

## REPORT OF CONFERENCE COMMITTEE

MADAM PRESIDENT AND MR. SPEAKER:

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

S. B. No. 2344: Public purchasing laws; make various amendments (MAGPPA).

We, therefore, respectfully submit the following report and recommendation:

1. That the House recede from its Amendment No. 1.
2. That the Senate and House adopt the following amendment:

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

29           **SECTION 1.** Section 19-11-27, Mississippi Code of 1972, is  
30 amended as follows:  
31           19-11-27. No board of supervisors of any county shall expend  
32 from, or contract an obligation against, the budget estimates for  
33 road and bridge construction, maintenance and equipment, made and  
34 published by it during the last year of the term of office of such  
35 board, between the first day of October and the first day of the  
36 following January, a sum exceeding one-fourth (1/4) of such item  
37 of the budget made and published by it, except in cases of  
38 emergency. The clerk of any county is \* \* \* prohibited from  
39 issuing any warrant contrary to the provisions of this section.  
40 No board of supervisors nor any member thereof shall buy any  
41 machinery or equipment in the last six (6) months of their or his  
42 term unless or until he has been elected at the general election  
43 of that year. The provisions of this section shall not apply to a  
44 contract, lease or lease-purchase contract executed pursuant to  
45 the bidding requirements in Section 31-7-13 and approved by a  
46 unanimous vote of the board. Such unanimous vote shall include a  
47 statement indicating the board's proclamation that the award of  
48 the contract is essential to the efficiency and economy of the  
49 operation of the county government.

50           **SECTION 2.** Section 19-13-21, Mississippi Code of 1972, is

51 amended as follows:

52 19-13-21. The board of supervisors of any county which owns  
53 any tractor, truck, or other road machinery or equipment, or any  
54 district of which owns any such machinery or equipment, may at any  
55 time have the same repaired, or purchase necessary repair parts  
56 therefor, where it is necessary to use the machinery or equipment  
57 in constructing, reconstructing or maintaining the public roads,  
58 whether or not there is then a sufficient amount in the fund out  
59 of which the cost thereof must be paid to pay the same. The claim  
60 for the repairs or repair parts shall be allowed in due course  
61 when filed, and be paid in its proper order as other claims.  
62 However, if any repairs herein permitted to be made after the  
63 first day of July of the last year of the term of office of the  
64 members of the board making such repairs shall exceed the sum of  
65 Five Thousand Dollars (\$5,000.00), the repairs shall not be made  
66 unless and until the board of supervisors, or a majority of the  
67 members thereof, shall have authorized the making of the repairs  
68 at a regular meeting of the board, or a special meeting called for  
69 that purpose.

70 **SECTION 3.** Section 31-7-1, Mississippi Code of 1972, is  
71 amended as follows:

72 31-7-1. The following terms are defined for the purposes of  
73 this chapter to have the following meanings:

74 (a) "Agency" shall mean any state board, commission,  
75 committee, council, university, department or unit thereof created  
76 by the Constitution or statutes if such board, commission,  
77 committee, council, university, department, unit or the head  
78 thereof is authorized to appoint subordinate staff by the  
79 Constitution or statute, except a legislative or judicial board,  
80 commission, committee, council, department or unit thereof.

81 (b) "Governing authority" shall mean boards of  
82 supervisors, governing boards of all school districts, all boards  
83 of directors of public water supply districts, boards of directors  
84 of master public water supply districts, municipal public utility  
85 commissions, governing authorities of all municipalities, port  
86 authorities, commissioners and boards of trustees of any public

87 hospitals, boards of trustees of public library systems, district  
88 attorneys, school attendance officers and any political  
89 subdivision of the state supported wholly or in part by public  
90 funds of the state or political subdivisions thereof, including  
91 commissions, boards and agencies created or operated under the  
92 authority of any county or municipality of this state. The term  
93 "governing authority" shall not include economic development  
94 authorities supported in part by private funds, or commissions  
95 appointed to hold title to and oversee the development and  
96 management of lands and buildings which are donated by private  
97 individuals to the public for the use and benefit of the community  
98 and which are supported in part by private funds.

99 (c) "Purchasing agent" shall mean any administrator,  
100 superintendent, purchase clerk or other chief officer so  
101 designated having general or special authority to negotiate for  
102 and make private contract for or purchase for any governing  
103 authority.

104 (d) "Public funds" shall mean and include any  
105 appropriated funds, special funds, fees or any other emoluments  
106 received by an agency or governing authority.

107 (e) "Commodities" shall mean and include the various  
108 commodities, goods, merchandise, furniture, equipment, automotive  
109 equipment of every kind, and other personal property purchased by  
110 the agencies of the state and governing authorities, but not  
111 commodities purchased for resale or raw materials converted into  
112 products for resale.

113 (i) "Equipment" shall be construed to include:  
114 automobiles, trucks, tractors, office appliances and all other  
115 equipment of every kind and description.

116 (ii) "Furniture" shall be construed to include:  
117 desks, chairs, tables, seats, filing cabinets, bookcases and all  
118 other items of a similar nature as well as dormitory furniture,  
119 appliances, carpets and all other items of personal property  
120 generally referred to as home, office or school furniture.

121 (f) "Emergency" shall mean any circumstances caused by  
122 fire, flood, explosion, storm, earthquake, epidemic, riot,

123 insurrection or caused by any inherent defect due to defective  
124 construction, or when the immediate preservation of order or of  
125 public health is necessary by reason of unforeseen emergency, or  
126 when the immediate restoration of a condition of usefulness of any  
127 public building, equipment, road or bridge appears advisable, or  
128 in the case of a public utility when there is a failure of any  
129 machine or other thing used and useful in the generation,  
130 production or distribution of electricity, water or natural gas,  
131 or in the transportation or treatment of sewage; or when the delay  
132 incident to obtaining competitive bids could cause adverse impact  
133 upon the governing authorities or agency, its employees or its  
134 citizens; or in the case of a public airport, when the delay  
135 incident to publishing an advertisement for competitive bids would  
136 endanger public safety in a specific (not general) manner, result  
137 in or perpetuate a specific breach of airport security, or prevent  
138 the airport from providing specific air transportation services.

139 (g) "Construction" shall mean the process of building,  
140 altering, improving, renovating or demolishing a public structure,  
141 public building, or other public real property. It does not  
142 include routine operation, routine repair or regularly scheduled  
143 maintenance of existing public structures, public buildings or  
144 other public real property.

145 (h) "Purchase" shall mean buying, renting, leasing or  
146 otherwise acquiring.

147 (i) "Certified purchasing office" shall mean any  
148 purchasing office wherein fifty percent (50%) or more of the  
149 purchasing agents hold a certification from the Universal Public  
150 Purchasing Certification Council or other nationally recognized  
151 purchasing certification.

