

**Adopted
AMENDMENT NO 1 PROPOSED TO**

Cmte Sub for Senate Bill No. 2818

BY: Senator(s) Bryan

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

48 **SECTION 1.** Section 25-9-107, Mississippi Code of 1972, is
49 amended as follows:

50 25-9-107. The following terms, when used in this chapter,
51 unless a different meaning is plainly required by the context,
52 shall have the following meanings:

53 (a) "Board" means the State Personnel Board created
54 under the provisions of this chapter.

55 (b) "State service" means all employees of state
56 departments, agencies and institutions as defined herein, except
57 those officers and employees excluded by this chapter.



58 (c) "Nonstate service" means the following officers and
59 employees excluded from the state service by this chapter. The
60 following are excluded from the state service:

61 (i) Members of the State Legislature, their staff
62 and other employees of the legislative branch;

63 (ii) The Governor and staff members of the
64 immediate Office of the Governor;

65 (iii) Justices and judges of the judicial branch
66 or members of appeals boards on a per diem basis;

67 (iv) The Lieutenant Governor, staff members of the
68 immediate Office of the Lieutenant Governor and officers and
69 employees directly appointed by the Lieutenant Governor;

70 (v) Officers and officials elected by popular vote
71 and persons appointed to fill vacancies in elective offices;

72 (vi) Members of boards and commissioners appointed
73 by the Governor, Lieutenant Governor or the State Legislature;

74 (vii) All academic officials, members of the
75 teaching staffs and employees of the state institutions of higher
76 learning, the Mississippi Community College Board, and community
77 and junior colleges;

78 (viii) Officers and enlisted members of the
79 National Guard of the state;

80 (ix) Prisoners, inmates, student or patient help
81 working in or about institutions;



82 (x) Contract personnel; provided that any agency
83 which employs state service employees may enter into contracts for
84 personal and professional services only if such contracts are
85 approved in compliance with the rules and regulations promulgated
86 by the Public Procurement Review Board under Section 27-104-7.
87 Before paying any warrant for such contractual services in excess
88 of Seventy-five Thousand Dollars (\$75,000.00), the Auditor of
89 Public Accounts, or the successor to those duties, shall determine
90 whether the contract involved was for personal or professional
91 services, and, if so, was approved by the Public Procurement
92 Review Board as required by law;

93 (xi) Part-time employees; provided, however,
94 part-time employees shall only be hired into authorized employment
95 positions classified by the board, shall meet minimum
96 qualifications as set by the board, and shall be paid in
97 accordance with the Variable Compensation Plan as certified by the
98 board;

99 (xii) Persons appointed on an emergency basis for
100 the duration of the emergency; the effective date of the emergency
101 appointments shall not be earlier than the date approved by the
102 State Personnel Director, and shall be limited to thirty (30)
103 working days. Emergency appointments may be extended to sixty
104 (60) working days by the State Personnel Board;

105 (xiii) Physicians, dentists, veterinarians, nurse
106 practitioners and attorneys, while serving in their professional



107 capacities in authorized employment positions who are required by
108 statute to be licensed, registered or otherwise certified as such,
109 provided that the State Personnel Director shall verify that the
110 statutory qualifications are met prior to issuance of a payroll
111 warrant by the Auditor;

112 (xiv) Personnel who are employed and paid from
113 funds received from a federal grant program which has been
114 approved by the Legislature or the Department of Finance and
115 Administration whose length of employment has been determined to
116 be time-limited in nature. This subparagraph shall apply to
117 personnel employed under the provisions of the Comprehensive
118 Employment and Training Act of 1973, as amended, and other special
119 federal grant programs which are not a part of regular federally
120 funded programs wherein appropriations and employment positions
121 are appropriated by the Legislature. Such employees shall be paid
122 in accordance with the Variable Compensation Plan and shall meet
123 all qualifications required by federal statutes or by the
124 Mississippi Classification Plan;

125 (xv) The administrative head who is in charge of
126 any state department, agency, institution, board or commission,
127 wherein the statute specifically authorizes the Governor, board,
128 commission or other authority to appoint said administrative head;
129 provided, however, that the salary of such administrative head
130 shall be determined by the State Personnel Board in accordance



131 with the Variable Compensation Plan unless otherwise fixed by
132 statute;

133 (xvi) The State Personnel Board shall exclude
134 top-level positions if the incumbents determine and publicly
135 advocate substantive program policy and report directly to the
136 agency head, or the incumbents are required to maintain a direct
137 confidential working relationship with a key excluded official.
138 Provided further, a written job classification shall be approved
139 by the board for each such position, and positions so excluded
140 shall be paid in conformity with the Variable Compensation Plan;

141 (xvii) Employees whose employment is solely in
142 connection with an agency's contract to produce, store or
143 transport goods, and whose compensation is derived therefrom;

144 (xviii) Repealed;

145 (xix) The associate director, deputy directors and
146 bureau directors within the Department of Agriculture and
147 Commerce;

148 (xx) Personnel employed by the Mississippi
149 Industries for the Blind; provided that any agency may enter into
150 contracts for the personal services of MIB employees without the
151 prior approval of the State Personnel Board or the State Personal
152 Service Contract Review Board; however, any agency contracting for
153 the personal services of an MIB employee shall provide the MIB
154 employee with not less than the entry-level compensation and



155 benefits that the agency would provide to a full-time employee of
156 the agency who performs the same services;

157 (xxi) Personnel employed by the Mississippi
158 Department of Wildlife, Fisheries and Parks and the Mississippi
159 Department of Marine Resources as law enforcement trainees
160 (cadets); such personnel shall be paid in accordance with the
161 Colonel Guy Groff State Variable Compensation Plan;

162 (xxii) Administrators and instructional employees
163 under contract or employed by the Mississippi School of the Arts
164 (MSA) established in Section 37-140-1 et seq.;

165 (xxiii) The President of the Mississippi Lottery
166 Corporation and personnel employed by the Mississippi Lottery
167 Corporation; and

168 (xxiv) Employees, excluding administrative
169 employees, of the State Veterans Affairs Board who are employed at
170 a veterans home established by the State Veterans Affairs Board
171 under Section 35-1-19.

172 (xxv) Personnel employed by the Mississippi
173 Department of Health whose employment is solely in connection with
174 the Department's responsibilities in implementing, administering
175 and enforcing provisions of the Mississippi Medical Cannabis Act.
176 This subparagraph shall stand repealed on June 30, 2023.

177 (xxvi) Personnel employed by the Mississippi
178 Department of Revenue whose employment is solely in connection
179 with the Department's responsibilities in implementing,



180 administering and enforcing provisions of the Mississippi Medical
181 Cannabis Act. This subparagraph shall stand repealed on June 30,
182 2023.

183 (d) "Agency" means any state board, commission,
184 committee, council, department or unit thereof created by the
185 Constitution or statutes if such board, commission, committee,
186 council, department, unit or the head thereof, is authorized to
187 appoint subordinate staff by the Constitution or statute, except a
188 legislative or judicial board, commission, committee, council,
189 department or unit thereof.

190 **SECTION 2.** Section 25-43-1.103, Mississippi Code of 1972, is
191 amended as follows:

192 25-43-1.103. (1) This chapter applies to all agencies and
193 all proceedings not expressly exempted under this chapter.

194 (2) This chapter creates only procedural rights and imposes
195 only procedural duties. They are in addition to those created and
196 imposed by other statutes.

197 (3) Specific statutory provisions which govern agency
198 proceedings and which are in conflict with any of the provisions
199 of this chapter shall continue to be applied to all proceedings of
200 any such agency to the extent of such conflict only.

201 (4) The provisions of this chapter shall not be construed to
202 amend, repeal or supersede the provisions of any other law; and,
203 to the extent that the provisions of any other law conflict or are



204 inconsistent with the provisions of this chapter, the provisions
205 of such other law shall govern and control.

206 (5) An agency may grant procedural rights to persons in
207 addition to those conferred by this chapter so long as rights
208 conferred upon other persons by any provision of law are not
209 substantially prejudiced.

210 (6) For the purposes of implementing, administering and/or
211 enforcing the provisions of rules and regulations promulgated
212 pursuant to the Mississippi Medical Cannabis Act, the Mississippi
213 State Department of Health and the Mississippi Department of
214 Revenue shall be exempted from this chapter from February 2, 2022,
215 through June 30, 2023. This subsection shall stand repealed on
216 June 30, 2023.

217 **SECTION 3.** Section 25-53-1, Mississippi Code of 1972, is
218 amended as follows:

219 25-53-1. The Legislature recognizes that in order for the
220 State of Mississippi to receive the maximum use and benefit from
221 information technology and services now in operation or which will
222 in the future be placed in operation, there should be full
223 cooperation and cohesive planning and effort by and between the
224 several state agencies and that it is the responsibility of the
225 Legislature to provide statutory authority therefor. The
226 Legislature, therefore, declares and determines that for these and
227 other related purposes there is hereby established an agency of
228 state government to be known as the Mississippi Department of



229 Information Technology Services (MDITS). The Legislature further
230 declares that the Mississippi Department of Information Technology
231 Services (MDITS) shall provide statewide services that facilitate
232 cost-effective information processing and telecommunication
233 solutions. State agencies shall work in full cooperation with the
234 board of MDITS to identify opportunities to minimize duplication,
235 reduce costs and improve the efficiency of providing common
236 technology services across agency boundaries. The provisions of
237 this chapter shall not apply to the Department of Human Services
238 for a period of three (3) years beginning July 1, 2017. The
239 provisions of this chapter shall not apply to the Department of
240 Child Protection Services for a period of three (3) years
241 beginning July 1, 2017. Through June 30, 2023, the provisions of
242 this chapter shall not apply to the Department of Health and the
243 Department of Revenue for the purposes of implementing,
244 administering and enforcing the provisions of the Mississippi
245 Medical Cannabis Act.

246 **SECTION 4.** Section 25-53-5, Mississippi Code of 1972, as
247 amended by Senate Bill 2095, 2022 Regular Session, is amended as
248 follows:

249 25-53-5. The authority shall have the following powers,
250 duties, and responsibilities:

251 (a) (i) The authority shall provide for the
252 development of plans for the efficient acquisition and utilization
253 of computer equipment and services by all agencies of state



254 government, and provide for their implementation. In so doing,
255 the authority may use the MDITS' staff, at the discretion of the
256 executive director of the authority, or the authority may contract
257 for the services of qualified consulting firms in the field of
258 information technology and utilize the service of such consultants
259 as may be necessary for such purposes. Pursuant to Section
260 25-53-1, the provisions of this section shall not apply to the
261 Department of Human Services for a period of three (3) years
262 beginning on July 1, 2017. Pursuant to Section 25-53-1, the
263 provisions of this section shall not apply to the Department of
264 Child Protection Services for a period of three (3) years
265 beginning July 1, 2017.

266 (ii) [Repealed]

267 (b) The authority shall immediately institute
268 procedures for carrying out the purposes of this chapter and
269 supervise the efficient execution of the powers and duties of the
270 office of executive director of the authority. In the execution
271 of its functions under this chapter, the authority shall maintain
272 as a paramount consideration the successful internal organization
273 and operation of the several agencies so that efficiency existing
274 therein shall not be adversely affected or impaired. In executing
275 its functions in relation to the institutions of higher learning
276 and junior colleges in the state, the authority shall take into
277 consideration the special needs of such institutions in relation
278 to the fields of teaching and scientific research.



279 (c) Title of whatever nature of all computer equipment
280 now vested in any agency of the State of Mississippi is hereby
281 vested in the authority, and no such equipment shall be disposed
282 of in any manner except in accordance with the direction of the
283 authority or under the provisions of such rules and regulations as
284 may hereafter be adopted by the authority in relation thereto.

285 (d) The authority shall adopt rules, regulations, and
286 procedures governing the acquisition of computer and
287 telecommunications equipment and services which shall, to the
288 fullest extent practicable, insure the maximum of competition
289 between all manufacturers of supplies or equipment or services.
290 In the writing of specifications, in the making of contracts
291 relating to the acquisition of such equipment and services, and in
292 the performance of its other duties the authority shall provide
293 for the maximum compatibility of all information systems hereafter
294 installed or utilized by all state agencies and may require the
295 use of common computer languages where necessary to accomplish the
296 purposes of this chapter. The authority may establish by
297 regulation and charge reasonable fees on a nondiscriminatory basis
298 for the furnishing to bidders of copies of bid specifications and
299 other documents issued by the authority.

300 (e) The authority shall adopt rules and regulations
301 governing the sharing with, or the sale or lease of information
302 technology services to any nonstate agency or person. Such
303 regulations shall provide that any such sharing, sale or lease



304 shall be restricted in that same shall be accomplished only where
305 such services are not readily available otherwise within the
306 state, and then only at a charge to the user not less than the
307 prevailing rate of charge for similar services by private
308 enterprise within this state.

