

By: Senator(s) Hill

To: Accountability,  
Efficiency, Transparency

SENATE BILL NO. 2517

1 AN ACT TO AMEND SECTION 31-7-13, MISSISSIPPI CODE OF 1972, TO  
2 CREATE THE MISSISSIPPI REGIONAL PRENEED DISASTER CLEANUP ACT; AND  
3 FOR RELATED PURPOSES.

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

5 **SECTION 1.** (1) This section shall be known and may be cited  
6 as the "Mississippi Regional Preneed Disaster Cleanup Act."

7 (2) For the purposes of this section, the following words  
8 and phrases shall have the meanings ascribed in this section  
9 unless the context clearly indicates otherwise:

10 (a) "Disaster-related" means arising out of a severe  
11 weather event or other emergency as declared by the Governor.

12 (b) "Preneed" means a contract entered into in advance  
13 of the need for the goods or services, such that the contracted  
14 entity is retained before the need for performance of the  
15 contract.

16 **SECTION 2.** It is the intent and policy of the Mississippi  
17 Legislature that county boards be authorized to jointly contract  
18 for preneed disaster-related solid waste collection, disposal, and



19 monitoring so that the citizens of those counties will be quickly  
20 and adequately served as the community recovers from the disaster.

21 **SECTION 3.** Section 31-7-13, Mississippi Code of 1972, is  
22 amended as follows:

23 31-7-13. All agencies and governing authorities shall  
24 purchase their commodities and printing; contract for garbage  
25 collection or disposal; contract for solid waste collection or  
26 disposal; contract for sewage collection or disposal; contract for  
27 public construction; and contract for rentals as herein provided.

28 (a) **Bidding procedure for purchases not over \$5,000.00.**

29 Purchases which do not involve an expenditure of more than Five  
30 Thousand Dollars (\$5,000.00), exclusive of freight or shipping  
31 charges, may be made without advertising or otherwise requesting  
32 competitive bids. However, nothing contained in this paragraph

33 (a) shall be construed to prohibit any agency or governing  
34 authority from establishing procedures which require competitive  
35 bids on purchases of Five Thousand Dollars (\$5,000.00) or less.

36 (b) **Bidding procedure for purchases over \$5,000.00 but**

37 **not over \$75,000.00.** Purchases which involve an expenditure of  
38 more than Five Thousand Dollars (\$5,000.00) but not more than  
39 Seventy-five Thousand Dollars (\$75,000.00), exclusive of freight  
40 and shipping charges, may be made from the lowest and best bidder  
41 without publishing or posting advertisement for bids, provided at  
42 least two (2) competitive written bids have been obtained. Any  
43 state agency or community/junior college purchasing commodities or



44 procuring construction pursuant to this paragraph (b) may  
45 authorize its purchasing agent, or his designee, to accept the  
46 lowest competitive written bid under Seventy-five Thousand Dollars  
47 (\$75,000.00). Any governing authority purchasing commodities  
48 pursuant to this paragraph (b) may authorize its purchasing agent,  
49 or his designee, with regard to governing authorities other than  
50 counties, or its purchase clerk, or his designee, with regard to  
51 counties, to accept the lowest and best competitive written bid.  
52 Such authorization shall be made in writing by the governing  
53 authority and shall be maintained on file in the primary office of  
54 the agency and recorded in the official minutes of the governing  
55 authority, as appropriate. The purchasing agent or the purchase  
56 clerk, or his designee, as the case may be, and not the governing  
57 authority, shall be liable for any penalties and/or damages as may  
58 be imposed by law for any act or omission of the purchasing agent  
59 or purchase clerk, or his designee, constituting a violation of  
60 law in accepting any bid without approval by the governing  
61 authority. The term "competitive written bid" shall mean a bid  
62 submitted on a bid form furnished by the buying agency or  
63 governing authority and signed by authorized personnel  
64 representing the vendor, or a bid submitted on a vendor's  
65 letterhead or identifiable bid form and signed by authorized  
66 personnel representing the vendor. "Competitive" shall mean that  
67 the bids are developed based upon comparable identification of the  
68 needs and are developed independently and without knowledge of



69 other bids or prospective bids. Any bid item for construction in  
70 excess of Five Thousand Dollars (\$5,000.00) shall be broken down  
71 by components to provide detail of component description and  
72 pricing. These details shall be submitted with the written bids  
73 and become part of the bid evaluation criteria. Bids may be  
74 submitted by facsimile, electronic mail or other generally  
75 accepted method of information distribution. Bids submitted by  
76 electronic transmission shall not require the signature of the  
77 vendor's representative unless required by agencies or governing  
78 authorities.

