

**Adopted  
SUBSTITUTE NO 1 FOR COMMITTEE AMENDMENT NO 1 PROPOSED  
TO**

**House Bill No. 992**

**BY: Senator(s) Harden**

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

21           **SECTION 1.** The following shall be codified as Section  
22 31-7-13.1, Mississippi Code of 1972:  
23           31-7-13.1. (1) The method of contracting for construction  
24 described in this section shall be known as the "dual-phase  
25 design-build method" of construction contracting. This method of  
26 construction contracting may be used only when the Legislature has  
27 specifically required or authorized the use of this method in the  
28 legislation authorizing a project, or when the Department of  
29 Finance and Administration, the governing board or commission of  
30 an agency or the governing authority makes a determination,  
31 entered on its minutes, with specific findings for the project  
32 demonstrating how it is in the best interest of the public to  
33 enter into a dual-phase design-build construction contract. Use  
34 of this method for projects funded by the Legislature or  
35 administered by the Department of Finance and Administration shall  
36 be at the discretion of the Bureau of Building, Grounds and Real  
37 Property Management. At a minimum, the determination must include  
38 a detailed explanation of why a dual-phase design-build approach

39 for a particular project satisfies the public need better than the  
40 traditional design-bid-build approach.

41 (2) For each proposed dual-phase design-build project, a  
42 two-phase procedure for awarding a contract must be adopted.  
43 During Phase One, and before solicitation of initial proposals,  
44 the agency or governing authority shall develop, with the  
45 assistance of an architectural or engineering firm, a scope of  
46 work statement that provides prospective offerors with sufficient  
47 information regarding the requirements of the agency or governing  
48 authority. The scope of work statement must include, but is not  
49 limited to, the following information:

50 (a) Drawings must show overall building dimensions and  
51 major lines of dimensions, and site plans that show topography,  
52 adjacent buildings and utilities;

53 (b) Drawings must include information to adequately  
54 explain HVAC, electrical and structural requirements;

55 (c) The scope of work statement also must include  
56 building elevations, sections and design details; and

57 (d) The scope of work statement must include general  
58 budget parameters, schedule or delivery requirements, relevant  
59 criteria for evaluation of proposals, and any other information  
60 necessary to enable the design-builders to submit proposals that  
61 meet the needs of the agency or governing authority.

62 (3) The agency or governing authority shall cause to be  
63 published once a week, for at least two (2) consecutive weeks in a  
64 regular newspaper published in the county in which the project is  
65 to be located, a notice inviting proposals for the dual-phase  
66 design-build construction project. Such proposals shall not be  
67 opened in less than fifteen (15) working days after the last  
68 notice is published. The notice must inform potential offerors of  
69 how to obtain the scope of work statement developed for the  
70 project, and the notice must contain such other information to

71 describe adequately the general nature and scope of the project so  
72 as to promote full, equal and open competition.

73 (4) The agency or governing authority shall accept initial  
74 proposals only from entities able to provide, either in-house or  
75 through contractual arrangements, an experienced and qualified  
76 design-build team that includes, at a minimum, an architectural or  
77 engineering firm registered in Mississippi and a contractor  
78 properly licensed in Mississippi for the type of work required.  
79 From evaluation of initial proposals under Phase One, the agency  
80 or governing authority shall select a minimum of two (2) and a  
81 maximum of five (5) design-builders as "short-listed firms" to  
82 submit proposals for Phase Two.

83 (5) During Phase Two, the short-listed firms will be invited  
84 to submit detailed designs, specific technical concepts or  
85 solutions, pricing, scheduling and other information deemed  
86 appropriate by the agency or governing authority as necessary to  
87 evaluate and rank acceptability of the Phase Two proposals. After  
88 evaluation of these Phase Two proposals, the agency or governing  
89 authority shall award a contract to the design-builder determined  
90 to offer the best value to the public in accordance with  
91 evaluation criteria set forth in the request for proposals, of  
92 which price must be one, but not necessarily the only, criterion.

93 (6) If the agency or governing authority accepts a proposal  
94 other than the lowest dollar proposal actually submitted, the  
95 agency or governing authority shall enter on its minutes detailed  
96 calculations and a narrative summary showing why the accepted  
97 proposal was determined to provide the best value, and the agency  
98 or governing authority shall state specifically on its minutes the  
99 justification for its award.

100 (7) All private contractors or private entities contracting  
101 or performing under this section must comply at all times with all

102 applicable laws, codes and other legal requirements pertaining to  
103 the project.

104 (8) At its discretion, the agency or governing authority may  
105 award a stipulated fee equal to a percentage, as prescribed in the  
106 request for proposals, of the project's final design and  
107 construction budget, as prescribed in the request for proposals,  
108 but not less than two-tenths of one percent (2/10 of 1%) of the  
109 project's final design and construction budget, to each short-list  
110 offeror who provides a responsive, but unsuccessful, proposal. If  
111 the agency or governing authority does not award a contract, all  
112 responsive final list offerors shall receive the stipulated fee  
113 based on the owner's estimate of the project final design and  
114 construction budget as included in the request for proposals. The  
115 agency or governing authority shall pay the stipulated fee to each  
116 offeror within ninety (90) days after the award of the initial  
117 contract or the decision not to award a contract. In  
118 consideration for paying the stipulated fee, the agency or  
119 governing authority may use any ideas or information contained in  
120 the proposals in connection with any contract awarded for the  
121 project, or in connection with a subsequent procurement, without  
122 any obligation to pay any additional compensation to the  
123 unsuccessful offerors. Notwithstanding the other provisions of  
124 this subsection, an unsuccessful short-list offeror may elect to  
125 waive the stipulated fee. If an unsuccessful short-list offeror  
126 elects to waive the stipulated fee, the agency or governing  
127 authority may not use ideas and information contained in the  
128 offeror's proposal, except that this restriction does not prevent  
129 the agency or governing authority from using any idea or  
130 information if the idea or information is also included in a  
131 proposal of an offeror that accepts the stipulated fee.

132 (9) This section shall not authorize the awarding of  
133 construction contracts according to any contracting method that

134 does not require the contractor to satisfactorily perform, at a  
135 minimum, both any balance of design and construction of the  
136 project for which the contract is awarded.

137         **SECTION 2.** The following shall be codified as Section  
138 37-101-44, Mississippi Code of 1972:

139         37-101-44. (1) In lieu of exercising the authority set  
140 forth in Section 37-101-43 and before entering into or awarding  
141 any lease under Section 37-101-41, the Board of Trustees of State  
142 Institutions of Higher Learning may award contracts to a single  
143 entity for privately financed design and construction of  
144 facilities on university campuses if the entities receiving the  
145 contract or contracts and those entities to which work or services  
146 are subcontracted are duly licensed and qualified in the state to  
147 perform the contract or contracts. State General Fund  
148 appropriations or bonds backed by the state may not be used to  
149 finance the construction or maintenance of any such facility.

150         (2) The design-build delivery system described under  
151 subsection (1) of this section shall be administered pursuant to  
152 Section 31-7-13.1 and may be authorized only when the Board of  
153 Trustees of State Institutions of Higher Learning makes a  
154 determination, entered on its minutes, with specific findings for  
155 the project demonstrating how it is in the best interest of the  
156 public to enter into a design-build contract. At a minimum, the  
157 determination must include a detailed explanation of why a  
158 design-build approach for a particular project satisfies the  
159 public need better than the traditional design-bid-build approach.

160         (3) For each proposed design-build project, a two-phase  
161 procedure for awarding design-build contracts must be adopted and  
162 must include the following:

163                 (a) During phase one, and before solicitation of  
164 initial proposals, the board shall develop, with the assistance of  
165 a registered architect or engineer, a scope of work statement that

166 provides prospective offerors with sufficient information  
167 regarding the board's requirements. The scope of work statement  
168 must include floor plans showing spaces by name and number, actual  
169 net area of each space, structural module, fixed equipment,  
170 mechanical spaces, chases and circulation areas. Drawings must  
171 show overall structure dimensions and major lines of dimensions,  
172 and site plans which show topography, adjacent buildings and  
173 utilities. Drawings must include information to adequately  
174 explain HVAC, electrical and structural requirements. Information  
175 concerning furnishings, miscellaneous equipment, layouts, lists  
176 and schedules necessary to explain the plans must be indicated on  
177 floor plans. The registered architect or engineer engaged by the  
178 board also shall prepare preliminary specifications following the  
179 Construction Specifications Institute format and giving basic  
180 descriptions of essential building materials, finishes, components  
181 and all systems. The scope of work statement also must include  
182 structure elevations, sections and design details. Structure  
183 elevations must show fenestration and proposed exterior materials.  
184 The scope of work statement must include general budget  
185 parameters, schedule or delivery requirements, relevant criteria  
186 for evaluation of proposals, and any other information necessary  
187 to enable the design-builders to submit proposals that meet the  
188 board's needs.

189 (b) The board shall cause to be published once a week,  
190 for at least three (3) consecutive weeks and not less than  
191 twenty-one (21) days in at least one (1) newspaper having a  
192 general circulation in the county in which the institution is  
193 located and in one (1) newspaper with a general statewide  
194 circulation, a notice inviting proposals for the leasing,  
195 design-build deconstruction and leasing back of the land and  
196 design-build constructed facility. The notice must inform  
197 potential offerors of how to obtain the scope of work statement

198 developed for the project, and the notice must contain such other  
199 information to describe adequately the general nature and scope of  
200 the design-build project so as to promote full, equal and open  
201 competition.

