

By: Senator(s) Pickering

To: Fees, Salaries and Administration

SENATE BILL NO. 2961

1 AN ACT TO AMEND SECTION 31-7-15, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT BIDS RELATING TO COMMODITIES GROWN, PROCESSED OR
3 MANUFACTURED WITHIN THIS STATE SHALL BE GIVEN PREFERENCE IF THE
4 PRICE IN SUCH BIDS ARE NOT MORE THAN 10% GREATER THAT THE LOWEST
5 AND BEST BIDDER; AND FOR RELATED PURPOSES.

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

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

9 31-7-15. (1) (a) Whenever two (2) or more competitive bids
10 are received, and one or more * * * relates to commodities grown,
11 processed or manufactured within this state, the bids relating to
12 commodities grown, processed or manufactured within this state
13 shall be given preference if:

14 (i) The prices in received bids that relate to the
15 commodities grown, processed or manufactured in this state are not
16 more than ten percent (10%) greater than the lowest and best
17 bidder; and

18 (ii) All other things stated in such received bids
19 are equal with respect to * * * quality and service * * *.

20 (b) A * * * preference similar to that authorized in
21 paragraph (a) of this subsection shall be given to commodities
22 grown, processed or manufactured within this state whenever
23 purchases are made without competitive bids, and when practical
24 the Department of Finance and Administration may by regulation
25 establish reasonable preferential policies for other commodities,
26 giving preference to resident suppliers of this state.

27 (2) Any foreign manufacturing company with a factory in the
28 state and with over fifty (50) employees working in the state

29 shall have preference over any other foreign company where both
30 price and quality are the same, regardless of where the product is
31 manufactured.

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

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

45 (a) Is not available within a reasonable period of
46 time; or

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

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

50 (5) Whenever economically feasible, each state agency is
51 required to purchase products manufactured or sold by the
52 Mississippi Industries for the Blind.

53 **SECTION 2.** This act shall take effect and be in force from
54 and after July 1, 2006.