79 (c) **Bidding procedure for purchases over \$75,000.00.**

80 (i) **Publication requirement.**

81 1. Purchases which involve an expenditure of  
82 more than Seventy-five Thousand Dollars (\$75,000.00), exclusive of  
83 freight and shipping charges, may be made from the lowest and best  
84 bidder after advertising for competitive bids once each week for  
85 two (2) consecutive weeks in a regular newspaper published in the  
86 county or municipality in which such agency or governing authority  
87 is located. However, all American Recovery and Reinvestment Act  
88 projects in excess of Twenty-five Thousand Dollars (\$25,000.00)  
89 shall be bid. All references to American Recovery and  
90 Reinvestment Act projects in this section shall not apply to  
91 programs identified in Division B of the American Recovery and  
92 Reinvestment Act.



93                                   2. Reverse auctions shall be the primary  
94 method for receiving bids during the bidding process. If a  
95 purchasing entity determines that a reverse auction is not in the  
96 best interest of the state, then that determination must be  
97 approved by the Public Procurement Review Board. The purchasing  
98 entity shall submit a detailed explanation of why a reverse  
99 auction would not be in the best interest of the state and present  
100 an alternative process to be approved by the Public Procurement  
101 Review Board. If the Public Procurement Review Board authorizes  
102 the purchasing entity to solicit bids with a method other than  
103 reverse auction, then the purchasing entity may designate the  
104 other methods by which the bids will be received, including, but  
105 not limited to, bids sealed in an envelope, bids received  
106 electronically in a secure system, or bids received by any other  
107 method that promotes open competition and has been approved by the  
108 Office of Purchasing and Travel. However, reverse auction shall  
109 not be used for any public contract for design, construction,  
110 improvement, repair or remodeling of any public facilities,  
111 including the purchase of materials, supplies, equipment or goods  
112 for same and including buildings, roads and bridges. The Public  
113 Procurement Review Board must approve any contract entered into by  
114 alternative process. The provisions of this item 2 shall not  
115 apply to the individual state institutions of higher learning.  
116 The provisions of this item 2 requiring reverse auction as the  
117 primary method of receiving bids shall not apply to term contract



118 purchases as provided in paragraph (n) of this section; however, a  
119 purchasing entity may, in its discretion, utilize reverse auction  
120 for such purchases. The provisions of this item 2 shall not apply  
121 to individual public schools, including public charter schools and  
122 public school districts, only when purchasing copyrighted  
123 educational supplemental materials and software as a service  
124 product. For such purchases, a local school board may authorize a  
125 purchasing entity in its jurisdiction to use a Request for  
126 Qualifications which promotes open competition and meets the  
127 requirements of the Office of Purchasing and Travel.

128           3. The date as published for the bid opening  
129 shall not be less than seven (7) working days after the last  
130 published notice; however, if the purchase involves a construction  
131 project in which the estimated cost is in excess of Seventy-five  
132 Thousand Dollars (\$75,000.00), such bids shall not be opened in  
133 less than fifteen (15) working days after the last notice is  
134 published and the notice for the purchase of such construction  
135 shall be published once each week for two (2) consecutive weeks.  
136 However, all American Recovery and Reinvestment Act projects in  
137 excess of Twenty-five Thousand Dollars (\$25,000.00) shall be bid.  
138 For any projects in excess of Twenty-five Thousand Dollars  
139 (\$25,000.00) under the American Recovery and Reinvestment Act,  
140 publication shall be made one (1) time and the bid opening for  
141 construction projects shall not be less than ten (10) working days  
142 after the date of the published notice. The notice of intention