202 (c) The board shall accept initial proposals only from  
203 entities able to provide, either in-house or through contractual  
204 arrangements, an experienced and qualified design-build team that  
205 includes, at a minimum, an architect or engineer registered in  
206 Mississippi and a contractor properly licensed in Mississippi for  
207 the type of work required. From evaluation of initial proposals  
208 under phase one, the board shall select a minimum of two (2) and a  
209 maximum of five (5) design-builders to submit proposals for phase  
210 two.

211 (d) During phase two, the shortlisted firms will be  
212 invited to submit detailed designs, specific technical concepts or  
213 solutions, pricing, scheduling and other information deemed  
214 appropriate by the board as necessary to evaluate and rank  
215 acceptability of the phase two proposals. After evaluation of  
216 these phase two proposals, the board shall award a contract to the  
217 design-builder determined to offer the best value to the public in  
218 accordance with evaluation criteria set forth in the request for  
219 proposals, of which price must be one, but not necessarily the  
220 only, criterion.

221 (e) If the board accepts a proposal other than the  
222 lowest dollar proposal actually submitted, the board shall enter  
223 on its minutes detailed calculations and a narrative summary  
224 showing why the accepted proposal was determined to provide the  
225 best value, and the board shall state specifically on its minutes  
226 the justification for its award.

227 (4) All facilities that are governed by this section must be  
228 designed and constructed to equal or exceed the current  
229 International Code Council Family of Codes applicable to

230 commercial construction in force at the time of contracting. All  
231 private contractors or private entities contracting or performing  
232 under this section must comply at all times with all applicable  
233 laws, codes and other legal requirements pertaining to the  
234 project.

235 (5) (a) A public official or employee of a state agency who  
236 has duties or responsibilities related to the contracting,  
237 constructing, leasing, acquiring or operating of a facility under  
238 this section may not become an employee, consultant or contract  
239 vendor to a private entity providing such facility or services to  
240 the state for a period of one (1) year after the date of  
241 termination of the person's public service or state employment.

242 (b) Any person violating this subsection shall be  
243 guilty of a misdemeanor and punished by a fine of not less than  
244 Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars  
245 (\$1,000.00).

246 **SECTION 3.** Section 37-101-43, Mississippi Code of 1972, is  
247 amended as follows:

248 37-101-43. (a) Except as otherwise provided in Section  
249 37-101-44, before entering into or awarding any such lease  
250 contract under the provisions of Section 37-101-41, the Board of  
251 Trustees of State Institutions of Higher Learning shall cause the  
252 interested state-supported institution upon which a facility is  
253 proposed to be constructed to select and submit three (3)  
254 architects to the board. Thereupon, the board shall approve and  
255 employ an architect, who shall be paid by the interested  
256 institution from any funds available to the interested  
257 institution. The architect, under the direction of the interested  
258 institution, shall prepare complete plans and specifications for  
259 the facility desired to be constructed on the leased property.

260 Upon completion of the plans and specifications and the  
261 approval thereof by the board, and before entering into any lease



262 contract, the board shall cause to be published once a week for at  
263 least three (3) consecutive weeks and not less than twenty-one  
264 (21) days in at least one (1) newspaper having a general  
265 circulation in the county in which the interested institution is  
266 located and in one (1) newspaper with a general statewide  
267 circulation, a notice inviting bids or proposals for the leasing,  
268 construction and leasing back of the land and constructed  
269 facility, the facility to be constructed in accordance with the  
270 plans and specifications. The notice shall distinctly state the  
271 thing to be done, and invite sealed proposals, to be filed with  
272 the board, to do the thing to be done. The notice shall contain  
273 the following specific provisions, together with such others as  
274 the board in its discretion deems appropriate, to wit: bids shall  
275 be accompanied by a bid security evidenced by a certified or  
276 cashier's check or bid-bond payable to the board in a sum of not  
277 less than five percent (5%) of the gross construction cost of the  
278 facility to be constructed as estimated by the board and the bids  
279 shall contain proof satisfactory to the board of interim and  
280 permanent financing. The board shall state in the notice when  
281 construction shall commence. The bid shall contain the proposed  
282 contractor's certificate of responsibility number and bidder's  
283 license. In all cases, before the notice shall be published, the  
284 plans and specifications shall be filed with the board and also in  
285 the office of the president of the interested institution, there  
286 to remain.

287         The board shall award the lease contract to the lowest and  
288 best bidder, who will comply with the terms imposed by the  
289 contract documents. At the time of the awarding of the lease  
290 contract the successful bidder shall enter into bond with  
291 sufficient sureties, to be approved by the board, in such penalty  
292 as may be fixed by the board, but in no case to be less than the  
293 estimated gross construction cost of the facility to be

294 constructed as estimated by the board, conditioned for the prompt,  
295 proper and efficient performance of the contract. The bond shall  
296 be made by an authorized corporate surety bonding company.  
297 The \* \* \* bid security herein provided for shall be forfeited if  
298 the successful bidder fails to enter into lease contract and  
299 commence construction within the time limitation set forth in the  
300 notice. At such time, and simultaneously with the signing of the  
301 contract, the successful bidder shall deposit a sum of money, in  
302 cash or certified or cashier's check, not less than the bid  
303 security previously deposited as bid security to reimburse the  
304 interested institution for all sums expended by it for  
305 architectural services and other expenditures of the board and  
306 interested institution connected with the bided lease contract, of  
307 which such other anticipated expenditures notice is to be given to  
308 bidder in the notice. The bid security posted by an unsuccessful  
309 bidder shall be refunded to him.

310 (b) Pursuant to the authority granted under Section  
311 37-101-44, the requirements of paragraph (a) of this section shall  
312 not apply to the Board of Trustees of State Institutions of Higher  
313 Learning to grant to universities the authority to contract with a  
314 single entity for privately financed design and construction of  
315 facilities on the university's campus.

316 **SECTION 4.** Section 37-101-41, Mississippi Code of 1972, is  
317 amended as follows:

318 37-101-41. (a) Except as otherwise provided in paragraph  
319 (b) of this section, the Board of Trustees of State Institutions  
320 of Higher Learning is hereby authorized and empowered to lease to  
321 private individuals or corporations, for a term not exceeding  
322 thirty-one (31) years, any land at any of the following  
323 state-supported institutions: Mississippi State University of  
324 Agriculture and Applied Science, Jackson State University,  
325 Mississippi Valley State University, Alcorn State University,

326 University of Southern Mississippi, Mississippi University for  
327 Women and Delta State University, for the purpose of erecting  
328 housing and dormitory facilities thereon for active faculty and  
329 students. The housing facilities shall be constructed thereon by  
330 private financing, and shall be leased back to the board for use  
331 by the concerned state-supported institution of higher learning.  
332 The lease shall contain a provision permitting the board to  
333 purchase the building located thereon for the sum of One Dollar  
334 (\$1.00) after payment by the board of all sums of money due under  
335 said lease.

336 (b) Pursuant to the authority granted under Section  
337 37-101-44, the Board of Trustees of State Institutions of Higher  
338 Learning may grant authority to universities to lease to private  
339 individuals or corporations, for a term not exceeding thirty-one  
340 (31) years, any land at the university, for the purpose of  
341 erecting facilities thereon for active faculty and students. The  
342 facilities shall be constructed thereon by private financing, and  
343 shall be leased back to the board for use by the university. The  
344 lease shall contain a provision permitting the board to purchase  
345 the facilities located thereon for the sum of One Dollar (\$1.00)  
346 after payment by the board of all sums of money due under said  
347 lease.

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

350 31-7-13. All agencies and governing authorities shall  
351 purchase their commodities and printing; contract for garbage  
352 collection or disposal; contract for solid waste collection or  
353 disposal; contract for sewage collection or disposal; contract for  
354 public construction; and contract for rentals as herein provided.

355 (a) **Bidding procedure for purchases not over \$3,500.00.**  
356 Purchases which do not involve an expenditure of more than Three  
357 Thousand Five Hundred Dollars (\$3,500.00), exclusive of freight or

358 shipping charges, may be made without advertising or otherwise  
359 requesting competitive bids. However, nothing contained in this  
360 paragraph (a) shall be construed to prohibit any agency or  
361 governing authority from establishing procedures which require  
362 competitive bids on purchases of Three Thousand Five Hundred  
363 Dollars (\$3,500.00) or less.

