

By: Representative Miles

To: Appropriations

HOUSE BILL NO. 435

1 AN ACT TO AMEND SECTION 31-7-15, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE A PREFERENCE FOR MISSISSIPPI PRINTERS WHEN STATE AGENCIES,
3 LOCAL GOVERNING AUTHORITIES AND OTHER ENTITIES EXPENDING PUBLIC
4 FUNDS RECEIVE COMPETITIVE BIDS FOR PRINTING SERVICES, IF THE
5 MISSISSIPPI PRINTER MEETS CERTAIN CRITERIA AND THE PRICE BID BY
6 THE MISSISSIPPI PRINTER DOES NOT EXCEED BY MORE THAN FIVE PERCENT
7 THE PRICE BID BY THE NONRESIDENT PRINTER; AND FOR RELATED
8 PURPOSES.

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

10 **SECTION 1.** Section 31-7-15, Mississippi Code of 1972, is
11 amended as follows:

12 31-7-15. (1) Whenever two (2) or more competitive bids are
13 received, one or more of which relates to commodities grown,
14 processed or manufactured within this state, and whenever all
15 things stated in such received bids are equal with respect to
16 price, quality and service, the commodities grown, processed or
17 manufactured within this state shall be given preference. A
18 similar preference shall be given to commodities grown, processed
19 or manufactured within this state whenever purchases are made
20 without competitive bids, and when practical the Department of
21 Finance and Administration may by regulation establish reasonable
22 preferential policies for other commodities, giving preference to
23 resident suppliers of this state.

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

29 (3) On or before January 1, 1991, the Department of Finance
30 and Administration shall adopt bid and product specifications to

31 be utilized by all state agencies that encourage the procurement
32 of commodities made from recovered materials. Preference in
33 awarding contracts for commodities shall be given to commodities
34 offered at a competitive price.

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

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

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

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

47 (5) Whenever an agency or governing authority, or any other
48 entity that will expend fifty percent (50%) or more of public
49 funds for payment, receives two (2) or more competitive written
50 bids for any type of printing services, and the bids received from
51 a Mississippi firm and a firm outside the State of Mississippi are
52 the best bids that are substantially equal with respect to quality
53 and service but differ only as to price, the agency, governing
54 authority or entity shall give preference to the Mississippi firm
55 if the price bid by the Mississippi firm does not exceed by more
56 than five percent (5%) the price bid by the firm outside the State
57 of Mississippi. For the purpose of this subsection, "Mississippi
58 firm" means a person, partnership, association, company or
59 corporation that is authorized to do, and is doing, business under
60 the laws of Mississippi, owns or leases a printing plant equipped
61 with machinery and equipment capable of producing the work in the
62 bid specifications, is actually engaged in the printing business
63 in Mississippi, pays Mississippi retail sales tax on all other

64 printing services, pays Mississippi corporate or business income
65 tax on the income of the firm, pays all other taxes duly assessed,
66 and employs not fewer than six (6) employees who are subject to
67 the payment of Mississippi income tax.

68 **SECTION 2.** This act shall take effect and be in force from
69 and after July 1, 2005.