

By: Senator(s) Tollison

To: Accountability,
Efficiency, Transparency

SENATE BILL NO. 2616

1 AN ACT TO AMEND SECTIONS 19-13-111, 31-7-15 AND 31-7-47,
2 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT IN THE LETTING OF PUBLIC
3 CONTRACTS, PREFERENCE SHALL BE GIVEN TO RESIDENT BIDDERS WHENEVER
4 ALL THINGS ARE EQUAL WITH REGARD TO QUALITY AND SERVICE BUT DIFFER
5 ONLY WITH REGARD TO PRICE, IF THE AGGREGATE OF THE PRICES IN BIDS
6 RECEIVED FROM RESIDENT BIDDERS IS NOT MORE THAN TWO PERCENT
7 GREATER THAN THE AGGREGATE OF THE PRICES IN BIDS RECEIVED FROM
8 NONRESIDENT BIDDERS; TO PROVIDE THAT A NONRESIDENT BIDDER
9 DOMICILED IN A STATE HAVING LAWS GRANTING PREFERENCE TO RESIDENT
10 BIDDERS SHALL BE AWARDED MISSISSIPPI CONTRACTS ONLY ON THE SAME
11 BASIS AS THE NONRESIDENT BIDDER'S STATE AWARDS CONTRACTS TO
12 MISSISSIPPI RESIDENTS BIDDING UNDER SIMILAR CIRCUMSTANCES; AND FOR
13 RELATED PURPOSES.

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

15 **SECTION 1.** Section 19-13-111, Mississippi Code of 1972, is
16 amended as follows:

17 19-13-111. All bids and contracts for stationery, blank
18 books, office supplies and other things must be specific in
19 stating the kinds or brands and qualities of all articles, as far
20 as practicable; the weight per ream and material of all paper; the
21 price per quire and the weight per ream of books and record books,
22 with the style of binding and size of each kind of book duly
23 classified * * *. If other things * * * are substantially



24 equal * * * with respect to quality * * * and service but
25 differing only with respect to price, the board of supervisors
26 shall give preference to bids from citizens of this state, if the
27 aggregate of the prices in bids received from citizens of this
28 state is not more than two percent (2%) greater than the aggregate
29 of the prices in bids received from nonresident bidders. A
30 nonresident bidder domiciled in a state having laws granting
31 preference to resident bidders shall be awarded Mississippi
32 contracts only on the same basis as the nonresident bidder's state
33 awards contracts to Mississippi residents bidding under similar
34 circumstances; and resident bidders actually domiciled in
35 Mississippi, whether corporate, individuals, or partnerships, are
36 to be granted preference over nonresidents in awarding of
37 contracts in the same manner and to the same extent as provided by
38 the laws of the state of domicile of the nonresident. When a
39 nonresident contractor submits a bid for a contract, he shall
40 attach to the bid a copy of his resident state's current law
41 pertaining to his state's treatment of nonresident bidders.

42 **SECTION 2.** Section 31-7-15, Mississippi Code of 1972, is
43 amended as follows:

44 31-7-15. (1) (a) Whenever two (2) or more competitive bids
45 are received * * * and one or more * * * relates to * * * goods
46 and services grown, processed or manufactured within this
47 state, * * * the bids relating to goods and services grown,



processed or manufactured within this state shall be given
preference if:

(i) The aggregate of the prices in received bids
that relate to the goods and services grown, processed or
manufactured in this state is not more than two percent (2%)
greater than the aggregate of the prices received from the lowest
bidder; and

(ii) All other things stated in * * * the received
bids are substantially equal with respect to * * * quality and
service * * *.

(b) A * * * preference similar to that authorized in
paragraph (a) of this subsection shall be given to commodities
grown, processed or manufactured within this state whenever
purchases are made without competitive bids, and when practical
the Department of Finance and Administration may by regulation
establish reasonable preferential policies for other commodities,
giving preference to resident suppliers of this state.

(c) A nonresident bidder domiciled in a state having
laws granting preference to resident bidders shall be awarded
Mississippi contracts only on the same basis as the nonresident
bidder's state awards contracts to Mississippi residents bidding
under similar circumstances. Resident bidders actually domiciled
in Mississippi, whether corporate, individuals, or partnerships,
are to be granted preference over nonresidents in awarding of
contracts in the same manner and to the same extent as provided by



73 the laws of the state of domicile of the nonresident. When a
74 nonresident contractor submits a bid for a contract, he shall
75 attach to the bid a copy of his resident state's current law
76 pertaining to his state's treatment of nonresident bidders.

77 (2) Any foreign manufacturing company with a factory in the
78 state and with over fifty (50) employees working in the state
79 shall have preference over any other foreign company where both
80 price and quality are the same, regardless of where the product is
81 manufactured.

82 (3) On or before January 1, 1991, the Department of Finance
83 and Administration shall adopt bid and product specifications to
84 be utilized by all state agencies that encourage the procurement
85 of commodities made from recovered materials. Preference in
86 awarding contracts for commodities shall be given to commodities
87 offered at a competitive price.

88 (4) Each state agency is required to procure products made
89 from recovered materials when those products are available at a
90 competitive price. For purposes of this subsection, "competitive
91 price" means a price not greater than ten percent (10%) above the
92 lowest and best bidder. A decision not to procure products made
93 from recovered materials must be based on a determination that
94 such procurement:

95 (a) Is not available within a reasonable period of
96 time; or



(b) Fails to meet the performance standards set forth in the applicable specifications; or

(c) Is not available at a competitive price.

(5) Whenever economically feasible, each state agency is required to purchase products manufactured or sold by the Mississippi Industries for the Blind.

SECTION 3. Section 31-7-47, Mississippi Code of 1972, is amended as follows:

31-7-47. In the letting of public contracts, whenever all things stated in the bids are substantially equal with regard to quality and service but differ only with respect to price, preference shall be given to resident contractors * * * if the aggregate of the prices in bids received from the resident contractors is not more than two percent (2%) greater than the aggregate of the prices in bids received from nonresident contractors. A nonresident bidder domiciled in a state, city, county, parish, province, nation or political subdivision having laws granting preference to local contractors shall be awarded Mississippi public contracts only on the same basis as the nonresident bidder's state, city, county, parish, province, nation or political subdivision awards contracts to Mississippi contractors bidding under similar circumstances. Resident contractors actually domiciled in Mississippi, be they corporate, individuals or partnerships, are to be granted preference over nonresidents in awarding of contracts in the same manner and to



122 the same extent as provided by the laws of the state, city,
123 county, parish, province, nation or political subdivision of
124 domicile of the nonresident. When a nonresident contractor
125 submits a bid for a contract, he shall attach to the bid a copy of
126 his resident state's current law pertaining to his state's
127 treatment of nonresident bidders.

128 **SECTION 4.** This act shall take effect and be in force from
129 and after July 1, 2019.