364           (b) **Bidding procedure for purchases over \$3,500.00 but**  
365 **not over \$15,000.00.** Purchases which involve an expenditure of  
366 more than Three Thousand Five Hundred Dollars (\$3,500.00) but not  
367 more than Fifteen Thousand Dollars (\$15,000.00), exclusive of  
368 freight and shipping charges may be made from the lowest and best  
369 bidder without publishing or posting advertisement for bids,  
370 provided at least two (2) competitive written bids have been  
371 obtained. Any governing authority purchasing commodities pursuant  
372 to this paragraph (b) may authorize its purchasing agent, or his  
373 designee, with regard to governing authorities other than  
374 counties, or its purchase clerk, or his designee, with regard to  
375 counties, to accept the lowest and best competitive written bid.  
376 Such authorization shall be made in writing by the governing  
377 authority and shall be maintained on file in the primary office of  
378 the agency and recorded in the official minutes of the governing  
379 authority, as appropriate. The purchasing agent or the purchase  
380 clerk, or their designee, as the case may be, and not the  
381 governing authority, shall be liable for any penalties and/or  
382 damages as may be imposed by law for any act or omission of the  
383 purchasing agent or purchase clerk, or their designee,  
384 constituting a violation of law in accepting any bid without  
385 approval by the governing authority. The term "competitive  
386 written bid" shall mean a bid submitted on a bid form furnished by  
387 the buying agency or governing authority and signed by authorized  
388 personnel representing the vendor, or a bid submitted on a  
389 vendor's letterhead or identifiable bid form and signed by

390 authorized personnel representing the vendor. "Competitive" shall  
391 mean that the bids are developed based upon comparable  
392 identification of the needs and are developed independently and  
393 without knowledge of other bids or prospective bids. Bids may be  
394 submitted by facsimile, electronic mail or other generally  
395 accepted method of information distribution. Bids submitted by  
396 electronic transmission shall not require the signature of the  
397 vendor's representative unless required by agencies or governing  
398 authorities.

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

400 (i) **Publication requirement.** Purchases which  
401 involve an expenditure of more than Fifteen Thousand Dollars  
402 (\$15,000.00), exclusive of freight and shipping charges, may be  
403 made from the lowest and best bidder after advertising for  
404 competitive sealed bids once each week for two (2) consecutive  
405 weeks in a regular newspaper published in the county or  
406 municipality in which such agency or governing authority is  
407 located. The date as published for the bid opening shall not be  
408 less than seven (7) working days after the last published notice;  
409 however, if the purchase involves a construction project in which  
410 the estimated cost is in excess of Fifteen Thousand Dollars  
411 (\$15,000.00), such bids shall not be opened in less than fifteen  
412 (15) working days after the last notice is published and the  
413 notice for the purchase of such construction shall be published  
414 once each week for two (2) consecutive weeks. The notice of  
415 intention to let contracts or purchase equipment shall state the  
416 time and place at which bids shall be received, list the contracts  
417 to be made or types of equipment or supplies to be purchased, and,  
418 if all plans and/or specifications are not published, refer to the  
419 plans and/or specifications on file. If there is no newspaper  
420 published in the county or municipality, then such notice shall be  
421 given by posting same at the courthouse, or for municipalities at

422 the city hall, and at two (2) other public places in the county or  
423 municipality, and also by publication once each week for two (2)  
424 consecutive weeks in some newspaper having a general circulation  
425 in the county or municipality in the above provided manner. On  
426 the same date that the notice is submitted to the newspaper for  
427 publication, the agency or governing authority involved shall mail  
428 written notice to, or provide electronic notification to the main  
429 office of the Mississippi Contract Procurement Center that  
430 contains the same information as that in the published notice.

431           (ii) **Bidding process amendment procedure.** If all  
432 plans and/or specifications are published in the notification,  
433 then the plans and/or specifications may not be amended. If all  
434 plans and/or specifications are not published in the notification,  
435 then amendments to the plans/specifications, bid opening date, bid  
436 opening time and place may be made, provided that the agency or  
437 governing authority maintains a list of all prospective bidders  
438 who are known to have received a copy of the bid documents and all  
439 such prospective bidders are sent copies of all amendments. This  
440 notification of amendments may be made via mail, facsimile,  
441 electronic mail or other generally accepted method of information  
442 distribution. No addendum to bid specifications may be issued  
443 within two (2) working days of the time established for the  
444 receipt of bids unless such addendum also amends the bid opening  
445 to a date not less than five (5) working days after the date of  
446 the addendum.

447           (iii) **Filing requirement.** In all cases involving  
448 governing authorities, before the notice shall be published or  
449 posted, the plans or specifications for the construction or  
450 equipment being sought shall be filed with the clerk of the board  
451 of the governing authority. In addition to these requirements, a  
452 bid file shall be established which shall indicate those vendors  
453 to whom such solicitations and specifications were issued, and

454 such file shall also contain such information as is pertinent to  
455 the bid.

456 (iv) **Specification restrictions.**

457 1. Specifications pertinent to such bidding  
458 shall be written so as not to exclude comparable equipment of  
459 domestic manufacture. However, if valid justification is  
460 presented, the Department of Finance and Administration or the  
461 board of a governing authority may approve a request for specific  
462 equipment necessary to perform a specific job. Further, such  
463 justification, when placed on the minutes of the board of a  
464 governing authority, may serve as authority for that governing  
465 authority to write specifications to require a specific item of  
466 equipment needed to perform a specific job. In addition to these  
467 requirements, from and after July 1, 1990, vendors of relocatable  
468 classrooms and the specifications for the purchase of such  
469 relocatable classrooms published by local school boards shall meet  
470 all pertinent regulations of the State Board of Education,  
471 including prior approval of such bid by the State Department of  
472 Education.

473 2. Specifications for construction projects  
474 may include an allowance for commodities, equipment, furniture,  
475 construction materials or systems in which prospective bidders are  
476 instructed to include in their bids specified amounts for such  
477 items so long as the allowance items are acquired by the vendor in  
478 a commercially reasonable manner and approved by the  
479 agency/governing authority. Such acquisitions shall not be made  
480 to circumvent the public purchasing laws.

481 (v) Agencies and governing authorities may  
482 establish secure procedures by which bids may be submitted via  
483 electronic means.

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

485                   (i) **Decision procedure.** Purchases may be made  
486 from the lowest and best bidder. In determining the lowest and  
487 best bid, freight and shipping charges shall be included.  
488 Life-cycle costing, total cost bids, warranties, guaranteed  
489 buy-back provisions and other relevant provisions may be included  
490 in the best bid calculation. All best bid procedures for state  
491 agencies must be in compliance with regulations established by the  
492 Department of Finance and Administration. If any governing  
493 authority accepts a bid other than the lowest bid actually  
494 submitted, it shall place on its minutes detailed calculations and  
495 narrative summary showing that the accepted bid was determined to  
496 be the lowest and best bid, including the dollar amount of the  
497 accepted bid and the dollar amount of the lowest bid. No agency  
498 or governing authority shall accept a bid based on items not  
499 included in the specifications.

500                   (ii) **Decision procedure for Certified Purchasing**  
501 **Offices.** In addition to the decision procedure set forth in  
502 paragraph (d)(i), Certified Purchasing Offices may also use the  
503 following procedure: Purchases may be made from the bidder  
504 offering the best value. In determining the best value bid,  
505 freight and shipping charges shall be included. Life-cycle  
506 costing, total cost bids, warranties, guaranteed buy-back  
507 provisions, documented previous experience, training costs and  
508 other relevant provisions may be included in the best value  
509 calculation. This provision shall authorize Certified Purchasing  
510 Offices to utilize a Request For Proposals (RFP) process when  
511 purchasing commodities. All best value procedures for state  
512 agencies must be in compliance with regulations established by the  
513 Department of Finance and Administration. No agency or governing  
514 authority shall accept a bid based on items or criteria not  
515 included in the specifications.



516 (iii) **Construction project negotiations authority.**

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

522 (e) **Lease-purchase authorization.** For the purposes of  
523 this section, the term "equipment" shall mean equipment, furniture  
524 and, if applicable, associated software and other applicable  
525 direct costs associated with the acquisition. Any lease-purchase  
526 of equipment which an agency is not required to lease-purchase  
527 under the master lease-purchase program pursuant to Section  
528 31-7-10 and any lease-purchase of equipment which a governing  
529 authority elects to lease-purchase may be acquired by a  
530 lease-purchase agreement under this paragraph (e). Lease-purchase  
531 financing may also be obtained from the vendor or from a  
532 third-party source after having solicited and obtained at least  
533 two (2) written competitive bids, as defined in paragraph (b) of  
534 this section, for such financing without advertising for such  
535 bids. Solicitation for the bids for financing may occur before or  
536 after acceptance of bids for the purchase of such equipment or,  
537 where no such bids for purchase are required, at any time before  
538 the purchase thereof. No such lease-purchase agreement shall be  
539 for an annual rate of interest which is greater than the overall  
540 maximum interest rate to maturity on general obligation  
541 indebtedness permitted under Section 75-17-101, and the term of  
542 such lease-purchase agreement shall not exceed the useful life of  
543 equipment covered thereby as determined according to the upper  
544 limit of the asset depreciation range (ADR) guidelines for the  
545 Class Life Asset Depreciation Range System established by the  
546 Internal Revenue Service pursuant to the United States Internal  
547 Revenue Code and regulations thereunder as in effect on December

548 31, 1980, or comparable depreciation guidelines with respect to  
549 any equipment not covered by ADR guidelines. Any lease-purchase  
550 agreement entered into pursuant to this paragraph (e) may contain  
551 any of the terms and conditions which a master lease-purchase  
552 agreement may contain under the provisions of Section 31-7-10(5),  
553 and shall contain an annual allocation dependency clause  
554 substantially similar to that set forth in Section 31-7-10(8).  
555 Each agency or governing authority entering into a lease-purchase  
556 transaction pursuant to this paragraph (e) shall maintain with  
557 respect to each such lease-purchase transaction the same  
558 information as required to be maintained by the Department of  
559 Finance and Administration pursuant to Section 31-7-10(13).  
560 However, nothing contained in this section shall be construed to  
561 permit agencies to acquire items of equipment with a total  
562 acquisition cost in the aggregate of less than Ten Thousand  
563 Dollars (\$10,000.00) by a single lease-purchase transaction. All  
564 equipment, and the purchase thereof by any lessor, acquired by  
565 lease-purchase under this paragraph and all lease-purchase  
566 payments with respect thereto shall be exempt from all Mississippi  
567 sales, use and ad valorem taxes. Interest paid on any  
568 lease-purchase agreement under this section shall be exempt from  
569 State of Mississippi income taxation.

