane.
3. The Operations Department will prepare a list of expected vessel arrivals and sailings. All expected vessel movements will be confirmed with the vessel masters, owners or agents. Vessels and tenants should complete cargo operations within 36 hours prior to the predicted landfall of the storm and be encourage to leave the Port.
4. The Trade and Development Department will make efforts notify the cargo interests and tenants at the Port to remove sensitive cargoes from the Port to a safe location.
5. Tenants and customers should submit a plan to the Port Authority for securing and/or removing equipment, containers and general cargoes.
6. The Deputy Director, Operations, will make efforts to contact the masters, owners and agents of ocean-going vessels at the Port and request that same vessels be removed to a safe haven. Masters, owners and agents of all ocean-going vessels and Coast Guard regulated barges must advise the Coast Guard and the Port Authority of their intentions and schedule for departing the Port. Vessels that desire to remain in Port must have approval from the Deputy Director, Operations, of the Port authority and provide a heavy weather mooring plan to the Coast Guard for approval.
7. The Operations Department will make efforts to notify ship owners and agents, Gulfport Towing and the Gulfport Pilot

Association that any ocean-going vessel with an estimated time of arrival at the Port of less than 72 hours prior to predicted hurricane force winds should be directed elsewhere to seek shelter.

8. All cranes and conveyors will be secured with lashing.
9. A Command Center will be set up and manned in the Port Authority's Administration Offices to monitor the progress of the storm and to be a clearinghouse for all communications. Employees of the Port Authority and local emergency management officials will be notified of the location of the Command Center.
10. The Administration and Finance Department shall prepare, as determined necessary within the discretion of same Department, for evacuation of the Port Authority's records. Computers and related equipment will be removed from the Operation and Maintenance buildings. Any transportation needed by the Administration and Finance Department for evacuation of records and/or equipment will be arranged by the Operations Department.

C. **Hurricane Alert Condition Three (3)** (Hurricane force winds are possible within 48 hours):

1. The Operations Department will make efforts to notify tenants, stevedore companies, vessel masters, owners and agents in the main harbor, and Port Authority personnel that Condition 3 is in effect.
2. The Deputy Executive Director, Operations, will, within his discretion, notify service providers and contractors to stand by for contingent assignments at the Port and will distribute the Port Authority's vehicles and emergency equipment to assigned personnel as necessary.
3. No ocean-going vessel will be allowed into the Port after the setting of Hurricane Alert Condition 3.
4. The Deputy Director, Operations, will make efforts to contact the masters, owners and agents of ocean-going vessels at the Port and request that same vessels be removed to a safe haven. Masters, owners and agents of all ocean-going vessels and Coast Guard regulated barges must advise the Coast Guard and the Deputy Director, Operations, of the Port Authority of their intentions and schedule for departing the Port. Vessels that desire to remain in

Port must have approval from the Port Authority and provide a heavy weather mooring plan to the Coast Guard for approval.

5. Upon recommendation of the Deputy Director, Operations, and in consultation with PEAT, the Executive Director may order vessels to evacuate the Port despite the vessel master's, owner's or agent's desire to remain in Port. If an evacuation is not ordered or a vessel cannot evacuate, the Deputy Directors of Engineering and Operations in consultation with PEAT and the vessel's master, owner and/or agent will establish a storm mooring system for the vessel which must be approved by the Coast Guard.
6. The Trade and Development Department will make efforts to notify tenants and customers at the Port to secure and/or remove their equipment, containers and general cargoes.
7. The Maintenance Department will tape or board up the windows and glass doors to the Port Authority's offices.
8. Cargo operations will be ordered to end by the Operations Department of the Port Authority prior to the entry of Condition 2.
9. The Deputy Director Operations, or his or her designee, will make efforts to inspect Port areas and finalize preparations for the storm. Refrigeration equipment in the chillers and freezers will be secured within the buildings. Upon completion of the inspection and any remaining cargo operations, the Deputy Director, Operations, or the Executive Director will declare the Port closed to all personnel and vessels. The Harrison County Civil Defense Center shall be contacted indicating that the Port is closed.

D. **Hurricane Alert Condition Two (2)** (Hurricane force winds are possible within 24 hours):

1. The Operations Department will make efforts to notify tenants, stevedore companies, vessel masters, owners and agents in the main harbor, and Port Authority personnel that Condition 2 is in effect.
2. The Mississippi Gaming Commission shall be notified that the Port has declared Condition 2.
3. Emergency communications will be established between Harrison County Civil Defense and designated Port Authority personnel. The Port Authority will man the Center at the Harrison County Civil Defense Center on a 24-hour basis.

4. It is anticipated that the Harrison County Civil Defense will require the evacuation of all persons south of Highway 90.