309 (f) The authority may, in its discretion, establish a
310 special technical advisory committee or committees to study and
311 make recommendations on technology matters within the competence
312 of the authority as the authority may see fit. Persons serving on
313 the Information Resource Council, its task forces, or any such
314 technical advisory committees shall be entitled to receive their
315 actual and necessary expenses actually incurred in the performance
316 of such duties, together with mileage as provided by law for state
317 employees, provided the same has been authorized by a resolution
318 duly adopted by the authority and entered on its minutes prior to
319 the performance of such duties.

320 (g) The authority may provide for the development and
321 require the adoption of standardized computer programs and may
322 provide for the dissemination of information to and the
323 establishment of training programs for the personnel of the
324 various information technology centers of state agencies and
325 personnel of the agencies utilizing the services thereof.

326 (h) The authority shall adopt reasonable rules and
327 regulations requiring the reporting to the authority through the
328 office of executive director of such information as may be



329 required for carrying out the purposes of this chapter and may
330 also establish such reasonable procedures to be followed in the
331 presentation of bills for payment under the terms of all contracts
332 for the acquisition of computer equipment and services now or
333 hereafter in force as may be required by the authority or by the
334 executive director in the execution of their powers and duties.

335 (i) The authority shall require such adequate
336 documentation of information technology procedures utilized by the
337 various state agencies and may require the establishment of such
338 organizational structures within state agencies relating to
339 information technology operations as may be necessary to
340 effectuate the purposes of this chapter.

341 (j) The authority may adopt such further reasonable
342 rules and regulations as may be necessary to fully implement the
343 purposes of this chapter. All rules and regulations adopted by
344 the authority shall be published and disseminated in readily
345 accessible form to all affected state agencies, and to all current
346 suppliers of computer equipment and services to the state, and to
347 all prospective suppliers requesting the same. Such rules and
348 regulations shall be kept current, be periodically revised, and
349 copies thereof shall be available at all times for inspection by
350 the public at reasonable hours in the offices of the authority.
351 Whenever possible no rule, regulation or any proposed amendment to
352 such rules and regulations shall be finally adopted or enforced
353 until copies of the proposed rules and regulations have been



354 furnished to all interested parties for their comment and
355 suggestions.

356 (k) The authority shall establish rules and regulations
357 which shall provide for the submission of all contracts proposed
358 to be executed by the executive director for computer equipment or
359 services to the authority for approval before final execution, and
360 the authority may provide that such contracts involving the
361 expenditure of less than such specified amount as may be
362 established by the authority may be finally executed by the
363 executive director without first obtaining such approval by the
364 authority.

365 (l) The authority is authorized to purchase, lease, or
366 rent computer equipment or services and to operate that equipment
367 and use those services in providing services to one or more state
368 agencies when in its opinion such operation will provide maximum
369 efficiency and economy in the functions of any such agency or
370 agencies.

371 (m) Upon the request of the governing body of a
372 political subdivision or instrumentality, the authority shall
373 assist the political subdivision or instrumentality in its
374 development of plans for the efficient acquisition and utilization
375 of computer equipment and services. An appropriate fee shall be
376 charged the political subdivision by the authority for such
377 assistance.



378 (n) The authority shall adopt rules and regulations
379 governing the protest procedures to be followed by any actual or
380 prospective bidder, offerer or contractor who is aggrieved in
381 connection with the solicitation or award of a contract for the
382 acquisition of computer equipment or services. Such rules and
383 regulations shall prescribe the manner, time and procedure for
384 making protests and may provide that a protest not timely filed
385 shall be summarily denied. The authority may require the
386 protesting party, at the time of filing the protest, to post a
387 bond, payable to the state, in an amount that the authority
388 determines sufficient to cover any expense or loss incurred by the
389 state, the authority or any state agency as a result of the
390 protest if the protest subsequently is determined by a court of
391 competent jurisdiction to have been filed without any substantial
392 basis or reasonable expectation to believe that the protest was
393 meritorious; however, in no event may the amount of the bond
394 required exceed a reasonable estimate of the total project cost.
395 The authority, in its discretion, also may prohibit any
396 prospective bidder, offerer or contractor who is a party to any
397 litigation involving any such contract with the state, the
398 authority or any agency of the state to participate in any other
399 such bid, offer or contract, or to be awarded any such contract,
400 during the pendency of the litigation.

401 (o) The authority shall make a report in writing to the
402 Legislature each year in the month of January. Such report shall



403 contain a full and detailed account of the work of the authority
404 for the preceding year as specified in Section 25-53-29(3).

405 All acquisitions of computer equipment and services involving
406 the expenditure of funds in excess of the dollar amount
407 established in Section 31-7-13(c), or rentals or leases in excess
408 of the dollar amount established in Section 31-7-13(c) for the
409 term of the contract, shall be based upon competitive and open
410 specifications, and contracts therefor shall be entered into only
411 after advertisements for bids are published in one or more daily
412 newspapers having a general circulation in the state not less than
413 fourteen (14) days prior to receiving sealed bids therefor. The
414 authority may reserve the right to reject any or all bids, and if
415 all bids are rejected, the authority may negotiate a contract
416 within the limitations of the specifications so long as the terms
417 of any such negotiated contract are equal to or better than the
418 comparable terms submitted by the lowest and best bidder, and so
419 long as the total cost to the State of Mississippi does not exceed
420 the lowest bid. If the authority accepts one (1) of such bids, it
421 shall be that which is the lowest and best. Through * * * June
422 30, 2023, the provisions of this paragraph shall not apply to
423 acquisitions of information technology equipment and services made
424 by the Mississippi Department of Health and/or the Mississippi
425 Department of Revenue for the purposes of implementing,
426 administering and/or enforcing the provisions of the Mississippi
427 Medical Cannabis Act.



428 (p) When applicable, the authority may procure
429 equipment, systems and related services in accordance with the law
430 or regulations, or both, which govern the Bureau of Purchasing of
431 the Office of General Services or which govern the Mississippi
432 Department of Information Technology Services procurement of
433 telecommunications equipment, software and services.

434 (q) The authority is authorized to purchase, lease, or
435 rent information technology and services for the purpose of
436 establishing pilot projects to investigate emerging technologies.
437 These acquisitions shall be limited to new technologies and shall
438 be limited to an amount set by annual appropriation of the
439 Legislature. These acquisitions shall be exempt from the
440 advertising and bidding requirement.

441 (r) All fees collected by the Mississippi Department of
442 Information Technology Services shall be deposited into the
443 Mississippi Department of Information Technology Services
444 Revolving Fund unless otherwise specified by the Legislature.

445 (s) The authority shall work closely with the council
446 to bring about effective coordination of policies, standards and
447 procedures relating to procurement of remote sensing and
448 geographic information systems (GIS) resources. In addition, the
449 authority is responsible for development, operation and
450 maintenance of a delivery system infrastructure for geographic
451 information systems data. The authority shall provide a warehouse
452 for Mississippi's geographic information systems data.



453 (t) The authority shall manage one or more State Data
454 Centers to provide information technology services on a
455 cost-sharing basis. In determining the appropriate services to be
456 provided through the State Data Center, the authority should
457 consider those services that:

458 (i) Result in savings to the state as a whole;

459 (ii) Improve and enhance the security and
460 reliability of the state's information and business systems; and

461 (iii) Optimize the efficient use of the state's
462 information technology assets, including, but not limited to,
463 promoting partnerships with the state institutions of higher
464 learning and community colleges to capitalize on advanced
465 information technology resources.

466 (u) The authority shall increase federal participation
467 in the cost of the State Data Center to the extent provided by law
468 and its shared technology infrastructure through providing such
469 shared services to agencies that receive federal funds. With
470 regard to state institutions of higher learning and community
471 colleges, the authority may provide shared services when mutually
472 agreeable, following a determination by both the authority and the
473 Board of Trustees of State Institutions of Higher Learning or the
474 Mississippi Community College Board, as the case may be, that the
475 sharing of services is mutually beneficial.

476 (v) The authority, in its discretion, may require new
477 or replacement agency business applications to be hosted at the



478 State Data Center. With regard to state institutions of higher
479 learning and community colleges, the authority and the Board of
480 Trustees of State Institutions of Higher Learning or the
481 Mississippi Community College Board, as the case may be, may agree
482 that institutions of higher learning or community colleges may
483 utilize business applications that are hosted at the State Data
484 Center, following a determination by both the authority and the
485 applicable board that the hosting of those applications is
486 mutually beneficial. In addition, the authority may establish
487 partnerships to capitalize on the advanced technology resources of
488 the Board of Trustees of State Institutions of Higher Learning or
489 the Mississippi Community College Board, following a determination
490 by both the authority and the applicable board that such a
491 partnership is mutually beneficial.

492 (w) The authority shall provide a periodic update
493 regarding reform-based information technology initiatives to the
494 Chairmen of the House and Senate Accountability, Efficiency and
495 Transparency Committees.

496 From and after July 1, 2018, the expenses of this agency
497 shall be defrayed by appropriation from the State General Fund.
498 In addition, in order to receive the maximum use and benefit from
499 information technology and services, expenses for the provision of
500 statewide shared services that facilitate cost-effective
501 information processing and telecommunication solutions shall be
502 defrayed by pass-through funding and shall be deposited into the



503 Mississippi Department of Information Technology Services
504 Revolving Fund unless otherwise specified by the Legislature.
505 These funds shall only be utilized to pay the actual costs
506 incurred by the Mississippi Department of Information Technology
507 Services for providing these shared services to state agencies.
508 Furthermore, state agencies shall work in full cooperation with
509 the Board of the Mississippi Department of Information Technology
510 Services to identify computer equipment or services to minimize
511 duplication, reduce costs, and improve the efficiency of providing
512 common technology services across agency boundaries.

513 **SECTION 5.** Section 27-104-7, Mississippi Code of 1972, is
514 amended as follows:

515 27-104-7. (1) (a) There is created the Public Procurement
516 Review Board, which shall be reconstituted on January 1, 2018, and
517 shall be composed of the following members:

518 (i) Three (3) individuals appointed by the
519 Governor with the advice and consent of the Senate;

520 (ii) Two (2) individuals appointed by the
521 Lieutenant Governor with the advice and consent of the Senate; and

522 (iii) The Executive Director of the Department of
523 Finance and Administration, serving as an ex officio and nonvoting
524 member.

525 (b) The initial terms of each appointee shall be as
526 follows:



527 (i) One (1) member appointed by the Governor to
528 serve for a term ending on June 30, 2019;

529 (ii) One (1) member appointed by the Governor to
530 serve for a term ending on June 30, 2020;

531 (iii) One (1) member appointed by the Governor to
532 serve for a term ending on June 30, 2021;

533 (iv) One (1) member appointed by the Lieutenant
534 Governor to serve for a term ending on June 30, 2019; and

535 (v) One (1) member appointed by the Lieutenant
536 Governor to serve for a term ending on June 30, 2020.

537 After the expiration of the initial terms, all appointed
538 members' terms shall be for a period of four (4) years from the
539 expiration date of the previous term, and until such time as the
540 member's successor is duly appointed and qualified.

541 (c) When appointing members to the Public Procurement
542 Review Board, the Governor and Lieutenant Governor shall take into
543 consideration persons who possess at least five (5) years of
544 management experience in general business, health care or finance
545 for an organization, corporation or other public or private
546 entity. Any person, or any employee or owner of a company, who
547 receives any grants, procurements or contracts that are subject to
548 approval under this section shall not be appointed to the Public
549 Procurement Review Board. Any person, or any employee or owner of
550 a company, who is a principal of the source providing a personal
551 or professional service shall not be appointed to the Public



552 Procurement Review Board if the principal owns or controls a
553 greater than five percent (5%) interest or has an ownership value
554 of One Million Dollars (\$1,000,000.00) in the source's business,
555 whichever is smaller. No member shall be an officer or employee
556 of the State of Mississippi while serving as a voting member on
557 the Public Procurement Review Board.

558 (d) Members of the Public Procurement Review Board
559 shall be entitled to per diem as authorized by Section 25-3-69 and
560 travel reimbursement as authorized by Section 25-3-41.

561 (e) The members of the Public Procurement Review Board
562 shall elect a chair from among the membership, and he or she shall
563 preside over the meetings of the board. The board shall annually
564 elect a vice chair, who shall serve in the absence of the chair.
565 No business shall be transacted, including adoption of rules of
566 procedure, without the presence of a quorum of the board. Three
567 (3) members shall be a quorum. No action shall be valid unless
568 approved by a majority of the members present and voting, entered
569 upon the minutes of the board and signed by the chair. Necessary
570 clerical and administrative support for the board shall be
571 provided by the Department of Finance and Administration. Minutes
572 shall be kept of the proceedings of each meeting, copies of which
573 shall be filed on a monthly basis with the chairs of the
574 Accountability, Efficiency and Transparency Committees of the
575 Senate and House of Representatives and the chairs of the



576 Appropriations Committees of the Senate and House of
577 Representatives.

578 (2) The Public Procurement Review Board shall have the
579 following powers and responsibilities:

580 (a) Approve all purchasing regulations governing the
581 purchase or lease by any agency, as defined in Section 31-7-1, of
582 commodities and equipment, except computer equipment acquired
583 pursuant to Sections 25-53-1 through 25-53-29;

584 (b) Adopt regulations governing the approval of
585 contracts let for the construction and maintenance of state
586 buildings and other state facilities as well as related contracts
587 for architectural and engineering services.