570 (f) **Alternate bid authorization.** When necessary to  
571 ensure ready availability of commodities for public works and the  
572 timely completion of public projects, no more than two (2)  
573 alternate bids may be accepted by a governing authority for  
574 commodities. No purchases may be made through use of such  
575 alternate bids procedure unless the lowest and best bidder cannot  
576 deliver the commodities contained in his bid. In that event,  
577 purchases of such commodities may be made from one (1) of the  
578 bidders whose bid was accepted as an alternate.

579           (g) **Construction contract change authorization.** In the  
580 event a determination is made by an agency or governing authority  
581 after a construction contract is let that changes or modifications  
582 to the original contract are necessary or would better serve the  
583 purpose of the agency or the governing authority, such agency or  
584 governing authority may, in its discretion, order such changes  
585 pertaining to the construction that are necessary under the  
586 circumstances without the necessity of further public bids;  
587 provided that such change shall be made in a commercially  
588 reasonable manner and shall not be made to circumvent the public  
589 purchasing statutes. In addition to any other authorized person,  
590 the architect or engineer hired by an agency or governing  
591 authority with respect to any public construction contract shall  
592 have the authority, when granted by an agency or governing  
593 authority, to authorize changes or modifications to the original  
594 contract without the necessity of prior approval of the agency or  
595 governing authority when any such change or modification is less  
596 than one percent (1%) of the total contract amount. The agency or  
597 governing authority may limit the number, manner or frequency of  
598 such emergency changes or modifications.

599           (h) **Petroleum purchase alternative.** In addition to  
600 other methods of purchasing authorized in this chapter, when any  
601 agency or governing authority shall have a need for gas, diesel  
602 fuel, oils and/or other petroleum products in excess of the amount  
603 set forth in paragraph (a) of this section, such agency or  
604 governing authority may purchase the commodity after having  
605 solicited and obtained at least two (2) competitive written bids,  
606 as defined in paragraph (b) of this section. If two (2)  
607 competitive written bids are not obtained, the entity shall comply  
608 with the procedures set forth in paragraph (c) of this section.  
609 In the event any agency or governing authority shall have  
610 advertised for bids for the purchase of gas, diesel fuel, oils and

611 other petroleum products and coal and no acceptable bids can be  
612 obtained, such agency or governing authority is authorized and  
613 directed to enter into any negotiations necessary to secure the  
614 lowest and best contract available for the purchase of such  
615 commodities.

616           (i) **Road construction petroleum products price**  
617 **adjustment clause authorization.** Any agency or governing  
618 authority authorized to enter into contracts for the construction,  
619 maintenance, surfacing or repair of highways, roads or streets,  
620 may include in its bid proposal and contract documents a price  
621 adjustment clause with relation to the cost to the contractor,  
622 including taxes, based upon an industry-wide cost index, of  
623 petroleum products including asphalt used in the performance or  
624 execution of the contract or in the production or manufacture of  
625 materials for use in such performance. Such industry-wide index  
626 shall be established and published monthly by the Mississippi  
627 Department of Transportation with a copy thereof to be mailed,  
628 upon request, to the clerks of the governing authority of each  
629 municipality and the clerks of each board of supervisors  
630 throughout the state. The price adjustment clause shall be based  
631 on the cost of such petroleum products only and shall not include  
632 any additional profit or overhead as part of the adjustment. The  
633 bid proposals or document contract shall contain the basis and  
634 methods of adjusting unit prices for the change in the cost of  
635 such petroleum products.

636           (j) **State agency emergency purchase procedure.** If the  
637 governing board or the executive head, or his designee, of any  
638 agency of the state shall determine that an emergency exists in  
639 regard to the purchase of any commodities or repair contracts, so  
640 that the delay incident to giving opportunity for competitive  
641 bidding would be detrimental to the interests of the state, then  
642 the provisions herein for competitive bidding shall not apply and

643 the head of such agency shall be authorized to make the purchase  
644 or repair. Total purchases so made shall only be for the purpose  
645 of meeting needs created by the emergency situation. In the event  
646 such executive head is responsible to an agency board, at the  
647 meeting next following the emergency purchase, documentation of  
648 the purchase, including a description of the commodity purchased,  
649 the purchase price thereof and the nature of the emergency shall  
650 be presented to the board and placed on the minutes of the board  
651 of such agency. The head of such agency, or his designee, shall,  
652 at the earliest possible date following such emergency purchase,  
653 file with the Department of Finance and Administration (i) a  
654 statement explaining the conditions and circumstances of the  
655 emergency, which shall include a detailed description of the  
656 events leading up to the situation and the negative impact to the  
657 entity if the purchase is made following the statutory  
658 requirements set forth in paragraph (a), (b) or (c) of this  
659 section, and (ii) a certified copy of the appropriate minutes of  
660 the board of such agency, if applicable. On or before September 1  
661 of each year, the State Auditor shall prepare and deliver to the  
662 Senate Fees, Salaries and Administration Committee, the House Fees  
663 and Salaries of Public Officers Committee and the Joint  
664 Legislative Budget Committee a report containing a list of all  
665 state agency emergency purchases and supporting documentation for  
666 each emergency purchase.

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

668 If the governing authority, or the governing authority acting  
669 through its designee, shall determine that an emergency exists in  
670 regard to the purchase of any commodities or repair contracts, so  
671 that the delay incident to giving opportunity for competitive  
672 bidding would be detrimental to the interest of the governing  
673 authority, then the provisions herein for competitive bidding  
674 shall not apply and any officer or agent of such governing

675 authority having general or special authority therefor in making  
676 such purchase or repair shall approve the bill presented therefor,  
677 and he shall certify in writing thereon from whom such purchase  
678 was made, or with whom such a repair contract was made. At the  
679 board meeting next following the emergency purchase or repair  
680 contract, documentation of the purchase or repair contract,  
681 including a description of the commodity purchased, the price  
682 thereof and the nature of the emergency shall be presented to the  
683 board and shall be placed on the minutes of the board of such  
684 governing authority.

685           (1) **Hospital purchase, lease-purchase and lease**  
686 **authorization.**

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

692           (ii) In addition to the authority granted in  
693 subparagraph (i) of this paragraph (1), the commissioners or board  
694 of trustees is authorized to enter into contracts for the lease of  
695 equipment or services, or both, which it considers necessary for  
696 the proper care of patients if, in its opinion, it is not  
697 financially feasible to purchase the necessary equipment or  
698 services. Any such contract for the lease of equipment or  
699 services executed by the commissioners or board shall not exceed a  
700 maximum of five (5) years' duration and shall include a  
701 cancellation clause based on unavailability of funds. If such  
702 cancellation clause is exercised, there shall be no further  
703 liability on the part of the lessee. Any such contract for the  
704 lease of equipment or services executed on behalf of the  
705 commissioners or board that complies with the provisions of this

706 subparagraph (ii) shall be excepted from the bid requirements set  
707 forth in this section.

708 (m) **Exceptions from bidding requirements.** Excepted  
709 from bid requirements are:

710 (i) **Purchasing agreements approved by department.**  
711 Purchasing agreements, contracts and maximum price regulations  
712 executed or approved by the Department of Finance and  
713 Administration.

714 (ii) **Outside equipment repairs.** Repairs to  
715 equipment, when such repairs are made by repair facilities in the  
716 private sector; however, engines, transmissions, rear axles and/or  
717 other such components shall not be included in this exemption when  
718 replaced as a complete unit instead of being repaired and the need  
719 for such total component replacement is known before disassembly  
720 of the component; however, invoices identifying the equipment,  
721 specific repairs made, parts identified by number and name,  
722 supplies used in such repairs, and the number of hours of labor  
723 and costs therefor shall be required for the payment for such  
724 repairs.

725 (iii) **In-house equipment repairs.** Purchases of  
726 parts for repairs to equipment, when such repairs are made by  
727 personnel of the agency or governing authority; however, entire  
728 assemblies, such as engines or transmissions, shall not be  
729 included in this exemption when the entire assembly is being  
730 replaced instead of being repaired.

731 (iv) **Raw gravel or dirt.** Raw unprocessed deposits  
732 of gravel or fill dirt which are to be removed and transported by  
733 the purchaser.

