

By: Senator(s) Jackson (32nd)

To: Public Property;
Appropriations

SENATE BILL NO. 2397

1 AN ACT TO AMEND SECTION 31-11-3, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO PURCHASE
3 AND/OR LEASE REAL PROPERTY WHEN NECESSARY TO EFFICIENTLY MEET THE
4 NEEDS OF THE STATE AND ITS AGENCIES; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 31-11-3, Mississippi Code of 1972, is
7 amended as follows:

8 31-11-3. (1) The Department of Finance and Administration,
9 for the purposes of carrying out the provisions of this chapter,
10 in addition to all other rights and powers granted by law, shall
11 have full power and authority to employ and compensate architects
12 or other employees necessary for the purpose of making
13 inspections, preparing plans and specifications, supervising the
14 erection of any buildings, and making any repairs or additions as
15 may be determined by the Department of Finance and Administration
16 to be necessary, pursuant to the rules and regulations of the
17 State Personnel Board. The department shall have entire control
18 and supervision of, and determine what, if any, buildings,
19 additions, repairs or improvements are to be made under the
20 provisions of this chapter, subject to the approval of the Public
21 Procurement Review Board.

22 (2) The department shall have full power to erect buildings,
23 make repairs, additions or improvements, and buy materials,
24 supplies and equipment for any of the institutions or departments
25 of the state subject to the approval of the Public Procurement
26 Review Board. In addition to other powers conferred, the
27 department shall have full power and authority as directed by the

28 Legislature, or when funds have been appropriated for its use for
29 these purposes, to:

30 (a) Build a state office building;

31 (b) Build suitable plants or buildings for the use and
32 housing of any state schools or institutions, including the
33 building of plants or buildings for new state schools or
34 institutions, as provided for by the Legislature;

35 (c) Provide state aid for the construction of school
36 buildings;

37 (d) Promote and develop the training of returned
38 veterans of the United States in all sorts of educational and
39 vocational learning to be supplied by the proper educational
40 institution of the State of Mississippi, and in so doing allocate
41 monies appropriated to it for these purposes to the Governor for
42 use by him in setting up, maintaining and operating an office and
43 employing a state director of on-the-job training for veterans and
44 the personnel necessary in carrying out Public Law No. 346 of the
45 United States;

46 (e) Build and equip a hospital and administration
47 building at the Mississippi State Penitentiary;

48 (f) Build and equip additional buildings and wards at
49 the Boswell Retardation Center;

50 (g) Construct a sewage disposal and treatment plant at
51 the state insane hospital, and in so doing acquire additional land
52 as may be necessary, and to exercise the right of eminent domain
53 in the acquisition of this land;

54 (h) Build and equip the Mississippi central market and
55 purchase or acquire by eminent domain, if necessary, any lands
56 needed for this purpose;

57 (i) Build and equip suitable facilities for a training
58 and employing center for the blind;

59 (j) Build and equip a gymnasium at Columbia Training
60 School;

61 (k) Approve or disapprove the expenditure of any money
62 appropriated by the Legislature when authorized by the bill making
63 the appropriation;

64 (l) Expend monies appropriated to it in paying the
65 state's part of the cost of any street paving;

66 (m) Sell and convey, purchase and/or lease real
67 property when necessary to efficiently meet the needs of the
68 state, cause said lands to be properly surveyed and platted when
69 necessary, execute all deeds or other legal instruments, and do
70 any and all other things required to effectively carry out the
71 purpose and intent of the department to accomplish the facility
72 needs of other state agencies. Any transaction which involves
73 state lands under the provisions of this paragraph shall be done
74 in a manner consistent with the provisions of Section 29-1-1;

75 (n) Collect and receive from educational institutions
76 of the State of Mississippi monies required to be paid by these
77 institutions to the state in carrying out any veterans'
78 educational programs;

79 (o) Purchase lands for building sites, or as additions
80 to building sites, for the erection of buildings and other
81 facilities which the department is authorized to erect, and
82 demolish and dispose of old buildings, when necessary for the
83 proper construction of new buildings. Any transaction which
84 involves state lands under the provisions of this paragraph shall
85 be done in a manner consistent with the provisions of Section
86 29-1-1;

87 (p) Obtain business property insurance with a
88 deductible of not less than One Hundred Thousand Dollars
89 (\$100,000.00) on state-owned buildings under the management and
90 control of the department; and

91 (q) In consultation with and approval by the Chairmen
92 of the Public Property Committees of the Senate and the House of
93 Representatives, enter into contracts for the purpose of providing

94 parking spaces for state employees who work in the Woolfolk
95 Building, the Carroll Gartin Justice Building or the Walter
96 Sillers Office Building. The provisions of this paragraph (q)
97 shall stand repealed on July 1, 2006.

