

By: Representative Weathersby

To: Public Property

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1109

1 AN ACT TO AUTHORIZE THE DEPARTMENT OF FINANCE AND
2 ADMINISTRATION (DFA), ACTING ON BEHALF OF THE DEPARTMENT OF PUBLIC
3 SAFETY, TO ENTER INTO AN AGREEMENT TO LEASE ALL OR ANY PORTION OF
4 CERTAIN STATE-OWNED REAL PROPERTY IDENTIFIED AS THE MISSISSIPPI
5 DEPARTMENT OF PUBLIC SAFETY HIGHWAY PATROL HEADQUARTERS FACILITY
6 IN JACKSON, HINDS COUNTY, MISSISSIPPI, TO AN ENTITY SELECTED IN
7 THE NEGOTIATION PROCESS BY DFA FOR PURPOSES OF REDEVELOPMENT AND
8 FOR THE CONSTRUCTION OF A NEW MISSISSIPPI DEPARTMENT OF PUBLIC
9 SAFETY HIGHWAY PATROL HEADQUARTERS FACILITY IN RANKIN COUNTY,
10 MISSISSIPPI; TO REQUIRE DFA TO CONDUCT A NATIONAL ADVERTISING
11 CAMPAIGN TO SOLICIT REQUESTS FOR PROPOSALS, SUBJECT TO THE
12 AVAILABILITY OF FUNDS, AND TO ESTABLISH A DEADLINE FOR THE RECEIPT
13 OF SUBMITTED PROPOSALS; TO REQUIRE DFA AND THE P3 REVIEW BOARD TO
14 CONDUCT A PREPROPOSAL CONFERENCE; TO ESTABLISH THE MANNER FOR
15 WHICH PROPOSALS MUST BE SUBMITTED AND COMPONENTS REQUIRED TO BE
16 INCLUDED IN THE PROPOSALS; TO PRESCRIBE THE MANNER OF REVIEW FOR
17 SUBMITTED PROPOSALS; TO REQUIRE DFA AND THE P3 REVIEW BOARD TO
18 REVIEW AND CONSIDER ALL PROPOSALS; TO REQUIRE THAT CERTAIN
19 PROCEDURES ARE TO BE FOLLOWED IN THE EVALUATION PROCESS; TO
20 REQUIRE DFA AND THE P3 REVIEW BOARD TO EVALUATE AND RANK THE
21 PROPOSALS AND MAKE RECOMMENDATIONS BEFORE ENTERING INTO A
22 REDEVELOPMENT AND CONSTRUCTION AGREEMENT WITH A CERTAIN PRIVATE
23 PARTNER, TO REQUIRE DFA AND THE P3 REVIEW BOARD TO SELECT ONE OR
24 MORE PROPOSALS AND TO ENTER INTO NEGOTIATIONS WITH THE PRIVATE
25 PARTNER OF THOSE PROPOSALS FOR THE LEASE AND REDEVELOPMENT OF THE
26 PROPERTY; TO REQUIRE THAT CERTAIN NOTICE BE PROVIDED TO PRIVATE
27 PARTNER CONCERNING THE REJECTION OR ACCEPTANCE OF PROPOSALS; TO
28 REQUIRE THAT NOTIFICATION OF INTENT TO ACCEPT A PROPOSAL BY DFA
29 AND THE P3 REVIEW BOARD BE FILED WITH THE SECRETARY OF STATE; TO
30 REQUIRE DFA, THE P3 REVIEW BOARD AND THE SELECTED PRIVATE PARTNER
31 TO ENTER INTO A MEMORANDUM OF UNDERSTANDING SETTING FORTH THE
32 CONDITIONS TO EXECUTION OF THE AGREEMENT WITHIN A CERTAIN PERIOD
33 OF TIME AFTER BEING FILED; TO PROVIDE THAT THE FAILURE OF A
34 SELECTED PRIVATE PARTNER TO EXECUTE THE MEMORANDUM OF



