

By: Representatives Turner, Hughes

To: Accountability,  
Efficiency, Transparency

HOUSE BILL NO. 1106  
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 31-7-13, MISSISSIPPI CODE OF 1972, AS  
2 AMENDED BY HOUSE BILL NO. 926, 2017 REGULAR SESSION, AND HOUSE  
3 BILL NO. 1109, 2017 REGULAR SESSION, TO REQUIRE STATE AGENCIES AND  
4 GOVERNING AUTHORITIES TO PROVIDE, AS AN ADDITIONAL BIDDING OPTION,  
5 A SECURE ELECTRONIC INTERACTIVE SYSTEM FOR THE SUBMITTAL OF BIDS  
6 FOR CERTAIN PURCHASES REQUIRING COMPETITIVE BIDDING; TO AMEND  
7 SECTION 9, HOUSE BILL NO. 1109, 2017 REGULAR SESSION, TO REMOVE  
8 THE ONE THOUSAND DOLLAR FINE ASSESSED TO AND REMOVAL FROM OFFICE  
9 OF THOSE PERSONS WHO REVEAL THE NAMES OF THE OFFERERS AND THE  
10 CORRESPONDING IDENTIFYING INFORMATION BEFORE THE APPROPRIATE  
11 TIME; AND FOR RELATED PURPOSES.

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

13 **SECTION 1.** Section 31-7-13, Mississippi Code of 1972, as  
14 amended by House Bill No. 926, 2017 Regular Session, and House  
15 Bill No. 1109, 2017 Regular Session, is amended as follows:

16 31-7-13. All agencies and governing authorities shall  
17 purchase their commodities and printing; contract for garbage  
18 collection or disposal; contract for solid waste collection or  
19 disposal; contract for sewage collection or disposal; contract for  
20 public construction; and contract for rentals as herein provided.

21 (a) **Bidding procedure for purchases not over \$5,000.00.**

22 Purchases which do not involve an expenditure of more than Five



23 Thousand Dollars (\$5,000.00), exclusive of freight or shipping  
24 charges, may be made without advertising or otherwise requesting  
25 competitive bids. However, nothing contained in this paragraph  
26 (a) shall be construed to prohibit any agency or governing  
27 authority from establishing procedures which require competitive  
28 bids on purchases of Five Thousand Dollars (\$5,000.00) or less.

29 (b) **Bidding procedure for purchases over \$5,000.00 but**  
30 **not over \$50,000.00.** Purchases which involve an expenditure of  
31 more than Five Thousand Dollars (\$5,000.00) but not more than  
32 Fifty Thousand Dollars (\$50,000.00), exclusive of freight and  
33 shipping charges, may be made from the lowest and best bidder  
34 without publishing or posting advertisement for bids, provided at  
35 least two (2) competitive written bids have been obtained. Any  
36 state agency or community/junior college purchasing commodities or  
37 procuring construction pursuant to this paragraph (b) may  
38 authorize its purchasing agent, or his designee, to accept the  
39 lowest competitive written bid under Fifty Thousand Dollars  
40 (\$50,000.00). Any governing authority purchasing commodities  
41 pursuant to this paragraph (b) may authorize its purchasing agent,  
42 or his designee, with regard to governing authorities other than  
43 counties, or its purchase clerk, or his designee, with regard to  
44 counties, to accept the lowest and best competitive written bid.  
45 Such authorization shall be made in writing by the governing  
46 authority and shall be maintained on file in the primary office of  
47 the agency and recorded in the official minutes of the governing



48 authority, as appropriate. The purchasing agent or the purchase  
49 clerk, or their designee, as the case may be, and not the  
50 governing authority, shall be liable for any penalties and/or  
51 damages as may be imposed by law for any act or omission of the  
52 purchasing agent or purchase clerk, or their designee,  
53 constituting a violation of law in accepting any bid without  
54 approval by the governing authority. The term "competitive  
55 written bid" shall mean a bid submitted on a bid form furnished by  
56 the buying agency or governing authority and signed by authorized  
57 personnel representing the vendor, or a bid submitted on a  
58 vendor's letterhead or identifiable bid form and signed by  
59 authorized personnel representing the vendor. "Competitive" shall  
60 mean that the bids are developed based upon comparable  
61 identification of the needs and are developed independently and  
62 without knowledge of other bids or prospective bids. Any bid item  
63 for construction in excess of Five Thousand Dollars (\$5,000.00)  
64 shall be broken down by components to provide detail of component  
65 description and pricing. These details shall be submitted with  
66 the written bids and become part of the bid evaluation criteria.  
67 Bids may be submitted by facsimile, electronic mail or other  
68 generally accepted method of information distribution. Bids  
69 submitted by electronic transmission shall not require the  
70 signature of the vendor's representative unless required by  
71 agencies or governing authorities.

72 (c) **Bidding procedure for purchases over \$50,000.00.**



73 (i) **Publication requirement.**

74 1. Purchases which involve an expenditure of  
75 more than Fifty Thousand Dollars (\$50,000.00), exclusive of  
76 freight and shipping charges, may be made from the lowest and best  
77 bidder after advertising for competitive bids once each week for  
78 two (2) consecutive weeks in a regular newspaper published in the  
79 county or municipality in which such agency or governing authority  
80 is located. However, all American Recovery and Reinvestment Act  
81 projects in excess of Twenty-five Thousand Dollars (\$25,000.00)  
82 shall be bid. All references to American Recovery and  
83 Reinvestment Act projects in this section shall not apply to  
84 programs identified in Division B of the American Recovery and  
85 Reinvestment Act.

86 2. Reverse auctions shall be the primary  
87 method for receiving bids during the bidding process. If a  
88 purchasing entity determines that a reverse auction is not in the  
89 best interest of the state, then that determination must be  
90 approved by the Public Procurement Review Board. The purchasing  
91 entity shall submit a detailed explanation of why a reverse  
92 auction would not be in the best interest of the state and present  
93 an alternative process to be approved by the Public Procurement  
94 Review Board. If the Public Procurement Review Board authorizes  
95 the purchasing entity to solicit bids with a method other than  
96 reverse auction, then the purchasing entity may designate the  
97 other methods by which the bids will be received, including, but



98 not limited to, bids sealed in an envelope, bids received  
99 electronically in a secure system, \* \* \* or bids received by any  
100 other method that promotes open competition and has been approved  
101 by the Office of Purchasing and Travel. However, reverse auction  
102 shall not be used for any public contract for design or  
103 construction of public facilities, including buildings, roads and  
104 bridges. The Public Procurement Review Board must approve any  
105 contract entered into by alternative process. The provisions of  
106 this item 2 shall not apply to the individual state institutions  
107 of higher learning.