E. **Hurricane Alert Condition One (1)** (Hurricane force winds are possible within 12 hours):

1. Emergency communications will continue with the Harrison County Civil Defense Headquarters. The Harrison County Civil Defense Headquarters shall be provided names of any personnel remaining at the Port and the names of vessels and their owners, agents and crews remaining on a vessel.
2. The Finance and Administration Department will contact all Port Commissioners, officers, and employees to find out their availability for post-storm recovery actions. A full list of names and telephone numbers of Port Commissioners, directors, and employees will be supplied to the Port's representative at the Civil Defense Headquarters, and the Port Authority Executive Director and Deputy Director, Operations.
3. It is anticipated that the Coast Guard will order that all waterways in the Mobile Area of Responsibility be secured.

F. **Hurricane Arrival:**

1. The Port's designated representatives at the Harrison County Civil Defense Headquarters are to maintain regular contact with key personnel of the Port Authority by telephone or by cellular phone if possible.
2. All Port Authority officers and employees will comply with all directions provided by the Harrison County Civil Defense Headquarters.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 35.9 Administrative Offices and Other Port Authority Offices**

- A. **Office Preparation.** The Mississippi State Port Authority administrative offices are at One Hancock Plaza, 14th floor, Gulfport, Mississippi. The Deputy Director, Finance, will be responsible for securing the Port Authority offices at this location. Similar procedures should be followed by all other Deputy Directors for each of their respective offices.

B. **Office Preparation Procedures.** These suggested procedures are to be guidelines for office personnel in preparation for a storm:

1. Desktops, shelves and work tables are to be completely clear of objects (paper and desk items may be placed in desk drawers).
2. Computers and printers are to be moved away from windows, labeled, placed in double plastic bags, and placed in interior office areas.
3. Telephones are to be unplugged, wrapped in plastic bags and stored in desks or file cabinets.
4. Small personal objects (e.g., wall pictures, coffee cups, lamps, etc.) are to be stored in desks or file cabinets.
5. File cabinets are to be moved away from exterior walls and if possible moved to an interior area.
6. Office doors are to be closed.
7. Official documents, personnel files, agreements, contracts, permits, and other critical Port Authority documents are to be placed in fire proof cabinets.
8. All items being moved to interior areas are to be clearly labeled for ease of identification upon return to the offices.
9. In cases of forecasted Category 3 or greater hurricanes, Port Authority office equipment located on Terminals will be placed in a marine container and moved to a designated offsite location. The Deputy Director, Operations, will be responsible for providing the Finance and Administration Department with a marine cargo container and transportation for the evacuation of the office materials, supplies, and equipment. Materials, supplies, tools, and equipment that may be necessary for recovery should be evacuated to an offsite location.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 35.10 Aftermath and Recovery**

Following a tropical storm or hurricane striking near the Port, the mission of the Port Authority is to:

- A. First, help local, state, and federal emergency agencies in the immediate protection of life and safety of the public. Second, with the assistance of appropriate State and Federal Agencies, reestablish commercial, deepwater cargo activities at the facilities of the Port. Third, reestablish other business activities at the Port.
- B. Following a hurricane or tropical storm striking near the Port, all employees of the Authority will attempt to contact the Port Authority's Command Center within six hours of the storm passing inland. All employees are expected to return to work as soon as practical and feasible, but should exercise caution in traveling back to work. All employees are needed as soon as possible for recovery efforts; therefore, employees should attempt to contact the Port Authority Command Center for recovery effort schedule information. Each employee will be provided with an emergency contact list to use as needed prior to and after the storm.
- C. The following recovery process will be followed for placing the Port back into operation:
  - 1. The Port Authority personnel at the Harrison County Civil Defense Headquarters will establish communications with the Executive Director, Deputy Directors, and the Temporary Command Center.
  - 2. The Executive Director, all senior Directors, and consulting engineers will assemble at the Port Authority's Temporary Command Center as soon as possible following the storm passing inland. Any member unable to travel to the Command Center will contact the Center by telephone, if possible.
  - 3. Communications will be reestablished with the Coast Guard COTP, Mobile, the Coast Guard Aids to Navigation Office in Mobile and the Arm Corp of Engineers in Mobile to coordinate with PEAT and in consultation with the Gulfport Pilots' Association.
  - 4. The Operations Department and representatives will as soon as possible report to the main East and West Gates at the Port. No one will be allowed to enter the Port Authority without prior approval of a director of the Port Authority or the Harrison county Civil Defense. Engineering and maintenance personnel will as soon as possible report to the West Terminal Operations Offices for job assignments in conducting a full condition survey of the Port.

5. When possible, a full condition survey will be made of all Port facilities and navigation leading to and from the Port. The results of this condition survey need to be transmitted to the Command Center immediately after its completion. The Port will be reopened to inbound and outbound traffic at the completion of the survey and when the Coast Guard and the Gulfport Pilot Association deem the channel safe for transit. Should a tropical storm or hurricane restrict navigation in or around the Port, the Coast Guard is to be informed so that a Notice to Mariners may be issued indicating same.
6. The Executive Director or his designee will establish contact with appropriate Municipal, County, State and Federal authorities to seek assistance for early reactivation of the Port and to offer assistance when possible.
7. A special meeting of the Board of Port Commissioners will be called when practical to review damage reports and plans for restoration of Port operations.

Source: Miss. Code Ann. §§ 59-1-1, 59-1-9, 59-5-5, and 59-5-21

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