143 to let contracts or purchase equipment shall state the time and  
144 place at which bids shall be received, list the contracts to be  
145 made or types of equipment or supplies to be purchased, and, if  
146 all plans and/or specifications are not published, refer to the  
147 plans and/or specifications on file. If there is no newspaper  
148 published in the county or municipality, then such notice shall be  
149 given by posting same at the courthouse, or for municipalities at  
150 the city hall, and at two (2) other public places in the county or  
151 municipality, and also by publication once each week for two (2)  
152 consecutive weeks in some newspaper having a general circulation  
153 in the county or municipality in the above-provided manner. On  
154 the same date that the notice is submitted to the newspaper for  
155 publication, the agency or governing authority involved shall mail  
156 written notice to, or provide electronic notification to the main  
157 office of the Mississippi Procurement Technical Assistance Program  
158 under the Mississippi Development Authority that contains the same  
159 information as that in the published notice. Submissions received  
160 by the Mississippi Procurement Technical Assistance Program for  
161 projects funded by the American Recovery and Reinvestment Act  
162 shall be displayed on a separate and unique Internet web page  
163 accessible to the public and maintained by the Mississippi  
164 Development Authority for the Mississippi Procurement Technical  
165 Assistance Program. Those American Recovery and Reinvestment Act  
166 related submissions shall be publicly posted within twenty-four  
167 (24) hours of receipt by the Mississippi Development Authority and



168 the bid opening shall not occur until the submission has been  
169 posted for ten (10) consecutive days. The Department of Finance  
170 and Administration shall maintain information regarding contracts  
171 and other expenditures from the American Recovery and Reinvestment  
172 Act, on a unique Internet web page accessible to the public. The  
173 Department of Finance and Administration shall promulgate rules  
174 regarding format, content and deadlines, unless otherwise  
175 specified by law, of the posting of award notices, contract  
176 execution and subsequent amendments, links to the contract  
177 documents, expenditures against the awarded contracts and general  
178 expenditures of funds from the American Recovery and Reinvestment  
179 Act. Within one (1) working day of the contract award, the agency  
180 or governing authority shall post to the designated web page  
181 maintained by the Department of Finance and Administration, notice  
182 of the award, including the award recipient, the contract amount,  
183 and a brief summary of the contract in accordance with rules  
184 promulgated by the department. Within one (1) working day of the  
185 contract execution, the agency or governing authority shall post  
186 to the designated web page maintained by the Department of Finance  
187 and Administration a summary of the executed contract and make a  
188 copy of the appropriately redacted contract documents available  
189 for linking to the designated web page in accordance with the  
190 rules promulgated by the department. The information provided by  
191 the agency or governing authority shall be posted to the web page





192 for the duration of the American Recovery and Reinvestment Act  
193 funding or until the project is completed, whichever is longer.

194 (ii) **Bidding process amendment procedure.** If all  
195 plans and/or specifications are published in the notification,  
196 then the plans and/or specifications may not be amended. If all  
197 plans and/or specifications are not published in the notification,  
198 then amendments to the plans/specifications, bid opening date, bid  
199 opening time and place may be made, provided that the agency or  
200 governing authority maintains a list of all prospective bidders  
201 who are known to have received a copy of the bid documents and all  
202 such prospective bidders are sent copies of all amendments. This  
203 notification of amendments may be made via mail, facsimile,  
204 electronic mail or other generally accepted method of information  
205 distribution. No addendum to bid specifications may be issued  
206 within two (2) working days of the time established for the  
207 receipt of bids unless such addendum also amends the bid opening  
208 to a date not less than five (5) working days after the date of  
209 the addendum.

210 (iii) **Filing requirement.** In all cases involving  
211 governing authorities, before the notice shall be published or  
212 posted, the plans or specifications for the construction or  
213 equipment being sought shall be filed with the clerk of the board  
214 of the governing authority. In addition to these requirements, a  
215 bid file shall be established which shall indicate those vendors  
216 to whom such solicitations and specifications were issued, and



217 such file shall also contain such information as is pertinent to  
218 the bid.