35 UNDERSTANDING WITHIN THE SPECIFIED TIME PERIOD CONSTITUTES A
36 DEFAULT AND NULLIFIES ANY RIGHTS OF THE PRIVATE PARTNER IN THE
37 PROPOSAL; TO INDEMNIFY CERTAIN OFFICIALS, EMPLOYEES OR MEMBERS OF
38 THE GOVERNING BODY OF THE DEPARTMENT, THE P3 REVIEW BOARD OR THE
39 STATE FROM PERSONAL LIABILITY FOR ANY DEFAULT OR BREACH BY THE
40 STATE; TO REQUIRE ANY AGREEMENT ENTERED INTO TO COMPLY WITH STATE
41 PUBLIC PURCHASING AND CONTRACTING LAWS; TO AUTHORIZE AN INSPECTION
42 OF THE PROPERTY BY PRIVATE PARTNER BEFORE THE SUBMISSION OF THEIR
43 PROPOSALS; AND FOR RELATED PURPOSES.

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

45 **SECTION 1.** For purposes of this act, the following words
46 shall have the meaning ascribed to them in this section, unless
47 the context requires otherwise:

48 (a) "Agreement" means the agreement between the State
49 of Mississippi and a selected private entity that provides for the
50 construction of a new Mississippi Department of Public Safety
51 Highway Patrol State Headquarters Facility in Rankin County,
52 Mississippi, and the redevelopment of the Mississippi Department
53 of Public Safety Highway Patrol Headquarters Facility in Jackson,
54 Hinds County, Mississippi, for mixed-use purposes.

55 (b) "Board" means the P3 Review Board established under
56 Section 2 of this act, to review and approve public-private
57 partnership agreements and administer the Mississippi Public-
58 Private Partnership Act of 2018 through the promulgation of
59 guidelines for the governance of such agreements.

60 (c) "Department" means the Department of Finance and
61 Administration (DFA).

62 (d) "Property" means the Mississippi Department of
63 Public Safety Highway Patrol Headquarters Facility in Jackson,
64 Hinds County, Mississippi.



65 (e) "Proposal" means the document submitted to the
66 department detailing the projected plans for the construction of a
67 new Mississippi Department of Public Safety Highway Patrol State
68 Headquarters Facility in Rankin County, Mississippi, and the
69 redevelopment of the Mississippi Department of Public Safety
70 Highway Patrol Headquarters Facility in Jackson, Hinds County,
71 Mississippi, for mixed-use purposes.

72 (f) "Private Partner" means any natural person,
73 corporation, general partnership, limited liability company,
74 limited partnership, joint venture, business trust, public benefit
75 corporation, nonprofit entity, other private business entity or
76 any combination thereof submitting the proposal for construction
77 and redevelopment to the department for selection.

78 (g) "State" means the State of Mississippi.

79 **Section 2.** (1) There is created the P3 Review Board, for
80 the purposes of reviewing and approving all public-private
81 partnership agreements and the creation of guidelines governing
82 all public-private partnership agreements. The board shall be
83 comprised of nine (9) members, as follows:

84 (a) Two (2) members to be appointed by the Speaker of
85 the House of Representatives;

86 (b) Two (2) members to be appointed by the Lieutenant
87 Governor;



88 (c) The Secretary of State or, if the guidelines
89 described in subsection 2(a) of this section are approved, his or
90 her designee;

91 (d) The Executive Director of the Mississippi
92 Department of Transportation or his or her designee;

93 (e) The Executive Director of the Mississippi
94 Department of Finance and Administration or his or her designee;

95 (f) The Commissioner of the Mississippi Institutions of
96 Higher Learning or his or her designee; and

97 (g) The Executive Director of the Mississippi
98 Department of Environmental Quality or his or her designee.

99 At least one (1) of the appointed members of the board shall
100 be a licensed member of the Mississippi Bar Association with
101 expertise in representing responsible public entities in public
102 works construction. Each appointed member of the board shall have
103 subject matter experience in architecture, construction
104 management, engineering, finance or real estate development.
105 Appointed members of the board shall serve four-year terms and
106 represent geographically diverse regions of the state to the
107 extent practicable. Members of the board may be removed by the
108 public official who appointed them upon written notice and shall
109 appoint a successor as soon as reasonable thereafter.

