

By: Representative Rushing

To: Appropriations

HOUSE BILL NO. 1159

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

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

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

12 19-13-111. All bids and contracts for stationery, blank
13 books, office supplies and other things must be specific in
14 stating the kinds or brands and qualities of all articles, as far
15 as practicable; the weight per ream and material of all paper; the
16 price per quire and the weight per ream of books and record books,
17 with the style of binding and size of each kind of book duly
18 classified; and, other things being equal, the several boards
19 shall give the preference to those bids which are most specific as
20 to the price and quality of the various articles. In case bids
21 are in all respects equal between resident and nonresident
22 bidders, the board of supervisors shall give preference to
23 citizens of this state. For contracts of Twenty-five Thousand
24 Dollars (\$25,000.00) or more, in case the bids are in all respects
25 equal between resident and nonresident bidders, except as to
26 price, the board of supervisors shall give preference to citizens
27 of this state if the price bid by a resident of this state does
28 not exceed by more than one percent (1%) the price bid by a
29 nonresident.



30 **SECTION 2.** Section 31-7-15, Mississippi Code of 1972, is
31 amended as follows:

32 31-7-15. (1) Whenever two (2) or more competitive bids are
33 received, one or more of which relates to commodities grown,
34 processed or manufactured within this state, and whenever all
35 things stated in such received bids are equal with respect to
36 price, quality and service, the commodities grown, processed or
37 manufactured within this state shall be given preference.
38 However, for contracts of Twenty-five Thousand Dollars
39 (\$25,000.00) or more, if all things stated in the received bids
40 are equal with respect to quality and service but differ only with
41 respect to price, the commodity grown, processed or manufactured
42 within this state shall be given preference if the price bid for a
43 commodity grown, processed or manufactured within this state does
44 not exceed by more than one percent (1%) the price bid for a
45 commodity grown, processed or manufactured outside this state. A
46 similar preference shall be given to commodities grown, processed
47 or manufactured within this state whenever purchases are made
48 without competitive bids, and when practical the Department of
49 Finance and Administration may by regulation establish reasonable
50 preferential policies for other commodities, giving preference to
51 resident suppliers of this state.

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

57 (3) On or before January 1, 1991, the Department of Finance
58 and Administration shall adopt bid and product specifications to
59 be utilized by all state agencies that encourage the procurement
60 of commodities made from recovered materials. Preference in
61 awarding contracts for commodities shall be given to commodities
62 offered at a competitive price.



63 (4) Each state agency is required to procure products made
64 from recovered materials when those products are available at a
65 competitive price. For purposes of this subsection, "competitive
66 price" means a price not greater than ten percent (10%) above the
67 lowest and best bidder. A decision not to procure products made
68 from recovered materials must be based on a determination that
69 such procurement:

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

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

74 (c) Is not available at a competitive price.

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

77 31-7-47. In the letting of public contracts, whenever all
78 things stated in the bids are equal with regard to price, quality
79 and service, preference shall be given to resident contractors
80 over nonresident contractors. However, for contracts of
81 Twenty-five Thousand Dollars (\$25,000.00) or more, if the bids are
82 in all respects equal between resident and nonresident bidders,
83 except as to price, preference shall be given to residents of this
84 state if the price bid by a resident of this state does not exceed
85 by more than one percent (1%) the price bid by a nonresident.

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