219 (iv) **Specification restrictions.**

220 1. Specifications pertinent to such bidding  
221 shall be written so as not to exclude comparable equipment of  
222 domestic manufacture. However, if valid justification is  
223 presented, the Department of Finance and Administration or the  
224 board of a governing authority may approve a request for specific  
225 equipment necessary to perform a specific job. Further, such  
226 justification, when placed on the minutes of the board of a  
227 governing authority, may serve as authority for that governing  
228 authority to write specifications to require a specific item of  
229 equipment needed to perform a specific job. In addition to these  
230 requirements, from and after July 1, 1990, vendors of relocatable  
231 classrooms and the specifications for the purchase of such  
232 relocatable classrooms published by local school boards shall meet  
233 all pertinent regulations of the State Board of Education,  
234 including prior approval of such bid by the State Department of  
235 Education.

236 2. Specifications for construction projects  
237 may include an allowance for commodities, equipment, furniture,  
238 construction materials or systems in which prospective bidders are  
239 instructed to include in their bids specified amounts for such  
240 items so long as the allowance items are acquired by the vendor in  
241 a commercially reasonable manner and approved by the



242 agency/governing authority. Such acquisitions shall not be made  
243 to circumvent the public purchasing laws.

244 (v) **Electronic bids.** Agencies and governing  
245 authorities shall provide a secure electronic interactive system  
246 for the submittal of bids requiring competitive bidding that shall  
247 be an additional bidding option for those bidders who choose to  
248 submit their bids electronically. The Department of Finance and  
249 Administration shall provide, by regulation, the standards that  
250 agencies must follow when receiving electronic bids. Agencies and  
251 governing authorities shall make the appropriate provisions  
252 necessary to accept electronic bids from those bidders who choose  
253 to submit their bids electronically for all purchases requiring  
254 competitive bidding under this section. Any special condition or  
255 requirement for the electronic bid submission shall be specified  
256 in the advertisement for bids required by this section. Agencies  
257 or governing authorities that are currently without available high  
258 speed Internet access shall be exempt from the requirement of this  
259 subparagraph (v) until such time that high speed Internet access  
260 becomes available. Any county having a population of less than  
261 twenty thousand (20,000) shall be exempt from the provisions of  
262 this subparagraph (v). Any municipality having a population of  
263 less than ten thousand (10,000) shall be exempt from the  
264 provisions of this subparagraph (v). The provisions of this  
265 subparagraph (v) shall not require any bidder to submit bids  
266 electronically. When construction bids are submitted



267 electronically, the requirement for including a certificate of  
268 responsibility, or a statement that the bid enclosed does not  
269 exceed Fifty Thousand Dollars (\$50,000.00), on the exterior of the  
270 bid envelope as indicated in Section 31-3-21(1) and (2) shall be  
271 deemed in compliance with by including same as an attachment with  
272 the electronic bid submittal.

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

274 (i) **Decision procedure.** Purchases may be made  
275 from the lowest and best bidder. In determining the lowest and  
276 best bid, freight and shipping charges shall be included.  
277 Life-cycle costing, total cost bids, warranties, guaranteed  
278 buy-back provisions and other relevant provisions may be included  
279 in the best bid calculation. All best bid procedures for state  
280 agencies must be in compliance with regulations established by the  
281 Department of Finance and Administration. If any governing  
282 authority accepts a bid other than the lowest bid actually  
283 submitted, it shall place on its minutes detailed calculations and  
284 narrative summary showing that the accepted bid was determined to  
285 be the lowest and best bid, including the dollar amount of the  
286 accepted bid and the dollar amount of the lowest bid. No agency  
287 or governing authority shall accept a bid based on items not  
288 included in the specifications.