110 (2) The board shall:

111 (a) Promulgate regulations by July 1, 2019, following a
112 period of public review, setting forth a uniform process for the



113 review, solicitation, evaluation, award, and delivery of
114 public-private partnership agreements, including timeframes and
115 requirements for public outreach prior to entering into a
116 public-private partnership agreement on a selected proposal. The
117 timeframes and requirements shall provide for a reasonable period
118 of public review and comment;

119 (b) Make any recommendations to the Legislature and the
120 Governor on any amendments to this chapter deemed helpful to carry
121 out the purposes of this chapter;

122 (c) Make any recommendations to the departments and
123 agencies of the state concerning any amendments to the regulations
124 of each respective agency deemed necessary to carry out the
125 purposes of this chapter;

126 (d) Review all public-private partnership agreements
127 authorized by this chapter;

128 (e) Render any necessary advice to responsible public
129 entities in order to accomplish the purposes of this chapter; and

130 (f) Retain and exercise approval power over all
131 public-private partnership agreements prior to the responsible
132 public entity executing a public-private partnership agreement.

133 (3) All responsible public entities shall follow the final
134 regulations of the board with regard to any public-private
135 partnership agreement subject to this chapter, however, a
136 responsible public entity may also adopt supplemental guidelines
137 for public-private partnerships other than those described in this



138 section so long as such guidelines are supplemental to and not
139 inconsistent with this chapter.

140 (4) The responsible public entity must assess, through a
141 standardized screening process (as outlined in the regulations
142 adopted by the board), whether a public-private partnership for a
143 qualified project may provide a greater value added than
144 traditional procurement. Such findings from the screening process
145 shall be submitted to the P3 Review Board for review and approval
146 prior to the responsible public entity entering into a
147 public-private partnership agreement.

148 (5) The operations and activities of the board in
149 carrying out the purposes of this chapter shall be administered by
150 the Mississippi Department of Finance and Administration. The
151 board shall elect from its membership a chairman and a vice
152 chairman, each of whom shall perform the usual duties of such
153 offices. The initial and subsequent chairman of the board shall
154 be the Secretary of State. The initial chairman shall call the
155 initial meeting of the board and shall serve while the regulations
156 required to be promulgated by subsection (2) (a) of this section
157 are approved by the board. The Executive Director of the
158 Mississippi Department of Finance and Administration, or his or
159 her designee, shall serve as secretary of the board. Five (5)
160 members of the board shall constitute a quorum. The board may
161 adopt a seal. At the request of the board, the Mississippi
162 Department of Finance and Administration is authorized to employ



163 such personnel, including administrative and clerical staff, as
164 may be necessary for the board to comply with its duties and
165 responsibilities pursuant to this chapter.

166 **SECTION 3.** (1) Acting on behalf of the Department of Public
167 Safety, the Department of Finance and Administration, with the
168 approval of the P3 Review Board, is authorized to enter into an
169 agreement to lease of all or any portion of certain state-owned
170 real property identified as the Mississippi Department of Public
171 Safety Highway Patrol Headquarters Facility in Jackson, Hinds
172 County, Mississippi, to an entity selected in the negotiation
173 process by DFA for purposes of redevelopment for a term to be
174 determined by parties to the agreement. The property shall be
175 more particularly described in the lease agreement.

176 (2) (a) The property described in subsection (1) of this
177 section shall be leased for private redevelopment in compliance
178 with the provisions of this act to result in the highest and best
179 use as determined by the Department of Finance and Administration
180 and to ensure that the property is used in a manner that will not
181 interfere with the operation of the University of Mississippi
182 Medical Center or the G.V. (Sonny) Montgomery VA Medical Center.

183 (b) It is the intent of the Legislature that the
184 property will be leased to a private developer selected by the
185 Department of Finance and Administration and the P3 Review Board
186 through the process prescribed by this act, for a term not to
187 exceed fifty (50) years, unless by mutual agreement by the



188 department and the board to approve a lease for a term not to
189 exceed seventy (70) years, for the benefit of creating value by
190 promoting economic growth in the area, and from which the revenue
191 generated from the tenants occupying the redeveloped property
192 shall be used to finance the construction of a new Mississippi
193 Department of Public Safety Highway Patrol State Headquarters
194 Facility in Rankin County, Mississippi.

195 (c) At the expiration of any lease term established by
196 the department and the board, the property described in subsection
197 (1) of this section shall revert to the state, which shall also
198 maintain all mineral rights in the property during the lease term.