734 (v) **Governmental equipment auctions.** Motor  
735 vehicles or other equipment purchased from a federal agency or  
736 authority, another governing authority or state agency of the  
737 State of Mississippi, or any governing authority or state agency

738 of another state at a public auction held for the purpose of  
739 disposing of such vehicles or other equipment. Any purchase by a  
740 governing authority under the exemption authorized by this  
741 subparagraph (v) shall require advance authorization spread upon  
742 the minutes of the governing authority to include the listing of  
743 the item or items authorized to be purchased and the maximum bid  
744 authorized to be paid for each item or items.

745 (vi) **Intergovernmental sales and transfers.**

746 Purchases, sales, transfers or trades by governing authorities or  
747 state agencies when such purchases, sales, transfers or trades are  
748 made by a private treaty agreement or through means of  
749 negotiation, from any federal agency or authority, another  
750 governing authority or state agency of the State of Mississippi,  
751 or any state agency or governing authority of another state.  
752 Nothing in this section shall permit such purchases through public  
753 auction except as provided for in subparagraph (v) of this  
754 section. It is the intent of this section to allow governmental  
755 entities to dispose of and/or purchase commodities from other  
756 governmental entities at a price that is agreed to by both  
757 parties. This shall allow for purchases and/or sales at prices  
758 which may be determined to be below the market value if the  
759 selling entity determines that the sale at below market value is  
760 in the best interest of the taxpayers of the state. Governing  
761 authorities shall place the terms of the agreement and any  
762 justification on the minutes, and state agencies shall obtain  
763 approval from the Department of Finance and Administration, prior  
764 to releasing or taking possession of the commodities.

765 (vii) **Perishable supplies or food.** Perishable  
766 supplies or food purchased for use in connection with hospitals,  
767 the school lunch programs, homemaking programs and for the feeding  
768 of county or municipal prisoners.



769                   (viii) **Single source items.** Noncompetitive items  
770 available from one (1) source only. In connection with the  
771 purchase of noncompetitive items only available from one (1)  
772 source, a certification of the conditions and circumstances  
773 requiring the purchase shall be filed by the agency with the  
774 Department of Finance and Administration and by the governing  
775 authority with the board of the governing authority. Upon receipt  
776 of that certification the Department of Finance and Administration  
777 or the board of the governing authority, as the case may be, may,  
778 in writing, authorize the purchase, which authority shall be noted  
779 on the minutes of the body at the next regular meeting thereafter.  
780 In those situations, a governing authority is not required to  
781 obtain the approval of the Department of Finance and  
782 Administration.

783                   (ix) **Waste disposal facility construction**  
784 **contracts.** Construction of incinerators and other facilities for  
785 disposal of solid wastes in which products either generated  
786 therein, such as steam, or recovered therefrom, such as materials  
787 for recycling, are to be sold or otherwise disposed of; however,  
788 in constructing such facilities, a governing authority or agency  
789 shall publicly issue requests for proposals, advertised for in the  
790 same manner as provided herein for seeking bids for public  
791 construction projects, concerning the design, construction,  
792 ownership, operation and/or maintenance of such facilities,  
793 wherein such requests for proposals when issued shall contain  
794 terms and conditions relating to price, financial responsibility,  
795 technology, environmental compatibility, legal responsibilities  
796 and such other matters as are determined by the governing  
797 authority or agency to be appropriate for inclusion; and after  
798 responses to the request for proposals have been duly received,  
799 the governing authority or agency may select the most qualified  
800 proposal or proposals on the basis of price, technology and other

801 relevant factors and from such proposals, but not limited to the  
802 terms thereof, negotiate and enter contracts with one or more of  
803 the persons or firms submitting proposals.

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

807           (xi) **Information technology products.** Purchases  
808 of information technology products made by governing authorities  
809 under the provisions of purchase schedules, or contracts executed  
810 or approved by the Mississippi Department of Information  
811 Technology Services and designated for use by governing  
812 authorities.

813           (xii) **Energy efficiency services and equipment.**  
814 Energy efficiency services and equipment acquired by school  
815 districts, community and junior colleges, institutions of higher  
816 learning and state agencies or other applicable governmental  
817 entities on a shared-savings, lease or lease-purchase basis  
818 pursuant to Section 31-7-14.

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

823           (xiv) **Library books and other reference materials.**  
824 Purchases by libraries or for libraries of books and periodicals;  
825 processed film, video cassette tapes, filmstrips and slides;  
826 recorded audio tapes, cassettes and diskettes; and any such items  
827 as would be used for teaching, research or other information  
828 distribution; however, equipment such as projectors, recorders,  
829 audio or video equipment, and monitor televisions are not exempt  
830 under this subparagraph.

831           (xv) **Unmarked vehicles.** Purchases of unmarked  
832 vehicles when such purchases are made in accordance with

833 purchasing regulations adopted by the Department of Finance and  
834 Administration pursuant to Section 31-7-9(2).

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

837 (xvii) **Multichannel interactive video systems.**  
838 From and after July 1, 1990, contracts by Mississippi Authority  
839 for Educational Television with any private educational  
840 institution or private nonprofit organization whose purposes are  
841 educational in regard to the construction, purchase, lease or  
842 lease-purchase of facilities and equipment and the employment of  
843 personnel for providing multichannel interactive video systems  
844 (ITSF) in the school districts of this state.

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

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

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

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

863 (xxii) **Garbage, solid waste and sewage contracts.**  
864 Contracts for garbage collection or disposal, contracts for solid

865 waste collection or disposal and contracts for sewage collection  
866 or disposal.

867                   (xxiii) **Municipal water tank maintenance**  
868 **contracts.** Professional maintenance program contracts for the  
869 repair or maintenance of municipal water tanks, which provide  
870 professional services needed to maintain municipal water storage  
871 tanks for a fixed annual fee for a duration of two (2) or more  
872 years.

873                   (xxiv) **Purchases of Mississippi Industries for the**  
874 **Blind products.** Purchases made by state agencies or governing  
875 authorities involving any item that is manufactured, processed or  
876 produced by the Mississippi Industries for the Blind.

877                   (xxv) **Purchases of state-adopted textbooks.**  
878 Purchases of state-adopted textbooks by public school districts.

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

882                   (xxvii) **Used heavy or specialized machinery or**  
883 **equipment for installation of soil and water conservation**  
884 **practices purchased at auction.** Used heavy or specialized  
885 machinery or equipment used for the installation and  
886 implementation of soil and water conservation practices or  
887 measures purchased subject to the restrictions provided in  
888 Sections 69-27-331 through 69-27-341. Any purchase by the State  
889 Soil and Water Conservation Commission under the exemption  
890 authorized by this subparagraph shall require advance  
891 authorization spread upon the minutes of the commission to include  
892 the listing of the item or items authorized to be purchased and  
893 the maximum bid authorized to be paid for each item or items.

894                   (xxviii) **Hospital lease of equipment or services.**  
895 Leases by hospitals of equipment or services if the leases are in  
896 compliance with paragraph (1)(ii).

897                   (xxix) **Purchases made pursuant to qualified**  
898 **cooperative purchasing agreements.** Purchases made by certified  
899 purchasing offices of state agencies or governing authorities  
900 under cooperative purchasing agreements previously approved by the  
901 Office of Purchasing and Travel and established by or for any  
902 municipality, county, parish or state government or the federal  
903 government, provided that the notification to potential  
904 contractors includes a clause that sets forth the availability of  
905 the cooperative purchasing agreement to other governmental  
906 entities. Such purchases shall only be made if the use of the  
907 cooperative purchasing agreements is determined to be in the best  
908 interest of the governmental entity.

909                   (xxx) **School yearbooks.** Purchases of school  
910 yearbooks by state agencies or governing authorities; provided,  
911 however, that state agencies and governing authorities shall use  
912 for these purchases the RFP process as set forth in the  
913 Mississippi Procurement Manual adopted by the Office of Purchasing  
914 and Travel.

915                   (xxxi) **Dual-phase design-build method \* \* \* of**  
916 **contracting.** Contracts entered into the provisions of Section  
917 31-7-13.1 or 37-101-44.

918                   (n) **Term contract authorization.** All contracts for the  
919 purchase of:

920                   (i) All contracts for the purchase of commodities,  
921 equipment and public construction (including, but not limited to,  
922 repair and maintenance), may be let for periods of not more than  
923 sixty (60) months in advance, subject to applicable statutory  
924 provisions prohibiting the letting of contracts during specified  
925 periods near the end of terms of office. Term contracts for a  
926 period exceeding twenty-four (24) months shall also be subject to  
927 ratification or cancellation by governing authority boards taking

928 office subsequent to the governing authority board entering the  
929 contract.

930 (ii) Bid proposals and contracts may include price  
931 adjustment clauses with relation to the cost to the contractor  
932 based upon a nationally published industry-wide or nationally  
933 published and recognized cost index. The cost index used in a  
934 price adjustment clause shall be determined by the Department of  
935 Finance and Administration for the state agencies and by the  
936 governing board for governing authorities. The bid proposal and  
937 contract documents utilizing a price adjustment clause shall  
938 contain the basis and method of adjusting unit prices for the  
939 change in the cost of such commodities, equipment and public  
940 construction.