289 (ii) **Decision procedure for Certified Purchasing**  
290 **Offices.** In addition to the decision procedure set forth in  
291 subparagraph (i) of this paragraph (d), Certified Purchasing



292 Offices may also use the following procedure: Purchases may be  
293 made from the bidder offering the best value. In determining the  
294 best value bid, freight and shipping charges shall be included.  
295 Life-cycle costing, total cost bids, warranties, guaranteed  
296 buy-back provisions, documented previous experience, training  
297 costs and other relevant provisions, including, but not limited  
298 to, a bidder having a local office and inventory located within  
299 the jurisdiction of the governing authority, may be included in  
300 the best value calculation. This provision shall authorize  
301 Certified Purchasing Offices to utilize a Request For Proposals  
302 (RFP) process when purchasing commodities. All best value  
303 procedures for state agencies must be in compliance with  
304 regulations established by the Department of Finance and  
305 Administration. No agency or governing authority shall accept a  
306 bid based on items or criteria not included in the specifications.

307 (iii) **Decision procedure for Mississippi**

308 **Landmarks.** In addition to the decision procedure set forth in  
309 subparagraph (i) of this paragraph (d), where purchase involves  
310 renovation, restoration, or both, of the State Capitol Building or  
311 any other historical building designated for at least five (5)  
312 years as a Mississippi Landmark by the Board of Trustees of the  
313 Department of Archives and History under the authority of Sections  
314 39-7-7 and 39-7-11, the agency or governing authority may use the  
315 following procedure: Purchases may be made from the lowest and  
316 best prequalified bidder. Prequalification of bidders shall be



317 determined not less than fifteen (15) working days before the  
318 first published notice of bid opening. Prequalification criteria  
319 shall be limited to bidder's knowledge and experience in  
320 historical restoration, preservation and renovation. In  
321 determining the lowest and best bid, freight and shipping charges  
322 shall be included. Life-cycle costing, total cost bids,  
323 warranties, guaranteed buy-back provisions and other relevant  
324 provisions may be included in the best bid calculation. All best  
325 bid and prequalification procedures for state agencies must be in  
326 compliance with regulations established by the Department of  
327 Finance and Administration. If any governing authority accepts a  
328 bid other than the lowest bid actually submitted, it shall place  
329 on its minutes detailed calculations and narrative summary showing  
330 that the accepted bid was determined to be the lowest and best  
331 bid, including the dollar amount of the accepted bid and the  
332 dollar amount of the lowest bid. No agency or governing authority  
333 shall accept a bid based on items not included in the  
334 specifications.

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

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



341           (e) **Lease-purchase authorization.** For the purposes of  
342 this section, the term "equipment" shall mean equipment, furniture  
343 and, if applicable, associated software and other applicable  
344 direct costs associated with the acquisition. Any lease-purchase  
345 of equipment which an agency is not required to lease-purchase  
346 under the master lease-purchase program pursuant to Section  
347 31-7-10 and any lease-purchase of equipment which a governing  
348 authority elects to lease-purchase may be acquired by a  
349 lease-purchase agreement under this paragraph (e). Lease-purchase  
350 financing may also be obtained from the vendor or from a  
351 third-party source after having solicited and obtained at least  
352 two (2) written competitive bids, as defined in paragraph (b) of  
353 this section, for such financing without advertising for such  
354 bids. Solicitation for the bids for financing may occur before or  
355 after acceptance of bids for the purchase of such equipment or,  
356 where no such bids for purchase are required, at any time before  
357 the purchase thereof. No such lease-purchase agreement shall be  
358 for an annual rate of interest which is greater than the overall  
359 maximum interest rate to maturity on general obligation  
360 indebtedness permitted under Section 75-17-101, and the term of  
361 such lease-purchase agreement shall not exceed the useful life of  
362 equipment covered thereby as determined according to the upper  
363 limit of the asset depreciation range (ADR) guidelines for the  
364 Class Life Asset Depreciation Range System established by the  
365 Internal Revenue Service pursuant to the United States Internal



