

By: Representatives Clarke, Bowles,  
Frierson, Horne, Stevens

To: Appropriations

HOUSE BILL NO. 1014

1 AN ACT TO AMEND SECTION 25-53-111, MISSISSIPPI CODE OF 1972,  
2 TO REQUIRE THE DEPARTMENT OF INFORMATION TECHNOLOGY SERVICES TO  
3 ESTABLISH GENERAL POLICIES TO GUIDE AGENCIES IN MAKING DECISIONS  
4 TO PROCURE CELLULAR TELEPHONES OR OTHER WIRELESS COMMUNICATIONS  
5 DEVICES; TO REQUIRE THE DEPARTMENT OF INFORMATION TECHNOLOGY  
6 SERVICES TO ESTABLISH A MODEL POLICY REGULATING PERSONAL USE OF  
7 CELLULAR TELEPHONES OR OTHER WIRELESS COMMUNICATIONS DEVICES OWNED  
8 BY STATE AGENCIES AND TO REQUIRE STATE AGENCIES TO ADOPT THE MODEL  
9 POLICY, OR A POLICY EQUALLY STRINGENT; TO AMEND SECTION 25-53-121,  
10 MISSISSIPPI CODE OF 1972, TO REQUIRE THE DEPARTMENT OF INFORMATION  
11 TECHNOLOGY SERVICES TO ENTER INTO A SINGLE OR MULTIPLE CONTRACTS  
12 FOR CELLULAR OR WIRELESS TELEPHONE SERVICE IN THE STATE AND TO  
13 REQUIRE STATE AGENCIES TO USE THE SINGLE OR MULTIPLE CONTRACTS  
14 NEGOTIATED BY THE DEPARTMENT; AND FOR RELATED PURPOSES.

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

16 **SECTION 1.** Section 25-53-111, Mississippi Code of 1972, is  
17 amended as follows:

18 25-53-111. The bureau shall have the following additional  
19 duties:

20 (a) To establish and coordinate through either state  
21 ownership or commercial leasing, all telecommunications systems  
22 and services affecting the management and operations of the state.

23 (b) To act as the sole centralized customer for the  
24 acquisition, billing and record keeping of all telecommunications  
25 systems or services provided to state agencies whether obtained  
26 through lease or purchase.

27 (c) To charge respective user agencies for their  
28 proportionate cost of the installation, maintenance and operation  
29 of the telecommunications systems and services, including the  
30 operation of the bureau.

31 (d) To offer or provide transmission, switch and  
32 network services on a reimbursable basis to agencies financed



33 entirely by federal funds, to governing authorities and to other  
34 governmental agencies.

35 (e) To approve or provide state telephone services on a  
36 reimbursable basis to full-time students at state institutions of  
37 higher learning and junior colleges, including where such services  
38 are provided by the state or the institution.

39 (f) To develop coordinated telecommunications systems  
40 or services within and among all state agencies and require, where  
41 appropriate, cooperative utilization of telecommunications  
42 equipment and services by aggregating users. Where such  
43 cooperative utilization of telecommunications system or service  
44 would affect an agency authorized to receive information from the  
45 National Crime Information Center of the Federal Bureau of  
46 Investigation, such plans for cooperative utilization shall first  
47 be approved by the National Crime Information Center before  
48 implementation of such telecommunications systems or service can  
49 proceed.

50 (g) To review, coordinate, approve or disapprove all  
51 requests by state agencies for the procurement, through purchase  
52 or contract for lease of telecommunications systems or services  
53 including telecommunication proposals, studies and consultation  
54 contracts and intra-LATA and inter-LATA transmission channels.

55 (h) To establish and define telecommunications systems  
56 and services specifications and designs so as to assure  
57 compatibility of telecommunications systems and services within  
58 state government and governing authorities.

59 (i) To provide a continuous, comprehensive analysis and  
60 inventory of telecommunications costs, facilities and systems  
61 within state government.

62 (j) To promote, coordinate or assist in the design and  
63 engineering of emergency telecommunications systems, including but  
64 not limited to "911" service, emergency medical services and other  
65 emergency telecommunications services.



66 (k) To advise and provide consultation to agencies and  
67 governing authorities with respect to telecommunications  
68 management planning and related matters and to provide training to  
69 users within state government in telecommunications technology and  
70 system use.

71 (l) To develop policies, procedures and long-range  
72 plans, consistent with the protection of citizens' rights to  
73 privacy and access to information, for the acquisition and use of  
74 telecommunications systems, and to base such policies on current  
75 information about state telecommunications activities in relation  
76 to the full range of emerging technologies.