941 (o) **Purchase law violation prohibition and vendor**  
942 **penalty.** No contract or purchase as herein authorized shall be  
943 made for the purpose of circumventing the provisions of this  
944 section requiring competitive bids, nor shall it be lawful for any  
945 person or concern to submit individual invoices for amounts within  
946 those authorized for a contract or purchase where the actual value  
947 of the contract or commodity purchased exceeds the authorized  
948 amount and the invoices therefor are split so as to appear to be  
949 authorized as purchases for which competitive bids are not  
950 required. Submission of such invoices shall constitute a  
951 misdemeanor punishable by a fine of not less than Five Hundred  
952 Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00),  
953 or by imprisonment for thirty (30) days in the county jail, or  
954 both such fine and imprisonment. In addition, the claim or claims  
955 submitted shall be forfeited.

956 (p) **Electrical utility petroleum-based equipment**  
957 **purchase procedure.** When in response to a proper advertisement  
958 therefor, no bid firm as to price is submitted to an electric  
959 utility for power transformers, distribution transformers, power

960 breakers, reclosers or other articles containing a petroleum  
961 product, the electric utility may accept the lowest and best bid  
962 therefor although the price is not firm.

963           (q) **Fuel management system bidding procedure.** Any  
964 governing authority or agency of the state shall, before  
965 contracting for the services and products of a fuel management or  
966 fuel access system, enter into negotiations with not fewer than  
967 two (2) sellers of fuel management or fuel access systems for  
968 competitive written bids to provide the services and products for  
969 the systems. In the event that the governing authority or agency  
970 cannot locate two (2) sellers of such systems or cannot obtain  
971 bids from two (2) sellers of such systems, it shall show proof  
972 that it made a diligent, good-faith effort to locate and negotiate  
973 with two (2) sellers of such systems. Such proof shall include,  
974 but not be limited to, publications of a request for proposals and  
975 letters soliciting negotiations and bids. For purposes of this  
976 paragraph (q), a fuel management or fuel access system is an  
977 automated system of acquiring fuel for vehicles as well as  
978 management reports detailing fuel use by vehicles and drivers, and  
979 the term "competitive written bid" shall have the meaning as  
980 defined in paragraph (b) of this section. Governing authorities  
981 and agencies shall be exempt from this process when contracting  
982 for the services and products of a fuel management or fuel access  
983 systems under the terms of a state contract established by the  
984 Office of Purchasing and Travel.

985           (r) **Solid waste contract proposal procedure.** Before  
986 entering into any contract for garbage collection or disposal,  
987 contract for solid waste collection or disposal or contract for  
988 sewage collection or disposal, which involves an expenditure of  
989 more than Fifty Thousand Dollars (\$50,000.00), a governing  
990 authority or agency shall issue publicly a request for proposals  
991 concerning the specifications for such services which shall be

992 advertised for in the same manner as provided in this section for  
993 seeking bids for purchases which involve an expenditure of more  
994 than the amount provided in paragraph (c) of this section. Any  
995 request for proposals when issued shall contain terms and  
996 conditions relating to price, financial responsibility,  
997 technology, legal responsibilities and other relevant factors as  
998 are determined by the governing authority or agency to be  
999 appropriate for inclusion; all factors determined relevant by the  
1000 governing authority or agency or required by this paragraph (r)  
1001 shall be duly included in the advertisement to elicit proposals.  
1002 After responses to the request for proposals have been duly  
1003 received, the governing authority or agency shall select the most  
1004 qualified proposal or proposals on the basis of price, technology  
1005 and other relevant factors and from such proposals, but not  
1006 limited to the terms thereof, negotiate and enter contracts with  
1007 one or more of the persons or firms submitting proposals. If the  
1008 governing authority or agency deems none of the proposals to be  
1009 qualified or otherwise acceptable, the request for proposals  
1010 process may be reinitiated. Notwithstanding any other provisions  
1011 of this paragraph, where a county with at least thirty-five  
1012 thousand (35,000) nor more than forty thousand (40,000)  
1013 population, according to the 1990 federal decennial census, owns  
1014 or operates a solid waste landfill, the governing authorities of  
1015 any other county or municipality may contract with the governing  
1016 authorities of the county owning or operating the landfill,  
1017 pursuant to a resolution duly adopted and spread upon the minutes  
1018 of each governing authority involved, for garbage or solid waste  
1019 collection or disposal services through contract negotiations.

1020 (s) **Minority set-aside authorization.** Notwithstanding  
1021 any provision of this section to the contrary, any agency or  
1022 governing authority, by order placed on its minutes, may, in its  
1023 discretion, set aside not more than twenty percent (20%) of its



1024 anticipated annual expenditures for the purchase of commodities  
1025 from minority businesses; however, all such set-aside purchases  
1026 shall comply with all purchasing regulations promulgated by the  
1027 Department of Finance and Administration and shall be subject to  
1028 bid requirements under this section. Set-aside purchases for  
1029 which competitive bids are required shall be made from the lowest  
1030 and best minority business bidder. For the purposes of this  
1031 paragraph, the term "minority business" means a business which is  
1032 owned by a majority of persons who are United States citizens or  
1033 permanent resident aliens (as defined by the Immigration and  
1034 Naturalization Service) of the United States, and who are Asian,  
1035 Black, Hispanic or Native American, according to the following  
1036 definitions:

1037           (i) "Asian" means persons having origins in any of  
1038 the original people of the Far East, Southeast Asia, the Indian  
1039 subcontinent, or the Pacific Islands.

1040           (ii) "Black" means persons having origins in any  
1041 black racial group of Africa.

1042           (iii) "Hispanic" means persons of Spanish or  
1043 Portuguese culture with origins in Mexico, South or Central  
1044 America, or the Caribbean Islands, regardless of race.

1045           (iv) "Native American" means persons having  
1046 origins in any of the original people of North America, including  
1047 American Indians, Eskimos and Aleuts.

1048           (t) **Construction punch list restriction.** The  
1049 architect, engineer or other representative designated by the  
1050 agency or governing authority that is contracting for public  
1051 construction or renovation may prepare and submit to the  
1052 contractor only one (1) preliminary punch list of items that do  
1053 not meet the contract requirements at the time of substantial  
1054 completion and one (1) final list immediately before final  
1055 completion and final payment.

1056           (u) **Purchase authorization clarification.** Nothing in  
1057 this section shall be construed as authorizing any purchase not  
1058 authorized by law.

1059           **SECTION 6.** Section 31-11-3, Mississippi Code of 1972, is  
1060 amended as follows:

1061           31-11-3. (1) The Department of Finance and Administration,  
1062 for the purposes of carrying out the provisions of this chapter,  
1063 in addition to all other rights and powers granted by law, shall  
1064 have full power and authority to employ and compensate architects  
1065 or other employees necessary for the purpose of making  
1066 inspections, preparing plans and specifications, supervising the  
1067 erection of any buildings, and making any repairs or additions as  
1068 may be determined by the Department of Finance and Administration  
1069 to be necessary, pursuant to the rules and regulations of the  
1070 State Personnel Board. The department shall have entire control  
1071 and supervision of, and determine what, if any, buildings,  
1072 additions, repairs or improvements are to be made under the  
1073 provisions of this chapter, pursuant to regulations adopted by the  
1074 Public Procurement Review Board.

1075           (2) The department shall have full power to erect buildings,  
1076 make repairs, additions or improvements, and buy materials,  
1077 supplies and equipment for any of the institutions or departments  
1078 of the state pursuant to regulations adopted by the Public  
1079 Procurement Review Board. In addition to other powers conferred,  
1080 the department shall have full power and authority as directed by  
1081 the Legislature, or when funds have been appropriated for its use  
1082 for these purposes, to:

1083           (a) Build a state office building;

1084           (b) Build suitable plants or buildings for the use and  
1085 housing of any state schools or institutions, including the  
1086 building of plants or buildings for new state schools or  
1087 institutions, as provided for by the Legislature;

1088                   (c) Provide state aid for the construction of school  
1089 buildings;

1090                   (d) Promote and develop the training of returned  
1091 veterans of the United States in all sorts of educational and  
1092 vocational learning to be supplied by the proper educational  
1093 institution of the State of Mississippi, and in so doing allocate  
1094 monies appropriated to it for these purposes to the Governor for  
1095 use by him in setting up, maintaining and operating an office and  
1096 employing a state director of on-the-job training for veterans and  
1097 the personnel necessary in carrying out Public Law No. 346 of the  
1098 United States;

1099                   (e) Build and equip a hospital and administration  
1100 building at the Mississippi State Penitentiary;

1101                   (f) Build and equip additional buildings and wards at  
1102 the Boswell Retardation Center;

1103                   (g) Construct a sewage disposal and treatment plant at  
1104 the state insane hospital, and in so doing acquire additional land  
1105 as may be necessary, and to exercise the right of eminent domain  
1106 in the acquisition of this land;

1107                   (h) Build and equip the Mississippi central market and  
1108 purchase or acquire by eminent domain, if necessary, any lands  
1109 needed for this purpose;

1110                   (i) Build and equip suitable facilities for a training  
1111 and employing center for the blind;

1112                   (j) Build and equip a gymnasium at Columbia Training  
1113 School;

1114                   (k) Approve or disapprove the expenditure of any money  
1115 appropriated by the Legislature when authorized by the bill making  
1116 the appropriation;

1117                   (l) Expend monies appropriated to it in paying the  
1118 state's part of the cost of any street paving;