199 **SECTION 4.** (1) The Department of Finance and Administration
200 shall advertise the availability of the Mississippi Department of
201 Public Safety Highway Patrol Headquarters Facility and property in
202 Jackson, Hinds County, Mississippi, described in Section 3 of this
203 act for lease and redevelopment. Subject to the availability of
204 funds, the department is authorized to implement and conduct a
205 national advertising campaign to solicit requests for proposals
206 for the lease and redevelopment of the property.

207 (2) The department and the P3 Review Board shall establish a
208 deadline to receive proposals submitted by interested parties.

209 **SECTION 5.** (1) Proposals to lease and redevelop all or any
210 part of the property described in Section 3 of this act must be
211 considered by the department and the P3 Review Board. A party
212 shall submit a lease proposal on the applicable redevelopment



213 proposal form furnished by the department, accompanied by any
214 appendices, exhibits, or other materials as the private partner
215 desires, including the private partner's cost of projections for
216 the construction of a new Mississippi Department of Public Safety
217 Highway Patrol State Headquarters Facility in Rankin County,
218 Mississippi, consistent with the construction documents
219 commissioned for such project by the department. Proposals shall
220 be subject to the requirements of each of the documents required
221 by the department and the board on the forms developed for
222 proposals.

223 (2) The department and the board shall conduct a preproposal
224 conference at a time, date and location as agreed upon by both to
225 be appropriate. Persons desiring notice if the preproposal
226 conference will be held at a time other than the originally
227 designated time, date and location, may submit a written request
228 to receive notice to the department. The preproposal conference
229 will be a forum to answer questions from potential respondents to
230 the requests for proposals in a fair and open setting. The
231 department may schedule one or more additional preproposal
232 conferences. Parties desiring notice of any additional
233 preproposal conferences may submit a written request to receive
234 notice to the department.

235 (3) Each private partner shall submit ten (10) copies of its
236 proposal to the department no later than 5:00 p.m. on the date of
237 the deadline established by the department and the board. All



238 copies shall be in an eight and one-half (8-1/2) inches by eleven
239 (11) inches format, with graphics not exceeding eleven (11) inches
240 by seventeen (17) inches. Nine (9) of the ten (10) copies shall
241 be bound and one (1) of the copies shall remain unbound. All
242 proposals shall be in an envelope plainly marked "Department of
243 Public Safety Redevelopment and New Construction Proposal." All
244 proposals must be received by the department by the deadline set
245 for receipt of proposals.

246 (4) Each proposal to purchase all or a portion of the
247 property shall include:

248 (a) A statement that the proposal is to lease and
249 redevelop all or a portion of the property;

250 (b) A statement indicating whether the proposal is to
251 lease all or a portion of the property, and if the proposal is
252 with respect to a portion of the property, a statement identifying
253 the portion of the property with respect to which the proposal is
254 made;

255 (c) The lease price and/or other considerations offered
256 for the property or applicable portion thereof, or the proposed
257 method for determining the lease terms. Any proposal contingent
258 upon the department's financing all or part of the lease must
259 include detailed information concerning the proposed financing
260 terms and any collateral which will secure such financing.

261 (d) A description of any variations from the form for
262 the public-private partnership agreement for the lease and



263 redevelopment of the Mississippi Department of Public Safety
264 Highway Patrol State Headquarters Facility in Jackson, Hinds
265 County, Mississippi, which the private partner will request; and

266 (e) A statement evidencing the private partner's
267 agreement that, if the department and the board determine that it
268 is in the best interest of the public to accept the proposal, the
269 private partner will enter into a memorandum of understanding with
270 the department under which, subject to satisfaction of conditions
271 set forth in the agreement within time periods specified in the
272 agreement, the department and the private partner will agree to
273 enter into an agreement. The agreement shall be in substantially
274 the form set forth by the department and the board, with any
275 modifications, additions and changes that are specifically set
276 forth in the proposal or that are mutually acceptable to the
277 private partner and the department.