108 3. The date as published for the bid opening  
109 shall not be less than seven (7) working days after the last  
110 published notice; however, if the purchase involves a construction  
111 project in which the estimated cost is in excess of Fifty Thousand  
112 Dollars (\$50,000.00), such bids shall not be opened in less than  
113 fifteen (15) working days after the last notice is published and  
114 the notice for the purchase of such construction shall be  
115 published once each week for two (2) consecutive weeks. However,  
116 all American Recovery and Reinvestment Act projects in excess of  
117 Twenty-five Thousand Dollars (\$25,000.00) shall be bid. For any  
118 projects in excess of Twenty-five Thousand Dollars (\$25,000.00)  
119 under the American Recovery and Reinvestment Act, publication  
120 shall be made one (1) time and the bid opening for construction  
121 projects shall not be less than ten (10) working days after the  
122 date of the published notice. The notice of intention to let



123 contracts or purchase equipment shall state the time and place at  
124 which bids shall be received, list the contracts to be made or  
125 types of equipment or supplies to be purchased, and, if all plans  
126 and/or specifications are not published, refer to the plans and/or  
127 specifications on file. If there is no newspaper published in the  
128 county or municipality, then such notice shall be given by posting  
129 same at the courthouse, or for municipalities at the city hall,  
130 and at two (2) other public places in the county or municipality,  
131 and also by publication once each week for two (2) consecutive  
132 weeks in some newspaper having a general circulation in the county  
133 or municipality in the above-provided manner. On the same date  
134 that the notice is submitted to the newspaper for publication, the  
135 agency or governing authority involved shall mail written notice  
136 to, or provide electronic notification to the main office of the  
137 Mississippi Procurement Technical Assistance Program under the  
138 Mississippi Development Authority that contains the same  
139 information as that in the published notice. Submissions received  
140 by the Mississippi Procurement Technical Assistance Program for  
141 projects funded by the American Recovery and Reinvestment Act  
142 shall be displayed on a separate and unique Internet web page  
143 accessible to the public and maintained by the Mississippi  
144 Development Authority for the Mississippi Procurement Technical  
145 Assistance Program. Those American Recovery and Reinvestment Act  
146 related submissions shall be publicly posted within twenty-four  
147 (24) hours of receipt by the Mississippi Development Authority and



148 the bid opening shall not occur until the submission has been  
149 posted for ten (10) consecutive days. The Department of Finance  
150 and Administration shall maintain information regarding contracts  
151 and other expenditures from the American Recovery and Reinvestment  
152 Act, on a unique Internet web page accessible to the public. The  
153 Department of Finance and Administration shall promulgate rules  
154 regarding format, content and deadlines, unless otherwise  
155 specified by law, of the posting of award notices, contract  
156 execution and subsequent amendments, links to the contract  
157 documents, expenditures against the awarded contracts and general  
158 expenditures of funds from the American Recovery and Reinvestment  
159 Act. Within one (1) working day of the contract award, the agency  
160 or governing authority shall post to the designated web page  
161 maintained by the Department of Finance and Administration, notice  
162 of the award, including the award recipient, the contract amount,  
163 and a brief summary of the contract in accordance with rules  
164 promulgated by the department. Within one (1) working day of the  
165 contract execution, the agency or governing authority shall post  
166 to the designated web page maintained by the Department of Finance  
167 and Administration a summary of the executed contract and make a  
168 copy of the appropriately redacted contract documents available  
169 for linking to the designated web page in accordance with the  
170 rules promulgated by the department. The information provided by  
171 the agency or governing authority shall be posted to the web page



172 for the duration of the American Recovery and Reinvestment Act  
173 funding or until the project is completed, whichever is longer.

174 (ii) **Bidding process amendment procedure.** If all  
175 plans and/or specifications are published in the notification,  
176 then the plans and/or specifications may not be amended. If all  
177 plans and/or specifications are not published in the notification,  
178 then amendments to the plans/specifications, bid opening date, bid  
179 opening time and place may be made, provided that the agency or  
180 governing authority maintains a list of all prospective bidders  
181 who are known to have received a copy of the bid documents and all  
182 such prospective bidders are sent copies of all amendments. This  
183 notification of amendments may be made via mail, facsimile,  
184 electronic mail or other generally accepted method of information  
185 distribution. No addendum to bid specifications may be issued  
186 within two (2) working days of the time established for the  
187 receipt of bids unless such addendum also amends the bid opening  
188 to a date not less than five (5) working days after the date of  
189 the addendum.

190 (iii) **Filing requirement.** In all cases involving  
191 governing authorities, before the notice shall be published or  
192 posted, the plans or specifications for the construction or  
193 equipment being sought shall be filed with the clerk of the board  
194 of the governing authority. In addition to these requirements, a  
195 bid file shall be established which shall indicate those vendors  
196 to whom such solicitations and specifications were issued, and





197 such file shall also contain such information as is pertinent to  
198 the bid.

199 (iv) **Specification restrictions.**

200 1. Specifications pertinent to such bidding  
201 shall be written so as not to exclude comparable equipment of  
202 domestic manufacture. However, if valid justification is  
203 presented, the Department of Finance and Administration or the  
204 board of a governing authority may approve a request for specific  
205 equipment necessary to perform a specific job. Further, such  
206 justification, when placed on the minutes of the board of a  
207 governing authority, may serve as authority for that governing  
208 authority to write specifications to require a specific item of  
209 equipment needed to perform a specific job. In addition to these  
210 requirements, from and after July 1, 1990, vendors of relocatable  
211 classrooms and the specifications for the purchase of such  
212 relocatable classrooms published by local school boards shall meet  
213 all pertinent regulations of the State Board of Education,  
214 including prior approval of such bid by the State Department of  
215 Education.