152 **SECTION 4.** Section 31-7-9, Mississippi Code of 1972, is  
153 amended as follows:

154 31-7-9. (1) (a) The Office of Purchasing and Travel shall  
155 adopt purchasing regulations governing the purchase by any agency  
156 of any commodity or commodities and establishing standards and  
157 specifications for a commodity or commodities and the maximum fair  
158 prices of a commodity or commodities, subject to the approval of

159 the Public Procurement Review Board. It shall have the power to  
160 amend, add to or eliminate purchasing regulations. The adoption  
161 of, amendment, addition to or elimination of purchasing  
162 regulations shall be based upon a determination by the Office of  
163 Purchasing and Travel with the approval of the Public Procurement  
164 Review Board, that such action is reasonable and practicable and  
165 advantageous to promote efficiency and economy in the purchase of  
166 commodities by the agencies of the state. Upon the adoption of  
167 any purchasing regulation, or an amendment, addition or  
168 elimination therein, copies of same shall be furnished to the  
169 State Auditor and to all agencies affected thereby. Thereafter,  
170 and except as otherwise may be provided in subsection (2) of this  
171 section, no agency of the state shall purchase any commodities  
172 covered by existing purchasing regulations unless such commodities  
173 be in conformity with the standards and specifications set forth  
174 in the purchasing regulations and unless the price thereof does  
175 not exceed the maximum fair price established by such purchasing  
176 regulations. The said Office of Purchasing and Travel shall  
177 furnish to any county or municipality or other local public agency  
178 of the state requesting same, copies of purchasing regulations  
179 adopted by the Office of Purchasing and Travel and any amendments,  
180 changes or eliminations of same that may be made from time to  
181 time.

182           (b) The Office of Purchasing and Travel may adopt  
183 purchasing regulations governing the use of credit cards,  
184 procurement cards and purchasing club membership cards to be used  
185 by state agencies and governing authorities of counties and  
186 municipalities. Use of the cards shall be in strict compliance  
187 with the regulations promulgated by the office. Any amounts due  
188 on the cards shall incur interest charges as set forth in Section  
189 31-7-305 and shall not be considered debt.

190           (2) The Office of Purchasing and Travel shall adopt, subject  
191 to the approval of the Public Procurement Review Board, purchasing  
192 regulations governing the purchase of unmarked vehicles to be used  
193 by the Bureau of Narcotics and Department of Public Safety in  
194 official investigations pursuant to Section 25-1-87. Such

195 regulations shall ensure that purchases of such vehicles shall be  
196 at a fair price and shall take into consideration the peculiar  
197 needs of the Bureau of Narcotics and Department of Public Safety  
198 in undercover operations.

199 (3) The Office of Purchasing and Travel shall adopt, subject  
200 to the approval of the Public Procurement Review Board,  
201 regulations governing the certification process for certified  
202 purchasing offices. Such regulations shall require entities  
203 desiring to be classified as certified purchasing offices to  
204 submit applications and applicable documents on an annual basis,  
205 at which time the Office of Purchasing and Travel may provide the  
206 governing entity with a certification valid for one (1) year from  
207 the date of issuance.

208 **SECTION 5.** Section 31-7-13, Mississippi Code of 1972, is  
209 amended as follows:

210 31-7-13. All agencies and governing authorities shall  
211 purchase their commodities and printing; contract for garbage  
212 collection or disposal; contract for solid waste collection or  
213 disposal; contract for sewage collection or disposal; contract for  
214 public construction; and contract for rentals as herein provided.

215 (a) **Bidding procedure for purchases not over \$3,500.00.**

216 Purchases which do not involve an expenditure of more than Three  
217 Thousand Five Hundred Dollars (\$3,500.00), exclusive of freight or  
218 shipping charges, may be made without advertising or otherwise  
219 requesting competitive bids. \* \* \* However, \* \* \* nothing  
220 contained in this paragraph (a) shall be construed to prohibit any  
221 agency or governing authority from establishing procedures which  
222 require competitive bids on purchases of Three Thousand Five  
223 Hundred Dollars (\$3,500.00) or less.

224 (b) **Bidding procedure for purchases over \$3,500.00 but**  
225 **not over \$15,000.00.** Purchases which involve an expenditure of  
226 more than Three Thousand Five Hundred Dollars (\$3,500.00) but not  
227 more than Fifteen Thousand Dollars (\$15,000.00), exclusive of  
228 freight and shipping charges may be made from the lowest and best  
229 bidder without publishing or posting advertisement for bids,  
230 provided at least two (2) competitive written bids have been

231 obtained. Any governing authority purchasing commodities pursuant  
232 to this paragraph (b) may authorize its purchasing agent, or his  
233 designee, with regard to governing authorities other than  
234 counties, or its purchase clerk, or his designee, with regard to  
235 counties, to accept the lowest and best competitive written bid.  
236 Such authorization shall be made in writing by the governing  
237 authority and shall be maintained on file in the primary office of  
238 the agency and recorded in the official minutes of the governing  
239 authority, as appropriate. The purchasing agent or the purchase  
240 clerk, or their designee, as the case may be, and not the  
241 governing authority, shall be liable for any penalties and/or  
242 damages as may be imposed by law for any act or omission of the  
243 purchasing agent or purchase clerk, or their designee,  
244 constituting a violation of law in accepting any bid without  
245 approval by the governing authority. The term "competitive  
246 written bid" shall mean a bid submitted on a bid form furnished by  
247 the buying agency or governing authority and signed by authorized  
248 personnel representing the vendor, or a bid submitted on a  
249 vendor's letterhead or identifiable bid form and signed by  
250 authorized personnel representing the vendor. "Competitive" shall  
251 mean that the bids are developed based upon comparable  
252 identification of the needs and are developed independently and  
253 without knowledge of other bids or prospective bids. Bids may be  
254 submitted by facsimile, electronic mail or other generally  
255 accepted method of information distribution. Bids submitted by  
256 electronic transmission shall not require the signature of the  
257 vendor's representative unless required by agencies or governing  
258 authorities.