1119           (m) Sell and convey state lands when authorized by the  
1120 Legislature, cause said lands to be properly surveyed and platted,  
1121 execute all deeds or other legal instruments, and do any and all  
1122 other things required to effectively carry out the purpose and  
1123 intent of the Legislature. Any transaction which involves state  
1124 lands under the provisions of this paragraph shall be done in a  
1125 manner consistent with the provisions of Section 29-1-1;

1126           (n) Collect and receive from educational institutions  
1127 of the State of Mississippi monies required to be paid by these  
1128 institutions to the state in carrying out any veterans'  
1129 educational programs;

1130           (o) Purchase lands for building sites, or as additions  
1131 to building sites, for the erection of buildings and other  
1132 facilities which the department is authorized to erect, and  
1133 demolish and dispose of old buildings, when necessary for the  
1134 proper construction of new buildings. Any transaction which  
1135 involves state lands under the provisions of this paragraph shall  
1136 be done in a manner consistent with the provisions of Section  
1137 29-1-1;

1138           (p) Obtain business property insurance with a  
1139 deductible of not less than One Hundred Thousand Dollars  
1140 (\$100,000.00) on state-owned buildings under the management and  
1141 control of the department; and

1142           (q) In consultation with and approval by the Chairmen  
1143 of the Public Property Committees of the Senate and the House of  
1144 Representatives, enter into contracts for the purpose of providing  
1145 parking spaces for state employees who work in the Woolfolk  
1146 Building, the Carroll Gartin Justice Building or the Walter  
1147 Sillers Office Building. The provisions of this paragraph (q)  
1148 shall stand repealed on July 1, 2010.

1149           (3) The department shall survey state-owned and  
1150 state-utilized buildings to establish an estimate of the costs of

1151 architectural alterations, pursuant to the Americans With  
1152 Disabilities Act of 1990, 42 USCS, Section 12111 et seq. The  
1153 department shall establish priorities for making the identified  
1154 architectural alterations and shall make known to the Legislative  
1155 Budget Office and to the Legislature the required cost to  
1156 effectuate such alterations. To meet the requirements of this  
1157 section, the department shall use standards of accessibility that  
1158 are at least as stringent as any applicable federal requirements  
1159 and may consider:

1160 (a) Federal minimum guidelines and requirements issued  
1161 by the United States Architectural and Transportation Barriers  
1162 Compliance Board and standards issued by other federal agencies;

1163 (b) The criteria contained in the American Standard  
1164 Specifications for Making Buildings Accessible and Usable by the  
1165 Physically Handicapped and any amendments thereto as approved by  
1166 the American Standards Association, Incorporated (ANSI Standards);

1167 (c) Design manuals;

1168 (d) Applicable federal guidelines;

1169 (e) Current literature in the field;

1170 (f) Applicable safety standards; and

1171 (g) Any applicable environmental impact statements.

1172 (4) The department shall observe the provisions of Section  
1173 31-5-23, in letting contracts and shall use Mississippi products,  
1174 including paint, varnish and lacquer which contain as vehicles  
1175 tung oil and either ester gum or modified resin (with rosin as the  
1176 principal base of constituents), and turpentine shall be used as a  
1177 solvent or thinner, where these products are available at a cost  
1178 not to exceed the cost of products grown, produced, prepared, made  
1179 or manufactured outside of the State of Mississippi.

1180 (5) The department shall have authority to accept grants,  
1181 loans or donations from the United States government or from any

1182 other sources for the purpose of matching funds in carrying out  
1183 the provisions of this chapter.

1184 (6) The department shall build a wheelchair ramp at the War  
1185 Memorial Building which complies with all applicable federal laws,  
1186 regulations and specifications regarding wheelchair ramps.

1187 (7) The department shall review and preapprove all  
1188 architectural or engineering service contracts entered into by any  
1189 state agency, institution, commission, board or authority  
1190 regardless of the source of funding used to defray the costs of  
1191 the construction or renovation project for which services are to  
1192 be obtained. The provisions of this subsection (7) shall not  
1193 apply to any architectural or engineering contract paid for by  
1194 self-generated funds of any of the state institutions of higher  
1195 learning, nor shall they apply to community college projects that  
1196 are funded from local funds or other nonstate sources which are  
1197 outside the Department of Finance and Administration's  
1198 appropriations or as directed by the Legislature. The provisions  
1199 of this subsection (7) shall not apply to any construction or  
1200 design projects of the State Military Department that are funded  
1201 from federal funds or other nonstate sources.

1202 (8) The department shall have the authority to obtain  
1203 annually from the state institutions of higher learning  
1204 information on all building, construction and renovation projects  
1205 including duties, responsibilities and costs of any architect or  
1206 engineer hired by any such institutions.

1207 (9) \* \* \* As an alternative to other methods of awarding  
1208 contracts as prescribed by law, the department may elect to use  
1209 the method of contracting for construction projects set out in  
1210 Section 31-7-13.1.

1211 \* \* \*

1212 **SECTION 7.** Section 65-1-85, Mississippi Code of 1972, is  
1213 amended as follows:

1214           65-1-85. (1) All contracts by or on behalf of the  
1215 commission for the purchase of materials, equipment and supplies  
1216 shall be made in compliance with Section 31-7-1 et seq. All  
1217 contracts by or on behalf of the commission for construction,  
1218 reconstruction or other public work authorized to be done under  
1219 the provisions of this chapter, except maintenance, shall be made  
1220 by the executive director, subject to the approval of the  
1221 commission, only upon competitive bids after due advertisement as  
1222 follows, to wit:

1223           (a) Advertisement for bids shall be in accordance with  
1224 such rules and regulations, in addition to those herein provided,  
1225 as may be adopted therefor by the commission, and the commission  
1226 is authorized and empowered to make and promulgate such rules and  
1227 regulations as it may deem proper, to provide and adopt standard  
1228 specifications for road and bridge construction, and to amend such  
1229 rules and regulations from time to time.

1230           (b) The advertisement shall be inserted twice, being  
1231 once a week for two (2) successive weeks in a newspaper published  
1232 at the seat of government in Jackson, Mississippi, having a  
1233 general circulation throughout the state, and no letting shall be  
1234 less than fourteen (14) days nor more than sixty (60) days after  
1235 the publication of the first notice of such letting, and notices  
1236 of such letting may be placed in a metropolitan paper or national  
1237 trade publication.

1238           (c) Before advertising for such work, the executive  
1239 director shall cause to be prepared and filed in the department  
1240 detailed plans and specifications covering the work proposed to be  
1241 done and copies of the plans and specifications shall be subject  
1242 to inspection by any citizen during all office hours and made  
1243 available to all prospective bidders upon such reasonable terms  
1244 and conditions as may be required by the commission. A fee shall

1245 be charged equal to the cost of producing a copy of any such plans  
1246 and specifications.

1247 (d) All such contracts shall be let to a responsible  
1248 bidder with the lowest and best bid, and a record of all bids  
1249 received for construction and reconstruction shall be preserved.

1250 (e) Each bid for such a construction and reconstruction  
1251 contract must be accompanied by a cashier's check, a certified  
1252 check or bidders bond executed by a surety company authorized to  
1253 do business in the State of Mississippi, in the principal amount  
1254 of not less than five percent (5%) of the bid, guaranteeing that  
1255 the bidder will give bond and enter into a contract for the  
1256 faithful performance of the contract according to plans and  
1257 specifications on file.

1258 (f) Bonds shall be required of the successful bidder in  
1259 an amount equal to the contract price. The contract price shall  
1260 mean the entire cost of the particular contract let. In the event  
1261 change orders are made after the execution of a contract which  
1262 results in increasing the total contract price, additional bond in  
1263 the amount of the increased cost may be required. The surety or  
1264 sureties on such bonds shall be a surety company or surety  
1265 companies authorized to do business in the State of Mississippi,  
1266 all bonds to be payable to the State of Mississippi and to be  
1267 conditioned for the prompt, faithful and efficient performance of  
1268 the contract according to plans and specifications, and for the  
1269 prompt payment of all persons furnishing labor, material,  
1270 equipment and supplies therefor. Such bonds shall be subject to  
1271 the additional obligation that the principal and surety or  
1272 sureties executing the same shall be liable to the state in a  
1273 civil action instituted by the state at the instance of the  
1274 commission or any officer of the state authorized in such cases,  
1275 for double any amount in money or property the state may lose or  
1276 be overcharged or otherwise defrauded of by reason of any wrongful



1277 or criminal act, if any, of the contractor, his agent or  
1278 employees.

1279 (2) With respect to equipment used in the construction,  
1280 reconstruction or other public work authorized to be done under  
1281 the provisions of this chapter: the word "equipment," in addition  
1282 to all equipment incorporated into or fully consumed in connection  
1283 with such project, shall include the reasonable value of the use  
1284 of all equipment of every kind and character and all accessories  
1285 and attachments thereto which are reasonably necessary to be used  
1286 and which are used in carrying out the performance of the  
1287 contract, and the reasonable value of the use thereof, during the  
1288 period of time the same are used in carrying out the performance  
1289 of the contract, shall be the amount as agreed upon by the persons  
1290 furnishing the equipment and those using the same to be paid  
1291 therefor, which amount, however, shall not be in excess of the  
1292 maximum current rates and charges allowable for leasing or renting  
1293 as specified in Section 65-7-95; the word "labor" shall include  
1294 all work performed in repairing equipment used in carrying out the  
1295 performance of the contract, which repair labor is reasonably  
1296 necessary to the efficient operation of said equipment; and the  
1297 words "materials" and "supplies" shall include all repair parts  
1298 installed in or on equipment used in carrying out the performance  
1299 of the contract, which repair parts are reasonably necessary to  
1300 the efficient operation of said equipment.