77 Any state agency requesting an increase in expenditure of  
78 funds for new telecommunications equipment systems or services  
79 shall submit to the Legislative Budget Office with its budget  
80 request preceding the fiscal year for which funding is requested  
81 detailed justification for such request. The justification shall  
82 be provided on forms developed by the bureau in accordance with  
83 the Administrative Procedure Act. In addition, all state agencies  
84 shall submit to the bureau, when requested, a long-range plan for  
85 use of telecommunications equipment, systems and services.

86 (m) To promulgate a model policy for all state agencies  
87 which restricts personal use of state-owned cellular telephones or  
88 other wireless communication devices and further requires all  
89 state agency personnel to maintain a log of all cellular or  
90 wireless calls made on such state-owned devices. The log should  
91 contain the name of the person called, the purpose of the call and  
92 the time of the call. All state agencies shall adopt the model  
93 policy or adopt a policy that is, at minimum, as stringent as the  
94 model policy. The department may exempt state agency law  
95 enforcement activities or other activities essential to the  
96 protection of the public health and safety from the requirements  
97 of this paragraph.



98           (n) To adopt general policies which will help each  
99 agency of state government assess the need for cellular telephones  
100 or other wireless communications devices. These general policies  
101 should, at minimum, address the following:

102           (i) Whether a less expensive telecommunications  
103 alternative is suitable or available, or both;

104           (ii) Whether a cell phone or other wireless  
105 communications device issued to an employee would improve job  
106 performance and productivity through better communicative ability  
107 or mobility, or both;

108           (iii) Whether the agency's needs can be met with  
109 its present forms and levels of services;

110           (iv) Whether the agency's needs could be met best  
111 by a limited number of cell phones or other wireless  
112 communications devices that can be checked out by employees on a  
113 daily basis;

114           (v) Whether quantifiable benefits are associated  
115 with the procurement of cellular service or other wireless  
116 communications devices and whether cellular service provides more  
117 efficient or effective service delivery; and

118           (vi) Whether quantifiable savings associated with  
119 the use of cellular telephones or wireless communication devices  
120 result in a reduction in other costs.

121           Each agency should establish specific guidelines for  
122 procurement of cellular telephone or wireless communications  
123 devices which are in conformity with the general policies  
124 promulgated by the department. Each state agency shall report the  
125 quantifiable benefits and savings that it realizes from the use of  
126 cellular telephones or wireless communications devices in its  
127 annual report to the Legislature.

128           **SECTION 2.** Section 25-53-121, Mississippi Code of 1972, is  
129 amended as follows:



130           25-53-121. (1) The types of contracts permitted in the  
131 procurement of telecommunications equipment, systems and related  
132 services are defined herein, and the provision in Sections  
133 25-53-101 through 25-53-125 supplement the provisions of Chapter  
134 7, Title 31, Mississippi Code of 1972.

135           (2) The Mississippi Department of Information  
136 Technology Services may, on behalf of any state agency, enter into  
137 an equipment support contract with a vendor of telecommunications  
138 equipment or services for the purchase or lease of such equipment  
139 or services in accordance with the following provisions:

140           (a) Specifications for equipment support contracts  
141 shall be developed in advance and shall conform to the following  
142 requirements:

143           (i) Specifications for equipment support contracts  
144 shall cover a specific class or classes of equipment and service  
145 and may include all features associated with that class or  
146 classes.

147           (ii) Specifications in the request for proposals  
148 for equipment support contracts shall be developed by the  
149 Mississippi Department of Information Technology Services.

150           (iii) Specifications shall be based on the  
151 projected needs of user agencies.

152           (iv) Specifications for equipment support  
153 contracts for purchase or lease of telecommunications equipment  
154 may include specifications for the maintenance of the equipment  
155 desired.

156           (b) The initial procurement of an equipment support  
157 contract, and procurement of equipment and services to be utilized  
158 by agencies under an equipment support contract, shall be as  
159 follows:

160           (i) Equipment support contracts shall be awarded  
161 by competitive sealed bidding.



162                   (ii) A using agency may procure required  
163 telecommunications equipment and service available under an  
164 equipment support contract through release of a purchase order for  
165 the required equipment and service to the vendor holding an  
166 equipment support contract. However, such procurement by purchase  
167 order shall be accomplished in accordance with the procedures and  
168 regulations prescribed by the Mississippi Department of  
169 Information Technology Services, and shall be subject to all other  
170 statutory requirements including approval by the bureau.