216 2. Specifications for construction projects  
217 may include an allowance for commodities, equipment, furniture,  
218 construction materials or systems in which prospective bidders are  
219 instructed to include in their bids specified amounts for such  
220 items so long as the allowance items are acquired by the vendor in  
221 a commercially reasonable manner and approved by the



222 agency/governing authority. Such acquisitions shall not be made  
223 to circumvent the public purchasing laws.

224 (v) **Electronic bids.** Agencies and governing  
225 authorities \* \* \* shall provide a secure electronic interactive  
226 system for the submittal of bids requiring competitive bidding  
227 that shall be an additional bidding option for those bidders who  
228 choose to submit their bids electronically. The Department of  
229 Finance and Administration shall provide, by regulation, the  
230 standards that agencies must follow when receiving electronic  
231 bids. Agencies and governing authorities shall make the  
232 appropriate provisions necessary to accept electronic bids from  
233 those bidders who choose to submit their bids electronically for  
234 all purchases requiring competitive bidding under this section.  
235 Any special condition or requirement for the electronic bid  
236 submission shall be specified in the advertisement for bids  
237 required by this section. Agencies or governing authorities that  
238 are currently without available high speed Internet access shall  
239 be exempt from the requirement of this subparagraph (v) until such  
240 time that high speed Internet access becomes available. Any  
241 county having a population of less than twenty thousand (20,000)  
242 shall be exempt from the provisions of this subparagraph (v). Any  
243 municipality having a population of less than ten thousand  
244 (10,000) shall be exempt from the provisions of this subparagraph  
245 (v). The provisions of this subparagraph (v) shall not require  
246 any bidder to submit bids electronically. When construction bids



247 are submitted electronically, the requirement for including a  
248 certificate of responsibility, or a statement that the bid  
249 enclosed does not exceed Fifty Thousand Dollars (\$50,000.00), on  
250 the exterior of the bid envelope as indicated in Section  
251 31-3-21(1) and (2) shall be deemed in compliance with by including  
252 same as an attachment with the electronic bid submittal.

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

254 (i) **Decision procedure.** Purchases may be made  
255 from the lowest and best bidder. In determining the lowest and  
256 best bid, freight and shipping charges shall be included.  
257 Life-cycle costing, total cost bids, warranties, guaranteed  
258 buy-back provisions and other relevant provisions may be included  
259 in the best bid calculation. All best bid procedures for state  
260 agencies must be in compliance with regulations established by the  
261 Department of Finance and Administration. If any governing  
262 authority accepts a bid other than the lowest bid actually  
263 submitted, it shall place on its minutes detailed calculations and  
264 narrative summary showing that the accepted bid was determined to  
265 be the lowest and best bid, including the dollar amount of the  
266 accepted bid and the dollar amount of the lowest bid. No agency  
267 or governing authority shall accept a bid based on items not  
268 included in the specifications.

269 (ii) **Decision procedure for Certified Purchasing**  
270 **Offices.** In addition to the decision procedure set forth in \* \* \*  
271 subparagraph (i) of this paragraph (d), Certified Purchasing



272 Offices may also use the following procedure: Purchases may be  
273 made from the bidder offering the best value. In determining the  
274 best value bid, freight and shipping charges shall be included.  
275 Life-cycle costing, total cost bids, warranties, guaranteed  
276 buy-back provisions, documented previous experience, training  
277 costs and other relevant provisions, including, but not limited  
278 to, a bidder having a local office and inventory located within  
279 the jurisdiction of the governing authority, may be included in  
280 the best value calculation. This provision shall authorize  
281 Certified Purchasing Offices to utilize a Request For Proposals  
282 (RFP) process when purchasing commodities. All best value  
283 procedures for state agencies must be in compliance with  
284 regulations established by the Department of Finance and  
285 Administration. No agency or governing authority shall accept a  
286 bid based on items or criteria not included in the specifications.

287 (iii) **Decision procedure for Mississippi**

288 **Landmarks.** In addition to the decision procedure set forth  
289 in \* \* \* subparagraph (i) of this paragraph (d), where purchase  
290 involves renovation, restoration, or both, of the State Capitol  
291 Building or any other historical building designated for at least  
292 five (5) years as a Mississippi Landmark by the Board of Trustees  
293 of the Department of Archives and History under the authority of  
294 Sections 39-7-7 and 39-7-11, the agency or governing authority may  
295 use the following procedure: Purchases may be made from the  
296 lowest and best prequalified bidder. Prequalification of bidders



297 shall be determined not less than fifteen (15) working days before  
298 the first published notice of bid opening. Prequalification  
299 criteria shall be limited to bidder's knowledge and experience in  
300 historical restoration, preservation and renovation. In  
301 determining the lowest and best bid, freight and shipping charges  
302 shall be included. Life-cycle costing, total cost bids,  
303 warranties, guaranteed buy-back provisions and other relevant  
304 provisions may be included in the best bid calculation. All best  
305 bid and prequalification procedures for state agencies must be in  
306 compliance with regulations established by the Department of  
307 Finance and Administration. If any governing authority accepts a  
308 bid other than the lowest bid actually submitted, it shall place  
309 on its minutes detailed calculations and narrative summary showing  
310 that the accepted bid was determined to be the lowest and best  
311 bid, including the dollar amount of the accepted bid and the  
312 dollar amount of the lowest bid. No agency or governing authority  
313 shall accept a bid based on items not included in the  
314 specifications.

315 (iv) **Construction project negotiations authority.**  
316 If the lowest and best bid is not more than ten percent (10%)  
317 above the amount of funds allocated for a public construction or  
318 renovation project, then the agency or governing authority shall  
319 be permitted to negotiate with the lowest bidder in order to enter  
320 into a contract for an amount not to exceed the funds allocated.