259 (c) **Bidding procedure for purchases over \$15,000.00.**

260 (i) **Publication requirement.** Purchases which  
261 involve an expenditure of more than Fifteen Thousand Dollars  
262 (\$15,000.00), exclusive of freight and shipping charges, may be  
263 made from the lowest and best bidder after advertising for  
264 competitive sealed bids once each week for two (2) consecutive  
265 weeks in a regular newspaper published in the county or  
266 municipality in which such agency or governing authority is

267 located. The date as published for the bid opening shall not be  
268 less than seven (7) working days after the last published notice;  
269 however, if the purchase involves a construction project in which  
270 the estimated cost is in excess of Fifteen Thousand Dollars  
271 (\$15,000.00), such bids shall not be opened in less than fifteen  
272 (15) working days after the last notice is published and the  
273 notice for the purchase of such construction shall be published  
274 once each week for two (2) consecutive weeks. The notice of  
275 intention to let contracts or purchase equipment shall state the  
276 time and place at which bids shall be received, list the contracts  
277 to be made or types of equipment or supplies to be purchased, and,  
278 if all plans and/or specifications are not published, refer to the  
279 plans and/or specifications on file. If there is no newspaper  
280 published in the county or municipality, then such notice shall be  
281 given by posting same at the courthouse, or for municipalities at  
282 the city hall, and at two (2) other public places in the county or  
283 municipality, and also by publication once each week for two (2)  
284 consecutive weeks in some newspaper having a general circulation  
285 in the county or municipality in the above provided manner. On  
286 the same date that the notice is submitted to the newspaper for  
287 publication, the agency or governing authority involved shall mail  
288 written notice to, or provide electronic notification to the main  
289 office of the Mississippi Contract Procurement Center that  
290 contains the same information as that in the published notice.

291 (ii) **Bidding process amendment procedure.** If all  
292 plans and/or specifications are published in the notification,  
293 then the plans and/or specifications may not be amended. If all  
294 plans and/or specifications are not published in the notification,  
295 then amendments to the plans/specifications, bid opening date, bid  
296 opening time and place may be made, provided that the agency or  
297 governing authority maintains a list of all prospective bidders  
298 who are known to have received a copy of the bid documents and all  
299 such prospective bidders are sent copies of all amendments. This  
300 notification of amendments may be made via mail, facsimile,  
301 electronic mail or other generally accepted method of information  
302 distribution. No addendum to bid specifications may be issued



303 within two (2) working days of the time established for the  
304 receipt of bids unless such addendum also amends the bid opening  
305 to a date not less than five (5) working days after the date of  
306 the addendum.

307                   (iii) **Filing requirement.** In all cases involving  
308 governing authorities, before the notice shall be published or  
309 posted, the plans or specifications for the construction or  
310 equipment being sought shall be filed with the clerk of the board  
311 of the governing authority. In addition to these requirements, a  
312 bid file shall be established which shall indicate those vendors  
313 to whom such solicitations and specifications were issued, and  
314 such file shall also contain such information as is pertinent to  
315 the bid.

316                   (iv) **Specification restrictions.** Specifications  
317 pertinent to such bidding shall be written so as not to exclude  
318 comparable equipment of domestic manufacture. \* \* \* However, if  
319 valid justification is presented, the Department of Finance and  
320 Administration or the board of a governing authority may approve a  
321 request for specific equipment necessary to perform a specific  
322 job. Further, such justification, when placed on the minutes of  
323 the board of a governing authority, may serve as authority for  
324 that governing authority to write specifications to require a  
325 specific item of equipment needed to perform a specific job. In  
326 addition to these requirements, from and after July 1, 1990,  
327 vendors of relocatable classrooms and the specifications for the  
328 purchase of such relocatable classrooms published by local school  
329 boards shall meet all pertinent regulations of the State Board of  
330 Education, including prior approval of such bid by the State  
331 Department of Education.

332                   (v) Agencies and governing authorities may  
333 establish secure procedures by which bids may be submitted via  
334 electronic means.

335                   (d) **Lowest and best bid decision procedure.**

336                   (i) **Decision procedure.** Purchases may be made  
337 from the lowest and best bidder. In determining the lowest and  
338 best bid, freight and shipping charges shall be included.

339 Life-cycle costing, total cost bids, warranties, guaranteed  
340 buy-back provisions and other relevant provisions may be included  
341 in the best bid calculation. All best bid procedures for state  
342 agencies must be in compliance with regulations established by the  
343 Department of Finance and Administration. If any governing  
344 authority accepts a bid other than the lowest bid actually  
345 submitted, it shall place on its minutes detailed calculations and  
346 narrative summary showing that the accepted bid was determined to  
347 be the lowest and best bid, including the dollar amount of the  
348 accepted bid and the dollar amount of the lowest bid. No agency  
349 or governing authority shall accept a bid based on items not  
350 included in the specifications.

351 (ii) **Construction project negotiations authority.**

352 If the lowest and best bid is not more than ten percent (10%)  
353 above the amount of funds allocated for a public construction or  
354 renovation project, then the agency or governing authority shall  
355 be permitted to negotiate with the lowest bidder in order to enter  
356 into a contract for an amount not to exceed the funds allocated.

357 (e) **Lease-purchase authorization.** For the purposes of  
358 this section, the term "equipment" shall mean equipment, furniture  
359 and, if applicable, associated software and other applicable  
360 direct costs associated with the acquisition. Any lease-purchase  
361 of equipment which an agency is not required to lease-purchase  
362 under the master lease-purchase program pursuant to Section  
363 31-7-10 and any lease-purchase of equipment which a governing  
364 authority elects to lease-purchase may be acquired by a  
365 lease-purchase agreement under this paragraph (e). Lease-purchase  
366 financing may also be obtained from the vendor or from a  
367 third-party source after having solicited and obtained at least  
368 two (2) written competitive bids, as defined in paragraph (b) of  
369 this section, for such financing without advertising for such  
370 bids. Solicitation for the bids for financing may occur before or  
371 after acceptance of bids for the purchase of such equipment or,  
372 where no such bids for purchase are required, at any time before  
373 the purchase thereof. No such lease-purchase agreement shall be  
374 for an annual rate of interest which is greater than the overall

375 maximum interest rate to maturity on general obligation  
376 indebtedness permitted under Section 75-17-101, and the term of  
377 such lease-purchase agreement shall not exceed the useful life of  
378 equipment covered thereby as determined according to the upper  
379 limit of the asset depreciation range (ADR) guidelines for the  
380 Class Life Asset Depreciation Range System established by the  
381 Internal Revenue Service pursuant to the United States Internal  
382 Revenue Code and regulations thereunder as in effect on December  
383 31, 1980, or comparable depreciation guidelines with respect to  
384 any equipment not covered by ADR guidelines. Any lease-purchase  
385 agreement entered into pursuant to this paragraph (e) may contain  
386 any of the terms and conditions which a master lease-purchase  
387 agreement may contain under the provisions of Section 31-7-10(5),  
388 and shall contain an annual allocation dependency clause  
389 substantially similar to that set forth in Section 31-7-10(8).  
390 Each agency or governing authority entering into a lease-purchase  
391 transaction pursuant to this paragraph (e) shall maintain with  
392 respect to each such lease-purchase transaction the same  
393 information as required to be maintained by the Department of  
394 Finance and Administration pursuant to Section 31-7-10(13).  
395 However, nothing contained in this section shall be construed to  
396 permit agencies to acquire items of equipment with a total  
397 acquisition cost in the aggregate of less than Ten Thousand  
398 Dollars (\$10,000.00) by a single lease-purchase transaction. All  
399 equipment, and the purchase thereof by any lessor, acquired by  
400 lease-purchase under this paragraph and all lease-purchase  
401 payments with respect thereto shall be exempt from all Mississippi  
402 sales, use and ad valorem taxes. Interest paid on any  
403 lease-purchase agreement under this section shall be exempt from  
404 State of Mississippi income taxation.

