

By: Representative Fleming

To: Ways and Means

HOUSE BILL NO. 261

1 AN ACT TO AMEND SECTION 57-69-5, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT THE OFFICE OF MINORITY BUSINESS ENTERPRISES OF THE
3 MISSISSIPPI DEVELOPMENT AUTHORITY SHALL SERVE AS THE OFFICIAL
4 STATE COORDINATING OFFICE FOR ALL STATE AGENCIES THAT RECEIVE
5 FEDERAL MONIES AND FOR ALL STATE PROCUREMENTS AND CONSTRUCTION
6 PROJECTS FOR THE PURPOSE OF ENSURING THAT MINORITY BUSINESS
7 ENTERPRISES ARE PROVIDED AN ADEQUATE OPPORTUNITY TO PARTICIPATE
8 FAIRLY IN THE DISTRIBUTION OF SUCH FEDERAL MONIES AND IN THE
9 AWARDING OF SUCH PROCUREMENT AND CONSTRUCTION CONTRACTS.

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

11 **SECTION 1.** Section 57-69-5, Mississippi Code of 1972, is
12 amended as follows:

13 57-69-5. (1) There is hereby created the Office of Minority
14 Business Enterprises of the Mississippi Development Authority
15 under the Mississippi Development Authority. The Executive
16 Director of the Mississippi Development Authority shall appoint an
17 executive director for the office. The executive director may
18 employ a staff subject to approval of the Executive Director of
19 the Mississippi Development Authority as necessary to carry out
20 the purposes of this office.

21 (2) The office shall perform the following:

22 (a) Develop, plan and implement programs to provide an
23 opportunity for participation by qualified minority owned
24 businesses in public works and the process by which goods and
25 services are procured by state agencies and educational
26 institutions from the private sector;

27 (b) Develop a comprehensive plan encouraging that
28 qualified minority owned businesses are provided an opportunity to
29 participate in public contracts for public works and commodities
30 and services;

31 (c) Identify barriers to equal participation by
32 qualified minority owned businesses in all state agency and
33 educational institution contracts;

34 (d) Develop and maintain a central minority business
35 enterprise certification list for all state agencies and
36 educational institutions;

37 (e) Adopt rules for the implementation of this chapter;

38 (f) Develop and maintain a central minority business
39 enterprise certification program;

40 (g) Develop and maintain a central minority business
41 enterprise supplier certification program;

42 (h) Submit an annual report to the Governor and the
43 Legislature outlining the progress and economic impact on the
44 public and private sectors of implementing this chapter;

45 (i) Increase efforts to inform minority businesses of
46 state government procurement procedures and policies;

47 (j) Serve as the principal advocate in the state on
48 behalf of minority business enterprises and minority business
49 enterprise suppliers and provide advice in the consideration of
50 administrative requirements and legislation that affect minority
51 business enterprises and minority business enterprise suppliers;

52 (k) Evaluate the effectiveness of efforts of state
53 agencies and other entities to assist minority business
54 enterprises and minority business enterprise suppliers and make
55 appropriate recommendations to assist the development and
56 strengthening of minority business enterprises and minority
57 business enterprise suppliers;

58 (l) Determine the availability of financial and other
59 resources to minority business enterprises and minority business
60 enterprise suppliers and recommend methods for:

61 (i) Increasing the availability of equity capital
62 and other forms of financial assistance to minority business
63 enterprises and minority business enterprise suppliers;

64 (ii) Generating markets for the goods and services
65 of minority business enterprises and minority business enterprise
66 suppliers;

67 (iii) Providing more effective education, training
68 and management and technical assistance to minority business
69 enterprises and minority business enterprise suppliers; and

70 (iv) Providing assistance to minority business
71 enterprises and minority business enterprise suppliers in
72 complying with federal, state and local laws;

73 (m) Serve as a focal point for receiving complaints and
74 suggestions concerning state government policies and activities
75 that affect minority business enterprises and minority business
76 enterprise suppliers;

77 (n) Develop and advocate proposals for changes in state
78 policies and activities that adversely affect minority business
79 enterprises and minority business enterprise suppliers;

80 (o) Provide to legislative committees and state
81 agencies information on the effects of proposed policies or
82 actions that affect minority business enterprises and minority
83 business enterprise suppliers;

84 (p) Enlist the assistance of public and private
85 agencies, businesses and other organizations in disseminating
86 information about state programs and services that benefit
87 minority business enterprises and minority business enterprise
88 suppliers and information regarding means by which minority
89 business enterprises and minority business enterprise suppliers
90 can use those programs and services;

91 (q) Identify sources of financial assistance for
92 minority business enterprises, match minority business enterprises
93 and minority business enterprise suppliers with sources of
94 financial assistance, and assist minority business enterprises and
95 minority business enterprise suppliers with the preparation of
96 applications for loans from governmental or private sources;

97 (r) Sponsor meetings, to the extent practicable in
98 cooperation with public and private educational institutions, to
99 provide training and disseminate information beneficial to
100 minority business enterprises and minority business enterprise
101 suppliers;

102 (s) Assist minority business enterprises and minority
103 business enterprise suppliers in their dealings with federal,
104 state and local governmental agencies and provide information
105 regarding governmental requirements affecting minority business
106 enterprises and minority business enterprise suppliers;

107 (t) Develop and implement programs to encourage
108 governmental agencies, public sector business associations and
109 other organizations to provide useful services to minority
110 business enterprises and minority business enterprise suppliers;

111 (u) Use available resources within the state, such as
112 minority business enterprise development centers, educational
113 institutions and nonprofit associations, to coordinate the
114 provision of management and technical assistance to minority
115 business enterprises and minority business enterprise suppliers in
116 a systematic manner;

117 (v) Publish newsletters, brochures and other documents
118 containing information useful to minority business enterprises and
119 minority business enterprise suppliers;

120 (w) Identify successful minority business enterprise
121 assistance programs provided by other states and determine the
122 feasibility of adapting those programs for implementation in
123 Mississippi;

124 (x) Establish an outreach program to make the existence
125 of the office known to minority business enterprises, minority
126 business enterprise suppliers and potential clients throughout the
127 state; * * *

128 (y) Identify potential business opportunities for
129 minority business enterprises and minority business enterprise

130 suppliers and develop programs to maximize those opportunities;
131 and

132 (3) The Office of Minority Business Enterprises of the
133 Mississippi Development Authority shall serve as the official
134 state coordinating office for all state agencies that receive
135 federal monies and for all state procurements and construction
136 projects for the purpose of ensuring that minority business
137 enterprises are provided an adequate opportunity to participate
138 fairly in the distribution of such federal monies and in the
139 awarding of such procurement and construction contracts.

140 **SECTION 2.** This act shall take effect and be in force from
141 and after July 1, 2007.