588 The provisions of this paragraph (b) shall not apply to such
589 contracts involving buildings and other facilities of state
590 institutions of higher learning which are self-administered as
591 provided under this paragraph (b) or Section 37-101-15(m);

592 (c) Adopt regulations governing any lease or rental
593 agreement by any state agency or department, including any state
594 agency financed entirely by federal funds, for space outside the
595 buildings under the jurisdiction of the Department of Finance and
596 Administration. These regulations shall require each agency
597 requesting to lease such space to provide the following
598 information that shall be published by the Department of Finance
599 and Administration on its website: the agency to lease the space;
600 the terms of the lease; the approximate square feet to be leased;



601 the use for the space; a description of a suitable space; the
602 general location desired for the leased space; the contact
603 information for a person from the agency; the deadline date for
604 the agency to have received a lease proposal; any other specific
605 terms or conditions of the agency; and any other information
606 deemed appropriate by the Division of Real Property Management of
607 the Department of Finance and Administration or the Public
608 Procurement Review Board. The information shall be provided
609 sufficiently in advance of the time the space is needed to allow
610 the Division of Real Property Management of the Department of
611 Finance and Administration to review and preapprove the lease
612 before the time for advertisement begins;

613 (d) Adopt, in its discretion, regulations to set aside
614 at least five percent (5%) of anticipated annual expenditures for
615 the purchase of commodities from minority businesses; however, all
616 such set-aside purchases shall comply with all purchasing
617 regulations promulgated by the department and shall be subject to
618 all bid requirements. Set-aside purchases for which competitive
619 bids are required shall be made from the lowest and best minority
620 business bidder; however, if no minority bid is available or if
621 the minority bid is more than two percent (2%) higher than the
622 lowest bid, then bids shall be accepted and awarded to the lowest
623 and best bidder. However, the provisions in this paragraph shall
624 not be construed to prohibit the rejection of a bid when only one
625 (1) bid is received. Such rejection shall be placed in the



626 minutes. For the purposes of this paragraph, the term "minority
627 business" means a business which is owned by a person who is a
628 citizen or lawful permanent resident of the United States and who
629 is:

630 (i) Black: having origins in any of the black
631 racial groups of Africa;

632 (ii) Hispanic: of Mexican, Puerto Rican, Cuban,
633 Central or South American, or other Spanish or Portuguese culture
634 or origin regardless of race;

635 (iii) Asian-American: having origins in any of
636 the original people of the Far East, Southeast Asia, the Indian
637 subcontinent, or the Pacific Islands;

638 (iv) American Indian or Alaskan Native: having
639 origins in any of the original people of North America; or

640 (v) Female;

641 (e) In consultation with and approval by the Chairs of
642 the Senate and House Public Property Committees, approve leases,
643 for a term not to exceed eighteen (18) months, entered into by
644 state agencies for the purpose of providing parking arrangements
645 for state employees who work in the Woolfolk Building, the Carroll
646 Gartin Justice Building or the Walter Sillers Office Building;

647 (f) Promulgate rules and regulations governing the
648 solicitation and selection of contractual services personnel,
649 including personal and professional services contracts for any
650 form of consulting, policy analysis, public relations, marketing,



651 public affairs, legislative advocacy services or any other
652 contract that the board deems appropriate for oversight, with the
653 exception of any personal service contracts entered into by any
654 agency that employs only nonstate service employees as defined in
655 Section 25-9-107(c), any personal service contracts entered into
656 for computer or information technology-related services governed
657 by the Mississippi Department of Information Technology Services,
658 any personal service contracts entered into by the individual
659 state institutions of higher learning, any personal service
660 contracts entered into by the Mississippi Department of
661 Transportation, any personal service contracts entered into by the
662 Department of Human Services through June 30, 2019, which the
663 Executive Director of the Department of Human Services determines
664 would be useful in establishing and operating the Department of
665 Child Protection Services, any personal service contracts entered
666 into by the Department of Child Protection Services through June
667 30, 2019, any contracts for entertainers and/or performers at the
668 Mississippi State Fairgrounds entered into by the Mississippi Fair
669 Commission, any contracts entered into by the Department of
670 Finance and Administration when procuring aircraft maintenance,
671 parts, equipment and/or services, any contract entered into by the
672 Department of Public Safety for service on specialized equipment
673 and/or software required for the operation at such specialized
674 equipment for use by the Office of Forensics Laboratories, any
675 personal or professional service contract entered into by the



676 Mississippi Department of Health and/or the Department of Revenue
677 solely in connection with their respective responsibilities under
678 the Mississippi Medical Cannabis Act from February 2, 2022,
679 through June 30, 2023, and any contract for attorney, accountant,
680 actuary auditor, architect, engineer, anatomical pathologist,
681 utility rate expert services, and any personal service contracts
682 approved by the Executive Director of the Department of Finance
683 and Administration and entered into by the Coordinator of Mental
684 Health Accessibility through June 30, 2022. Any such rules and
685 regulations shall provide for maintaining continuous internal
686 audit covering the activities of such agency affecting its revenue
687 and expenditures as required under Section 7-7-3(6)(d). Any rules
688 and regulation changes related to personal and professional
689 services contracts that the Public Procurement Review Board may
690 propose shall be submitted to the Chairs of the Accountability,
691 Efficiency and Transparency Committees of the Senate and House of
692 Representatives and the Chairs of the Appropriation Committees of
693 the Senate and House of Representatives at least fifteen (15) days
694 before the board votes on the proposed changes, and those rules
695 and regulation changes, if adopted, shall be promulgated in
696 accordance with the Mississippi Administrative Procedures Act;

697 (g) Approve all personal and professional services
698 contracts involving the expenditures of funds in excess of
699 Seventy-five Thousand Dollars (\$75,000.00), except as provided in
700 paragraph (f) of this subsection (2) and in subsection (8);



701 (h) Develop mandatory standards with respect to
702 contractual services personnel that require invitations for public
703 bid, requests for proposals, record keeping and financial
704 responsibility of contractors. The Public Procurement Review
705 Board shall, unless exempted under this paragraph (h) or under
706 paragraph (i) or (o) of this subsection (2), require the agency
707 involved to submit the procurement to a competitive procurement
708 process, and may reserve the right to reject any or all resulting
709 procurements;

710 (i) Prescribe certain circumstances by which agency
711 heads may enter into contracts for personal and professional
712 services without receiving prior approval from the Public
713 Procurement Review Board. The Public Procurement Review Board may
714 establish a preapproved list of providers of various personal and
715 professional services for set prices with which state agencies may
716 contract without bidding or prior approval from the board;

717 (i) Agency requirements may be fulfilled by
718 procuring services performed incident to the state's own programs.
719 The agency head shall determine in writing whether the price
720 represents a fair market value for the services. When the
721 procurements are made from other governmental entities, the
722 private sector need not be solicited; however, these contracts
723 shall still be submitted for approval to the Public Procurement
724 Review Board.



725 (ii) Contracts between two (2) state agencies,
726 both under Public Procurement Review Board purview, shall not
727 require Public Procurement Review Board approval. However, the
728 contracts shall still be entered into the enterprise resource
729 planning system;

730 (j) Provide standards for the issuance of requests for
731 proposals, the evaluation of proposals received, consideration of
732 costs and quality of services proposed, contract negotiations, the
733 administrative monitoring of contract performance by the agency
734 and successful steps in terminating a contract;

735 (k) Present recommendations for governmental
736 privatization and to evaluate privatization proposals submitted by
737 any state agency;

738 (l) Authorize personal and professional service
739 contracts to be effective for more than one (1) year provided a
740 funding condition is included in any such multiple year contract,
741 except the State Board of Education, which shall have the
742 authority to enter into contractual agreements for student
743 assessment for a period up to ten (10) years. The State Board of
744 Education shall procure these services in accordance with the
745 Public Procurement Review Board procurement regulations;

746 (m) Request the State Auditor to conduct a performance
747 audit on any personal or professional service contract;

748 (n) Prepare an annual report to the Legislature
749 concerning the issuance of personal and professional services



750 contracts during the previous year, collecting any necessary
751 information from state agencies in making such report;

752 (o) Develop and implement the following standards and
753 procedures for the approval of any sole source contract for
754 personal and professional services regardless of the value of the
755 procurement:

756 (i) For the purposes of this paragraph (o), the
757 term "sole source" means only one (1) source is available that can
758 provide the required personal or professional service.

759 (ii) An agency that has been issued a binding,
760 valid court order mandating that a particular source or provider
761 must be used for the required service must include a copy of the
762 applicable court order in all future sole source contract reviews
763 for the particular personal or professional service referenced in
764 the court order.

765 (iii) Any agency alleging to have a sole source
766 for any personal or professional service, other than those
767 exempted under paragraph (f) of this subsection (2) and subsection
768 (8), shall publish on the procurement portal website established
769 by Sections 25-53-151 and 27-104-165, for at least fourteen (14)
770 days, the terms of the proposed contract for those services. In
771 addition, the publication shall include, but is not limited to,
772 the following information:

773 1. The personal or professional service
774 offered in the contract;



775 2. An explanation of why the personal or
776 professional service is the only one that can meet the needs of
777 the agency;

778 3. An explanation of why the source is the
779 only person or entity that can provide the required personal or
780 professional service;

781 4. An explanation of why the amount to be
782 expended for the personal or professional service is reasonable;
783 and

784 5. The efforts that the agency went through
785 to obtain the best possible price for the personal or professional
786 service.

787 (iv) If any person or entity objects and proposes
788 that the personal or professional service published under
789 subparagraph (iii) of this paragraph (o) is not a sole source
790 service and can be provided by another person or entity, then the
791 objecting person or entity shall notify the Public Procurement
792 Review Board and the agency that published the proposed sole
793 source contract with a detailed explanation of why the personal or
794 professional service is not a sole source service.

795 (v) 1. If the agency determines after review that
796 the personal or professional service in the proposed sole source
797 contract can be provided by another person or entity, then the
798 agency must withdraw the sole source contract publication from the
799 procurement portal website and submit the procurement of the



800 personal or professional service to an advertised competitive bid
801 or selection process.

802 2. If the agency determines after review that
803 there is only one (1) source for the required personal or
804 professional service, then the agency may appeal to the Public
805 Procurement Review Board. The agency has the burden of proving
806 that the personal or professional service is only provided by one
807 (1) source.

808 3. If the Public Procurement Review Board has
809 any reasonable doubt as to whether the personal or professional
810 service can only be provided by one (1) source, then the agency
811 must submit the procurement of the personal or professional
812 service to an advertised competitive bid or selection process. No
813 action taken by the Public Procurement Review Board in this appeal
814 process shall be valid unless approved by a majority of the
815 members of the Public Procurement Review Board present and voting.

816 (vi) The Public Procurement Review Board shall
817 prepare and submit a quarterly report to the House of
818 Representatives and Senate Accountability, Efficiency and
819 Transparency Committees that details the sole source contracts
820 presented to the Public Procurement Review Board and the reasons
821 that the Public Procurement Review Board approved or rejected each
822 contract. These quarterly reports shall also include the
823 documentation and memoranda required in subsection (4) of this
824 section. An agency that submitted a sole source contract shall be



825 prepared to explain the sole source contract to each committee by
826 December 15 of each year upon request by the committee;

827 (p) Assess any fines and administrative penalties
828 provided for in Sections 31-7-401 through 31-7-423.

829 (3) All submissions shall be made sufficiently in advance of
830 each monthly meeting of the Public Procurement Review Board as
831 prescribed by the Public Procurement Review Board. If the Public
832 Procurement Review Board rejects any contract submitted for review
833 or approval, the Public Procurement Review Board shall clearly set
834 out the reasons for its action, including, but not limited to, the
835 policy that the agency has violated in its submitted contract and
836 any corrective actions that the agency may take to amend the
837 contract to comply with the rules and regulations of the Public
838 Procurement Review Board.

839 (4) All sole source contracts for personal and professional
840 services awarded by state agencies, other than those exempted
841 under Section 27-104-7(2)(f) and (8), whether approved by an
842 agency head or the Public Procurement Review Board, shall contain
843 in the procurement file a written determination for the approval,
844 using a request form furnished by the Public Procurement Review
845 Board. The written determination shall document the basis for the
846 determination, including any market analysis conducted in order to
847 ensure that the service required was practicably available from
848 only one (1) source. A memorandum shall accompany the request
849 form and address the following four (4) points:



850 (a) Explanation of why this service is the only service
851 that can meet the needs of the purchasing agency;

852 (b) Explanation of why this vendor is the only
853 practicably available source from which to obtain this service;

854 (c) Explanation of why the price is considered
855 reasonable; and

856 (d) Description of the efforts that were made to
857 conduct a noncompetitive negotiation to get the best possible
858 price for the taxpayers.