366 Revenue Code and regulations thereunder as in effect on December  
367 31, 1980, or comparable depreciation guidelines with respect to  
368 any equipment not covered by ADR guidelines. Any lease-purchase  
369 agreement entered into pursuant to this paragraph (e) may contain  
370 any of the terms and conditions which a master lease-purchase  
371 agreement may contain under the provisions of Section 31-7-10(5),  
372 and shall contain an annual allocation dependency clause  
373 substantially similar to that set forth in Section 31-7-10(8).  
374 Each agency or governing authority entering into a lease-purchase  
375 transaction pursuant to this paragraph (e) shall maintain with  
376 respect to each such lease-purchase transaction the same  
377 information as required to be maintained by the Department of  
378 Finance and Administration pursuant to Section 31-7-10(13).  
379 However, nothing contained in this section shall be construed to  
380 permit agencies to acquire items of equipment with a total  
381 acquisition cost in the aggregate of less than Ten Thousand  
382 Dollars (\$10,000.00) by a single lease-purchase transaction. All  
383 equipment, and the purchase thereof by any lessor, acquired by  
384 lease-purchase under this paragraph and all lease-purchase  
385 payments with respect thereto shall be exempt from all Mississippi  
386 sales, use and ad valorem taxes. Interest paid on any  
387 lease-purchase agreement under this section shall be exempt from  
388 State of Mississippi income taxation.

389 (f) **Alternate bid authorization.** When necessary to  
390 ensure ready availability of commodities for public works and the





391 timely completion of public projects, no more than two (2)  
392 alternate bids may be accepted by a governing authority for  
393 commodities. No purchases may be made through use of such  
394 alternate bids procedure unless the lowest and best bidder cannot  
395 deliver the commodities contained in his bid. In that event,  
396 purchases of such commodities may be made from one (1) of the  
397 bidders whose bid was accepted as an alternate.

398 (g) **Construction contract change authorization.** In the  
399 event a determination is made by an agency or governing authority  
400 after a construction contract is let that changes or modifications  
401 to the original contract are necessary or would better serve the  
402 purpose of the agency or the governing authority, such agency or  
403 governing authority may, in its discretion, order such changes  
404 pertaining to the construction that are necessary under the  
405 circumstances without the necessity of further public bids;  
406 provided that such change shall be made in a commercially  
407 reasonable manner and shall not be made to circumvent the public  
408 purchasing statutes. In addition to any other authorized person,  
409 the architect or engineer hired by an agency or governing  
410 authority with respect to any public construction contract shall  
411 have the authority, when granted by an agency or governing  
412 authority, to authorize changes or modifications to the original  
413 contract without the necessity of prior approval of the agency or  
414 governing authority when any such change or modification is less  
415 than one percent (1%) of the total contract amount. The agency or



416 governing authority may limit the number, manner or frequency of  
417 such emergency changes or modifications.

418           (h) **Petroleum purchase alternative.** In addition to  
419 other methods of purchasing authorized in this chapter, when any  
420 agency or governing authority shall have a need for gas, diesel  
421 fuel, oils and/or other petroleum products in excess of the amount  
422 set forth in paragraph (a) of this section, such agency or  
423 governing authority may purchase the commodity after having  
424 solicited and obtained at least two (2) competitive written bids,  
425 as defined in paragraph (b) of this section. If two (2)  
426 competitive written bids are not obtained, the entity shall comply  
427 with the procedures set forth in paragraph (c) of this section.  
428 In the event any agency or governing authority shall have  
429 advertised for bids for the purchase of gas, diesel fuel, oils and  
430 other petroleum products and coal and no acceptable bids can be  
431 obtained, such agency or governing authority is authorized and  
432 directed to enter into any negotiations necessary to secure the  
433 lowest and best contract available for the purchase of such  
434 commodities.

435           (i) **Road construction petroleum products price**  
436 **adjustment clause authorization.** Any agency or governing  
437 authority authorized to enter into contracts for the construction,  
438 maintenance, surfacing or repair of highways, roads or streets,  
439 may include in its bid proposal and contract documents a price  
440 adjustment clause with relation to the cost to the contractor,



441 including taxes, based upon an industry-wide cost index, of  
442 petroleum products including asphalt used in the performance or  
443 execution of the contract or in the production or manufacture of  
444 materials for use in such performance. Such industry-wide index  
445 shall be established and published monthly by the Mississippi  
446 Department of Transportation with a copy thereof to be mailed,  
447 upon request, to the clerks of the governing authority of each  
448 municipality and the clerks of each board of supervisors  
449 throughout the state. The price adjustment clause shall be based  
450 on the cost of such petroleum products only and shall not include  
451 any additional profit or overhead as part of the adjustment. The  
452 bid proposals or document contract shall contain the basis and  
453 methods of adjusting unit prices for the change in the cost of  
454 such petroleum products.

