

House Amendments to Senate Bill No. 2273

TO THE SECRETARY OF THE SENATE:

THIS IS TO INFORM YOU THAT THE HOUSE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

8 **SECTION 1.** Section 59-5-37, Mississippi Code of 1972, is
9 amended as follows:

10 59-5-37. (1) The board or State Port Authority, in the
11 performance of its duties, may employ such personnel and make all
12 contracts and purchases incidental to or necessary for the
13 advancement, promotion, development, establishment, insurance,
14 maintenance, repair, improvement and operation of any ports,
15 harbors, rivers, channels and waterways including, if required for
16 its protection, retirement benefits, workers' compensation
17 insurance and other employee benefits for the benefit of any
18 employees of the board or State Port Authority. The board or
19 State Port Authority may establish a trade development and
20 promotion account to pay all direct and necessary expenses for the
21 promotion and development of the state port. The authority is
22 granted the power to sue and be sued in its own name.

23 (2) (a) The board or State Port Authority may, in its
24 discretion, make such contracts or purchases according to the

25 state purchasing laws. Contracts let for any port, harbor, river,
26 channel or waterway improvements shall be advertised as required
27 by law for the letting of public contracts, and such contracts
28 shall be awarded to the lowest and best bidder who shall make bond
29 as shall be required by the board or State Port Authority
30 conditioned for the faithful prosecution and completion of work
31 according to such contracts, such bond to be furnished by a
32 corporate surety company qualified to do business in this state.
33 However, the board may negotiate and enter into contracts with
34 responsible lessees for the construction of facilities by lessees,
35 such as those referred to in Section 59-5-11, and the acquisition
36 thereof by the board upon such terms and conditions and for such
37 amount as may be approved by the board.

38 (b) The State Port Authority shall be considered to be
39 a "governing authority" under the state public purchasing laws as
40 that term is defined in Section 31-7-1 and used in Sections 31-7-1
41 through 31-7-73, and shall not be subject to the jurisdiction of
42 the Department of Finance and Administration, the Public
43 Procurement Review Board or the Bureau of Building, Grounds and
44 Real Property Management under the provisions of Sections
45 27-104-7, 29-5-2 and 31-11-3.

46 (3) (a) The board or State Port Authority, in its
47 discretion, may use the design-build method of contracting for the
48 renovation, repair and/or making of other improvements to not more
49 than one (1) freezer and related equipment and/or facilities at
50 the State Port at Gulfport, Mississippi. Notwithstanding any

51 other provision of law to the contrary, any port or port
52 commission may use the design-build method of contracting for the
53 renovation, repair and/or making of other improvements to
54 equipment and/or facilities at the port. For the purposes of this
55 subsection (3), the term "design-build method of contracting"
56 means a contract that combines the design and construction phases
57 of a project into a single contract and the contractor is required
58 to satisfactorily perform, at a minimum, both the design and
59 construction of the project.

60 (b) This subsection (3) shall stand repealed from and
61 after July 1, * * * 2024.

62 **SECTION 2.** This act shall take effect and be in force from
63 and after July 1, 2020.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTION 59-5-37, MISSISSIPPI CODE OF 1972, TO
2 EXTEND THE DATE OF REPEAL ON THE PROVISION WHICH AUTHORIZES THE
3 STATE PORT AUTHORITY AT GULFPORT TO USE THE DESIGN-BUILD METHOD OF
4 CONTRACTING FOR CERTAIN PURPOSES; TO AUTHORIZE ANY PORT OR PORT
5 COMMISSION TO USE THE DESIGN-BUILD METHOD; AND FOR RELATED
6 PURPOSES.

HR26\SB2273A.J

Andrew Ketchings
Clerk of the House of Representatives