321           (e) **Lease-purchase authorization.** For the purposes of  
322 this section, the term "equipment" shall mean equipment, furniture  
323 and, if applicable, associated software and other applicable  
324 direct costs associated with the acquisition. Any lease-purchase  
325 of equipment which an agency is not required to lease-purchase  
326 under the master lease-purchase program pursuant to Section  
327 31-7-10 and any lease-purchase of equipment which a governing  
328 authority elects to lease-purchase may be acquired by a  
329 lease-purchase agreement under this paragraph (e). Lease-purchase  
330 financing may also be obtained from the vendor or from a  
331 third-party source after having solicited and obtained at least  
332 two (2) written competitive bids, as defined in paragraph (b) of  
333 this section, for such financing without advertising for such  
334 bids. Solicitation for the bids for financing may occur before or  
335 after acceptance of bids for the purchase of such equipment or,  
336 where no such bids for purchase are required, at any time before  
337 the purchase thereof. No such lease-purchase agreement shall be  
338 for an annual rate of interest which is greater than the overall  
339 maximum interest rate to maturity on general obligation  
340 indebtedness permitted under Section 75-17-101, and the term of  
341 such lease-purchase agreement shall not exceed the useful life of  
342 equipment covered thereby as determined according to the upper  
343 limit of the asset depreciation range (ADR) guidelines for the  
344 Class Life Asset Depreciation Range System established by the  
345 Internal Revenue Service pursuant to the United States Internal



346 Revenue Code and regulations thereunder as in effect on December  
347 31, 1980, or comparable depreciation guidelines with respect to  
348 any equipment not covered by ADR guidelines. Any lease-purchase  
349 agreement entered into pursuant to this paragraph (e) may contain  
350 any of the terms and conditions which a master lease-purchase  
351 agreement may contain under the provisions of Section 31-7-10(5),  
352 and shall contain an annual allocation dependency clause  
353 substantially similar to that set forth in Section 31-7-10(8).  
354 Each agency or governing authority entering into a lease-purchase  
355 transaction pursuant to this paragraph (e) shall maintain with  
356 respect to each such lease-purchase transaction the same  
357 information as required to be maintained by the Department of  
358 Finance and Administration pursuant to Section 31-7-10(13).  
359 However, nothing contained in this section shall be construed to  
360 permit agencies to acquire items of equipment with a total  
361 acquisition cost in the aggregate of less than Ten Thousand  
362 Dollars (\$10,000.00) by a single lease-purchase transaction. All  
363 equipment, and the purchase thereof by any lessor, acquired by  
364 lease-purchase under this paragraph and all lease-purchase  
365 payments with respect thereto shall be exempt from all Mississippi  
366 sales, use and ad valorem taxes. Interest paid on any  
367 lease-purchase agreement under this section shall be exempt from  
368 State of Mississippi income taxation.

369 (f) **Alternate bid authorization.** When necessary to  
370 ensure ready availability of commodities for public works and the



371 timely completion of public projects, no more than two (2)  
372 alternate bids may be accepted by a governing authority for  
373 commodities. No purchases may be made through use of such  
374 alternate bids procedure unless the lowest and best bidder cannot  
375 deliver the commodities contained in his bid. In that event,  
376 purchases of such commodities may be made from one (1) of the  
377 bidders whose bid was accepted as an alternate.

378 (g) **Construction contract change authorization.** In the  
379 event a determination is made by an agency or governing authority  
380 after a construction contract is let that changes or modifications  
381 to the original contract are necessary or would better serve the  
382 purpose of the agency or the governing authority, such agency or  
383 governing authority may, in its discretion, order such changes  
384 pertaining to the construction that are necessary under the  
385 circumstances without the necessity of further public bids;  
386 provided that such change shall be made in a commercially  
387 reasonable manner and shall not be made to circumvent the public  
388 purchasing statutes. In addition to any other authorized person,  
389 the architect or engineer hired by an agency or governing  
390 authority with respect to any public construction contract shall  
391 have the authority, when granted by an agency or governing  
392 authority, to authorize changes or modifications to the original  
393 contract without the necessity of prior approval of the agency or  
394 governing authority when any such change or modification is less  
395 than one percent (1%) of the total contract amount. The agency or





396 governing authority may limit the number, manner or frequency of  
397 such emergency changes or modifications.

398           (h) **Petroleum purchase alternative.** In addition to  
399 other methods of purchasing authorized in this chapter, when any  
400 agency or governing authority shall have a need for gas, diesel  
401 fuel, oils and/or other petroleum products in excess of the amount  
402 set forth in paragraph (a) of this section, such agency or  
403 governing authority may purchase the commodity after having  
404 solicited and obtained at least two (2) competitive written bids,  
405 as defined in paragraph (b) of this section. If two (2)  
406 competitive written bids are not obtained, the entity shall comply  
407 with the procedures set forth in paragraph (c) of this section.  
408 In the event any agency or governing authority shall have  
409 advertised for bids for the purchase of gas, diesel fuel, oils and  
410 other petroleum products and coal and no acceptable bids can be  
411 obtained, such agency or governing authority is authorized and  
412 directed to enter into any negotiations necessary to secure the  
413 lowest and best contract available for the purchase of such  
414 commodities.

415           (i) **Road construction petroleum products price**  
416 **adjustment clause authorization.** Any agency or governing  
417 authority authorized to enter into contracts for the construction,  
418 maintenance, surfacing or repair of highways, roads or streets,  
419 may include in its bid proposal and contract documents a price  
420 adjustment clause with relation to the cost to the contractor,



421 including taxes, based upon an industry-wide cost index, of  
422 petroleum products including asphalt used in the performance or  
423 execution of the contract or in the production or manufacture of  
424 materials for use in such performance. Such industry-wide index  
425 shall be established and published monthly by the Mississippi  
426 Department of Transportation with a copy thereof to be mailed,  
427 upon request, to the clerks of the governing authority of each  
428 municipality and the clerks of each board of supervisors  
429 throughout the state. The price adjustment clause shall be based  
430 on the cost of such petroleum products only and shall not include  
431 any additional profit or overhead as part of the adjustment. The  
432 bid proposals or document contract shall contain the basis and  
433 methods of adjusting unit prices for the change in the cost of  
434 such petroleum products.

435           (j) **State agency emergency purchase procedure.** If the  
436 governing board or the executive head, or his designees, of any  
437 agency of the state shall determine that an emergency exists in  
438 regard to the purchase of any commodities or repair contracts, so  
439 that the delay incident to giving opportunity for competitive  
440 bidding would be detrimental to the interests of the state, then  
441 the head of such agency, or his designees, shall file with the  
442 Department of Finance and Administration (i) a statement  
443 explaining the conditions and circumstances of the emergency,  
444 which shall include a detailed description of the events leading  
445 up to the situation and the negative impact to the entity if the



446 purchase is made following the statutory requirements set forth in  
447 paragraph (a), (b) or (c) of this section, and (ii) a certified  
448 copy of the appropriate minutes of the board of such agency  
449 requesting the emergency purchase, if applicable. Upon receipt of  
450 the statement and applicable board certification, the State Fiscal  
451 Officer, or his designees, may, in writing, authorize the purchase  
452 or repair without having to comply with competitive bidding  
453 requirements.