171                   (c) The final authority for entering into equipment  
172 support contracts shall rest with the bureau, and such contracts  
173 shall be executed by the Mississippi Department of Information  
174 Technology Services in accordance with the procedures and  
175 regulations defined by said authority.

176                   (d) Equipment support contracts shall include the  
177 following terms and conditions:

178                   (i) Equipment support contracts shall be valid for  
179 not more than one (1) fiscal year with the Mississippi Department  
180 of Information Technology Services having an option to renew for  
181 two (2) additional fiscal years. The vendor may vary lease or  
182 purchase prices for the optional renewal period(s) by an amount  
183 equal to the lesser of the lease or purchase price permitted by  
184 that vendor's contract with the General Services Administration of  
185 the United States government for such equipment and services, or  
186 any variance in that vendor's published list prices for such  
187 equipment and services during that fiscal year, provided that any  
188 increase may not exceed five percent (5%) and the variance must  
189 have been authorized by the initial equipment and service order  
190 contract.

191                   (ii) The prices stated in such contract shall not  
192 change for the period of the contract.

193                   (iii) Individual items of telecommunications  
194 equipment and service which may be included under an equipment



195 support contract may not have a purchase price greater than Fifty  
196 Thousand Dollars (\$50,000.00) or a monthly lease price greater  
197 than Three Thousand Dollars (\$3,000.00). Such price shall not  
198 include costs of maintenance, taxes or transportation.

199 (iv) Equipment support contracts shall include the  
200 following annual appropriation dependency clause:

201 "The continuation of this contract is contingent upon the  
202 appropriation of funds to fulfill the requirements of the contract  
203 by the Legislature. If the Legislature fails to appropriate  
204 sufficient monies to provide for the continuance of the contract,  
205 the contract shall terminate on the date of the beginning of the  
206 first fiscal year for which funds are not appropriated."

207 (3) The Mississippi Department of Information Technology  
208 Services may on behalf of any state agency enter into contracts  
209 for the lease or purchase of telecommunications equipment systems  
210 or services in accordance with the following provisions:

211 (a) The bureau may directly contract for or approve  
212 contracts for regulated or tariffed telecommunications services  
213 upon determination by the bureau that the application of such  
214 service is in the best interests of the State of Mississippi.

215 (b) All other contracts of this type shall be entered  
216 into through request for proposals as defined in Sections  
217 25-53-101 through 25-53-125.

218 (c) The justification of such contracts must be  
219 presented to the bureau prior to issuance of a request for  
220 proposals. Such justification shall identify and consider all  
221 cost factors relevant to that contract.

222 (d) The term of a lease contract shall not exceed sixty  
223 (60) months for a system lease valued less than One Million  
224 Dollars (\$1,000,000.00) and shall not exceed one hundred twenty  
225 (120) months for a system lease valued One Million Dollars  
226 (\$1,000,000.00) or more.



227 (e) All lease contracts must contain the following  
228 annual appropriation dependency clause:

229 "The continuation of this contract is contingent upon the  
230 appropriation of funds to fulfill the requirements of the contract  
231 by the Legislature. If the Legislature fails to appropriate  
232 sufficient monies to provide for the continuation of a contract,  
233 the contract shall terminate on the date of the beginning of the  
234 first fiscal year for which funds are not appropriated."

235 (f) The Mississippi Department of Information  
236 Technology Services shall maintain a list of all such contracts.  
237 This list shall show as a minimum the name of the vendor, the  
238 annual cost of each contract and the term of the contract or the  
239 purchase cost.

240 (g) Upon the advance written approval of the bureau,  
241 state agencies may extend contracts for the lease of  
242 telecommunications equipment, systems and related services on a  
243 month-to-month basis for a period not to extend more than one (1)  
244 calendar year for the stated lease prices.

245 (4) With respect to the procurement of wireless or cellular  
246 telephone services, the Department of Information Technology  
247 Services shall develop a list of approved vendors for the delivery  
248 of such service to state agencies. The department may exercise  
249 the option of selecting one (1) vendor to provide the services, or  
250 if it deems such to be most advantageous to the state, it may  
251 select multiple vendors. If it chooses to utilize multiple  
252 vendors, the department may select vendors on the basis of lowest  
253 and best bid proposals, or it may establish a state contract per  
254 minute price and allow any vendor who agrees to provide service at  
255 the contract price to be added to the list of vendors.

256 No agency shall contract for wireless telephone or cellular  
257 telephone services with any vendor unless the vendor has been  
258 approved by the Department of Information Technology Services.





259           **SECTION 3.** This act shall take effect and be in force from  
260 and after July 1, 2002.

