

By: Senator(s) Hill

To: Accountability,  
Efficiency, Transparency

SENATE BILL NO. 2048

1 AN ACT TO AMEND SECTION 31-7-15, MISSISSIPPI CODE OF 1972, TO  
2 PROVIDE THAT THERE SHALL BE A 10% PUBLIC BID PREFERENCE FOR  
3 AWARDING CONTRACTS FOR COMMODITIES TO RESIDENT VENDORS OVER A  
4 VENDOR WHOSE PRINCIPAL PLACE OF BUSINESS IS LOCATED OUTSIDE OF THE  
5 UNITED STATES UNLESS THE NONRESIDENT VENDOR HAS A FACTORY OR  
6 PROCESSING PLANT IN THE STATE OF MISSISSIPPI; AND FOR RELATED  
7 PURPOSES.

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

9 **SECTION 1.** Section 31-7-15, Mississippi Code of 1972, is  
10 amended as follows:

11 31-7-15. (1) Whenever two (2) or more competitive bids are  
12 received, one or more of which relates to commodities grown,  
13 processed or manufactured within this state, and whenever all  
14 things stated in such received bids are equal with respect to  
15 price, quality and service, the commodities grown, processed or  
16 manufactured within this state shall be given preference.

17 Provided, however, that there shall be a ten percent (10%) public  
18 bid preference for awarding contracts for commodities given to  
19 resident vendors over any vendor whose principal place of business  
20 is located outside of the United States, unless such nonresident



21 vendor has a factory, manufacturing company or processing plant  
22 located in the State of Mississippi. This ten percent (10%) bid  
23 preference shall be implemented by regulation of the Department of  
24 Finance and Administration. A similar preference shall be given  
25 to commodities grown, processed or manufactured within this state  
26 whenever purchases are made without competitive bids, and when  
27 practical the Department of Finance and Administration may by  
28 regulation establish reasonable preferential policies for other  
29 commodities, giving preference to resident suppliers of this  
30 state.

31 (2) Any foreign manufacturing company with a factory in the  
32 state and with over fifty (50) employees working in the state  
33 shall have preference over any other foreign company where both  
34 price and quality are the same, regardless of where the product is  
35 manufactured.

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

42 (4) Each state agency is required to procure products made  
43 from recovered materials when those products are available at a  
44 competitive price. For purposes of this subsection, "competitive  
45 price" means a price not greater than ten percent (10%) above the



46 lowest and best bidder. A decision not to procure products made  
47 from recovered materials must be based on a determination that  
48 such procurement:

49 (a) Is not available within a reasonable period of  
50 time; or

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

53 (c) Is not available at a competitive price.

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

57 **SECTION 2.** This act shall take effect and be in force from  
58 and after July 1, 2023.