405           (f) **Alternate bid authorization.** When necessary to  
406 ensure ready availability of commodities for public works and the  
407 timely completion of public projects, no more than two (2)  
408 alternate bids may be accepted by a governing authority for  
409 commodities. No purchases may be made through use of such  
410 alternate bids procedure unless the lowest and best bidder \* \* \*

411 cannot deliver the commodities contained in his bid. In that  
412 event, purchases of such commodities may be made from one (1) of  
413 the bidders whose bid was accepted as an alternate.

414           (g) **Construction contract change authorization.** In the  
415 event a determination is made by an agency or governing authority  
416 after a construction contract is let that changes or modifications  
417 to the original contract are necessary or would better serve the  
418 purpose of the agency or the governing authority, such agency or  
419 governing authority may, in its discretion, order such changes  
420 pertaining to the construction that are necessary under the  
421 circumstances without the necessity of further public bids;  
422 provided that such change shall be made in a commercially  
423 reasonable manner and shall not be made to circumvent the public  
424 purchasing statutes. In addition to any other authorized person,  
425 the architect or engineer hired by an agency or governing  
426 authority with respect to any public construction contract shall  
427 have the authority, when granted by an agency or governing  
428 authority, to authorize changes or modifications to the original  
429 contract without the necessity of prior approval of the agency or  
430 governing authority when any such change or modification is less  
431 than one percent (1%) of the total contract amount. The agency or  
432 governing authority may limit the number, manner or frequency of  
433 such emergency changes or modifications.

434           (h) **Petroleum purchase alternative.** In addition to  
435 other methods of purchasing authorized in this chapter, when any  
436 agency or governing authority shall have a need for gas, diesel  
437 fuel, oils and/or other petroleum products in excess of the amount  
438 set forth in paragraph (a) of this section, such agency or  
439 governing authority may purchase the commodity after having  
440 solicited and obtained at least two (2) competitive written bids,  
441 as defined in paragraph (b) of this section. If two (2)  
442 competitive written bids are not obtained the entity shall comply  
443 with the procedures set forth in paragraph (c) of this section.  
444 In the event any agency or governing authority shall have  
445 advertised for bids for the purchase of gas, diesel fuel, oils and  
446 other petroleum products and coal and no acceptable bids can be

447 obtained, such agency or governing authority is authorized and  
448 directed to enter into any negotiations necessary to secure the  
449 lowest and best contract available for the purchase of such  
450 commodities.

451           (i) **Road construction petroleum products price**  
452 **adjustment clause authorization.** Any agency or governing  
453 authority authorized to enter into contracts for the construction,  
454 maintenance, surfacing or repair of highways, roads or streets,  
455 may include in its bid proposal and contract documents a price  
456 adjustment clause with relation to the cost to the contractor,  
457 including taxes, based upon an industry-wide cost index, of  
458 petroleum products including asphalt used in the performance or  
459 execution of the contract or in the production or manufacture of  
460 materials for use in such performance. Such industry-wide index  
461 shall be established and published monthly by the Mississippi  
462 Department of Transportation with a copy thereof to be mailed,  
463 upon request, to the clerks of the governing authority of each  
464 municipality and the clerks of each board of supervisors  
465 throughout the state. The price adjustment clause shall be based  
466 on the cost of such petroleum products only and shall not include  
467 any additional profit or overhead as part of the adjustment. The  
468 bid proposals or document contract shall contain the basis and  
469 methods of adjusting unit prices for the change in the cost of  
470 such petroleum products.

471           (j) **State agency emergency purchase procedure.** If the  
472 governing board or the executive head, or his designee, of any  
473 agency of the state shall determine that an emergency exists in  
474 regard to the purchase of any commodities or repair contracts, so  
475 that the delay incident to giving opportunity for competitive  
476 bidding would be detrimental to the interests of the state, then  
477 the provisions herein for competitive bidding shall not apply and  
478 the head of such agency shall be authorized to make the purchase  
479 or repair. Total purchases so made shall only be for the purpose  
480 of meeting needs created by the emergency situation. In the event  
481 such executive head is responsible to an agency board, at the  
482 meeting next following the emergency purchase, documentation of

483 the purchase, including a description of the commodity purchased,  
484 the purchase price thereof and the nature of the emergency shall  
485 be presented to the board and placed on the minutes of the board  
486 of such agency. The head of such agency, or his designee, shall,  
487 at the earliest possible date following such emergency purchase,  
488 file with the Department of Finance and Administration (i) a  
489 statement explaining the conditions and circumstances of the  
490 emergency, which shall include a detailed description of the  
491 events leading up to the situation and the negative impact to the  
492 entity if the purchase is made following the statutory  
493 requirements set forth in paragraph (a), (b) or (c) of this  
494 section, and (ii) a certified copy of the appropriate minutes of  
495 the board of such agency, if applicable. On or before September 1  
496 of each year, the State Auditor shall prepare and deliver to the  
497 Senate Fees, Salaries and Administration Committee, the House Fees  
498 and Salaries of Public Officers Committee and the Joint  
499 Legislative Budget Committee a report containing a list of all  
500 state agency emergency purchases and supporting documentation for  
501 each emergency purchases.

502 (k) **Governing authority emergency purchase procedure.**

503 If the governing authority, or the governing authority acting  
504 through its designee, shall determine that an emergency exists in  
505 regard to the purchase of any commodities or repair contracts, so  
506 that the delay incident to giving opportunity for competitive  
507 bidding would be detrimental to the interest of the governing  
508 authority, then the provisions herein for competitive bidding  
509 shall not apply and any officer or agent of such governing  
510 authority having general or special authority therefor in making  
511 such purchase or repair shall approve the bill presented therefor,  
512 and he shall certify in writing thereon from whom such purchase  
513 was made, or with whom such a repair contract was made. At the  
514 board meeting next following the emergency purchase or repair  
515 contract, documentation of the purchase or repair contract,  
516 including a description of the commodity purchased, the price  
517 thereof and the nature of the emergency shall be presented to the  
518 board and shall be placed on the minutes of the board of such

519 governing authority.