454         If the governing board or the executive head, or his  
455 designees, of any agency determines that an emergency exists in  
456 regard to the purchase of any commodities or repair contracts, so  
457 that the delay incident to giving opportunity for competitive  
458 bidding would threaten the health or safety of any person, or the  
459 preservation or protection of property, then the provisions in  
460 this section for competitive bidding shall not apply, and any  
461 officer or agent of the agency having general or specific  
462 authority for making the purchase or repair contract shall approve  
463 the bill presented for payment, and he shall certify in writing  
464 from whom the purchase was made, or with whom the repair contract  
465 was made.

466         Total purchases made under this paragraph (j) shall only be  
467 for the purpose of meeting needs created by the emergency  
468 situation. Following the emergency purchase, documentation of the  
469 purchase, including a description of the commodity purchased, the  
470 purchase price thereof and the nature of the emergency shall be



471 filed with the Department of Finance and Administration. Any  
472 contract awarded pursuant to this paragraph (j) shall not exceed a  
473 term of one (1) year.

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

475 If the governing authority, or the governing authority acting  
476 through its designee, shall determine that an emergency exists in  
477 regard to the purchase of any commodities or repair contracts, so  
478 that the delay incident to giving opportunity for competitive  
479 bidding would be detrimental to the interest of the governing  
480 authority, then the provisions herein for competitive bidding  
481 shall not apply and any officer or agent of such governing  
482 authority having general or special authority therefor in making  
483 such purchase or repair shall approve the bill presented therefor,  
484 and he shall certify in writing thereon from whom such purchase  
485 was made, or with whom such a repair contract was made. At the  
486 board meeting next following the emergency purchase or repair  
487 contract, documentation of the purchase or repair contract,  
488 including a description of the commodity purchased, the price  
489 thereof and the nature of the emergency shall be presented to the  
490 board and shall be placed on the minutes of the board of such  
491 governing authority.

492 (l) **Hospital purchase, lease-purchase and lease**  
493 **authorization.**

494 (i) The commissioners or board of trustees of any  
495 public hospital may contract with such lowest and best bidder for



496 the purchase or lease-purchase of any commodity under a contract  
497 of purchase or lease-purchase agreement whose obligatory payment  
498 terms do not exceed five (5) years.

499 (ii) In addition to the authority granted in  
500 subparagraph (i) of this paragraph (1), the commissioners or board  
501 of trustees is authorized to enter into contracts for the lease of  
502 equipment or services, or both, which it considers necessary for  
503 the proper care of patients if, in its opinion, it is not  
504 financially feasible to purchase the necessary equipment or  
505 services. Any such contract for the lease of equipment or  
506 services executed by the commissioners or board shall not exceed a  
507 maximum of five (5) years' duration and shall include a  
508 cancellation clause based on unavailability of funds. If such  
509 cancellation clause is exercised, there shall be no further  
510 liability on the part of the lessee. Any such contract for the  
511 lease of equipment or services executed on behalf of the  
512 commissioners or board that complies with the provisions of this  
513 subparagraph (ii) shall be excepted from the bid requirements set  
514 forth in this section.

515 (m) **Exceptions from bidding requirements.** Excepted  
516 from bid requirements are:

517 (i) **Purchasing agreements approved by department.**  
518 Purchasing agreements, contracts and maximum price regulations  
519 executed or approved by the Department of Finance and  
520 Administration.



521                   (ii) **Outside equipment repairs.** Repairs to  
522 equipment, when such repairs are made by repair facilities in the  
523 private sector; however, engines, transmissions, rear axles and/or  
524 other such components shall not be included in this exemption when  
525 replaced as a complete unit instead of being repaired and the need  
526 for such total component replacement is known before disassembly  
527 of the component; however, invoices identifying the equipment,  
528 specific repairs made, parts identified by number and name,  
529 supplies used in such repairs, and the number of hours of labor  
530 and costs therefor shall be required for the payment for such  
531 repairs.

532                   (iii) **In-house equipment repairs.** Purchases of  
533 parts for repairs to equipment, when such repairs are made by  
534 personnel of the agency or governing authority; however, entire  
535 assemblies, such as engines or transmissions, shall not be  
536 included in this exemption when the entire assembly is being  
537 replaced instead of being repaired.

538                   (iv) **Raw gravel or dirt.** Raw unprocessed deposits  
539 of gravel or fill dirt which are to be removed and transported by  
540 the purchaser.

541                   (v) **Governmental equipment auctions.** Motor  
542 vehicles or other equipment purchased from a federal agency or  
543 authority, another governing authority or state agency of the  
544 State of Mississippi, or any governing authority or state agency  
545 of another state at a public auction held for the purpose of



546 disposing of such vehicles or other equipment. Any purchase by a  
547 governing authority under the exemption authorized by this  
548 subparagraph (v) shall require advance authorization spread upon  
549 the minutes of the governing authority to include the listing of  
550 the item or items authorized to be purchased and the maximum bid  
551 authorized to be paid for each item or items.

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

553 Purchases, sales, transfers or trades by governing authorities or  
554 state agencies when such purchases, sales, transfers or trades are  
555 made by a private treaty agreement or through means of  
556 negotiation, from any federal agency or authority, another  
557 governing authority or state agency of the State of Mississippi,  
558 or any state agency or governing authority of another state.  
559 Nothing in this section shall permit such purchases through public  
560 auction except as provided for in subparagraph (v) of this \* \* \*  
561 paragraph (m). It is the intent of this section to allow  
562 governmental entities to dispose of and/or purchase commodities  
563 from other governmental entities at a price that is agreed to by  
564 both parties. This shall allow for purchases and/or sales at  
565 prices which may be determined to be below the market value if the  
566 selling entity determines that the sale at below market value is  
567 in the best interest of the taxpayers of the state. Governing  
568 authorities shall place the terms of the agreement and any  
569 justification on the minutes, and state agencies shall obtain



570 approval from the Department of Finance and Administration, prior  
571 to releasing or taking possession of the commodities.