278 (5) In addition to the requirements of subsection (4) of
279 this section, each proposal shall also include, at a minimum, the
280 following:

281 (a) A description of the development team, including,
282 as applicable:

283 (i) A description of the primary respondent and
284 related principals;

285 (ii) A description of team members, including
286 architects, consultants, contractors and major sub-contractors to
287 be used for both the redevelopment of the current facilities in



288 Jackson, Hinds County, Mississippi, and for the new headquarter
289 facilities in Rankin County, Mississippi;

290 (iii) A description of development and
291 redevelopment experience of team members and status of current
292 projects including experiences related to the design,
293 construction, leasing and management of urban real estate
294 projects;

295 (iv) A description of similar experiences of team
296 members in developing and redeveloping properties acquired from
297 public owners through the public process;

298 (v) The ability to assemble additional property to
299 increase the magnitude and impact of the proposed project if
300 applicable; and

301 (vi) A statement showing the private partner's
302 qualifications and financial responsibility on a form supplied by
303 the department, which has been approved by the board;

304 (b) Details of the proposed redevelopment of the
305 property or applicable portion thereof, including information
306 addressing, without limitation:

307 (i) The project vision;

308 (ii) A development concept including narrative
309 description and visual depictions;

310 (iii) A proposed redevelopment plan;

311 (iv) The anticipated types of uses;



312 (v) The approximate quantities and square footage
313 for each use;

314 (vi) A development timeline from execution of a
315 memorandum of understanding to completion of redevelopment; and

316 (vii) The preliminary project budget and
317 fifteen-year cash-flow proforma;

318 (c) A comprehensive description of any governmental
319 assistance or governmental participation in the proposed project
320 which the private partner will request or require;

321 (d) A comprehensive description of all conditions upon
322 the private partner's commitment to carry out redevelopment of the
323 property or applicable portion thereof in accordance with the
324 proposal;

325 (e) A comprehensive description of all conditions upon
326 the private partner's commitment to carry out construction of a
327 New Department of Public Safety Headquarters Facility in Rankin
328 County, Mississippi, in accordance with the proposal; and

329 (f) Any other information as the private partner may
330 determine to be appropriate to permit the department to determine
331 the qualifications, experience and abilities of the private
332 partner and to gain a complete understanding of the private
333 partner's vision for the property.

334 **SECTION 6.** (1) In reviewing submitted proposals, the
335 evaluation team selected by the department and the P3 Review Board
336 shall consider proposals that are contingent upon the Department



337 of Finance and Administration financing all or part of the lease
338 price.

339 (2) The department and the board shall review and consider
340 all proposals in light of all factors deemed relevant, including,
341 without limiting the generality of its consideration, the
342 following:

343 (a) The overall qualifications, financial stability,
344 experience and past performance of the private partner;

345 (b) The experience of the private partner with respect
346 to activities comparable to those covered by the proposal;

347 (c) The overall qualifications, financial stability,
348 experience and past performance of the other members of the
349 development team;

350 (d) The qualification and experience of staff to be
351 assigned to the project;

352 (e) The proven ability of team members to successfully
353 design and redevelop high quality, high-density projects in an
354 urban setting;

355 (f) The legal ability of the private partner to carry
356 out its proposal;

357 (g) The private partner's ability to secure or provide
358 sufficient equity and construction and permanent financing for the
359 proposed undertaking;

360 (h) The proposed use or uses of the property or
361 applicable portion thereof;



362 (i) The cost, scope and scale of the proposed
363 redevelopment and the amount of the investment to be made by the
364 private partner;

365 (j) The projected impact of the proposed redevelopment
366 on the University of Mississippi Medical Center and the G.V.
367 (Sonny) Montgomery VA Medical Center, and the likelihood that the
368 proposed redevelopment will be a catalyst for additional
369 development and redevelopment;

370 (k) The overall financial attractiveness of the
371 proposal, and the anticipated net economic effect to the state by
372 the department's acceptance of the proposal, including, but not
373 limited to:

374 (i) The proposed lease price or rental payments;

375 (ii) The projected tax revenues to be generated by
376 and as a result of the proposed redevelopment; and

377 (iii) Any public assistance or incentives which
378 the private partner intends to request.

379 (l) The projected timetable for the redevelopment;

380 (m) Any other specific terms or conditions required or
381 requested in the proposal.