98 (3) The department shall survey state-owned and
99 state-utilized buildings to establish an estimate of the costs of
100 architectural alterations, pursuant to the Americans With
101 Disabilities Act of 1990, 42 USCS, Section 12111 et seq. The
102 department shall establish priorities for making the identified
103 architectural alterations and shall make known to the Legislative
104 Budget Office and to the Legislature the required cost to
105 effectuate such alterations. To meet the requirements of this
106 section, the department shall use standards of accessibility that
107 are at least as stringent as any applicable federal requirements
108 and may consider:

109 (a) Federal minimum guidelines and requirements issued
110 by the United States Architectural and Transportation Barriers
111 Compliance Board and standards issued by other federal agencies;

112 (b) The criteria contained in the American Standard
113 Specifications for Making Buildings Accessible and Usable by the
114 Physically Handicapped and any amendments thereto as approved by
115 the American Standards Association, Incorporated (ANSI Standards);

116 (c) Design manuals;

117 (d) Applicable federal guidelines;

118 (e) Current literature in the field;

119 (f) Applicable safety standards; and

120 (g) Any applicable environmental impact statements.

121 (4) The department shall observe the provisions of Section
122 31-5-23, in letting contracts and shall use Mississippi products,
123 including paint, varnish and lacquer which contain as vehicles
124 tung oil and either ester gum or modified resin (with rosin as the
125 principal base of constituents), and turpentine shall be used as a
126 solvent or thinner, where these products are available at a cost

127 not to exceed the cost of products grown, produced, prepared, made
128 or manufactured outside of the State of Mississippi.

129 (5) The department shall have authority to accept grants,
130 loans or donations from the United States government or from any
131 other sources for the purpose of matching funds in carrying out
132 the provisions of this chapter.

133 (6) The department shall build a wheelchair ramp at the War
134 Memorial Building which complies with all applicable federal laws,
135 regulations and specifications regarding wheelchair ramps.

136 (7) The department shall review and preapprove all
137 architectural or engineering service contracts entered into by any
138 state agency, institution, commission, board or authority
139 regardless of the source of funding used to defray the costs of
140 the construction or renovation project for which services are to
141 be obtained. The provisions of this subsection (7) shall not
142 apply to any architectural or engineering contract paid for by
143 self-generated funds of any of the state institutions of higher
144 learning, nor shall they apply to community college projects that
145 are funded from local funds or other nonstate sources which are
146 outside the Department of Finance and Administration's
147 appropriations or as directed by the Legislature. The provisions
148 of this subsection (7) shall not apply to any construction or
149 design projects of the State Military Department that are funded
150 from federal funds or other nonstate sources.

151 (8) The department shall have the authority to obtain
152 annually from the state institutions of higher learning
153 information on all building, construction and renovation projects
154 including duties, responsibilities and costs of any architect or
155 engineer hired by any such institutions.

156 (9) (a) As an alternative to other methods of awarding
157 contracts as prescribed by law, the department may use the
158 design-build method or the design-build bridging method of

159 contracting for new capital construction projects to be used as a
160 pilot program for the following projects:

161 (i) Projects for the Mississippi Development
162 Authority pursuant to agreements between both governmental
163 entities;

164 (ii) Any project with an estimated cost of not
165 more than Ten Million Dollars (\$10,000,000.00), not to exceed two
166 (2) projects per fiscal year; and

167 (iii) Any project which has an estimated cost of
168 more than Fifty Million Dollars (\$50,000,000.00), not to exceed
169 one (1) project per fiscal year.

170 (b) As used in this subsection:

171 (i) "Design-build method of contracting" means a
172 contract that combines the design and construction phases of a
173 project into a single contract and the contractor is required to
174 satisfactorily perform, at a minimum, both the design and
175 construction of the project.

176 (ii) "Design-build bridging method of contracting"
177 means a contract that requires design through the design
178 development phase by a professional designer, after which a
179 request for qualifications for design completion and construction
180 is required for the completion of the project from a single
181 contractor that combines the balance of design and construction
182 phases of a project into a single contract. The contractor is
183 required to satisfactorily perform, at a minimum, both the balance
184 of design and construction of the project.

185 (c) The department shall establish detailed criteria
186 for the selection of the successful design-build/design-build
187 bridging contractor in each request for design-build/design-build
188 bridging proposals. The request for qualifications evaluation of
189 the selection committee is a public record and shall be maintained
190 for a minimum of three (3) years after project completion.

191 (d) The department shall maintain detailed records on
192 projects separate and apart from its regular record keeping. The
193 department shall file a report to the Legislature evaluating the
194 design-build/design-build bridging method of contracting by
195 comparing it to the low-bid method of contracting. At a minimum,
196 the report must include:

197 (i) The management goals and objectives for the
198 design-build/design-build bridging system of management;

199 (ii) A complete description of the components of
200 the design-build/design-build bridging management system,
201 including a description of the system the department put into
202 place on all projects managed under the system to insure that it
203 has the complete information on building segment costs and to
204 insure proper analysis of any proposal the department receives
205 from a contractor;

206 (iii) The accountability systems the department
207 established to monitor any design-build/design-build bridging
208 project's compliance with specific goals and objectives for the
209 project;

210 (iv) The outcome of any project or any interim
211 report on an ongoing project let under a design-build/design-build
212 bridging management system showing compliance with the goals,
213 objectives, policies and procedures the department set for the
214 project; and

215 (v) The method used by the department to select
216 projects to be let under the design-build/design-build bridging
217 system of management and all other systems, policies and
218 procedures that the department considered as necessary components
219 to a design-build/design-build bridging management system.

220 (e) All contracts let under the provisions of this
221 subsection shall be subject to oversight and review by the State
222 Auditor.

223 **SECTION 2.** This act shall take effect and be in force from
224 and after its passage.