572 (vii) **Perishable supplies or food.** Perishable  
573 supplies or food purchased for use in connection with hospitals,  
574 the school lunch programs, homemaking programs and for the feeding  
575 of county or municipal prisoners.

576 (viii) **Single source items.** Noncompetitive items  
577 available from one (1) source only. In connection with the  
578 purchase of noncompetitive items only available from one (1)  
579 source, a certification of the conditions and circumstances  
580 requiring the purchase shall be filed by the agency with the  
581 Department of Finance and Administration and by the governing  
582 authority with the board of the governing authority. Upon receipt  
583 of that certification the Department of Finance and Administration  
584 or the board of the governing authority, as the case may be, may,  
585 in writing, authorize the purchase, which authority shall be noted  
586 on the minutes of the body at the next regular meeting thereafter.  
587 In those situations, a governing authority is not required to  
588 obtain the approval of the Department of Finance and  
589 Administration. Following the purchase, the executive head of the  
590 state agency, or his designees, shall file with the Department of  
591 Finance and Administration, documentation of the purchase,  
592 including a description of the commodity purchased, the purchase  
593 price thereof and the source from whom it was purchased.





594 (ix) **Waste disposal facility construction**  
595 **contracts.** Construction of incinerators and other facilities for  
596 disposal of solid wastes in which products either generated  
597 therein, such as steam, or recovered therefrom, such as materials  
598 for recycling, are to be sold or otherwise disposed of; however,  
599 in constructing such facilities, a governing authority or agency  
600 shall publicly issue requests for proposals, advertised for in the  
601 same manner as provided herein for seeking bids for public  
602 construction projects, concerning the design, construction,  
603 ownership, operation and/or maintenance of such facilities,  
604 wherein such requests for proposals when issued shall contain  
605 terms and conditions relating to price, financial responsibility,  
606 technology, environmental compatibility, legal responsibilities  
607 and such other matters as are determined by the governing  
608 authority or agency to be appropriate for inclusion; and after  
609 responses to the request for proposals have been duly received,  
610 the governing authority or agency may select the most qualified  
611 proposal or proposals on the basis of price, technology and other  
612 relevant factors and from such proposals, but not limited to the  
613 terms thereof, negotiate and enter contracts with one or more of  
614 the persons or firms submitting proposals.

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



618                   (xi)   **Information technology products.** Purchases  
619 of information technology products made by governing authorities  
620 under the provisions of purchase schedules, or contracts executed  
621 or approved by the Mississippi Department of Information  
622 Technology Services and designated for use by governing  
623 authorities.

624                   (xii)   **Energy efficiency services and equipment.**  
625 Energy efficiency services and equipment acquired by school  
626 districts, community and junior colleges, institutions of higher  
627 learning and state agencies or other applicable governmental  
628 entities on a shared-savings, lease or lease-purchase basis  
629 pursuant to Section 31-7-14.

630                   (xiii)   **Municipal electrical utility system fuel.**  
631 Purchases of coal and/or natural gas by municipally owned electric  
632 power generating systems that have the capacity to use both coal  
633 and natural gas for the generation of electric power.

634                   (xiv)   **Library books and other reference materials.**  
635 Purchases by libraries or for libraries of books and periodicals;  
636 processed film, videocassette tapes, filmstrips and slides;  
637 recorded audiotapes, cassettes and diskettes; and any such items  
638 as would be used for teaching, research or other information  
639 distribution; however, equipment such as projectors, recorders,  
640 audio or video equipment, and monitor televisions are not exempt  
641 under this subparagraph.



642 (xv) **Unmarked vehicles.** Purchases of unmarked  
643 vehicles when such purchases are made in accordance with  
644 purchasing regulations adopted by the Department of Finance and  
645 Administration pursuant to Section 31-7-9(2).

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

648 (xvii) **Multichannel interactive video systems.**  
649 From and after July 1, 1990, contracts by Mississippi Authority  
650 for Educational Television with any private educational  
651 institution or private nonprofit organization whose purposes are  
652 educational in regard to the construction, purchase, lease or  
653 lease-purchase of facilities and equipment and the employment of  
654 personnel for providing multichannel interactive video systems  
655 (ITSF) in the school districts of this state.

656 (xviii) **Purchases of prison industry products by**  
657 **the Department of Corrections, regional correctional facilities or**  
658 **privately owned prisons.** Purchases made by the Mississippi  
659 Department of Corrections, regional correctional facilities or  
660 privately owned prisons involving any item that is manufactured,  
661 processed, grown or produced from the state's prison industries.

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



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

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

676                   (xxii)   **Garbage, solid waste and sewage contracts.**  
677 Contracts for garbage collection or disposal, contracts for solid  
678 waste collection or disposal and contracts for sewage collection  
679 or disposal.

680                   (xxiii)   **Municipal water tank maintenance**  
681 **contracts.** Professional maintenance program contracts for the  
682 repair or maintenance of municipal water tanks, which provide  
683 professional services needed to maintain municipal water storage  
684 tanks for a fixed annual fee for a duration of two (2) or more  
685 years.

686                   (xxiv)   **Purchases of Mississippi Industries for the**  
687 **Blind products.** Purchases made by state agencies or governing  
688 authorities involving any item that is manufactured, processed or  
689 produced by the Mississippi Industries for the Blind.

690                   (xxv)   **Purchases of state-adopted textbooks.**  
691 Purchases of state-adopted textbooks by public school districts.



692 (xxvi) **Certain purchases under the Mississippi**  
693 **Major Economic Impact Act.** Contracts entered into pursuant to the  
694 provisions of Section 57-75-9(2), (3) and (4).

695 (xxvii) **Used heavy or specialized machinery or**  
696 **equipment for installation of soil and water conservation**  
697 **practices purchased at auction.** Used heavy or specialized  
698 machinery or equipment used for the installation and  
699 implementation of soil and water conservation practices or  
700 measures purchased subject to the restrictions provided in  
701 Sections 69-27-331 through 69-27-341. Any purchase by the State  
702 Soil and Water Conservation Commission under the exemption  
703 authorized by this subparagraph shall require advance  
704 authorization spread upon the minutes of the commission to include  
705 the listing of the item or items authorized to be purchased and  
706 the maximum bid authorized to be paid for each item or items.

