

By: Senator(s) Burton

To: Fees, Salaries and Administration

SENATE BILL NO. 2998

1 AN ACT TO AMEND SECTION 25-53-5, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT THE MISSISSIPPI DEPARTMENT OF INFORMATION TECHNOLOGY
3 SERVICES SHALL ASSIST POLITICAL SUBDIVISIONS AND INSTRUMENTALITIES
4 IN THEIR DEVELOPMENT OF PLANS FOR THE EFFICIENT ACQUISITION AND
5 UTILIZATION OF COMPUTER EQUIPMENT AND SERVICES UPON THE REQUEST OF
6 THE GOVERNING BODY OF SUCH POLITICAL SUBDIVISIONS AND
7 INSTRUMENTALITIES; AND FOR RELATED PURPOSES.

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

9 SECTION 1. Section 25-53-5, Mississippi Code of 1972, is
10 amended as follows:

11 25-53-5. The authority shall have the following powers,
12 duties, and responsibilities:

13 (a) The authority shall provide for the development of
14 plans for the efficient acquisition and utilization of computer
15 equipment and services by all agencies of state government, and
16 provide for their implementation. In so doing, the authority may
17 use the MDITS staff, at the discretion of the executive director
18 of the authority, or the authority may contract for the services
19 of qualified consulting firms in the field of information
20 technology and utilize the service of such consultants as may be
21 necessary for such purposes.

22 (b) The authority shall immediately institute
23 procedures for carrying out the purposes of this chapter and
24 supervise the efficient execution of the powers and duties of the
25 office of executive director of the authority. In the execution
26 of its functions under this chapter, the authority shall maintain
27 as a paramount consideration the successful internal organization
28 and operation of the several agencies so that efficiency existing
29 therein shall not be adversely affected or impaired. In executing

30 its functions in relation to the institutions of higher learning
31 and junior colleges in the state, the authority shall take into
32 consideration the special needs of such institutions in relation
33 to the fields of teaching and scientific research.

34 (c) Title of whatever nature of all computer equipment
35 now vested in any agency of the State of Mississippi is hereby
36 vested in the authority, and no such equipment shall be disposed
37 of in any manner except in accordance with the direction of the
38 authority or under the provisions of such rules and regulations as
39 may hereafter be adopted by the authority in relation thereto.

40 (d) The authority shall adopt rules, regulations, and
41 procedures governing the acquisition of computer and
42 telecommunications equipment and services which shall, to the
43 fullest extent practicable, insure the maximum of competition
44 between all manufacturers of supplies or equipment or services.
45 In the writing of specifications, in the making of contracts
46 relating to the acquisition of such equipment and services, and in
47 the performance of its other duties the authority shall provide
48 for the maximum compatibility of all information systems hereafter
49 installed or utilized by all state agencies and may require the
50 use of common computer languages where necessary to accomplish the
51 purposes of this chapter. The authority may establish by
52 regulation and charge reasonable fees on a nondiscriminatory basis
53 for the furnishing to bidders of copies of bid specifications and
54 other documents issued by the authority.

55 (e) The authority shall adopt rules and regulations
56 governing the sharing with, or the sale or lease of information
57 technology services to any nonstate agency or person. Such
58 regulations shall provide that any such sharing, sale, or lease
59 shall be restricted in that same shall be accomplished only where
60 such services are not readily available otherwise within the
61 state, and then only at a charge to the user not less than the

62 prevailing rate of charge for similar services by private
63 enterprise within this state.

64 (f) The authority may, in its discretion, establish a
65 special technical advisory committee or committees to study and
66 make recommendations on technology matters within the competence
67 of the authority as the authority may see fit. Persons serving on
68 the Information Resource Council, its task forces, or any such
69 technical advisory committees shall be entitled to receive their
70 actual and necessary expenses actually incurred in the performance
71 of such duties, together with mileage as provided by law for state
72 employees, provided the same has been authorized by a resolution
73 duly adopted by the authority and entered on its minutes prior to
74 the performance of such duties.

75 (g) The authority may provide for the development and
76 require the adoption of standardized computer programs and may
77 provide for the dissemination of information to and the
78 establishment of training programs for the personnel of the
79 various information technology centers of state agencies and
80 personnel of the agencies utilizing the services thereof.

81 (h) The authority shall adopt reasonable rules and
82 regulations requiring the reporting to the authority through the
83 office of executive director of such information as may be
84 required for carrying out the purposes of this chapter and may
85 also establish such reasonable procedures to be followed in the
86 presentation of bills for payment under the terms of all contracts
87 for the acquisition of computer equipment and services now or
88 hereafter in force as may be required by the authority or by the
89 executive director in the execution of their powers and duties.

90 (i) The authority shall require such adequate
91 documentation of information technology procedures utilized by the
92 various state agencies and may require the establishment of such
93 organizational structures within state agencies relating to

94 information technology operations as may be necessary to
95 effectuate the purposes of this chapter.