520 (1) **Hospital purchase, lease-purchase and lease**  
521 **authorization.**

522 (i) The commissioners or board of trustees of any  
523 public hospital may contract with such lowest and best bidder for  
524 the purchase or lease-purchase of any commodity under a contract  
525 of purchase or lease-purchase agreement whose obligatory payment  
526 terms do not exceed five (5) years.

527 (ii) In addition to the authority granted in  
528 subparagraph (i) of this paragraph (1), the commissioners or board  
529 of trustees is authorized to enter into contracts for the lease of  
530 equipment or services, or both, which it considers necessary for  
531 the proper care of patients if, in its opinion, it is not  
532 financially feasible to purchase the necessary equipment or  
533 services. Any such contract for the lease of equipment or  
534 services executed by the commissioners or board shall not exceed a  
535 maximum of five (5) years' duration and shall include a  
536 cancellation clause based on unavailability of funds. If such  
537 cancellation clause is exercised, there shall be no further  
538 liability on the part of the lessee. Any such contract for the  
539 lease of equipment or services executed on behalf of the  
540 commissioners or board that complies with the provisions of this  
541 subparagraph (ii) shall be excepted from the bid requirements set  
542 forth in this section.

543 (m) **Exceptions from bidding requirements.** Excepted  
544 from bid requirements are:

545 (i) **Purchasing agreements approved by department.**

546 Purchasing agreements, contracts and maximum price regulations  
547 executed or approved by the Department of Finance and  
548 Administration.

549 (ii) **Outside equipment repairs.** Repairs to  
550 equipment, when such repairs are made by repair facilities in the  
551 private sector; however, engines, transmissions, rear axles and/or  
552 other such components shall not be included in this exemption when  
553 replaced as a complete unit instead of being repaired and the need  
554 for such total component replacement is known before disassembly

555 of the component; \* \* \* however, \* \* \* invoices identifying the  
556 equipment, specific repairs made, parts identified by number and  
557 name, supplies used in such repairs, and the number of hours of  
558 labor and costs therefor shall be required for the payment for  
559 such repairs.

560 (iii) **In-house equipment repairs.** Purchases of  
561 parts for repairs to equipment, when such repairs are made by  
562 personnel of the agency or governing authority; however, entire  
563 assemblies, such as engines or transmissions, shall not be  
564 included in this exemption when the entire assembly is being  
565 replaced instead of being repaired.

566 (iv) **Raw gravel or dirt.** Raw unprocessed deposits  
567 of gravel or fill dirt which are to be removed and transported by  
568 the purchaser.

569 (v) **Governmental equipment auctions.** Motor  
570 vehicles or other equipment purchased from a federal agency or  
571 authority, another governing authority or state agency of the  
572 State of Mississippi, or any governing authority or state agency  
573 of another state at a public auction held for the purpose of  
574 disposing of such vehicles or other equipment. Any purchase by a  
575 governing authority under the exemption authorized by this  
576 subparagraph (v) shall require advance authorization spread upon  
577 the minutes of the governing authority to include the listing of  
578 the item or items authorized to be purchased and the maximum bid  
579 authorized to be paid for each item or items.

580 (vi) **Intergovernmental sales and transfers.**  
581 Purchases, sales, transfers or trades by governing authorities or  
582 state agencies when such purchases, sales, transfers or trades are  
583 made by a private treaty agreement or through means of  
584 negotiation, from any federal agency or authority, another  
585 governing authority or state agency of the State of Mississippi,  
586 or any state agency or governing authority of another state.  
587 Nothing in this section shall permit such purchases through public  
588 auction except as provided for in subparagraph (v) of this  
589 section. It is the intent of this section to allow governmental  
590 entities to dispose of and/or purchase commodities from other



591 governmental entities at a price that is agreed to by both  
592 parties. This shall allow for purchases and/or sales at prices  
593 which may be determined to be below the market value if the  
594 selling entity determines that the sale at below market value is  
595 in the best interest of the taxpayers of the state. Governing  
596 authorities shall place the terms of the agreement and any  
597 justification on the minutes, and state agencies shall obtain  
598 approval from the Department of Finance and Administration, prior  
599 to releasing or taking possession of the commodities.

600 (vii) **Perishable supplies or food.** Perishable  
601 supplies or foods purchased for use in connection with hospitals,  
602 the school lunch programs, homemaking programs and for the feeding  
603 of county or municipal prisoners.

604 (viii) **Single source items.** Noncompetitive items  
605 available from one (1) source only. In connection with the  
606 purchase of noncompetitive items only available from one (1)  
607 source, a certification of the conditions and circumstances  
608 requiring the purchase shall be filed by the agency with the  
609 Department of Finance and Administration and by the governing  
610 authority with the board of the governing authority. Upon receipt  
611 of that certification the Department of Finance and Administration  
612 or the board of the governing authority, as the case may be, may,  
613 in writing, authorize the purchase, which authority shall be noted  
614 on the minutes of the body at the next regular meeting thereafter.

615 In those situations, a governing authority is not required to  
616 obtain the approval of the Department of Finance and  
617 Administration.

618 (ix) **Waste disposal facility construction**  
619 **contracts.** Construction of incinerators and other facilities for  
620 disposal of solid wastes in which products either generated  
621 therein, such as steam, or recovered therefrom, such as materials  
622 for recycling, are to be sold or otherwise disposed of; \* \* \*  
623 however, in constructing such facilities, a governing authority or  
624 agency shall publicly issue requests for proposals, advertised for  
625 in the same manner as provided herein for seeking bids for public  
626 construction projects, concerning the design, construction,

627 ownership, operation and/or maintenance of such facilities,  
628 wherein such requests for proposals when issued shall contain  
629 terms and conditions relating to price, financial responsibility,  
630 technology, environmental compatibility, legal responsibilities  
631 and such other matters as are determined by the governing  
632 authority or agency to be appropriate for inclusion; and after  
633 responses to the request for proposals have been duly received,  
634 the governing authority or agency may select the most qualified  
635 proposal or proposals on the basis of price, technology and other  
636 relevant factors and from such proposals, but not limited to the  
637 terms thereof, negotiate and enter contracts with one or more of  
638 the persons or firms submitting proposals.

639           (x) **Hospital group purchase contracts.** Supplies,  
640 commodities and equipment purchased by hospitals through group  
641 purchase programs pursuant to Section 31-7-38.

642           (xi) **Information technology products.** Purchases  
643 of information technology products made by governing authorities  
644 under the provisions of purchase schedules, or contracts executed  
645 or approved by the Mississippi Department of Information  
646 Technology Services and designated for use by governing  
647 authorities.

