

**Adopted
AMENDMENT NO 1 PROPOSED TO**

House Bill No. 1197

BY: Representative Lamar

1 **AMEND** by striking lines 542 through 562 and inserting in lieu
2 thereof the following: "2. Reverse auctions shall be the primary
3 method for receiving bids during the bidding process. If * * * an
4 agency or governing authority determines that a reverse auction is
5 not in the best interest of the * * * agency or governing
6 authority, then with respect to an agency, that determination must
7 be approved by the Public Procurement Review Board, and with
8 respect to a governing authority, that determination must be
9 approved by the governing body of the governing authority. * * *
10 An agency shall submit a detailed explanation of why a reverse
11 auction would not be in the best interest of the * * * agency and
12 present an alternative process to be approved by the Public
13 Procurement Review Board. A governing authority shall make



14 findings in its minutes of why a reverse auction would not be in
15 the best interest of the governing authority. If as to an agency,
16 the Public Procurement Review Board authorizes the purchasing
17 entity to solicit bids with a method other than reverse auction,
18 or if as to a governing authority, the governing board thereof
19 authorizes the purchasing entity to solicit bids with a method
20 other than reverse auction, then the purchasing entity may
21 designate the other methods by which the bids will be received,
22 including, but not limited to, bids sealed in an envelope, bids
23 received electronically in a secure system, or bids received by
24 any other method that promotes open competition and has been
25 approved by the Office of Purchasing and Travel. However, reverse
26 auction shall not be used for any public contract for design or
27 construction of public facilities, including buildings, roads and
28 bridges. As to an agency, the Public Procurement Review Board
29 must approve any contract entered into by alternative process.
30 The provisions of this item 2 shall not apply to the individual
31 state institutions of higher learning."

32 **AMEND further,** the title on line 27 by striking "31-11-3, 61-
33 3-15 AND 31-7-13," and inserting in lieu thereof "31-11-3 AND 61-
34 3-15"

35 **AMEND further,** the title on line 28 by inserting the
36 following after the semicolon:



37 "TO AMEND SECTION 31-7-13, MISSISSIPPI CODE OF 1972, TO CONFORM TO
38 THE PROVISIONS OF THIS ACT; TO REVISE THE REVERSE AUCTION METHOD
39 FOR RECEIVING BIDS TO DIFFERENTIATE BETWEEN AGENCIES AND GOVERNING
40 AUTHORITIES; TO PROVIDE THAT IF AN AGENCY DETERMINES THAT A
41 REVERSE AUCTION IS NOT IN THE BEST INTEREST OF THE AGENCY, THEN
42 THAT DETERMINATION MUST BE APPROVED BY THE PUBLIC PROCUREMENT
43 REVIEW BOARD; TO PROVIDE THAT IF A GOVERNING AUTHORITY DETERMINES
44 THAT A REVERSE AUCTION IS NOT IN THE BEST INTEREST OF THE
45 GOVERNING AUTHORITY, THEN THAT DETERMINATION MUST BE APPROVED BY
46 THE GOVERNING BOARD OF THE GOVERNING AUTHORITY; TO PROVIDE THAT
47 THE AGENCY AND GOVERNING AUTHORITY MUST SUBMIT AN EXPLANATION AS
48 TO WHY A REVERSE AUCTION IS NOT IN THE BEST INTEREST OF THE AGENCY
49 OR GOVERNING AUTHORITY;"