859 (5) In conjunction with the State Personnel Board, the
860 Public Procurement Review Board shall develop and promulgate rules
861 and regulations to define the allowable legal relationship between
862 contract employees and the contracting departments, agencies and
863 institutions of state government under the jurisdiction of the
864 State Personnel Board, in compliance with the applicable rules and
865 regulations of the federal Internal Revenue Service (IRS) for
866 federal employment tax purposes. Under these regulations, the
867 usual common law rules are applicable to determine and require
868 that such worker is an independent contractor and not an employee,
869 requiring evidence of lawful behavioral control, lawful financial
870 control and lawful relationship of the parties. Any state
871 department, agency or institution shall only be authorized to
872 contract for personnel services in compliance with those
873 regulations.



874 (6) No member of the Public Procurement Review Board shall
875 use his or her official authority or influence to coerce, by
876 threat of discharge from employment, or otherwise, the purchase of
877 commodities, the contracting for personal or professional
878 services, or the contracting for public construction under this
879 chapter.

880 (7) Notwithstanding any other laws or rules to the contrary,
881 the provisions of subsection (2) of this section shall not be
882 applicable to the Mississippi State Port Authority at Gulfport.

883 (8) Nothing in this section shall impair or limit the
884 authority of the Board of Trustees of the Public Employees'
885 Retirement System to enter into any personal or professional
886 services contracts directly related to their constitutional
887 obligation to manage the trust funds, including, but not limited
888 to, actuarial, custodial banks, cash management, investment
889 consultant and investment management contracts.

890 (9) Notwithstanding the exemption of personal and
891 professional services contracts entered into by the Department of
892 Human Services and personal and professional services contracts
893 entered into by the Department of Child Protection Services from
894 the provisions of this section under subsection (2)(f), before the
895 Department of Human Services or the Department of Child Protection
896 Services may enter into a personal or professional service
897 contract, the department(s) shall give notice of the proposed
898 personal or professional service contract to the Public



899 Procurement Review Board for any recommendations by the board.
900 Upon receipt of the notice, the board shall post the notice on its
901 website and on the procurement portal website established by
902 Sections 25-53-151 and 27-104-165. If the board does not respond
903 to the department(s) within seven (7) calendar days after
904 receiving the notice, the department(s) may enter the proposed
905 personal or professional service contract. If the board responds
906 to the department(s) within seven (7) calendar days, then the
907 board has seven (7) calendar days from the date of its initial
908 response to provide any additional recommendations. After the end
909 of the second seven-day period, the department(s) may enter the
910 proposed personal or professional service contract. The board is
911 not authorized to disapprove any proposed personal or professional
912 services contracts. This subsection shall stand repealed on July
913 1, 2022.

914 **SECTION 6.** Section 31-7-13, Mississippi Code of 1972, is
915 amended as follows:

916 31-7-13. All agencies and governing authorities shall
917 purchase their commodities and printing; contract for garbage
918 collection or disposal; contract for solid waste collection or
919 disposal; contract for sewage collection or disposal; contract for
920 public construction; and contract for rentals as herein provided.

921 (a) **Bidding procedure for purchases not over \$5,000.00.**
922 Purchases which do not involve an expenditure of more than Five
923 Thousand Dollars (\$5,000.00), exclusive of freight or shipping



924 charges, may be made without advertising or otherwise requesting
925 competitive bids. However, nothing contained in this paragraph
926 (a) shall be construed to prohibit any agency or governing
927 authority from establishing procedures which require competitive
928 bids on purchases of Five Thousand Dollars (\$5,000.00) or less.

929 (b) **Bidding procedure for purchases over \$5,000.00 but**
930 **not over \$50,000.00.** Purchases which involve an expenditure of
931 more than Five Thousand Dollars (\$5,000.00) but not more than
932 Fifty Thousand Dollars (\$50,000.00), exclusive of freight and
933 shipping charges, may be made from the lowest and best bidder
934 without publishing or posting advertisement for bids, provided at
935 least two (2) competitive written bids have been obtained. Any
936 state agency or community/junior college purchasing commodities or
937 procuring construction pursuant to this paragraph (b) may
938 authorize its purchasing agent, or his designee, to accept the
939 lowest competitive written bid under Fifty Thousand Dollars
940 (\$50,000.00). Any governing authority purchasing commodities
941 pursuant to this paragraph (b) may authorize its purchasing agent,
942 or his designee, with regard to governing authorities other than
943 counties, or its purchase clerk, or his designee, with regard to
944 counties, to accept the lowest and best competitive written bid.
945 Such authorization shall be made in writing by the governing
946 authority and shall be maintained on file in the primary office of
947 the agency and recorded in the official minutes of the governing
948 authority, as appropriate. The purchasing agent or the purchase



949 clerk, or his designee, as the case may be, and not the governing
950 authority, shall be liable for any penalties and/or damages as may
951 be imposed by law for any act or omission of the purchasing agent
952 or purchase clerk, or his designee, constituting a violation of
953 law in accepting any bid without approval by the governing
954 authority. The term "competitive written bid" shall mean a bid
955 submitted on a bid form furnished by the buying agency or
956 governing authority and signed by authorized personnel
957 representing the vendor, or a bid submitted on a vendor's
958 letterhead or identifiable bid form and signed by authorized
959 personnel representing the vendor. "Competitive" shall mean that
960 the bids are developed based upon comparable identification of the
961 needs and are developed independently and without knowledge of
962 other bids or prospective bids. Any bid item for construction in
963 excess of Five Thousand Dollars (\$5,000.00) shall be broken down
964 by components to provide detail of component description and
965 pricing. These details shall be submitted with the written bids
966 and become part of the bid evaluation criteria. Bids may be
967 submitted by facsimile, electronic mail or other generally
968 accepted method of information distribution. Bids submitted by
969 electronic transmission shall not require the signature of the
970 vendor's representative unless required by agencies or governing
971 authorities.

972 (c) **Bidding procedure for purchases over \$50,000.00.**

973 (i) **Publication requirement.**



974 1. Purchases which involve an expenditure of
975 more than Fifty Thousand Dollars (\$50,000.00), exclusive of
976 freight and shipping charges, may be made from the lowest and best
977 bidder after advertising for competitive bids once each week for
978 two (2) consecutive weeks in a regular newspaper published in the
979 county or municipality in which such agency or governing authority
980 is located. However, all American Recovery and Reinvestment Act
981 projects in excess of Twenty-five Thousand Dollars (\$25,000.00)
982 shall be bid. All references to American Recovery and
983 Reinvestment Act projects in this section shall not apply to
984 programs identified in Division B of the American Recovery and
985 Reinvestment Act.

986 2. Reverse auctions shall be the primary
987 method for receiving bids during the bidding process. If a
988 purchasing entity determines that a reverse auction is not in the
989 best interest of the state, then that determination must be
990 approved by the Public Procurement Review Board. The purchasing
991 entity shall submit a detailed explanation of why a reverse
992 auction would not be in the best interest of the state and present
993 an alternative process to be approved by the Public Procurement
994 Review Board. If the Public Procurement Review Board authorizes
995 the purchasing entity to solicit bids with a method other than
996 reverse auction, then the purchasing entity may designate the
997 other methods by which the bids will be received, including, but
998 not limited to, bids sealed in an envelope, bids received



999 electronically in a secure system, or bids received by any other
1000 method that promotes open competition and has been approved by the
1001 Office of Purchasing and Travel. However, reverse auction shall
1002 not be used for any public contract for design or construction of
1003 public facilities, including buildings, roads and bridges and term
1004 contracts as provided in paragraph (n) of this section. The
1005 Public Procurement Review Board must approve any contract entered
1006 into by alternative process. The provisions of this item 2 shall
1007 not apply to the individual state institutions of higher learning.

1008 3. The date as published for the bid opening
1009 shall not be less than seven (7) working days after the last
1010 published notice; however, if the purchase involves a construction
1011 project in which the estimated cost is in excess of Fifty Thousand
1012 Dollars (\$50,000.00), such bids shall not be opened in less than
1013 fifteen (15) working days after the last notice is published and
1014 the notice for the purchase of such construction shall be
1015 published once each week for two (2) consecutive weeks. However,
1016 all American Recovery and Reinvestment Act projects in excess of
1017 Twenty-five Thousand Dollars (\$25,000.00) shall be bid. For any
1018 projects in excess of Twenty-five Thousand Dollars (\$25,000.00)
1019 under the American Recovery and Reinvestment Act, publication
1020 shall be made one (1) time and the bid opening for construction
1021 projects shall not be less than ten (10) working days after the
1022 date of the published notice. The notice of intention to let
1023 contracts or purchase equipment shall state the time and place at



1024 which bids shall be received, list the contracts to be made or
1025 types of equipment or supplies to be purchased, and, if all plans
1026 and/or specifications are not published, refer to the plans and/or
1027 specifications on file. If there is no newspaper published in the
1028 county or municipality, then such notice shall be given by posting
1029 same at the courthouse, or for municipalities at the city hall,
1030 and at two (2) other public places in the county or municipality,
1031 and also by publication once each week for two (2) consecutive
1032 weeks in some newspaper having a general circulation in the county
1033 or municipality in the above-provided manner. On the same date
1034 that the notice is submitted to the newspaper for publication, the
1035 agency or governing authority involved shall mail written notice
1036 to, or provide electronic notification to the main office of the
1037 Mississippi Procurement Technical Assistance Program under the
1038 Mississippi Development Authority that contains the same
1039 information as that in the published notice. Submissions received
1040 by the Mississippi Procurement Technical Assistance Program for
1041 projects funded by the American Recovery and Reinvestment Act
1042 shall be displayed on a separate and unique Internet web page
1043 accessible to the public and maintained by the Mississippi
1044 Development Authority for the Mississippi Procurement Technical
1045 Assistance Program. Those American Recovery and Reinvestment Act
1046 related submissions shall be publicly posted within twenty-four
1047 (24) hours of receipt by the Mississippi Development Authority and
1048 the bid opening shall not occur until the submission has been



1049 posted for ten (10) consecutive days. The Department of Finance
1050 and Administration shall maintain information regarding contracts
1051 and other expenditures from the American Recovery and Reinvestment
1052 Act, on a unique Internet web page accessible to the public. The
1053 Department of Finance and Administration shall promulgate rules
1054 regarding format, content and deadlines, unless otherwise
1055 specified by law, of the posting of award notices, contract
1056 execution and subsequent amendments, links to the contract
1057 documents, expenditures against the awarded contracts and general
1058 expenditures of funds from the American Recovery and Reinvestment
1059 Act. Within one (1) working day of the contract award, the agency
1060 or governing authority shall post to the designated web page
1061 maintained by the Department of Finance and Administration, notice
1062 of the award, including the award recipient, the contract amount,
1063 and a brief summary of the contract in accordance with rules
1064 promulgated by the department. Within one (1) working day of the
1065 contract execution, the agency or governing authority shall post
1066 to the designated web page maintained by the Department of Finance
1067 and Administration a summary of the executed contract and make a
1068 copy of the appropriately redacted contract documents available
1069 for linking to the designated web page in accordance with the
1070 rules promulgated by the department. The information provided by
1071 the agency or governing authority shall be posted to the web page
1072 for the duration of the American Recovery and Reinvestment Act
1073 funding or until the project is completed, whichever is longer.



1074 (ii) **Bidding process amendment procedure.** If all
1075 plans and/or specifications are published in the notification,
1076 then the plans and/or specifications may not be amended. If all
1077 plans and/or specifications are not published in the notification,
1078 then amendments to the plans/specifications, bid opening date, bid
1079 opening time and place may be made, provided that the agency or
1080 governing authority maintains a list of all prospective bidders
1081 who are known to have received a copy of the bid documents and all
1082 such prospective bidders are sent copies of all amendments. This
1083 notification of amendments may be made via mail, facsimile,
1084 electronic mail or other generally accepted method of information
1085 distribution. No addendum to bid specifications may be issued
1086 within two (2) working days of the time established for the
1087 receipt of bids unless such addendum also amends the bid opening
1088 to a date not less than five (5) working days after the date of
1089 the addendum.

1090 (iii) **Filing requirement.** In all cases involving
1091 governing authorities, before the notice shall be published or
1092 posted, the plans or specifications for the construction or
1093 equipment being sought shall be filed with the clerk of the board
1094 of the governing authority. In addition to these requirements, a
1095 bid file shall be established which shall indicate those vendors
1096 to whom such solicitations and specifications were issued, and
1097 such file shall also contain such information as is pertinent to
1098 the bid.