648           (xii) **Energy efficiency services and equipment.**  
649 Energy efficiency services and equipment acquired by school  
650 districts, community and junior colleges, institutions of higher  
651 learning and state agencies or other applicable governmental  
652 entities on a shared-savings, lease or lease-purchase basis  
653 pursuant to Section 31-7-14.

654           (xiii) **Municipal electrical utility system fuel.**  
655 Purchases of coal and/or natural gas by municipally-owned electric  
656 power generating systems that have the capacity to use both coal  
657 and natural gas for the generation of electric power.

658           (xiv) **Library books and other reference materials.**  
659 Purchases by libraries or for libraries of books and periodicals;  
660 processed film, video cassette tapes, filmstrips and slides;  
661 recorded audio tapes, cassettes and diskettes; and any such items  
662 as would be used for teaching, research or other information

663 distribution; however, equipment such as projectors, recorders,  
664 audio or video equipment, and monitor televisions are not exempt  
665 under this subparagraph.

666           (xv) **Unmarked vehicles.** Purchases of unmarked  
667 vehicles when such purchases are made in accordance with  
668 purchasing regulations adopted by the Department of Finance and  
669 Administration pursuant to Section 31-7-9(2).

670           (xvi) **Election ballots.** Purchases of ballots  
671 printed pursuant to Section 23-15-351.

672           (xvii) **Multichannel interactive video systems.**  
673 From and after July 1, 1990, contracts by Mississippi Authority  
674 for Educational Television with any private educational  
675 institution or private nonprofit organization whose purposes are  
676 educational in regard to the construction, purchase, lease or  
677 lease-purchase of facilities and equipment and the employment of  
678 personnel for providing multichannel interactive video systems  
679 (ITSF) in the school districts of this state.

680           (xviii) **Purchases of prison industry products.**  
681 From and after January 1, 1991, purchases made by state agencies  
682 or governing authorities involving any item that is manufactured,  
683 processed, grown or produced from the state's prison industries.

684           (xix) **Undercover operations equipment.** Purchases  
685 of surveillance equipment or any other high-tech equipment to be  
686 used by law enforcement agents in undercover operations, provided  
687 that any such purchase shall be in compliance with regulations  
688 established by the Department of Finance and Administration.

689           (xx) **Junior college books for rent.** Purchases by  
690 community or junior colleges of textbooks which are obtained for  
691 the purpose of renting such books to students as part of a book  
692 service system.

693           (xxi) **Certain school district purchases.**  
694 Purchases of commodities made by school districts from vendors  
695 with which any levying authority of the school district, as  
696 defined in Section 37-57-1, has contracted through competitive  
697 bidding procedures for purchases of the same commodities.

698           (xxii) **Garbage, solid waste and sewage contracts.**

699 Contracts for garbage collection or disposal, contracts for solid  
700 waste collection or disposal and contracts for sewage collection  
701 or disposal.

702 (xxiii) **Municipal water tank maintenance**  
703 **contracts.** Professional maintenance program contracts for the  
704 repair or maintenance of municipal water tanks, which provide  
705 professional services needed to maintain municipal water storage  
706 tanks for a fixed annual fee for a duration of two (2) or more  
707 years.

708 (xxiv) **Purchases of Mississippi Industries for the**  
709 **Blind products.** Purchases made by state agencies or governing  
710 authorities involving any item that is manufactured, processed or  
711 produced by the Mississippi Industries for the Blind.

712 (xxv) **Purchases of state-adopted textbooks.**  
713 Purchases of state-adopted textbooks by public school districts.

714 (xxvi) **Certain purchases under the Mississippi**  
715 **Major Economic Impact Act.** Contracts entered into pursuant to the  
716 provisions of Section 57-75-9(2) and (3).

717 (xxvii) **Used heavy or specialized machinery or**  
718 **equipment for installation of soil and water conservation**  
719 **practices purchased at auction.** Used heavy or specialized  
720 machinery or equipment used for the installation and  
721 implementation of soil and water conservation practices or  
722 measures purchased subject to the restrictions provided in  
723 Sections 69-27-331 through 69-27-341. Any purchase by the State  
724 Soil and Water Conservation Commission under the exemption  
725 authorized by this subparagraph shall require advance  
726 authorization spread upon the minutes of the commission to include  
727 the listing of the item or items authorized to be purchased and  
728 the maximum bid authorized to be paid for each item or items.

729 (xxviii) **Hospital lease of equipment or services.**  
730 Leases by hospitals of equipment or services if the leases are in  
731 compliance with subparagraph (1)(ii).

732 (xxix) **Purchases made pursuant to qualified**  
733 **cooperative purchasing agreements.** Purchases made by certified  
734 purchasing offices of state agencies or governing authorities

735 under cooperative purchasing agreements previously approved by the  
736 Office of Purchasing and Travel and established by or for any  
737 municipality, county, parish or state government or the federal  
738 government, provided that the notification to potential  
739 contractors includes a clause that sets forth the availability of  
740 the cooperative purchasing agreement to other governmental  
741 entities. Such purchases shall only be made if the use of the  
742 cooperative purchasing agreements is determined to be in the best  
743 interest of the government entity.

744 (n) **Term contract authorization.** All contracts for the  
745 purchase of:

746 (i) All contracts for the purchase of commodities,  
747 equipment and public construction (including, but not limited to,  
748 repair and maintenance), may be let for periods of not more than  
749 sixty (60) months in advance, subject to applicable statutory  
750 provisions prohibiting the letting of contracts during specified  
751 periods near the end of terms of office. Term contracts for a  
752 period exceeding twenty-four (24) months shall also be subject to  
753 ratification or cancellation by governing authority boards taking  
754 office subsequent to the governing authority board entering the  
755 contract.

756 (ii) Bid proposals and contracts may include price  
757 adjustment clauses with relation to the cost to the contractor  
758 based upon a nationally published industry-wide or nationally  
759 published and recognized cost index. The cost index used in a  
760 price adjustment clause shall be determined by the Department of  
761 Finance and Administration for the state agencies and by the  
762 governing board for governing authorities. The bid proposal and  
763 contract documents utilizing a price adjustment clause shall  
764 contain the basis and method of adjusting unit prices for the  
765 change in the cost of such commodities, equipment and public  
766 construction.