382 (3) (a) Representatives of the department and the board may
383 commence review of a proposal at any time after its receipt;

384 (b) At any time after receipt of a proposal,
385 representatives of the department and the board may request any
386 additional information from the private partner as may be



387 necessary to fully evaluate the proposal and the private partner's
388 ability to carry out the proposal, including information
389 concerning a private partner's qualifications or financial
390 responsibility, and may discuss possible modifications to the
391 proposal;

392 (c) At any time after receipt of a proposal, the
393 private partner may be invited to make an oral presentation to,
394 and to respond to questions from the department or the board; and

395 (d) At any time after the submission deadline,
396 representatives of the department may negotiate with any or all
397 parties submitting proposals concerning modifications to
398 proposals.

399 (4) Following receipt and review of all proposals and all
400 discussions and presentations, the department and the board shall
401 evaluate and rank the proposals and, unless it recommends
402 rejection of all proposals, may enter into a redevelopment
403 agreement with the private partner receiving the highest
404 evaluation or ranking.

405 (5) The department and the board shall select, unless it is
406 determined to reject all proposals, one or more proposals and
407 shall enter into negotiations with the party or parties submitting
408 the proposal or proposals. At that time, all private partners
409 shall be advised of the party or parties with whom negotiations
410 are entered. If the department and the board determine to
411 negotiate with more than one (1) party, the determination as to



412 whether the redevelopment agreement will be entered into shall be
413 made on the basis of the factors set forth above.

414 (6) If the department and the board determine not to accept
415 any of the proposals, all private partners must be advised of that
416 determination.

417 (7) The department and the board reserve the right:

418 (a) To reject any and all proposals;

419 (b) To waive any and all informalities and
420 irregularities;

421 (c) To negotiate with any person or persons for
422 proposals; and

423 (d) To waive clarifications and exceptions.

424 (8) If the department and the board determine that it is in
425 the best interest of the public to accept a proposal, a
426 notification of intent to accept the proposal shall be filed with
427 the Secretary of State. At that time, a copy of the notification
428 of intent shall also be delivered to the private partner
429 designated as the "selected private partner." The department
430 shall determine whether it is in the best interest of the public
431 to accept a proposal and which proposal, if any, to accept within
432 ninety (90) days of the submission deadline.

433 (9) Not less than thirty (30) days, and not more than ninety
434 (90) days, after the date on which the notification of intent is
435 filed, the department and the selected private partner shall enter
436 into a memorandum of understanding setting forth the conditions to



437 execution of a redevelopment and construction agreement, and the
438 time schedule for determining whether those conditions can be met.

439 (10) The failure of the selected private partner to execute
440 the memorandum of understanding within the prescribed time period,
441 or within any extension as may be granted, based upon reasons
442 determined sufficient by the department and the board, shall
443 constitute a default, and the selected private partner shall have
444 no further rights with respect to the proposal.

445 (11) For any selected proposal for the redevelopment-new
446 development project, the department and the board shall obtain an
447 independent audit of the proposal, including an assessment of
448 projected usage and public costs, before the agreement is
449 executed. The analysis shall be disclosed to the public prior to
450 execution of a redevelopment-new development agreement. In
451 addition to disclosing the independent audit to the public, the
452 responsible public entity shall provide the audit to the chairmen
453 of the House of Representatives Public Property, Ways and Means
454 and Appropriations Committees, and to the chairmen of the Senate
455 Public Property, Finance and Appropriation committees prior to the
456 execution of an agreement.

457 **SECTION 7.** (1) If one or more proposals are received and
458 reviewed before the submission deadline, every reasonable effort
459 will be made to assure the confidentiality of information included
460 in the proposal or proposals until the submission deadline.
461 Neither the Department of Finance and Administration, the P3



462 Review Board, nor any director, employee, agent, attorney or other
463 representative of either shall be liable for disclosure of any
464 such information. Records of negotiation are exempt from
465 disclosure under the Mississippi Public Records Act of 1983.
466 Other information such as originality of design may only be
467 protected under this section until a public-private partnership
468 agreement is reached. Projects under federal jurisdiction or
469 using federal funds must conform to federal regulations under the
470 Freedom of Information Act. Subject to the foregoing
471 requirements, the department and the board shall determine what is
472 exempt from disclosure and shall otherwise comply with the
473 Mississippi Public Records Act of 1983.

