

By: Guice

To: Public Buildings,
Grounds and Lands

HOUSE BILL NO. 180

1 AN ACT TO AMEND SECTIONS 31-3-1 AND 31-11-1, MISSISSIPPI CODE
2 OF 1972, TO DEFINE THE TERMS "PROGRAM MANAGEMENT SERVICE" AND
3 "PROGRAM MANAGER"; AND FOR RELATED PURPOSES.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

5 SECTION 1. Section 31-3-1, Mississippi Code of 1972, is
6 amended as follows:

7 31-3-1. The following words, as used in this chapter, shall
8 have the meanings specified below:

9 "Board": The State Board of Contractors created under this
10 chapter.

11 "Contractor": Any person contracting or undertaking as prime
12 contractor, subcontractor or sub-subcontractor of any tier to do
13 any erection, building, construction, reconstruction, repair,
14 maintenance or related work on any public or private project;
15 however, "contractor" shall not include any owner of a dwelling or
16 other structure to be constructed, altered, repaired or improved
17 and not for sale, lease, public use or assembly. It is further
18 provided that nothing herein shall apply to:

19 (a) Any contract or undertaking on a public project by
20 a prime contractor, subcontractor or sub-subcontractor of any tier
21 involving erection, building, construction, reconstruction,

22 repair, maintenance or related work where such contract,
23 subcontract or undertaking is less than Fifty Thousand Dollars
24 (\$50,000.00);

25 (b) Any contract or undertaking on a private project by
26 a prime contractor, subcontractor or sub-subcontractor of any tier
27 involving erection, building, construction, reconstruction,
28 repair, maintenance or related work where such contract,
29 subcontract or undertaking is less than One Hundred Thousand
30 Dollars (\$100,000.00);

31 (c) Highway construction, highway bridges, overpasses
32 and any other project incidental to the construction of highways
33 which are designated as federal aid projects and in which federal
34 funds are involved;

35 (d) A residential project to be occupied by fifty (50)
36 or fewer families and not more than three (3) stories in height;

37 (e) A residential subdivision where the contractor is
38 developing either single-family or multi-family lots;

39 (f) A new commercial construction project not exceeding
40 seventy-five hundred (7500) square feet and not more than two (2)
41 stories in height; or

42 (g) Erection of a microwave tower built for the purpose
43 of telecommunication transmissions.

44 "Certificate of responsibility": A certificate numbered and
45 held by a contractor issued by the board under the provisions of
46 this chapter after payment of the special privilege license tax
47 therefor levied under this chapter.

48 "Person": Any person, firm, corporation, joint venture or
49 partnership, association or other type of business entity.

50 "Private project": Any project for erection, building,
51 construction, reconstruction, repair, maintenance or related work
52 which is not funded in whole or in part with public funds.

53 "Program management service" or "program manager": A
54 professional service performed by a private firm that supplements
55 a state agency's staff for the performance of capital building
56 projects. A program management service is procured through a
57 professional services qualification process in the same manner as
58 architectural selection. A program manager may not perform as the
59 architect or the contractor on a project for which it is the
60 program manager. The Bureau of Building, Grounds and Real
61 Property Management may set the criteria to qualify as a certified
62 program manager in the State of Mississippi. However, a program
63 manager chosen by a state agency shall be a general contractor,
64 architect or engineer licensed in the State of Mississippi, or a
65 firm that: (i) has at least one (1) member of the firm who holds
66 a baccalaureate or higher degree in architecture from a National
67 Architectural Accrediting Board accredited institution or a
68 baccalaureate or higher degree in engineering from an Accrediting
69 Board of Engineering and Technology accredited institution, and
70 (ii) has been performing program management services in the State
71 of Mississippi for at least three (3) years before July 1, 2000.

72 "Public agency": Any board, commission, council or agency of
73 the State of Mississippi or any district, county or municipality
74 thereof, including school, hospital, airport and all other types
75 of governing agencies created by or operating under the laws of
76 this state.

77 "Public funds": Monies of public agencies, whether obtained
78 from taxation, donation or otherwise; or monies being expended by
79 public agencies for the purposes for which such public agencies
80 exist.

81 "Public project": Any project for erection, building,
82 construction, reconstruction, repair, maintenance or related work
83 which is funded in whole or in part with public funds.

84 SECTION 2. Section 31-11-1, Mississippi Code of 1972, is
85 amended as follows:

86 31-11-1. (1) For purposes of this chapter, the following
87 terms shall have the meanings specified below:

88 (a) "State Building Commission" shall mean the
89 Governor's Office of General Services acting through the Bureau of
90 Buildings, Grounds and Real Property Management.

91 (b) "Program management service" or "program manager"
92 means a professional service performed by a private firm that
93 supplements a state agency's staff for the performance of capital
94 building projects. A program management service is procured
95 through a professional services qualification process in the same
96 manner as architectural selection. A program manager may not
97 perform as the architect or the contractor on a project for which
98 it is the program manager. The Bureau of Building, Grounds and
99 Real Property Management may set the criteria to qualify as a
100 certified program manager in the State of Mississippi. However, a
101 program manager chosen by a state agency shall be a general
102 contractor, architect or engineer licensed in the State of
103 Mississippi, or a firm that: (i) has at least one (1) member of
104 the firm who holds a baccalaureate or higher degree in
105 architecture from a National Architectural Accrediting Board
106 accredited institution or a baccalaureate or higher degree in
107 engineering from an Accrediting Board of Engineering and
108 Technology accredited institution, and (ii) has been performing

109 program management services in the State of Mississippi for at
110 least three (3) years before July 1, 2000.

111 (2) Wherever the term "State Building Commission" or
112 "Building Commission" appears in the laws of the State of
113 Mississippi, it shall be construed to mean the Governor's Office
114 of General Services.

115 SECTION 3. This act shall take effect and be in force from
116 and after July 1, 2000.