767 (o) **Purchase law violation prohibition and vendor**  
768 **penalty.** No contract or purchase as herein authorized shall be  
769 made for the purpose of circumventing the provisions of this  
770 section requiring competitive bids, nor shall it be lawful for any

771 person or concern to submit individual invoices for amounts within  
772 those authorized for a contract or purchase where the actual value  
773 of the contract or commodity purchased exceeds the authorized  
774 amount and the invoices therefor are split so as to appear to be  
775 authorized as purchases for which competitive bids are not  
776 required. Submission of such invoices shall constitute a  
777 misdemeanor punishable by a fine of not less than Five Hundred  
778 Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00),  
779 or by imprisonment for thirty (30) days in the county jail, or  
780 both such fine and imprisonment. In addition, the claim or claims  
781 submitted shall be forfeited.

782           (p) **Electrical utility petroleum-based equipment**  
783 **purchase procedure.** When in response to a proper advertisement  
784 therefor, no bid firm as to price is submitted to an electric  
785 utility for power transformers, distribution transformers, power  
786 breakers, reclosers or other articles containing a petroleum  
787 product, the electric utility may accept the lowest and best bid  
788 therefor although the price is not firm.

789           (q) **Fuel management system bidding procedure.** Any  
790 governing authority or agency of the state shall, before  
791 contracting for the services and products of a fuel management or  
792 fuel access system, enter into negotiations with not fewer than  
793 two (2) sellers of fuel management or fuel access systems for  
794 competitive written bids to provide the services and products for  
795 the systems. In the event that the governing authority or agency  
796 cannot locate two (2) sellers of such systems or cannot obtain  
797 bids from two (2) sellers of such systems, it shall show proof  
798 that it made a diligent, good-faith effort to locate and negotiate  
799 with two (2) sellers of such systems. Such proof shall include,  
800 but not be limited to, publications of a request for proposals and  
801 letters soliciting negotiations and bids. For purposes of this  
802 paragraph (q), a fuel management or fuel access system is an  
803 automated system of acquiring fuel for vehicles as well as  
804 management reports detailing fuel use by vehicles and drivers, and  
805 the term "competitive written bid" shall have the meaning as  
806 defined in paragraph (b) of this section. Governing authorities

807 and agencies shall be exempt from this process when contracting  
808 for the services and products of a fuel management or fuel access  
809 systems under the terms of a state contract established by the  
810 Office of Purchasing and Travel.

811 (r) **Solid waste contract proposal procedure.** Before  
812 entering into any contract for garbage collection or disposal,  
813 contract for solid waste collection or disposal or contract for  
814 sewage collection or disposal, which involves an expenditure of  
815 more than Fifty Thousand Dollars (\$50,000.00), a governing  
816 authority or agency shall issue publicly a request for proposals  
817 concerning the specifications for such services which shall be  
818 advertised for in the same manner as provided in this section for  
819 seeking bids for purchases which involve an expenditure of more  
820 than the amount provided in paragraph (c) of this section. Any  
821 request for proposals when issued shall contain terms and  
822 conditions relating to price, financial responsibility,  
823 technology, legal responsibilities and other relevant factors as  
824 are determined by the governing authority or agency to be  
825 appropriate for inclusion; all factors determined relevant by the  
826 governing authority or agency or required by this paragraph (r)  
827 shall be duly included in the advertisement to elicit proposals.  
828 After responses to the request for proposals have been duly  
829 received, the governing authority or agency shall select the most  
830 qualified proposal or proposals on the basis of price, technology  
831 and other relevant factors and from such proposals, but not  
832 limited to the terms thereof, negotiate and enter contracts with  
833 one or more of the persons or firms submitting proposals. If the  
834 governing authority or agency deems none of the proposals to be  
835 qualified or otherwise acceptable, the request for proposals  
836 process may be reinitiated. Notwithstanding any other provisions  
837 of this paragraph, where a county with at least thirty-five  
838 thousand (35,000) nor more than forty thousand (40,000)  
839 population, according to the 1990 federal decennial census, owns  
840 or operates a solid waste landfill, the governing authorities of  
841 any other county or municipality may contract with the governing  
842 authorities of the county owning or operating the landfill,

843 pursuant to a resolution duly adopted and spread upon the minutes  
844 of each governing authority involved, for garbage or solid waste  
845 collection or disposal services through contract negotiations.

846 (s) **Minority set aside authorization.** Notwithstanding  
847 any provision of this section to the contrary, any agency or  
848 governing authority, by order placed on its minutes, may, in its  
849 discretion, set aside not more than twenty percent (20%) of its  
850 anticipated annual expenditures for the purchase of commodities  
851 from minority businesses; however, all such set-aside purchases  
852 shall comply with all purchasing regulations promulgated by the  
853 Department of Finance and Administration and shall be subject to  
854 bid requirements under this section. Set-aside purchases for  
855 which competitive bids are required shall be made from the lowest  
856 and best minority business bidder. For the purposes of this  
857 paragraph, the term "minority business" means a business which is  
858 owned by a majority of persons who are United States citizens or  
859 permanent resident aliens (as defined by the Immigration and  
860 Naturalization Service) of the United States, and who are Asian,  
861 Black, Hispanic or Native American, according to the following  
862 definitions:

863 (i) "Asian" means persons having origins in any of  
864 the original people of the Far East, Southeast Asia, the Indian  
865 subcontinent, or the Pacific Islands.

866 (ii) "Black" means persons having origins in any  
867 black racial group of Africa.

868 (iii) "Hispanic" means persons of Spanish or  
869 Portuguese culture with origins in Mexico, South or Central  
870 America, or the Caribbean Islands, regardless of race.

871 (iv) "Native American" means persons having  
872 origins in any of the original people of North America, including  
873 American Indians, Eskimos and Aleuts.

874 (t) **Construction punch list restriction.** The  
875 architect, engineer or other representative designated by the  
876 agency or governing authority that is contracting for public  
877 construction or renovation may prepare and submit to the  
878 contractor only one (1) preliminary punch list of items that do



879 not meet the contract requirements at the time of substantial  
880 completion and one (1) final list immediately before final  
881 completion and final payment.

882 (u) **Purchase authorization clarification.** Nothing in  
883 this section shall be construed as authorizing any purchase not  
884 authorized by law.

885 **SECTION 6.** Section 37-41-31, Mississippi Code of 1972, is  
886 amended as follows:

887 37-41-31. In each case where pupils are transported to and  
888 from the public schools in this state in privately owned vehicles,  
889 the contract for such transportation shall be let to the lowest  
890 responsible bidder who is able to furnish a solvent bond for the  
891 faithful performance of his contract. This shall be done after  
892 each route over which such pupils are to be transported has been  
893 laid out and established as provided in this chapter. Such  
894 contracts shall be awarded upon receipt of sealed bids or  
895 proposals after the time and place of letting such contracts and  
896 the manner of bidding \* \* \* have been duly advertised in some  
897 newspaper published in the county in accordance with the  
898 procedures provided in Section 31-7-13(c). If no newspaper is  
899 published in the county, then the advertisement shall be made by  
900 publication for the required time in some newspaper having a  
901 general circulation therein, and, in addition, by posting a copy  
902 thereof for that time in at least three (3) public places in the  
903 county, one (1) of which shall be at the county courthouse in each  
904 judicial district of the county. The awarding of all such  
905 contracts shall, however, in all respects be subject to the  
906 provisions of Section 37-41-29.