474 (2) If the department and the board and the selected private
475 partner have not executed a memorandum of understanding within the
476 time period established by subsection (9) of Section 6 of this
477 act, or have not entered into a redevelopment and construction
478 agreement within the time period specified in an executed
479 memorandum of understanding, the department may undertake
480 discussions and/or negotiations with one or more other parties
481 that submitted proposals, with or without terminating any existing
482 memorandum of understanding. In that event, if the department
483 determines that it is in the best interest of the public to accept
484 a different proposal, the department shall proceed with the
485 actions described in subsections (8), (9), (10) and (11) of
486 Section 6 of this act with respect to the other proposal.



487 **SECTION 8.** The selected private partner shall represent,
488 warrant and covenant that no official, employee or member of a
489 governing body of the State of Mississippi, the Department of
490 Finance and Administration or the P3 Review Board, and no person
491 who has been a member of a governing body of the state, the
492 department or the board during the preceding one-year period, has
493 or had any personal interest, direct or indirect, in any agreement
494 entered into under the request for redevelopment proposals or the
495 selected private partner. No official, employee or member of the
496 governing body of the department, the board or the state shall be
497 personally liable to the selected private partner or any successor
498 in interest in the event of any default or breach by the
499 department or for any amount which may become due to the selected
500 private partner or successor in interest or on any obligations
501 under the terms of any agreement entered into under the request
502 for redevelopment proposals.

503 **SECTION 9.** The State of Mississippi is committed to the
504 principle of nondiscrimination in public purchasing and
505 contracting and the ideals of equal business opportunities for all
506 persons in undertakings in which the state, its agencies and
507 political subdivisions are involved. Any redevelopment and
508 construction agreement must include provisions designed to assure
509 substantive participation by minority business enterprises in the
510 redevelopment of the property or applicable portion thereof,
511 consistent with the goals and objectives of the state's public



512 purchasing and contracting under Chapter 7, Title 31, Mississippi
513 Code of 1972.

514 **SECTION 10.** Each private partner may inspect the property
515 before submitting a proposal. Arrangements to enter the property
516 should be made by contacting the offices of the Department of
517 Finance and Administration and the P3 Review Board. Upon request,
518 representatives of the department and the board shall meet with
519 and make available any information concerning the property to any
520 party who demonstrates an interest in submitting a proposal;
521 however, no private partner shall rely upon any oral
522 interpretation of this request for redevelopment and construction
523 proposals.

524 **SECTION 11.** The Department of Finance and Administration may
525 modify the documents in any respect at any time before the
526 submission deadline, including, but not limited to, modifications
527 to extend the submission deadline at any time either before or
528 after the initial submission deadline. Every modification must be
529 in the form of addenda to the documents. All addenda must be
530 mailed to each person who received documents from the department
531 and requested notices of addenda, but it shall be the private
532 partner's responsibility to make inquiry as to the addenda issued.
533 All such addenda shall become part of the documents and all
534 private partners shall be bound by the addenda, whether or not
535 received by the private partner, provided that no private partner
536 shall be bound by an addendum, except one extending the submission



537 deadline, which was not issued and placed on file in the office of
538 the department at least five (5) days before the submission
539 deadline, unless the private partner received notice of the
540 addendum before the submission deadline. Any private partner that
541 has submitted a proposal before the issuance of an addendum shall
542 be promptly notified of the addendum and offered an opportunity to
543 make any modifications to the proposal as deemed reasonably
544 necessary to address the provisions of the addendum. All
545 modifications shall be submitted to the department before the
546 submission deadline.

547 **SECTION 12.** (1) Before entering into an agreement, the
548 Department of Finance and Administration, as the responsible
549 public entity, shall notify affected jurisdictions of such
550 proposal by furnishing a copy of the proposal to each affected
551 jurisdiction.

552 (2) Each affected jurisdiction may, within sixty (60) days
553 after receiving the notice, submit in writing any comments to the
554 department and the P3 Review Board on the project's potential
555 impact and compatibility with local and regional budgets and
556 infrastructure plans.

557 (3) The department and the board shall consider the comments
558 of the affected jurisdiction before entering into an agreement
559 with a private partner for the redevelopment and new development
560 of the properties described in Section 3 of this act.



561 **SECTION 13.** This act shall take effect and be in force from
562 and after July 1, 2018.

