

By: Representative Baria

To: Accountability,
Efficiency, Transparency;
Ways and Means

HOUSE BILL NO. 1148

1 AN ACT TO REQUIRE THE STATE BOND COMMISSION, THE MISSISSIPPI
2 DEVELOPMENT BANK AND THE MISSISSIPPI BUSINESS FINANCE CORPORATION
3 TO SELECT BOND COUNSEL THROUGH A COMPETITIVE REQUEST FOR PROPOSALS
4 PROCESS; TO AMEND SECTION 31-17-5, MISSISSIPPI CODE OF 1972, TO
5 CONFORM TO THE PRECEDING SECTION; TO BRING FORWARD SECTION
6 31-7-401, MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF POSSIBLE
7 AMENDMENT; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** (1) The State Bond Commission, the Mississippi
10 Development Bank and the Mississippi Business Finance Corporation
11 shall select bond counsel through a competitive request for
12 proposals process. The contract for bond counsel shall be awarded
13 on the basis of the lowest and best proposal. In evaluating the
14 proposals, the following factors shall be considered:

15 (a) The type of law firm or legal practice and its
16 history;

17 (b) The résumés and professional qualifications of the
18 firm's staff, including relevant professional licenses,
19 affiliations and specialties;



20 (c) A summary of similar contracts awarded to the
21 proposer, and the proposer's performance of those contracts;

22 (d) Information about pending lawsuits or
23 investigations, and judgments, indictments or convictions against
24 the firm or its proprietors, partners, directors, officers or
25 managers; and

26 (e) Any other information deemed necessary or helpful
27 by the issuer.

28 (2) The request for proposals shall state that the selection
29 shall be made on the basis of the lowest and best proposal. The
30 issuer shall provide public notice of the request for proposals
31 for not less than ten (10) working days. Public notice shall
32 include publication in newspapers and websites of general
33 circulation, and in trade publications considered to be
34 appropriate by the issuer to give adequate public notice.

35 (3) Proposals shall be opened publicly at the time and place
36 designated in the proposal. Each proposal shall be recorded and
37 be open to public inspection. The contract shall be awarded with
38 reasonable promptness by written notice to the responsive and
39 responsible proposal whose selection will be most advantageous to
40 the State Bond Commission, Mississippi Development Bank or the
41 Mississippi Business Finance Corporation, considering price and
42 the other factors set forth in subsection (1) of this section.

43 **SECTION 2.** Section 31-17-5, Mississippi Code of 1972, is
44 amended as follows:



45 31-17-5. (1) When a request for proposals for bond counsel
46 for a general obligation or revenue bond issue is issued on behalf
47 of the State Bond Commission, the request for proposal shall be
48 issued as provided in Section 1 of this act and posted on the
49 website of the Department of Finance and Administration and the
50 State Treasurer.

51 (2) Once bond counsel is selected for a bond issue, the name
52 and address of the counsel selected shall be posted on the website
53 of the Department of Finance and Administration and the State
54 Treasurer. The amount of any payments made to bond counsel for
55 his or her services as bond counsel shall be posted on the website
56 of the Department of Finance and Administration and the State
57 Treasurer.

58 **SECTION 3.** Section 31-7-401, Mississippi Code of 1972, is
59 brought forward as follows:

60 31-7-401. **Applicability.** Except as otherwise provided by
61 law, the provisions of Sections 31-7-401 through 31-7-423 shall
62 apply to every procurement of commodities, supplies, equipment,
63 construction, technology, personal and professional services other
64 than those in Section 27-104-7(2)(f) and (8), state agency
65 employee benefits, supplemental insurance and cafeteria plans,
66 that are solicited by any state agency by a request for proposals
67 or request for qualifications. The following provisions are
68 intended to ensure that the best practices for soliciting requests
69 for proposals or requests for qualifications are implemented. Any



70 agency that is required to receive approval by the Public
71 Procurement Review Board before entering into a personal or
72 professional services contract as provided in subsection (2)(g) of
73 Section 27-104-7 shall implement the best practices specified in
74 Sections 31-7-401 through 31-7-423. The Public Procurement Review
75 Board shall promulgate any necessary rules and regulations to
76 administer the provisions of Sections 31-7-401 through 31-7-423.

77 **SECTION 4.** This act shall take effect and be in force from
78 and after July 1, 2018.