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

710 (xxix) **Purchases made pursuant to qualified**  
711 **cooperative purchasing agreements.** Purchases made by certified  
712 purchasing offices of state agencies or governing authorities  
713 under cooperative purchasing agreements previously approved by the  
714 Office of Purchasing and Travel and established by or for any  
715 municipality, county, parish or state government or the federal  
716 government, provided that the notification to potential



717 contractors includes a clause that sets forth the availability of  
718 the cooperative purchasing agreement to other governmental  
719 entities. Such purchases shall only be made if the use of the  
720 cooperative purchasing agreements is determined to be in the best  
721 interest of the governmental entity.

722 (xxx) **School yearbooks.** Purchases of school  
723 yearbooks by state agencies or governing authorities; provided,  
724 however, that state agencies and governing authorities shall use  
725 for these purchases the RFP process as set forth in the  
726 Mississippi Procurement Manual adopted by the Office of Purchasing  
727 and Travel.

728 (xxxii) **Design-build method and dual-phase**  
729 **design-build method of contracting.** Contracts entered into under  
730 the provisions of Section 31-7-13.1, 37-101-44 or 65-1-85.

731 (xxxiii) **Toll roads and bridge construction**  
732 **projects.** Contracts entered into under the provisions of Section  
733 65-43-1 or 65-43-3.

734 (xxxiiii) **Certain purchases under Section 57-1-221.**  
735 Contracts entered into pursuant to the provisions of Section  
736 57-1-221.

737 (xxxv) **Certain transfers made pursuant to the**  
738 **provisions of Section 57-105-1(7).** Transfers of public property  
739 or facilities under Section 57-105-1(7) and construction related  
740 to such public property or facilities.



741 (xxxv) **Certain purchases or transfers entered into**  
742 **with local electrical power associations.** Contracts or agreements  
743 entered into under the provisions of Section 55-3-33.

744 (xxxvi) **Certain purchases by an academic medical**  
745 **center or health sciences school.** Purchases by an academic  
746 medical center or health sciences school, as defined in Section 1  
747 of House Bill No. 926, 2017 Regular Session, of commodities that  
748 are used for clinical purposes and 1. intended for use in the  
749 diagnosis of disease or other conditions or in the cure,  
750 mitigation, treatment or prevention of disease, and 2. medical  
751 devices, biological, drugs and radiation-emitting devices as  
752 defined by the United States Food and Drug Administration.

753  
754 (n) **Term contract authorization.** All contracts for the  
755 purchase of:

756 (i) All contracts for the purchase of commodities,  
757 equipment and public construction (including, but not limited to,  
758 repair and maintenance), may be let for periods of not more than  
759 sixty (60) months in advance, subject to applicable statutory  
760 provisions prohibiting the letting of contracts during specified  
761 periods near the end of terms of office. Term contracts for a  
762 period exceeding twenty-four (24) months shall also be subject to  
763 ratification or cancellation by governing authority boards taking  
764 office subsequent to the governing authority board entering the  
765 contract.



766 (ii) Bid proposals and contracts may include price  
767 adjustment clauses with relation to the cost to the contractor  
768 based upon a nationally published industry-wide or nationally  
769 published and recognized cost index. The cost index used in a  
770 price adjustment clause shall be determined by the Department of  
771 Finance and Administration for the state agencies and by the  
772 governing board for governing authorities. The bid proposal and  
773 contract documents utilizing a price adjustment clause shall  
774 contain the basis and method of adjusting unit prices for the  
775 change in the cost of such commodities, equipment and public  
776 construction.

777 (o) **Purchase law violation prohibition and vendor**  
778 **penalty.** No contract or purchase as herein authorized shall be  
779 made for the purpose of circumventing the provisions of this  
780 section requiring competitive bids, nor shall it be lawful for any  
781 person or concern to submit individual invoices for amounts within  
782 those authorized for a contract or purchase where the actual value  
783 of the contract or commodity purchased exceeds the authorized  
784 amount and the invoices therefor are split so as to appear to be  
785 authorized as purchases for which competitive bids are not  
786 required. Submission of such invoices shall constitute a  
787 misdemeanor punishable by a fine of not less than Five Hundred  
788 Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00),  
789 or by imprisonment for thirty (30) days in the county jail, or





790 both such fine and imprisonment. In addition, the claim or claims  
791 submitted shall be forfeited.

792 (p) **Electrical utility petroleum-based equipment**  
793 **purchase procedure.** When in response to a proper advertisement  
794 therefor, no bid firm as to price is submitted to an electric  
795 utility for power transformers, distribution transformers, power  
796 breakers, reclosers or other articles containing a petroleum  
797 product, the electric utility may accept the lowest and best bid  
798 therefor although the price is not firm.

799 (q) **Fuel management system bidding procedure.** Any  
800 governing authority or agency of the state shall, before  
801 contracting for the services and products of a fuel management or  
802 fuel access system, enter into negotiations with not fewer than  
803 two (2) sellers of fuel management or fuel access systems for  
804 competitive written bids to provide the services and products for  
805 the systems. In the event that the governing authority or agency  
806 cannot locate two (2) sellers of such systems or cannot obtain  
807 bids from two (2) sellers of such systems, it shall show proof  
808 that it made a diligent, good-faith effort to locate and negotiate  
809 with two (2) sellers of such systems. Such proof shall include,  
810 but not be limited to, publications of a request for proposals and  
811 letters soliciting negotiations and bids. For purposes of this  
812 paragraph (q), a fuel management or fuel access system is an  
813 automated system of acquiring fuel for vehicles as well as  
814 management reports detailing fuel use by vehicles and drivers, and



815 the term "competitive written bid" shall have the meaning as  
816 defined in paragraph (b) of this section. Governing authorities  
817 and agencies shall be exempt from this process when contracting  
818 for the services and products of fuel management or fuel access  
819 systems under the terms of a state contract established by the  
820 Office of Purchasing and Travel.