1099 (iv) **Specification restrictions.**

1100 1. Specifications pertinent to such bidding
1101 shall be written so as not to exclude comparable equipment of
1102 domestic manufacture. However, if valid justification is
1103 presented, the Department of Finance and Administration or the
1104 board of a governing authority may approve a request for specific
1105 equipment necessary to perform a specific job. Further, such
1106 justification, when placed on the minutes of the board of a
1107 governing authority, may serve as authority for that governing
1108 authority to write specifications to require a specific item of
1109 equipment needed to perform a specific job. In addition to these
1110 requirements, from and after July 1, 1990, vendors of relocatable
1111 classrooms and the specifications for the purchase of such
1112 relocatable classrooms published by local school boards shall meet
1113 all pertinent regulations of the State Board of Education,
1114 including prior approval of such bid by the State Department of
1115 Education.

1116 2. Specifications for construction projects
1117 may include an allowance for commodities, equipment, furniture,
1118 construction materials or systems in which prospective bidders are
1119 instructed to include in their bids specified amounts for such
1120 items so long as the allowance items are acquired by the vendor in
1121 a commercially reasonable manner and approved by the
1122 agency/governing authority. Such acquisitions shall not be made
1123 to circumvent the public purchasing laws.



1124 (v) **Electronic bids.** Agencies and governing
1125 authorities shall provide a secure electronic interactive system
1126 for the submittal of bids requiring competitive bidding that shall
1127 be an additional bidding option for those bidders who choose to
1128 submit their bids electronically. The Department of Finance and
1129 Administration shall provide, by regulation, the standards that
1130 agencies must follow when receiving electronic bids. Agencies and
1131 governing authorities shall make the appropriate provisions
1132 necessary to accept electronic bids from those bidders who choose
1133 to submit their bids electronically for all purchases requiring
1134 competitive bidding under this section. Any special condition or
1135 requirement for the electronic bid submission shall be specified
1136 in the advertisement for bids required by this section. Agencies
1137 or governing authorities that are currently without available high
1138 speed Internet access shall be exempt from the requirement of this
1139 subparagraph (v) until such time that high speed Internet access
1140 becomes available. Any county having a population of less than
1141 twenty thousand (20,000) shall be exempt from the provisions of
1142 this subparagraph (v). Any municipality having a population of
1143 less than ten thousand (10,000) shall be exempt from the
1144 provisions of this subparagraph (v). The provisions of this
1145 subparagraph (v) shall not require any bidder to submit bids
1146 electronically. When construction bids are submitted
1147 electronically, the requirement for including a certificate of
1148 responsibility, or a statement that the bid enclosed does not



1149 exceed Fifty Thousand Dollars (\$50,000.00), on the exterior of the
1150 bid envelope as indicated in Section 31-3-21(1) and (2) shall be
1151 deemed in compliance with by including same as an attachment with
1152 the electronic bid submittal.

1153 (d) **Lowest and best bid decision procedure.**

1154 (i) **Decision procedure.** Purchases may be made
1155 from the lowest and best bidder. In determining the lowest and
1156 best bid, freight and shipping charges shall be included.
1157 Life-cycle costing, total cost bids, warranties, guaranteed
1158 buy-back provisions and other relevant provisions may be included
1159 in the best bid calculation. All best bid procedures for state
1160 agencies must be in compliance with regulations established by the
1161 Department of Finance and Administration. If any governing
1162 authority accepts a bid other than the lowest bid actually
1163 submitted, it shall place on its minutes detailed calculations and
1164 narrative summary showing that the accepted bid was determined to
1165 be the lowest and best bid, including the dollar amount of the
1166 accepted bid and the dollar amount of the lowest bid. No agency
1167 or governing authority shall accept a bid based on items not
1168 included in the specifications.

1169 (ii) **Decision procedure for Certified Purchasing**
1170 **Offices.** In addition to the decision procedure set forth in
1171 subparagraph (i) of this paragraph (d), Certified Purchasing
1172 Offices may also use the following procedure: Purchases may be
1173 made from the bidder offering the best value. In determining the



1174 best value bid, freight and shipping charges shall be included.
1175 Life-cycle costing, total cost bids, warranties, guaranteed
1176 buy-back provisions, documented previous experience, training
1177 costs and other relevant provisions, including, but not limited
1178 to, a bidder having a local office and inventory located within
1179 the jurisdiction of the governing authority, may be included in
1180 the best value calculation. This provision shall authorize
1181 Certified Purchasing Offices to utilize a Request For Proposals
1182 (RFP) process when purchasing commodities. All best value
1183 procedures for state agencies must be in compliance with
1184 regulations established by the Department of Finance and
1185 Administration. No agency or governing authority shall accept a
1186 bid based on items or criteria not included in the specifications.

1187 (iii) ***Decision procedure for Mississippi Landmarks.*** In addition
1188 to the decision procedure set forth in subparagraph (i) of this
1189 paragraph (d), where purchase involves renovation, restoration, or
1190 both, of the State Capitol Building or any other historical
1191 building designated for at least five (5) years as a Mississippi
1192 Landmark by the Board of Trustees of the Department of Archives
1193 and History under the authority of Sections 39-7-7 and 39-7-11,
1194 the agency or governing authority may use the following procedure:
1195 Purchases may be made from the lowest and best prequalified
1196 bidder. Prequalification of bidders shall be determined not less
1197 than fifteen (15) working days before the first published notice
1198 of bid opening. Prequalification criteria shall be limited to



1199 bidder's knowledge and experience in historical restoration,
1200 preservation and renovation. In determining the lowest and best
1201 bid, freight and shipping charges shall be included. Life-cycle
1202 costing, total cost bids, warranties, guaranteed buy-back
1203 provisions and other relevant provisions may be included in the
1204 best bid calculation. All best bid and prequalification
1205 procedures for state agencies must be in compliance with
1206 regulations established by the Department of Finance and
1207 Administration. If any governing authority accepts a bid other
1208 than the lowest bid actually submitted, it shall place on its
1209 minutes detailed calculations and narrative summary showing that
1210 the accepted bid was determined to be the lowest and best bid,
1211 including the dollar amount of the accepted bid and the dollar
1212 amount of the lowest bid. No agency or governing authority shall
1213 accept a bid based on items not included in the specifications.

1214 (iv) **Construction project negotiations authority.**

1215 If the lowest and best bid is not more than ten percent (10%)
1216 above the amount of funds allocated for a public construction or
1217 renovation project, then the agency or governing authority shall
1218 be permitted to negotiate with the lowest bidder in order to enter
1219 into a contract for an amount not to exceed the funds allocated.

1220 (e) **Lease-purchase authorization.** For the purposes of
1221 this section, the term "equipment" shall mean equipment, furniture
1222 and, if applicable, associated software and other applicable
1223 direct costs associated with the acquisition. Any lease-purchase



1224 of equipment which an agency is not required to lease-purchase
1225 under the master lease-purchase program pursuant to Section
1226 31-7-10 and any lease-purchase of equipment which a governing
1227 authority elects to lease-purchase may be acquired by a
1228 lease-purchase agreement under this paragraph (e). Lease-purchase
1229 financing may also be obtained from the vendor or from a
1230 third-party source after having solicited and obtained at least
1231 two (2) written competitive bids, as defined in paragraph (b) of
1232 this section, for such financing without advertising for such
1233 bids. Solicitation for the bids for financing may occur before or
1234 after acceptance of bids for the purchase of such equipment or,
1235 where no such bids for purchase are required, at any time before
1236 the purchase thereof. No such lease-purchase agreement shall be
1237 for an annual rate of interest which is greater than the overall
1238 maximum interest rate to maturity on general obligation
1239 indebtedness permitted under Section 75-17-101, and the term of
1240 such lease-purchase agreement shall not exceed the useful life of
1241 equipment covered thereby as determined according to the upper
1242 limit of the asset depreciation range (ADR) guidelines for the
1243 Class Life Asset Depreciation Range System established by the
1244 Internal Revenue Service pursuant to the United States Internal
1245 Revenue Code and regulations thereunder as in effect on December
1246 31, 1980, or comparable depreciation guidelines with respect to
1247 any equipment not covered by ADR guidelines. Any lease-purchase
1248 agreement entered into pursuant to this paragraph (e) may contain



1249 any of the terms and conditions which a master lease-purchase
1250 agreement may contain under the provisions of Section 31-7-10(5),
1251 and shall contain an annual allocation dependency clause
1252 substantially similar to that set forth in Section 31-7-10(8).
1253 Each agency or governing authority entering into a lease-purchase
1254 transaction pursuant to this paragraph (e) shall maintain with
1255 respect to each such lease-purchase transaction the same
1256 information as required to be maintained by the Department of
1257 Finance and Administration pursuant to Section 31-7-10(13).
1258 However, nothing contained in this section shall be construed to
1259 permit agencies to acquire items of equipment with a total
1260 acquisition cost in the aggregate of less than Ten Thousand
1261 Dollars (\$10,000.00) by a single lease-purchase transaction. All
1262 equipment, and the purchase thereof by any lessor, acquired by
1263 lease-purchase under this paragraph and all lease-purchase
1264 payments with respect thereto shall be exempt from all Mississippi
1265 sales, use and ad valorem taxes. Interest paid on any
1266 lease-purchase agreement under this section shall be exempt from
1267 State of Mississippi income taxation.

1268 (f) **Alternate bid authorization.** When necessary to
1269 ensure ready availability of commodities for public works and the
1270 timely completion of public projects, no more than two (2)
1271 alternate bids may be accepted by a governing authority for
1272 commodities. No purchases may be made through use of such
1273 alternate bids procedure unless the lowest and best bidder cannot



1274 deliver the commodities contained in his bid. In that event,
1275 purchases of such commodities may be made from one (1) of the
1276 bidders whose bid was accepted as an alternate.

1277 (g) **Construction contract change authorization.** In the
1278 event a determination is made by an agency or governing authority
1279 after a construction contract is let that changes or modifications
1280 to the original contract are necessary or would better serve the
1281 purpose of the agency or the governing authority, such agency or
1282 governing authority may, in its discretion, order such changes
1283 pertaining to the construction that are necessary under the
1284 circumstances without the necessity of further public bids;
1285 provided that such change shall be made in a commercially
1286 reasonable manner and shall not be made to circumvent the public
1287 purchasing statutes. In addition to any other authorized person,
1288 the architect or engineer hired by an agency or governing
1289 authority with respect to any public construction contract shall
1290 have the authority, when granted by an agency or governing
1291 authority, to authorize changes or modifications to the original
1292 contract without the necessity of prior approval of the agency or
1293 governing authority when any such change or modification is less
1294 than one percent (1%) of the total contract amount. The agency or
1295 governing authority may limit the number, manner or frequency of
1296 such emergency changes or modifications.

1297 (h) **Petroleum purchase alternative.** In addition to
1298 other methods of purchasing authorized in this chapter, when any



1299 agency or governing authority shall have a need for gas, diesel
1300 fuel, oils and/or other petroleum products in excess of the amount
1301 set forth in paragraph (a) of this section, such agency or
1302 governing authority may purchase the commodity after having
1303 solicited and obtained at least two (2) competitive written bids,
1304 as defined in paragraph (b) of this section. If two (2)
1305 competitive written bids are not obtained, the entity shall comply
1306 with the procedures set forth in paragraph (c) of this section.
1307 In the event any agency or governing authority shall have
1308 advertised for bids for the purchase of gas, diesel fuel, oils and
1309 other petroleum products and coal and no acceptable bids can be
1310 obtained, such agency or governing authority is authorized and
1311 directed to enter into any negotiations necessary to secure the
1312 lowest and best contract available for the purchase of such
1313 commodities.

1314 (i) **Road construction petroleum products price**
1315 **adjustment clause authorization.** Any agency or governing
1316 authority authorized to enter into contracts for the construction,
1317 maintenance, surfacing or repair of highways, roads or streets,
1318 may include in its bid proposal and contract documents a price
1319 adjustment clause with relation to the cost to the contractor,
1320 including taxes, based upon an industry-wide cost index, of
1321 petroleum products including asphalt used in the performance or
1322 execution of the contract or in the production or manufacture of
1323 materials for use in such performance. Such industry-wide index



1324 shall be established and published monthly by the Mississippi
1325 Department of Transportation with a copy thereof to be mailed,
1326 upon request, to the clerks of the governing authority of each
1327 municipality and the clerks of each board of supervisors
1328 throughout the state. The price adjustment clause shall be based
1329 on the cost of such petroleum products only and shall not include
1330 any additional profit or overhead as part of the adjustment. The
1331 bid proposals or document contract shall contain the basis and
1332 methods of adjusting unit prices for the change in the cost of
1333 such petroleum products.

1334 (j) **State agency emergency purchase procedure.** If the
1335 governing board or the executive head, or his designees, of any
1336 agency of the state shall determine that an emergency exists in
1337 regard to the purchase of any commodities or repair contracts, so
1338 that the delay incident to giving opportunity for competitive
1339 bidding would be detrimental to the interests of the state, then
1340 the head of such agency, or his designees, shall file with the
1341 Department of Finance and Administration (i) a statement
1342 explaining the conditions and circumstances of the emergency,
1343 which shall include a detailed description of the events leading
1344 up to the situation and the negative impact to the entity if the
1345 purchase is made following the statutory requirements set forth in
1346 paragraph (a), (b) or (c) of this section, and (ii) a certified
1347 copy of the appropriate minutes of the board of such agency
1348 requesting the emergency purchase, if applicable. Upon receipt of



1349 the statement and applicable board certification, the State Fiscal
1350 Officer, or his designees, may, in writing, authorize the purchase
1351 or repair without having to comply with competitive bidding
1352 requirements.