907 Private contracts for the transportation of exceptional  
908 children, as defined in Section 37-23-3, may be negotiated by the  
909 local school board without the necessity of the advertising for or  
910 taking of bids. The same may apply under extraordinary  
911 circumstances where regular transportation is considered to be  
912 impractical, with prior approval of the State Department of  
913 Education. The local school board may negotiate and contract for  
914 the transportation described in this paragraph so long as the

915 local school board complies with the school transportation  
916 regulations promulgated by the State Board of Education.

917 Contracts shall be made for four (4) years, at the discretion  
918 of the local school board. Any and all bids may be rejected. At  
919 the expiration of any transportation contract, if the school board  
920 believes a route should remain substantially as established and  
921 finds that the carrier thereon has rendered efficient and  
922 satisfactory services it may, with the approval of the State Board  
923 of Education, extend the contract for not more than four (4)  
924 years, subject, however, to the provisions of Section 37-41-29.

925 **SECTION 7.** (1) Every municipality and county of the State  
926 of Mississippi shall grant competency examination reciprocity to  
927 any contractor, including, but not limited to, any electrical,  
928 plumbing, heating and air conditioning, water and sewer, roofing  
929 or mechanical contractor, who is licensed by another municipality  
930 or county of this state without imposing any further competency  
931 examination requirements provided:

932 (a) That the contractor furnishes evidence that he has  
933 a license issued on the basis of a competency examination  
934 administered in one (1) municipality or county of the State of  
935 Mississippi which has an examining board that regularly gives a  
936 written examination which has been approved by the State Board of  
937 Public Contractors or the Building Officials Association of  
938 Mississippi;

939 (b) That he furnishes evidence that he actually took  
940 and passed the written examination which qualified him for such  
941 license; however, in lieu thereof, he may furnish evidence that  
942 he was issued a license prior to May 1, 1972, and prior to the  
943 existence of a written examination by a county or municipality  
944 which has an examining board that requires written examination to  
945 qualify for a license;

946 (c) That he has been actively engaged in the business  
947 for which he is licensed for two (2) years or more;

948 (d) That he has held a license for his business for one  
949 (1) year or more; and

950 (e) That he pays the license fee to the municipality or

951 county to which application is made for a license unless he holds  
952 a current certificate of responsibility issued by the State Board  
953 of Public Contractors, in which case no license fee shall be  
954 collected.

955 (2) (a) Any contractor who operates more than one (1)  
956 separate place of business within the state must obtain the  
957 appropriate privilege license and pay the privilege license fee  
958 for each location if required by the local jurisdiction.

959 (b) Every jurisdiction in which a contractor does  
960 business may impose its own separate bonding requirements on the  
961 contractor desiring to do business there.

962 **SECTION 8.** This act shall take effect and be in force from  
963 and after July 1, 2003.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTION 19-11-27, MISSISSIPPI CODE OF 1972,  
2 TO ALLOW COUNTY BOARDS OF SUPERVISORS TO MAKE PURCHASES IN THE  
3 LAST SIX MONTHS OF THEIR TERM UNDER CERTAIN CONDITIONS; TO AMEND  
4 SECTION 19-13-21, MISSISSIPPI CODE OF 1972, TO INCREASE THE  
5 MAXIMUM ALLOWANCE FOR PROMPT REPAIRS OF ROAD EQUIPMENT DURING THE  
6 LAST MONTHS OF THE COUNTY BOARDS OF SUPERVISORS TERM; TO AMEND  
7 SECTION 31-7-1, MISSISSIPPI CODE OF 1972, TO DEFINE THE TERM  
8 "CERTIFIED PURCHASING OFFICE" AS IT RELATES TO THE PUBLIC  
9 PURCHASING LAWS; TO AMEND SECTION 31-7-9, MISSISSIPPI CODE OF  
10 1972, TO REQUIRE THE OFFICE OF PURCHASING AND TRAVEL TO ADOPT  
11 REGULATIONS GOVERNING THE CERTIFICATION PROCESS FOR CERTIFIED  
12 PURCHASING OFFICES; TO AMEND SECTION 31-7-13, MISSISSIPPI CODE OF  
13 1972, TO DEFINE THE TERM "COMPETITIVE" AS IT RELATES TO BIDDING  
14 PROCEDURE FOR PURCHASES OVER \$3,500.00 BUT NOT OVER \$15,000.00; TO  
15 ALLOW AGENCIES AND GOVERNING AUTHORITIES TO ESTABLISH PROCEDURES  
16 BY WHICH BIDS MAY BE SUBMITTED VIA ELECTRONIC MEANS; TO REVISE THE  
17 STATE AGENCY EMERGENCY PURCHASE PROCEDURE; TO EXEMPT FROM THE  
18 PUBLIC PURCHASING LAWS PURCHASES AT GOVERNMENTAL EQUIPMENT  
19 AUCTIONS IN OTHER STATES; TO EXEMPT FROM THE PUBLIC PURCHASING  
20 LAWS INTERGOVERNMENTAL SALES AND TRANSFERS WITH GOVERNMENT  
21 ENTITIES IN OTHER STATES; TO EXEMPT FROM THE PUBLIC PURCHASING  
22 LAWS PURCHASES MADE UNDER COOPERATIVE PURCHASING AGREEMENTS; TO  
23 AMEND SECTION 37-41-31, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT  
24 SCHOOL TRANSPORTATION CONTRACTS SHALL BE ADVERTISED IN ACCORDANCE  
25 WITH THE PUBLIC PURCHASING LAWS; TO CREATE A NEW SECTION TO  
26 REQUIRE MUNICIPALITIES AND COUNTIES TO GRANT EXAMINATION  
27 RECIPROCITY UNDER CERTAIN CIRCUMSTANCES; AND FOR RELATED PURPOSES.

CONFEREES FOR THE SENATE

CONFEREES FOR THE HOUSE

**X** \_\_\_\_\_  
Billy Thames

**X** \_\_\_\_\_  
Charlie Capps, Jr.

**X** \_\_\_\_\_  
Jack Gordon

**X** \_\_\_\_\_  
John Read

**X** \_\_\_\_\_  
William R. Minor

**X** \_\_\_\_\_  
Cecil Brown