

By: Representative Banks

To: Corrections;  
Accountability, Efficiency,  
Transparency

HOUSE BILL NO. 613

1 AN ACT TO AMEND SECTION 47-5-109.1, MISSISSIPPI CODE OF 1972,  
2 TO EXPAND THE CRITERIA THAT THE DEPARTMENT OF CORRECTIONS UTILIZES  
3 WHEN EVALUATING REQUESTS FOR PROPOSALS FROM INTERESTED THIRD  
4 PARTIES FOR INMATE CANTEEN SERVICES; TO REQUIRE THAT SUCH CRITERIA  
5 INCLUDE PRICING THAT IS FAIR AND REASONABLE AS WELL AS COMPARABLE  
6 TO OTHER STATES; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 47-5-109.1, Mississippi Code of 1972, is  
9 amended as follows:

10 47-5-109.1. (1) The Department of Corrections shall  
11 contract for the administration of inmate canteen services to a  
12 third party. Such contract shall comply with the procedures set  
13 forth in this section:

14 (a) The Department of Corrections shall cause to be  
15 prepared a request for proposals. This request for proposals  
16 shall be prepared for distribution to any interested third party.  
17 Notice of the department's intention to seek proposals shall be  
18 published in a newspaper of general circulation at least one time  
19 per week for three (3) weeks before closing the period for  
20 interested parties to respond. Additional forms of notice may



21 also be used. The newspaper notice shall inform the interested  
22 parties of the service to be contracted, existence of a request  
23 for proposals, how it can be obtained, when a proposal must be  
24 submitted, and to whom the proposal must be submitted. All  
25 requests for proposals shall describe clearly what service is to  
26 be contracted, and shall fully explain the criteria upon which an  
27 evaluation of proposals shall be based. The criteria to be used  
28 for evaluations shall, at a minimum, include:

29 (i) Require interested third parties to describe  
30 their qualifications to provide inmate canteen services to  
31 correctional facilities in widely dispersed geographical regions;  
32 and

33 (ii) Describe the department's expectations with  
34 regard to commissions, pricing and quality assurance for inmate  
35 canteen services and require that prices charged by the canteens  
36 are reasonable and fair to those purchasing through the canteen  
37 system and that the prices are comparable with other states.

38 (b) All proposals submitted by interested parties shall  
39 be evaluated by the Inmate Welfare Fund Committee, as established  
40 in Section 47-5-158, which shall apply the same criteria to all  
41 proposals when conducting an evaluation. The results and  
42 recommendations of the evaluation shall be presented to the  
43 Department of Corrections for review. All evaluations presented  
44 to the department shall be retained by the department for at least  
45 three (3) years. The department may accept or reject any



46 recommendation of the committee, or it may conduct further inquiry  
47 into the proposals. Any further inquiry shall be clearly  
48 documented and all methods and recommendations shall be retained  
49 by the department and shall spread upon its minutes its choice of  
50 the administrator for inmate canteen services and its reasons for  
51 making the choice.

52 (c) (i) The department shall be responsible for  
53 preparing a contract that shall be in accordance with all  
54 provisions of this section and all other provisions of law. The  
55 contract shall also include a requirement that the contractor  
56 shall consent to an evaluation of its performance. Such  
57 evaluation shall occur after the first six (6) months of the  
58 contract, and shall be reviewed at times the department determines  
59 to be necessary. The contract shall clearly describe the  
60 standards upon which the contractor shall be evaluated.

61 (ii) The PEER Committee, at the request of the  
62 House or Senate Corrections Committee and with funds specifically  
63 appropriated by the Legislature for such purpose, shall contract  
64 with an accounting firm or with other professionals to conduct a  
65 compliance audit of the services provided by the contractor. Such  
66 audit shall review the compliance with the performance standards  
67 required for inclusion in the administrator's contract. Such  
68 audit shall be delivered to the Legislature no later than January  
69 1.



70 (2) Contracts for the administration of inmate canteen  
71 services shall commence at the beginning of the calendar year and  
72 shall end on the last day of a calendar year. This shall not  
73 apply to contracts provided for in subsection (3) of this section.

74 (3) If the Department of Corrections determines that it is  
75 necessary to not renew the contract of an administrator, or finds  
76 it necessary to terminate a contract with or without cause as  
77 provided for in the contract of the administrator of inmate  
78 canteen services, the department is authorized to select an  
79 administrator for inmate canteen services without complying with  
80 the bid requirements in subsections (1) and (2) of this section.  
81 Such contracts shall be for the balance of the calendar year in  
82 which the nonrenewal or termination occurred, and may be for an  
83 additional calendar year if the department determines that the  
84 best interests of the inmates are served by such. Any contract  
85 negotiated on an interim basis shall include a detailed transition  
86 plan which shall ensure the orderly transfer of responsibilities  
87 between contractors.

88 (4) Except for contracts executed under the authority of  
89 subsection (3) of this section, the department shall select  
90 administrators of inmate canteen services at least six (6) months  
91 before the expiration of the current administrator's contract.  
92 The period between the selection of the new administrator of  
93 inmate canteen services and the effective date of the new contract  
94 shall be known as the transition period. The Department of



95 Corrections shall furnish the Legislature and Governor with copies  
96 of all transition plans and keep them informed of progression on  
97 such plans.

98           **SECTION 2.** This act shall take effect and be in force from  
99 and after July 1, 2018.