1353 If the governing board or the executive head, or his
1354 designees, of any agency determines that an emergency exists in
1355 regard to the purchase of any commodities or repair contracts, so
1356 that the delay incident to giving opportunity for competitive
1357 bidding would threaten the health or safety of any person, or the
1358 preservation or protection of property, then the provisions in
1359 this section for competitive bidding shall not apply, and any
1360 officer or agent of the agency having general or specific
1361 authority for making the purchase or repair contract shall approve
1362 the bill presented for payment, and he shall certify in writing
1363 from whom the purchase was made, or with whom the repair contract
1364 was made.

1365 Total purchases made under this paragraph (j) shall only be
1366 for the purpose of meeting needs created by the emergency
1367 situation. Following the emergency purchase, documentation of the
1368 purchase, including a description of the commodity purchased, the
1369 purchase price thereof and the nature of the emergency shall be
1370 filed with the Department of Finance and Administration. Any
1371 contract awarded pursuant to this paragraph (j) shall not exceed a
1372 term of one (1) year.



1373 Purchases under the grant program established under Section
1374 37-68-7 in response to COVID-19 and the directive that school
1375 districts create a distance learning plan and fulfill technology
1376 needs expeditiously shall be deemed an emergency purchase for
1377 purposes of this paragraph (j).

1378 (k) **Governing authority emergency purchase procedure.**

1379 If the governing authority, or the governing authority acting
1380 through its designee, shall determine that an emergency exists in
1381 regard to the purchase of any commodities or repair contracts, so
1382 that the delay incident to giving opportunity for competitive
1383 bidding would be detrimental to the interest of the governing
1384 authority, then the provisions herein for competitive bidding
1385 shall not apply and any officer or agent of such governing
1386 authority having general or special authority therefor in making
1387 such purchase or repair shall approve the bill presented therefor,
1388 and he shall certify in writing thereon from whom such purchase
1389 was made, or with whom such a repair contract was made. At the
1390 board meeting next following the emergency purchase or repair
1391 contract, documentation of the purchase or repair contract,
1392 including a description of the commodity purchased, the price
1393 thereof and the nature of the emergency shall be presented to the
1394 board and shall be placed on the minutes of the board of such
1395 governing authority. Purchases under the grant program
1396 established under Section 37-68-7 in response to COVID-19 and the
1397 directive that school districts create a distance learning plan



1398 and fulfill technology needs expeditiously shall be deemed an
1399 emergency purchase for purposes of this paragraph (k).

1400 (1) **Hospital purchase, lease-purchase and lease**
1401 **authorization.**

1402 (i) The commissioners or board of trustees of any
1403 public hospital may contract with such lowest and best bidder for
1404 the purchase or lease-purchase of any commodity under a contract
1405 of purchase or lease-purchase agreement whose obligatory payment
1406 terms do not exceed five (5) years.

1407 (ii) In addition to the authority granted in
1408 subparagraph (i) of this paragraph (1), the commissioners or board
1409 of trustees is authorized to enter into contracts for the lease of
1410 equipment or services, or both, which it considers necessary for
1411 the proper care of patients if, in its opinion, it is not
1412 financially feasible to purchase the necessary equipment or
1413 services. Any such contract for the lease of equipment or
1414 services executed by the commissioners or board shall not exceed a
1415 maximum of five (5) years' duration and shall include a
1416 cancellation clause based on unavailability of funds. If such
1417 cancellation clause is exercised, there shall be no further
1418 liability on the part of the lessee. Any such contract for the
1419 lease of equipment or services executed on behalf of the
1420 commissioners or board that complies with the provisions of this
1421 subparagraph (ii) shall be excepted from the bid requirements set
1422 forth in this section.



1423 (m) **Exceptions from bidding requirements.** Excepted
1424 from bid requirements are:

1425 (i) **Purchasing agreements approved by department.**
1426 Purchasing agreements, contracts and maximum price regulations
1427 executed or approved by the Department of Finance and
1428 Administration.

1429 (ii) **Outside equipment repairs.** Repairs to
1430 equipment, when such repairs are made by repair facilities in the
1431 private sector; however, engines, transmissions, rear axles and/or
1432 other such components shall not be included in this exemption when
1433 replaced as a complete unit instead of being repaired and the need
1434 for such total component replacement is known before disassembly
1435 of the component; however, invoices identifying the equipment,
1436 specific repairs made, parts identified by number and name,
1437 supplies used in such repairs, and the number of hours of labor
1438 and costs therefor shall be required for the payment for such
1439 repairs.

1440 (iii) **In-house equipment repairs.** Purchases of
1441 parts for repairs to equipment, when such repairs are made by
1442 personnel of the agency or governing authority; however, entire
1443 assemblies, such as engines or transmissions, shall not be
1444 included in this exemption when the entire assembly is being
1445 replaced instead of being repaired.



1446 (iv) **Raw gravel or dirt.** Raw unprocessed deposits
1447 of gravel or fill dirt which are to be removed and transported by
1448 the purchaser.

1449 (v) **Governmental equipment auctions.** Motor
1450 vehicles or other equipment purchased from a federal agency or
1451 authority, another governing authority or state agency of the
1452 State of Mississippi, or any governing authority or state agency
1453 of another state at a public auction held for the purpose of
1454 disposing of such vehicles or other equipment. Any purchase by a
1455 governing authority under the exemption authorized by this
1456 subparagraph (v) shall require advance authorization spread upon
1457 the minutes of the governing authority to include the listing of
1458 the item or items authorized to be purchased and the maximum bid
1459 authorized to be paid for each item or items.

1460 (vi) **Intergovernmental sales and transfers.**
1461 Purchases, sales, transfers or trades by governing authorities or
1462 state agencies when such purchases, sales, transfers or trades are
1463 made by a private treaty agreement or through means of
1464 negotiation, from any federal agency or authority, another
1465 governing authority or state agency of the State of Mississippi,
1466 or any state agency or governing authority of another state.
1467 Nothing in this section shall permit such purchases through public
1468 auction except as provided for in subparagraph (v) of this
1469 paragraph (m). It is the intent of this section to allow
1470 governmental entities to dispose of and/or purchase commodities



1471 from other governmental entities at a price that is agreed to by
1472 both parties. This shall allow for purchases and/or sales at
1473 prices which may be determined to be below the market value if the
1474 selling entity determines that the sale at below market value is
1475 in the best interest of the taxpayers of the state. Governing
1476 authorities shall place the terms of the agreement and any
1477 justification on the minutes, and state agencies shall obtain
1478 approval from the Department of Finance and Administration, prior
1479 to releasing or taking possession of the commodities.

1480 (vii) **Perishable supplies or food.** Perishable
1481 supplies or food purchased for use in connection with hospitals,
1482 the school lunch programs, homemaking programs and for the feeding
1483 of county or municipal prisoners.

1484 (viii) **Single-source items.** Noncompetitive items
1485 available from one (1) source only. In connection with the
1486 purchase of noncompetitive items only available from one (1)
1487 source, a certification of the conditions and circumstances
1488 requiring the purchase shall be filed by the agency with the
1489 Department of Finance and Administration and by the governing
1490 authority with the board of the governing authority. Upon receipt
1491 of that certification the Department of Finance and Administration
1492 or the board of the governing authority, as the case may be, may,
1493 in writing, authorize the purchase, which authority shall be noted
1494 on the minutes of the body at the next regular meeting thereafter.
1495 In those situations, a governing authority is not required to



1496 obtain the approval of the Department of Finance and
1497 Administration. Following the purchase, the executive head of the
1498 state agency, or his designees, shall file with the Department of
1499 Finance and Administration, documentation of the purchase,
1500 including a description of the commodity purchased, the purchase
1501 price thereof and the source from whom it was purchased.

1502 (ix) **Waste disposal facility construction**
1503 **contracts.** Construction of incinerators and other facilities for
1504 disposal of solid wastes in which products either generated
1505 therein, such as steam, or recovered therefrom, such as materials
1506 for recycling, are to be sold or otherwise disposed of; however,
1507 in constructing such facilities, a governing authority or agency
1508 shall publicly issue requests for proposals, advertised for in the
1509 same manner as provided herein for seeking bids for public
1510 construction projects, concerning the design, construction,
1511 ownership, operation and/or maintenance of such facilities,
1512 wherein such requests for proposals when issued shall contain
1513 terms and conditions relating to price, financial responsibility,
1514 technology, environmental compatibility, legal responsibilities
1515 and such other matters as are determined by the governing
1516 authority or agency to be appropriate for inclusion; and after
1517 responses to the request for proposals have been duly received,
1518 the governing authority or agency may select the most qualified
1519 proposal or proposals on the basis of price, technology and other
1520 relevant factors and from such proposals, but not limited to the



1521 terms thereof, negotiate and enter contracts with one or more of
1522 the persons or firms submitting proposals.

1523 (x) **Hospital group purchase contracts.** Supplies,
1524 commodities and equipment purchased by hospitals through group
1525 purchase programs pursuant to Section 31-7-38.

1526 (xi) **Information technology products.** Purchases
1527 of information technology products made by governing authorities
1528 under the provisions of purchase schedules, or contracts executed
1529 or approved by the Mississippi Department of Information
1530 Technology Services and designated for use by governing
1531 authorities.

1532 (xii) **Energy efficiency services and equipment.**
1533 Energy efficiency services and equipment acquired by school
1534 districts, community and junior colleges, institutions of higher
1535 learning and state agencies or other applicable governmental
1536 entities on a shared-savings, lease or lease-purchase basis
1537 pursuant to Section 31-7-14.

1538 (xiii) **Municipal electrical utility system fuel.**
1539 Purchases of coal and/or natural gas by municipally owned electric
1540 power generating systems that have the capacity to use both coal
1541 and natural gas for the generation of electric power.

1542 (xiv) **Library books and other reference materials.**
1543 Purchases by libraries or for libraries of books and periodicals;
1544 processed film, videocassette tapes, filmstrips and slides;
1545 recorded audiotapes, cassettes and diskettes; and any such items



1546 as would be used for teaching, research or other information
1547 distribution; however, equipment such as projectors, recorders,
1548 audio or video equipment, and monitor televisions are not exempt
1549 under this subparagraph.

1550 (xv) **Unmarked vehicles.** Purchases of unmarked
1551 vehicles when such purchases are made in accordance with
1552 purchasing regulations adopted by the Department of Finance and
1553 Administration pursuant to Section 31-7-9(2).

1554 (xvi) **Election ballots.** Purchases of ballots
1555 printed pursuant to Section 23-15-351.

1556 (xvii) **Multichannel interactive video systems.**
1557 From and after July 1, 1990, contracts by Mississippi Authority
1558 for Educational Television with any private educational
1559 institution or private nonprofit organization whose purposes are
1560 educational in regard to the construction, purchase, lease or
1561 lease-purchase of facilities and equipment and the employment of
1562 personnel for providing multichannel interactive video systems
1563 (ITSF) in the school districts of this state.

1564 (xviii) **Purchases of prison industry products by**
1565 **the Department of Corrections, regional correctional facilities or**
1566 **privately owned prisons.** Purchases made by the Mississippi
1567 Department of Corrections, regional correctional facilities or
1568 privately owned prisons involving any item that is manufactured,
1569 processed, grown or produced from the state's prison industries.



1570 (xix) **Undercover operations equipment.** Purchases
1571 of surveillance equipment or any other high-tech equipment to be
1572 used by law enforcement agents in undercover operations, provided
1573 that any such purchase shall be in compliance with regulations
1574 established by the Department of Finance and Administration.

1575 (xx) **Junior college books for rent.** Purchases by
1576 community or junior colleges of textbooks which are obtained for
1577 the purpose of renting such books to students as part of a book
1578 service system.

1579 (xxi) **Certain school district purchases.**
1580 Purchases of commodities made by school districts from vendors
1581 with which any levying authority of the school district, as
1582 defined in Section 37-57-1, has contracted through competitive
1583 bidding procedures for purchases of the same commodities.

1584 (xxii) **Garbage, solid waste and sewage contracts.**
1585 Contracts for garbage collection or disposal, contracts for solid
1586 waste collection or disposal and contracts for sewage collection
1587 or disposal.

1588 (xxiii) **Municipal water tank maintenance**
1589 **contracts.** Professional maintenance program contracts for the
1590 repair or maintenance of municipal water tanks, which provide
1591 professional services needed to maintain municipal water storage
1592 tanks for a fixed annual fee for a duration of two (2) or more
1593 years.