96 (j) The authority may adopt such further reasonable
97 rules and regulations as may be necessary to fully implement the
98 purposes of this chapter. All rules and regulations adopted by
99 the authority shall be published and disseminated in readily
100 accessible form to all affected state agencies, and to all current
101 suppliers of computer equipment and services to the state, and to
102 all prospective suppliers requesting the same. Such rules and
103 regulations shall be kept current, be periodically revised, and
104 copies thereof shall be available at all times for inspection by
105 the public at reasonable hours in the offices of the authority.
106 Whenever possible no rule, regulation or any proposed amendment to
107 such rules and regulations shall be finally adopted or enforced
108 until copies of said proposed rules and regulations have been
109 furnished to all interested parties for their comment and
110 suggestions.

111 (k) The authority shall establish rules and regulations
112 which shall provide for the submission of all contracts proposed
113 to be executed by the executive director for computer equipment or
114 services to the authority for approval before final execution, and
115 the authority may provide that such contracts involving the
116 expenditure of less than such specified amount as may be
117 established by the authority may be finally executed by the
118 executive director without first obtaining such approval by the
119 authority.

120 (l) The authority is authorized to purchase, lease, or
121 rent computer equipment or services and to operate said equipment
122 and utilize said services in providing services to one or more
123 state agencies when in its opinion such operation will provide
124 maximum efficiency and economy in the functions of any such agency
125 or agencies.

126 (m) Upon the request of the governing body of a
127 political subdivision or instrumentality, the authority shall
128 assist the political subdivision or instrumentality in its
129 development of plans for the efficient acquisition and utilization
130 of computer equipment and services. An appropriate fee shall be
131 charged the political subdivision by the authority for such
132 assistance.

133 (n) The authority shall adopt rules and regulations
134 governing the protest procedures to be followed by any actual or
135 prospective bidder, offerer or contractor who is aggrieved in
136 connection with the solicitation or award of a contract for the
137 acquisition of computer equipment or services. Such rules and
138 regulations shall prescribe the manner, time and procedure for
139 making protests and may provide that a protest not timely filed
140 shall be summarily denied. The authority may require the
141 protesting party, at the time of filing the protest, to post a
142 bond, payable to the state, in an amount that the authority
143 determines sufficient to cover any expense or loss incurred by the
144 state, the authority or any state agency as a result of the
145 protest if the protest subsequently is determined by a court of
146 competent jurisdiction to have been filed without any substantial
147 basis or reasonable expectation to believe that the protest was
148 meritorious; however, in no event may the amount of the bond
149 required exceed a reasonable estimate of the total project cost.
150 The authority, in its discretion, also may prohibit any
151 prospective bidder, offerer or contractor who is a party to any
152 litigation involving any such contract with the state, the
153 authority or any agency of the state to participate in any other
154 such bid, offer or contract, or to be awarded any such contract,
155 during the pendency of the litigation.

156 (o) The authority shall make a report in writing to the
157 Legislature each year in the month of January. Such report shall

158 contain a full and detailed account of the work of the authority
159 for the preceding year as specified in Section 25-53-29(3).

160 All acquisitions of computer equipment and services involving
161 the expenditure of funds in excess of the dollar amount
162 established in Section 31-7-13(c), or rentals or leases in excess
163 of the dollar amount established in Section 31-7-13(c) for the
164 term of the contract, shall be based upon competitive and open
165 specifications, and contracts therefor shall be entered into only
166 after advertisements for bids are published in one or more daily
167 newspapers having a general circulation in the state not less than
168 fourteen (14) days prior to receiving sealed bids therefor. The
169 authority may reserve the right to reject any or all bids, and if
170 all bids are rejected, the authority may negotiate a contract
171 within the limitations of the specifications so long as the terms
172 of any such negotiated contract are equal to or better than the
173 comparable terms submitted by the lowest and best bidder, and so
174 long as the total cost to the State of Mississippi does not exceed
175 the lowest bid. If the authority accepts one (1) of such bids, it
176 shall be that which is the lowest and best.

177 (p) When applicable, the authority may procure
178 equipment, systems and related services in accordance with the law
179 or regulations, or both, which govern the Bureau of Purchasing of
180 the Office of General Services or which govern the Mississippi
181 Department of Information Technology Services procurement of
182 telecommunications equipment, software and services.

183 (q) The authority is authorized to purchase, lease, or
184 rent information technology and services for the purpose of
185 establishing pilot projects to investigate emerging technologies.
186 These acquisitions shall be limited to new technologies and shall
187 be limited to an amount set by annual appropriation of the
188 Legislature. These acquisitions shall be exempt from the
189 advertising and bidding requirement.

190 (r) All fees collected by the Mississippi Department of
191 Information Technology Services shall be deposited into the
192 Mississippi Department of Information Technology Services
193 Revolving Fund unless otherwise specified by the Legislature.

194 (s) The authority shall work closely with the council
195 to bring about effective coordination of policies, standards and
196 procedures relating to procurement of remote sensing and
197 geographic information systems (GIS) resources. In addition, the
198 authority is responsible for development, operation and
199 maintenance of a delivery system infrastructure for geographic
200 information systems data. The authority shall provide a warehouse
201 for Mississippi's geographic information systems data.

202 **SECTION 2.** This act shall take effect and be in force from
203 and after July 1, 2004.