1301 (3) The executive director, subject to the approval of the  
1302 commission, shall have the right to reject any and all bids,  
1303 whether such right is reserved in the notice or not.

1304 (4) The commission may require the pre-qualification of any  
1305 and all bidders and the failure to comply with pre-qualification  
1306 requirements may be the basis for the rejection of any bid by the  
1307 commission. The commission may require the pre-qualification of

1308 any and all subcontractors before they are approved to participate  
1309 in any contract awarded under this section.

1310 (5) The commission may adopt rules and regulations for the  
1311 termination of any previously awarded contract which is not timely  
1312 proceeding toward completion. The failure of a contractor to  
1313 comply with such rules and regulations shall be a lawful basis for  
1314 the commission to terminate the contract with such contractor. In  
1315 the event of a termination under such rules and regulations, the  
1316 contractor shall not be entitled to any payment, benefit or  
1317 damages beyond the cost of the work actually completed.

1318 (6) Any contract for construction or paving of any highway  
1319 may be entered into for any cost which does not exceed the amount  
1320 of funds that may be made available therefor through bond issues  
1321 or from other sources of revenue, and the letting of contracts for  
1322 such construction or paving shall not necessarily be delayed until  
1323 the funds are actually on hand, provided authorization for the  
1324 issuance of necessary bonds has been granted by law to supplement  
1325 other anticipated revenue, or when the department certifies to the  
1326 Department of Finance and Administration and the Legislative  
1327 Budget Office that projected receipts of funds by the department  
1328 will be sufficient to pay such contracts as they become due and  
1329 the Department of Finance and Administration determines that the  
1330 projections are reasonable and receipts will be sufficient to pay  
1331 the contracts as they become due. The Department of Finance and  
1332 Administration shall spread such determination on its minutes  
1333 prior to the letting of any contracts based on projected receipts.  
1334 Nothing in this subsection shall prohibit the issuance of bonds,  
1335 which have been authorized, at any time in the discretion of the  
1336 State Bond Commission, nor to prevent investment of surplus funds  
1337 in United States government bonds or State of Mississippi bonds as  
1338 presently authorized by Section 12, Chapter 312, Laws of 1956.

1339           (7) All other contracts for work to be done under the  
1340 provisions of this chapter and for the purchase of materials,  
1341 equipment and supplies to be used as provided for in this chapter  
1342 shall be made in compliance with Section 31-7-1 et seq.

1343           (8) The commission shall not empower or authorize the  
1344 executive director, or any one or more of its members, or any  
1345 engineer or other person to let or make contracts for the  
1346 construction or repair of public roads, or building bridges, or  
1347 for the purchase of material, equipment or supplies contrary to  
1348 the provisions of this chapter as set forth in this section,  
1349 except in cases of flood or other cases of emergency where the  
1350 public interest requires that the work be done or the materials,  
1351 equipment or supplies be purchased without the delay incident to  
1352 advertising for competitive bids. Such emergency contracts may be  
1353 made without advertisement under such rules and regulations as the  
1354 commission may prescribe.

1355           (9) The executive director, subject to the approval of the  
1356 commission, is authorized to negotiate and make agreements with  
1357 communities and/or civic organizations for landscaping,  
1358 beautification and maintenance of highway rights-of-way; however,  
1359 nothing in this subsection shall be construed as authorization for  
1360 the executive director or commission to participate in such a  
1361 project to an extent greater than the average cost for maintenance  
1362 of shoulders, backslopes and median areas with respect thereto.

1363           (10) The executive director may negotiate and enter into  
1364 contracts with private parties for the mowing of grass and  
1365 trimming of vegetation on the rights-of-way of state highways  
1366 whenever such practice is possible and cost effective.

1367           (11) (a) As an alternative to the method of awarding  
1368 contracts as otherwise provided in this section, the commission  
1369 may use the design-build method of contracting for the following:

1370 (i) Projects for the Mississippi Development  
1371 Authority pursuant to agreements between both governmental  
1372 entities;

1373 (ii) Any project with an estimated cost of not  
1374 more than Ten Million Dollars (\$10,000,000.00), not to exceed two  
1375 (2) projects per fiscal year; and

1376 (iii) Any project which has an estimated cost of  
1377 more than Fifty Million Dollars (\$50,000,000.00), not to exceed  
1378 one (1) project per fiscal year.

1379 (b) As used in this subsection, the term "design-build"  
1380 method of contracting means a contract that combines the design  
1381 and construction phases of a project into a single contract and  
1382 the contractor is required to satisfactorily perform, at a  
1383 minimum, both the design and construction of the project.

1384 (c) The commission shall establish detailed criteria  
1385 for the selection of the successful design-build contractor in  
1386 each request for design-build proposals. The evaluation of the  
1387 selection committee is a public record and shall be maintained for  
1388 a minimum of ten (10) years after project completion.

1389 (d) The commission shall maintain detailed records on  
1390 projects separate and apart from its regular record keeping. The  
1391 commission shall file a report to the Legislature evaluating the  
1392 design-build method of contracting by comparing it to the low-bid  
1393 method of contracting. At a minimum, the report must include:

1394 (i) The management goals and objectives for the  
1395 design-build system of management;

1396 (ii) A complete description of the components of  
1397 the design-build management system, including a description of the  
1398 system the department put into place on all projects managed under  
1399 the system to insure that it has the complete information on  
1400 highway segment costs and to insure proper analysis of any  
1401 proposal the commission receives from a highway contractor;

1402 (iii) The accountability systems the  
1403 Transportation Department established to monitor any design-build  
1404 project's compliance with specific goals and objectives for the  
1405 project;

1406 (iv) The outcome of any project or any interim  
1407 report on an ongoing project let under a design-build management  
1408 system showing compliance with the goals, objectives, policies and  
1409 procedures the department set for the project; and

1410 (v) The method used by the department to select  
1411 projects to be let under the design-build system of management and  
1412 all other systems, policies and procedures that the department  
1413 considered as necessary components to a design-build management  
1414 system.

1415 (e) All contracts let under the provisions of this  
1416 subsection shall be subject to oversight and review by the State  
1417 Auditor. The State Auditor shall file a report with the  
1418 Legislature on or before January 1 of each year detailing his  
1419 findings with regard to any contract let or project performed in  
1420 violation of the provisions of this subsection. The actual and  
1421 necessary expenses incurred by the State Auditor in complying with  
1422 this paragraph (e) shall be paid for and reimbursed by the  
1423 Mississippi Department of Transportation out of funds made  
1424 available for the contract or contracts let and project or  
1425 projects performed.

1426 (f) As an alternative to the authority granted to the  
1427 commission in this subsection, the commission may elect to use the  
1428 method of contracting for construction projects set out in Section  
1429 31-7-13.1.

1430 **SECTION 8.** This act shall take effect and be in force from  
1431 and after July 1, 2006.

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

1 AN ACT TO CREATE NEW SECTION 31-7-13.1, MISSISSIPPI CODE OF  
2 1972, TO AUTHORIZE AND PRESCRIBE THE PROCEDURES FOR USING THE  
3 DUAL-PHASE DESIGN-BUILD METHOD OF CONSTRUCTION CONTRACTING; TO  
4 PROVIDE THAT A TWO-PHASE PROCEDURE FOR AWARDING A CONTRACT MUST BE  
5 ADOPTED FOR EACH PROPOSED DUAL-PHASE DESIGN-BUILD PROJECT; TO  
6 PRESCRIBE THE PROCEDURES TO BE FOLLOWED FOR EACH PHASE; TO AMEND  
7 SECTIONS 31-11-3 AND 65-1-85, MISSISSIPPI CODE OF 1972, TO CONFORM  
8 TO THE PRECEDING PROVISIONS; TO CREATE A NEW SECTION TO BE  
9 CODIFIED AS SECTION 37-101-44, MISSISSIPPI CODE OF 1972, TO  
10 AUTHORIZE THE BOARD OF TRUSTEES TO AUTHORIZE UNIVERSITIES TO  
11 CONTRACT WITH A SINGLE ENTITY FOR THE DESIGN AND CONSTRUCTION OF  
12 FACILITIES AT UNIVERSITIES; TO AMEND SECTION 37-101-43,  
13 MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; TO AMEND SECTION  
14 37-101-41, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE BOARD OF  
15 TRUSTEES TO AUTHORIZE UNIVERSITIES TO LEASE LAND AT THE UNIVERSITY  
16 FOR THE CONSTRUCTION OF FACILITIES BY PRIVATE FINANCING; TO AMEND  
17 SECTION 31-7-13, MISSISSIPPI CODE OF 1972, TO EXEMPT FROM STATE  
18 BID REQUIREMENTS CONTRACTS FOR THE DUAL-PHASE DESIGN-BUILD METHOD  
19 OF CONFORMITY; AND FOR RELATED PURPOSES.