1594 (xxiv) **Purchases of Mississippi Industries for the**
1595 **Blind products.** Purchases made by state agencies or governing
1596 authorities involving any item that is manufactured, processed or
1597 produced by the Mississippi Industries for the Blind.

1598 (xxv) **Purchases of state-adopted textbooks.**
1599 Purchases of state-adopted textbooks by public school districts.

1600 (xxvi) **Certain purchases under the Mississippi**
1601 **Major Economic Impact Act.** Contracts entered into pursuant to the
1602 provisions of Section 57-75-9(2), (3) and (4).

1603 (xxvii) **Used heavy or specialized machinery or**
1604 **equipment for installation of soil and water conservation**
1605 **practices purchased at auction.** Used heavy or specialized
1606 machinery or equipment used for the installation and
1607 implementation of soil and water conservation practices or
1608 measures purchased subject to the restrictions provided in
1609 Sections 69-27-331 through 69-27-341. Any purchase by the State
1610 Soil and Water Conservation Commission under the exemption
1611 authorized by this subparagraph shall require advance
1612 authorization spread upon the minutes of the commission to include
1613 the listing of the item or items authorized to be purchased and
1614 the maximum bid authorized to be paid for each item or items.

1615 (xxviii) **Hospital lease of equipment or services.**
1616 Leases by hospitals of equipment or services if the leases are in
1617 compliance with paragraph (1)(ii).



1618 (xxix) **Purchases made pursuant to qualified**
1619 **cooperative purchasing agreements.** Purchases made by certified
1620 purchasing offices of state agencies or governing authorities
1621 under cooperative purchasing agreements previously approved by the
1622 Office of Purchasing and Travel and established by or for any
1623 municipality, county, parish or state government or the federal
1624 government, provided that the notification to potential
1625 contractors includes a clause that sets forth the availability of
1626 the cooperative purchasing agreement to other governmental
1627 entities. Such purchases shall only be made if the use of the
1628 cooperative purchasing agreements is determined to be in the best
1629 interest of the governmental entity.

1630 (xxx) **School yearbooks.** Purchases of school
1631 yearbooks by state agencies or governing authorities; provided,
1632 however, that state agencies and governing authorities shall use
1633 for these purchases the RFP process as set forth in the
1634 Mississippi Procurement Manual adopted by the Office of Purchasing
1635 and Travel.

1636 (xxxi) **Design-build method of contracting and**
1637 **certain other contracts.** Contracts entered into under the
1638 provisions of Section 31-7-13.1, 37-101-44 or 65-1-85.

1639 (xxxii) **Toll roads and bridge construction**
1640 **projects.** Contracts entered into under the provisions of Section
1641 65-43-1 or 65-43-3.



1642 (xxxiii) **Certain purchases under Section 57-1-221.**
1643 Contracts entered into pursuant to the provisions of Section
1644 57-1-221.

1645 (xxxiv) **Certain transfers made pursuant to the**
1646 **provisions of Section 57-105-1(7).** Transfers of public property
1647 or facilities under Section 57-105-1(7) and construction related
1648 to such public property or facilities.

1649 (xxxv) **Certain purchases or transfers entered into**
1650 **with local electrical power associations.** Contracts or agreements
1651 entered into under the provisions of Section 55-3-33.

1652 (xxxvi) **Certain purchases by an academic medical**
1653 **center or health sciences school.** Purchases by an academic
1654 medical center or health sciences school, as defined in Section
1655 37-115-50, of commodities that are used for clinical purposes and
1656 1. intended for use in the diagnosis of disease or other
1657 conditions or in the cure, mitigation, treatment or prevention of
1658 disease, and 2. medical devices, biological, drugs and
1659 radiation-emitting devices as defined by the United States Food
1660 and Drug Administration.

1661 (xxxvii) **Certain purchases made under the Alyce G.**
1662 **Clarke Mississippi Lottery Law.** Contracts made by the Mississippi
1663 Lottery Corporation pursuant to the Alyce G. Clarke Mississippi
1664 Lottery Law.

1665 (xxxviii) **Certain purchases made by the Department**
1666 **of Health and the Department of Revenue.** Purchases made by the



1667 Department of Health and/or the Department of Revenue solely for
1668 the purpose of fulfilling their respective responsibilities under
1669 the Mississippi Medical Cannabis Act. This subparagraph shall
1670 stand repealed on June 30, 2023.

1671 (n) **Term contract authorization.** All contracts for the
1672 purchase of:

1673 (i) All contracts for the purchase of commodities,
1674 equipment and public construction (including, but not limited to,
1675 repair and maintenance), may be let for periods of not more than
1676 sixty (60) months in advance, subject to applicable statutory
1677 provisions prohibiting the letting of contracts during specified
1678 periods near the end of terms of office. Term contracts for a
1679 period exceeding twenty-four (24) months shall also be subject to
1680 ratification or cancellation by governing authority boards taking
1681 office subsequent to the governing authority board entering the
1682 contract.

1683 (ii) Bid proposals and contracts may include price
1684 adjustment clauses with relation to the cost to the contractor
1685 based upon a nationally published industry-wide or nationally
1686 published and recognized cost index. The cost index used in a
1687 price adjustment clause shall be determined by the Department of
1688 Finance and Administration for the state agencies and by the
1689 governing board for governing authorities. The bid proposal and
1690 contract documents utilizing a price adjustment clause shall
1691 contain the basis and method of adjusting unit prices for the



1692 change in the cost of such commodities, equipment and public
1693 construction.

1694 (o) **Purchase law violation prohibition and vendor**
1695 **penalty.** No contract or purchase as herein authorized shall be
1696 made for the purpose of circumventing the provisions of this
1697 section requiring competitive bids, nor shall it be lawful for any
1698 person or concern to submit individual invoices for amounts within
1699 those authorized for a contract or purchase where the actual value
1700 of the contract or commodity purchased exceeds the authorized
1701 amount and the invoices therefor are split so as to appear to be
1702 authorized as purchases for which competitive bids are not
1703 required. Submission of such invoices shall constitute a
1704 misdemeanor punishable by a fine of not less than Five Hundred
1705 Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00),
1706 or by imprisonment for thirty (30) days in the county jail, or
1707 both such fine and imprisonment. In addition, the claim or claims
1708 submitted shall be forfeited.

1709 (p) **Electrical utility petroleum-based equipment**
1710 **purchase procedure.** When in response to a proper advertisement
1711 therefor, no bid firm as to price is submitted to an electric
1712 utility for power transformers, distribution transformers, power
1713 breakers, reclosers or other articles containing a petroleum
1714 product, the electric utility may accept the lowest and best bid
1715 therefor although the price is not firm.



1716 (q) **Fuel management system bidding procedure.** Any
1717 governing authority or agency of the state shall, before
1718 contracting for the services and products of a fuel management or
1719 fuel access system, enter into negotiations with not fewer than
1720 two (2) sellers of fuel management or fuel access systems for
1721 competitive written bids to provide the services and products for
1722 the systems. In the event that the governing authority or agency
1723 cannot locate two (2) sellers of such systems or cannot obtain
1724 bids from two (2) sellers of such systems, it shall show proof
1725 that it made a diligent, good-faith effort to locate and negotiate
1726 with two (2) sellers of such systems. Such proof shall include,
1727 but not be limited to, publications of a request for proposals and
1728 letters soliciting negotiations and bids. For purposes of this
1729 paragraph (q), a fuel management or fuel access system is an
1730 automated system of acquiring fuel for vehicles as well as
1731 management reports detailing fuel use by vehicles and drivers, and
1732 the term "competitive written bid" shall have the meaning as
1733 defined in paragraph (b) of this section. Governing authorities
1734 and agencies shall be exempt from this process when contracting
1735 for the services and products of fuel management or fuel access
1736 systems under the terms of a state contract established by the
1737 Office of Purchasing and Travel.

1738 (r) **Solid waste contract proposal procedure.** Before
1739 entering into any contract for garbage collection or disposal,
1740 contract for solid waste collection or disposal or contract for



1741 sewage collection or disposal, which involves an expenditure of
1742 more than Fifty Thousand Dollars (\$50,000.00), a governing
1743 authority or agency shall issue publicly a request for proposals
1744 concerning the specifications for such services which shall be
1745 advertised for in the same manner as provided in this section for
1746 seeking bids for purchases which involve an expenditure of more
1747 than the amount provided in paragraph (c) of this section. Any
1748 request for proposals when issued shall contain terms and
1749 conditions relating to price, financial responsibility,
1750 technology, legal responsibilities and other relevant factors as
1751 are determined by the governing authority or agency to be
1752 appropriate for inclusion; all factors determined relevant by the
1753 governing authority or agency or required by this paragraph (r)
1754 shall be duly included in the advertisement to elicit proposals.
1755 After responses to the request for proposals have been duly
1756 received, the governing authority or agency shall select the most
1757 qualified proposal or proposals on the basis of price, technology
1758 and other relevant factors and from such proposals, but not
1759 limited to the terms thereof, negotiate and enter into contracts
1760 with one or more of the persons or firms submitting proposals. If
1761 the governing authority or agency deems none of the proposals to
1762 be qualified or otherwise acceptable, the request for proposals
1763 process may be reinitiated. Notwithstanding any other provisions
1764 of this paragraph, where a county with at least thirty-five
1765 thousand (35,000) nor more than forty thousand (40,000)



1766 population, according to the 1990 federal decennial census, owns
1767 or operates a solid waste landfill, the governing authorities of
1768 any other county or municipality may contract with the governing
1769 authorities of the county owning or operating the landfill,
1770 pursuant to a resolution duly adopted and spread upon the minutes
1771 of each governing authority involved, for garbage or solid waste
1772 collection or disposal services through contract negotiations.

1773 (s) **Minority set-aside authorization.** Notwithstanding
1774 any provision of this section to the contrary, any agency or
1775 governing authority, by order placed on its minutes, may, in its
1776 discretion, set aside not more than twenty percent (20%) of its
1777 anticipated annual expenditures for the purchase of commodities
1778 from minority businesses; however, all such set-aside purchases
1779 shall comply with all purchasing regulations promulgated by the
1780 Department of Finance and Administration and shall be subject to
1781 bid requirements under this section. Set-aside purchases for
1782 which competitive bids are required shall be made from the lowest
1783 and best minority business bidder. For the purposes of this
1784 paragraph, the term "minority business" means a business which is
1785 owned by a majority of persons who are United States citizens or
1786 permanent resident aliens (as defined by the Immigration and
1787 Naturalization Service) of the United States, and who are Asian,
1788 Black, Hispanic or Native American, according to the following
1789 definitions:



1790 (i) "Asian" means persons having origins in any of
1791 the original people of the Far East, Southeast Asia, the Indian
1792 subcontinent, or the Pacific Islands.

1793 (ii) "Black" means persons having origins in any
1794 black racial group of Africa.

1795 (iii) "Hispanic" means persons of Spanish or
1796 Portuguese culture with origins in Mexico, South or Central
1797 America, or the Caribbean Islands, regardless of race.

1798 (iv) "Native American" means persons having
1799 origins in any of the original people of North America, including
1800 American Indians, Eskimos and Aleuts.

1801 (t) **Construction punch list restriction.** The
1802 architect, engineer or other representative designated by the
1803 agency or governing authority that is contracting for public
1804 construction or renovation may prepare and submit to the
1805 contractor only one (1) preliminary punch list of items that do
1806 not meet the contract requirements at the time of substantial
1807 completion and one (1) final list immediately before final
1808 completion and final payment.

1809 (u) **Procurement of construction services by state**
1810 **institutions of higher learning.** Contracts for privately financed
1811 construction of auxiliary facilities on the campus of a state
1812 institution of higher learning may be awarded by the Board of
1813 Trustees of State Institutions of Higher Learning to the lowest
1814 and best bidder, where sealed bids are solicited, or to the



1815 offeror whose proposal is determined to represent the best value
1816 to the citizens of the State of Mississippi, where requests for
1817 proposals are solicited.

1818 (v) **Insurability of bidders for public construction or**
1819 **other public contracts.** In any solicitation for bids to perform
1820 public construction or other public contracts to which this
1821 section applies, including, but not limited to, contracts for
1822 repair and maintenance, for which the contract will require
1823 insurance coverage in an amount of not less than One Million
1824 Dollars (\$1,000,000.00), bidders shall be permitted to either
1825 submit proof of current insurance coverage in the specified amount
1826 or demonstrate ability to obtain the required coverage amount of
1827 insurance if the contract is awarded to the bidder. Proof of
1828 insurance coverage shall be submitted within five (5) business
1829 days from bid acceptance.

1830 (w) **Purchase authorization clarification.** Nothing in
1831 this section shall be construed as authorizing any purchase not
1832 authorized by law.

1833 **SECTION 7.** Section 45-27-7, Mississippi Code of 1972, is
1834 amended as follows:

1835 45-27-7. (1) The Mississippi Justice Information Center
1836 shall:

1837 (a) Develop, operate and maintain an information system
1838 which will support the collection, storage, retrieval and
1839 dissemination of all data described in this chapter, consistent



1840 with those principles of scope, security and responsiveness
1841 prescribed by this chapter.

