HOUSE BILL NO. 1159

AN ACT TO AMEND SECTIONS 19-13-111, 31-7-15 AND 31-7-47, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT IN THE LETTING OF PUBLIC CONTRACTS OF TWENTY-FIVE THOUSAND DOLLARS OR MORE, IF THE BIDS ARE IN ALL RESPECTS EQUAL BETWEEN RESIDENT AND NONRESIDENT BIDDERS, EXCEPT AS TO PRICE, PREFERENCE SHALL BE GIVEN TO RESIDENTS OF THIS STATE IF THE PRICE BID BY A RESIDENT OF THIS STATE DOES NOT EXCEED BY MORE THAN ONE PERCENT THE PRICE BID BY A NONRESIDENT; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 19-13-111, Mississippi Code of 1972, is amended as follows:

19-13-111. All bids and contracts for stationery, blank books, office supplies and other things must be specific in stating the kinds or brands and qualities of all articles, as far as practicable; the weight per ream and material of all paper; the price per quire and the weight per ream of books and record books, with the style of binding and size of each kind of book duly classified; and, other things being equal, the several boards shall give the preference to those bids which are most specific as to the price and quality of the various articles. In case bids are in all respects equal between resident and nonresident bidders, the board of supervisors shall give preference to citizens of this state. For contracts of Twenty-five Thousand Dollars ($25,000.00) or more, in case the bids are in all respects equal between resident and nonresident bidders, except as to price, the board of supervisors shall give preference to citizens of this state if the price bid by a resident of this state does not exceed by more than one percent (1%) the price bid by a nonresident.
SECTION 2. Section 31-7-15, Mississippi Code of 1972, is amended as follows:

31-7-15. (1) Whenever two (2) or more competitive bids are received, one or more of which relates to commodities grown, processed or manufactured within this state, and whenever all things stated in such received bids are equal with respect to price, quality and service, the commodities grown, processed or manufactured within this state shall be given preference. However, for contracts of Twenty-five Thousand Dollars ($25,000.00) or more, if all things stated in the received bids are equal with respect to quality and service but differ only with respect to price, the commodity grown, processed or manufactured within this state shall be given preference if the price bid for a commodity grown, processed or manufactured within this state does not exceed by more than one percent (1%) the price bid for a commodity grown, processed or manufactured outside this state. A similar preference shall be given to commodities grown, processed or manufactured within this state whenever purchases are made without competitive bids, and when practical the Department of Finance and Administration may by regulation establish reasonable preferential policies for other commodities, giving preference to resident suppliers of this state.

(2) Any foreign manufacturing company with a factory in the state and with over fifty (50) employees working in the state shall have preference over any other foreign company where both price and quality are the same, regardless of where the product is manufactured.

(3) On or before January 1, 1991, the Department of Finance and Administration shall adopt bid and product specifications to be utilized by all state agencies that encourage the procurement of commodities made from recovered materials. Preference in awarding contracts for commodities shall be given to commodities offered at a competitive price.
(4) Each state agency is required to procure products made from recovered materials when those products are available at a competitive price. For purposes of this subsection, "competitive price" means a price not greater than ten percent (10%) above the lowest and best bidder. A decision not to procure products made from recovered materials must be based on a determination that such procurement:

(a) Is not available within a reasonable period of time; or

(b) Fails to meet the performance standards set forth in the applicable specifications; or

(c) Is not available at a competitive price.

SECTION 3. Section 31-7-47, Mississippi Code of 1972, is amended as follows:

31-7-47. In the letting of public contracts, whenever all things stated in the bids are equal with regard to price, quality and service, preference shall be given to resident contractors over nonresident contractors. However, for contracts of Twenty-five Thousand Dollars ($25,000.00) or more, if the bids are in all respects equal between resident and nonresident bidders, except as to price, preference shall be given to residents of this state if the price bid by a resident of this state does not exceed by more than one percent (1%) the price bid by a nonresident.

SECTION 4. This act shall take effect and be in force from and after July 1, 2003.