821 (r) **Solid waste contract proposal procedure.** Before  
822 entering into any contract for garbage collection or disposal,  
823 contract for solid waste collection or disposal or contract for  
824 sewage collection or disposal, which involves an expenditure of  
825 more than Fifty Thousand Dollars (\$50,000.00), a governing  
826 authority or agency shall issue publicly a request for proposals  
827 concerning the specifications for such services which shall be  
828 advertised for in the same manner as provided in this section for  
829 seeking bids for purchases which involve an expenditure of more  
830 than the amount provided in paragraph (c) of this section. Any  
831 request for proposals when issued shall contain terms and  
832 conditions relating to price, financial responsibility,  
833 technology, legal responsibilities and other relevant factors as  
834 are determined by the governing authority or agency to be  
835 appropriate for inclusion; all factors determined relevant by the  
836 governing authority or agency or required by this paragraph (r)  
837 shall be duly included in the advertisement to elicit proposals.  
838 After responses to the request for proposals have been duly  
839 received, the governing authority or agency shall select the most



840 qualified proposal or proposals on the basis of price, technology  
841 and other relevant factors and from such proposals, but not  
842 limited to the terms thereof, negotiate and enter into contracts  
843 with one or more of the persons or firms submitting proposals. If  
844 the governing authority or agency deems none of the proposals to  
845 be qualified or otherwise acceptable, the request for proposals  
846 process may be reinitiated. Notwithstanding any other provisions  
847 of this paragraph, where a county with at least thirty-five  
848 thousand (35,000) nor more than forty thousand (40,000)  
849 population, according to the 1990 federal decennial census, owns  
850 or operates a solid waste landfill, the governing authorities of  
851 any other county or municipality may contract with the governing  
852 authorities of the county owning or operating the landfill,  
853 pursuant to a resolution duly adopted and spread upon the minutes  
854 of each governing authority involved, for garbage or solid waste  
855 collection or disposal services through contract negotiations.

856           (s) **Minority set-aside authorization.** Notwithstanding  
857 any provision of this section to the contrary, any agency or  
858 governing authority, by order placed on its minutes, may, in its  
859 discretion, set aside not more than twenty percent (20%) of its  
860 anticipated annual expenditures for the purchase of commodities  
861 from minority businesses; however, all such set-aside purchases  
862 shall comply with all purchasing regulations promulgated by the  
863 Department of Finance and Administration and shall be subject to  
864 bid requirements under this section. Set-aside purchases for



865 which competitive bids are required shall be made from the lowest  
866 and best minority business bidder. For the purposes of this  
867 paragraph, the term "minority business" means a business which is  
868 owned by a majority of persons who are United States citizens or  
869 permanent resident aliens (as defined by the Immigration and  
870 Naturalization Service) of the United States, and who are Asian,  
871 Black, Hispanic or Native American, according to the following  
872 definitions:

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

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

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

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

884 (t) **Construction punch list restriction.** The  
885 architect, engineer or other representative designated by the  
886 agency or governing authority that is contracting for public  
887 construction or renovation may prepare and submit to the  
888 contractor only one (1) preliminary punch list of items that do  
889 not meet the contract requirements at the time of substantial



890 completion and one (1) final list immediately before final  
891 completion and final payment.

892 (u) **Procurement of construction services by state**  
893 **institutions of higher learning.** Contracts for privately financed  
894 construction of auxiliary facilities on the campus of a state  
895 institution of higher learning may be awarded by the Board of  
896 Trustees of State Institutions of Higher Learning to the lowest  
897 and best bidder, where sealed bids are solicited, or to the  
898 offeror whose proposal is determined to represent the best value  
899 to the citizens of the State of Mississippi, where requests for  
900 proposals are solicited.

901 (v) **Insurability of bidders for public construction or**  
902 **other public contracts.** In any solicitation for bids to perform  
903 public construction or other public contracts to which this  
904 section applies including, but not limited to, contracts for  
905 repair and maintenance, for which the contract will require  
906 insurance coverage in an amount of not less than One Million  
907 Dollars (\$1,000,000.00), bidders shall be permitted to either  
908 submit proof of current insurance coverage in the specified amount  
909 or demonstrate ability to obtain the required coverage amount of  
910 insurance if the contract is awarded to the bidder. Proof of  
911 insurance coverage shall be submitted within five (5) business  
912 days from bid acceptance.



913                   (w)   **Purchase authorization clarification.**   Nothing in  
914 this section shall be construed as authorizing any purchase not  
915 authorized by law.

916                   **SECTION 2.**   Section 9, House Bill No. 1109, 2017 Regular  
917 Session, is amended as follows:

918                   Section 9.   **Receipt and registration of proposals or**  
919 **qualifications.**   (1)   Submitted proposals or qualifications shall  
920 be opened at the time designated for opening in the request for  
921 proposals or request for qualifications.   Proposals or  
922 qualifications and modifications shall be date-stamped or time and  
923 date-stamped upon receipt and held in a secure place until the  
924 established due date.   Electronic proposals or qualifications  
925 received will be stored in an electronic lockbox until the time  
926 designated for the opening of the proposal or qualification.

927                   (2)   As each proposal or qualification is submitted but  
928 before those proposals or qualifications are opened, the chief  
929 procurement officer shall designate a person to prepare a register  
930 of proposals or qualifications, which shall include the number of  
931 modifications received, if any, and a description sufficient to  
932 identify the supply, service, commodity or other item offered.  
933 The designated person shall assign each submitted proposal or  
934 qualification an identifying letter, number, or combination  
935 thereof, without revealing the name of the offerer who submitted  
936 each proposal or qualification to the chief procurement officer or  
937 any person named to the evaluation committee for that proposal or



938 qualification. The designated person shall keep the names of the  
939 offerers and their identifying numbers or letters, or combination  
940 thereof, in a sealed envelope or other secure location until  
941 factors not requiring knowledge of the name of the offerer have  
942 been evaluated and scored. If the designated person reveals the  
943 names of the offerers and the corresponding identifying  
944 information before such time, the procurement process shall be  
945 terminated and the proposal or qualifications resolicited \* \* \*.  
946 The register of proposals or qualifications shall be made part of  
947 the report required under Section 12(1) of House Bill 1109, 2017  
948 Regular Session.

949       **SECTION 3.** This act shall take effect and be in force from  
950 and after January 1, 2018.