1842 (b) Cooperate with all criminal justice agencies within
1843 the state in providing those forms, procedures, standards and
1844 related training assistance necessary for the uniform operation of
1845 the statewide center.

1846 (c) Offer assistance and, when practicable, instruction
1847 to all local law enforcement agencies in establishing efficient
1848 local records systems.

1849 (d) Make available, upon request, to all local and
1850 state criminal justice agencies, to all federal criminal justice
1851 agencies and to criminal justice agencies in other states any
1852 information in the files of the center which will aid such
1853 agencies in the performance of their official duties. For this
1854 purpose the center shall operate on a twenty-four-hour basis,
1855 seven (7) days a week. Such information, when authorized by the
1856 director of the center, may also be made available to any other
1857 agency of this state or any political subdivision thereof and to
1858 any federal agency, upon assurance by the agency concerned that
1859 the information is to be used for official purposes only in the
1860 prevention or detection of crime or the apprehension of criminal
1861 offenders.

1862 (e) Cooperate with other agencies of this state, the
1863 crime information agencies of other states, and the national crime
1864 information center systems of the Federal Bureau of Investigation



1865 in developing and conducting an interstate, national and
1866 international system of criminal identification and records.

1867 (f) Make available, upon request, to nongovernmental
1868 entities or employers certain information for noncriminal justice
1869 purposes as specified in Section 45-27-12.

1870 (g) Institute necessary measures in the design,
1871 implementation and continued operation of the justice information
1872 system to ensure the privacy and security of the system. Such
1873 measures shall include establishing complete control over use of
1874 and access to the system and restricting its integral resources
1875 and facilities and those either possessed or procured and
1876 controlled by criminal justice agencies. Such security measures
1877 must meet standards developed by the center as well as those set
1878 by the nationally operated systems for interstate sharing of
1879 information.

1880 (h) Provide data processing for files listing motor
1881 vehicle drivers' license numbers, motor vehicle registration
1882 numbers, wanted and stolen motor vehicles, outstanding warrants,
1883 identifiable stolen property and such other files as may be of
1884 general assistance to law enforcement agencies; provided, however,
1885 that the purchase, lease, rental or acquisition in any manner of
1886 "computer equipment or services," as defined in Section 25-53-3,
1887 Mississippi Code of 1972, shall be subject to the approval of the
1888 Mississippi Information Technology Services.



1889 (i) Maintain a field coordination and support unit
1890 which shall have all the power conferred by law upon any peace
1891 officer of this state.

1892 (2) The department, including the investigative division or
1893 the center, may:

1894 (a) Obtain and store fingerprints, descriptions,
1895 photographs and any other pertinent identifying data from crime
1896 scenes and on persons who:

1897 (i) Have been or are hereafter arrested or taken
1898 into custody in this state:

- 1899 1. For an offense which is a felony;
1900 2. For an offense which is a misdemeanor;
1901 3. As a fugitive from justice; or

1902 (ii) Are or become habitual offenders; or

1903 (iii) Are currently or become confined to any
1904 prison, penitentiary or other penal institution; or

1905 (iv) Are unidentified human corpses found in the
1906 state; or

1907 (v) Have submitted fingerprints for conducting
1908 criminal history record checks.

1909 (b) Compare all fingerprint and other identifying data
1910 received with that already on file and determine whether or not a
1911 criminal record is found for such person, and at once inform the
1912 requesting agency or arresting officer of those facts that may be
1913 disseminated consistent with applicable security and privacy laws



1914 and regulations. A record shall be maintained for a minimum of
1915 one (1) year of the dissemination of each individual criminal
1916 history, including at least the date and recipient of such
1917 information.

1918 (c) Establish procedures to respond to those
1919 individuals who file requests to review their own records,
1920 pursuant to Sections 45-27-11 and 45-27-12, and to cooperate in
1921 the correction of the central center records and those of
1922 contributing agencies when their accuracy has been successfully
1923 challenged either through the related contributing agencies or by
1924 court order issued on behalf of an individual.

1925 (d) Retain in the system the fingerprints of all law
1926 enforcement officers and part-time law enforcement officers, as
1927 those terms are defined in Section 45-6-3, any fingerprints sent
1928 by the Mississippi State Department of Health, and of all
1929 applicants to law enforcement agencies.

1930 (3) There shall be a presumption that a copy of any document
1931 submitted to the center in accordance with the provisions of
1932 Section 45-27-9 that has been processed as set forth in this
1933 chapter and subsequently certified and provided by the center to a
1934 law enforcement agency or a court shall be admissible in any
1935 proceeding without further authentication unless a person
1936 objecting to that admissibility has successfully challenged the
1937 document under the provisions of Section 45-27-11.



1938 **SECTION 8.** Section 45-27-12, Mississippi Code of 1972, is
1939 amended as follows:

1940 45-27-12. (1) State conviction information and arrest
1941 information which is contained in the center's database or the
1942 nonexistence of such information in the center's database shall be
1943 made available for the following noncriminal justice purposes:

1944 (a) To any local, state or federal governmental agency
1945 that requests the information for the enforcement of a local,
1946 state or federal law;

1947 (b) To any individual, nongovernmental entity or any
1948 employer authorized either by the subject of record in writing or
1949 by state or federal law to receive such information; and

1950 (c) To any federal agency or central repository in
1951 another state requesting the information for purposes authorized
1952 by law.

1953 (2) Information disseminated for noncriminal justice
1954 purposes as specified in this section shall be used only for the
1955 purpose for which it was made available and may not be
1956 re-disseminated.

1957 (3) No agency or individual shall confirm the existence or
1958 nonexistence of criminal history record information to any person
1959 or organization that would not be eligible to receive the
1960 information pursuant to this section.

1961 (4) Upon request for a check pursuant to this section, the
1962 nongovernmental entity or employer must provide proper



1963 identification and authorization information from the subject of
1964 the record to be checked and adhere to policies established by the
1965 center for such record checks.

1966 (5) Any individual or his attorney who is the subject of the
1967 record to be checked, upon positive verification of the
1968 individual's identity, may request to review the disseminated
1969 information and shall follow the procedure set forth in Section
1970 45-27-11. If the individual wishes to correct the record as it
1971 appears in the center's system, the person shall follow the
1972 procedure set forth in Section 45-27-11. The right of a person to
1973 review the person's criminal history record information shall not
1974 be used by a prospective employer or others as a means to
1975 circumvent procedures or fees for accessing records for
1976 noncriminal justice purposes.

1977 (6) The center may impose procedures, including the
1978 submission of fingerprints, fees or restrictions, as are
1979 reasonably necessary to assure the record's security, to verify
1980 the identities of those who seek to inspect them, and to maintain
1981 an orderly and efficient mechanism for access. All fees shall be
1982 assessed and deposited in accordance with the provisions of
1983 Section 45-27-8.

1984 (7) The center shall (a) retain, separate from other
1985 division records, personal information, including any
1986 fingerprints, sent to it by the Mississippi Department of Health;
1987 and (b) notify the Department of Health upon receiving notice that



1988 an individual for whom personal information has been retained is
1989 the subject of: (i) a warrant for arrest; (ii) an arrest; (iii) a
1990 conviction, including a plea in abeyance; or (iv) a pending
1991 diversion agreement.

1992 (8) The center is authorized to implement the Rap-Back
1993 criminal history records check system and the Department of Health
1994 is authorized to implement and to utilize the state/federal
1995 Rap-Back criminal history system as a method of ongoing monitoring
1996 of individuals providing such care to Mississippi's vulnerable
1997 population in "covered" entities including prospective designated
1998 caregivers and entities named in the Mississippi Medical Cannabis
1999 Act and to apply for and provide matching funds in order for
2000 Mississippi to receive federal grants to make necessary upgrades
2001 to the department's data systems to accommodate Rap-Back
2002 capabilities.

2003 (* * *9) Local agencies may release their own agency
2004 records according to their own policies.

2005 (* * *10) Release of the above-described information for
2006 noncriminal justice purposes shall be made only by the center,
2007 under the limitations of this section, and such compiled records
2008 will not be released or disclosed for noncriminal justice purposes
2009 by other agencies in the state.

2010 **SECTION 9.** This act shall take effect and be in force from
2011 and after its passage.



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

1 AN ACT TO AMEND SECTION 25-9-107, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT PERSONNEL EMPLOYED BY THE MISSISSIPPI DEPARTMENT
3 OF HEALTH AND/OR THE DEPARTMENT OF REVENUE WHOSE EMPLOYMENT IS
4 SOLELY IN CONNECTION WITH EITHER DEPARTMENT'S RESPONSIBILITIES IN
5 IMPLEMENTING, ADMINISTERING AND ENFORCING PROVISIONS OF THE
6 MISSISSIPPI MEDICAL CANNABIS ACT SHALL BE EXEMPT FROM BEING
7 CONSIDERED AS STATE SERVICE EMPLOYEES FOR PURPOSES OF THE STATE
8 PERSONNEL BOARD; TO SET A DATE OF REPEAL FOR THIS PROVISION; TO
9 AMEND SECTION 25-43-1.103, MISSISSIPPI CODE OF 1972, TO PROVIDE
10 THAT FOR THE PURPOSES OF IMPLEMENTING, ADMINISTERING AND/OR
11 ENFORCING THE PROVISIONS OF THE RULES AND REGULATIONS PROMULGATED
12 PURSUANT TO THE MISSISSIPPI MEDICAL CANNABIS ACT, THE MISSISSIPPI
13 STATE DEPARTMENT OF HEALTH AND THE MISSISSIPPI DEPARTMENT OF
14 REVENUE SHALL BE EXEMPTED FROM THE ADMINISTRATIVE PROCEDURE ACT
15 FROM FEBRUARY 2, 2022, THROUGH JUNE 30, 2023; TO AMEND SECTION
16 25-53-1, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THROUGH JUNE
17 30, 2023, THE PROVISIONS OF THE MISSISSIPPI DEPARTMENT OF
18 INFORMATION TECHNOLOGY SERVICES BID AND CONTRACT REQUIREMENTS
19 SHALL NOT APPLY TO THE DEPARTMENT OF HEALTH AND THE DEPARTMENT OF
20 REVENUE FOR THE PURPOSES OF IMPLEMENTING, ADMINISTERING AND
21 ENFORCING THE PROVISIONS OF THE MISSISSIPPI MEDICAL CANNABIS ACT;
22 TO AMEND SECTION 25-53-5, MISSISSIPPI CODE OF 1972, AS AMENDED BY
23 SENATE BILL 2095, 2022 REGULAR SESSION, TO PROVIDE THAT THROUGH
24 JUNE 30, 2023, THE PROVISIONS OF THE MISSISSIPPI DEPARTMENT OF
25 INFORMATION TECHNOLOGY SERVICES BID AND CONTRACT REQUIREMENTS
26 SHALL NOT APPLY TO THE DEPARTMENT OF HEALTH AND THE DEPARTMENT OF
27 REVENUE FOR THE PURPOSES OF IMPLEMENTING, ADMINISTERING AND
28 ENFORCING THE PROVISIONS OF THE MISSISSIPPI MEDICAL CANNABIS ACT;
29 TO AMEND SECTION 27-104-7, MISSISSIPPI CODE OF 1972, TO PROVIDE
30 THAT ANY PERSONAL OR PROFESSIONAL SERVICE CONTRACT ENTERED INTO BY
31 THE MISSISSIPPI DEPARTMENT OF HEALTH AND/OR THE DEPARTMENT OF
32 REVENUE SOLELY IN CONNECTION WITH THEIR RESPECTIVE
33 RESPONSIBILITIES UNDER THE MISSISSIPPI MEDICAL CANNABIS ACT FROM
34 FEBRUARY 2, 2022, THROUGH JUNE 30, 2023, SHALL BE EXEMPT FROM THE
35 PUBLIC PROCUREMENT REVIEW BOARD; TO AMEND SECTION 31-7-13,
36 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT CERTAIN PURCHASES MADE
37 BY THE DEPARTMENT OF HEALTH AND/OR THE DEPARTMENT OF REVENUE
38 SOLELY FOR THE PURPOSE OF FULFILLING THEIR RESPECTIVE
39 RESPONSIBILITIES UNDER THE MISSISSIPPI MEDICAL CANNABIS ACT TO BE
40 EXEMPT FROM CERTAIN BIDDING REQUIREMENTS; TO AMEND SECTION
41 45-27-7, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE MISSISSIPPI
42 DEPARTMENT OF PUBLIC SAFETY SHALL RETAIN ANY FINGERPRINTS SENT BY
43 THE DEPARTMENT OF HEALTH PURSUANT TO THE MISSISSIPPI MEDICAL
44 CANNABIS ACT; TO AMEND SECTION 45-27-12, MISSISSIPPI CODE OF 1972,



45 TO CONFORM TO THIS ACT AND THE MISSISSIPPI MEDICAL CANNABIS ACT;
46 AND FOR RELATED PURPOSES.