455           (j) **State agency emergency purchase procedure.** If the  
456 governing board or the executive head, or his designees, of any  
457 agency of the state shall determine that an emergency exists in  
458 regard to the purchase of any commodities or repair contracts, so  
459 that the delay incident to giving opportunity for competitive  
460 bidding would be detrimental to the interests of the state, then  
461 the head of such agency, or his designees, shall file with the  
462 Department of Finance and Administration (i) a statement  
463 explaining the conditions and circumstances of the emergency,  
464 which shall include a detailed description of the events leading  
465 up to the situation and the negative impact to the entity if the



466 purchase is made following the statutory requirements set forth in  
467 paragraph (a), (b) or (c) of this section, and (ii) a certified  
468 copy of the appropriate minutes of the board of such agency  
469 requesting the emergency purchase, if applicable. Upon receipt of  
470 the statement and applicable board certification, the State Fiscal  
471 Officer, or his designees, may, in writing, authorize the purchase  
472 or repair without having to comply with competitive bidding  
473 requirements.

474         If the governing board or the executive head, or his  
475 designees, of any agency determines that an emergency exists in  
476 regard to the purchase of any commodities or repair contracts, so  
477 that the delay incident to giving opportunity for competitive  
478 bidding would threaten the health or safety of any person, or the  
479 preservation or protection of property, then the provisions in  
480 this section for competitive bidding shall not apply, and any  
481 officer or agent of the agency having general or specific  
482 authority for making the purchase or repair contract shall approve  
483 the bill presented for payment, and he shall certify in writing  
484 from whom the purchase was made, or with whom the repair contract  
485 was made.

486         Total purchases made under this paragraph (j) shall only be  
487 for the purpose of meeting needs created by the emergency  
488 situation. Following the emergency purchase, documentation of the  
489 purchase, including a description of the commodity purchased, the  
490 purchase price thereof and the nature of the emergency shall be



491 filed with the Department of Finance and Administration. Any  
492 contract awarded pursuant to this paragraph (j) shall not exceed a  
493 term of one (1) year.

494 Purchases under the grant program established under Section  
495 37-68-7 in response to COVID-19 and the directive that school  
496 districts create a distance learning plan and fulfill technology  
497 needs expeditiously shall be deemed an emergency purchase for  
498 purposes of this paragraph (j).

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

500 If the governing authority, or the governing authority acting  
501 through its designee, shall determine that an emergency exists in  
502 regard to the purchase of any commodities or repair contracts, so  
503 that the delay incident to giving opportunity for competitive  
504 bidding would be detrimental to the interest of the governing  
505 authority, then the provisions herein for competitive bidding  
506 shall not apply and any officer or agent of such governing  
507 authority having general or special authority therefor in making  
508 such purchase or repair shall approve the bill presented therefor,  
509 and he shall certify in writing thereon from whom such purchase  
510 was made, or with whom such a repair contract was made. At the  
511 board meeting next following the emergency purchase or repair  
512 contract, documentation of the purchase or repair contract,  
513 including a description of the commodity purchased, the price  
514 thereof and the nature of the emergency shall be presented to the  
515 board and shall be placed on the minutes of the board of such



516 governing authority. Purchases under the grant program  
517 established under Section 37-68-7 in response to COVID-19 and the  
518 directive that school districts create a distance learning plan  
519 and fulfill technology needs expeditiously shall be deemed an  
520 emergency purchase for purposes of this paragraph (k).

521 (1) **Hospital purchase, lease-purchase and lease**  
522 **authorization.**

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

528 (ii) In addition to the authority granted in  
529 subparagraph (i) of this paragraph (1), the commissioners or board  
530 of trustees is authorized to enter into contracts for the lease of  
531 equipment or services, or both, which it considers necessary for  
532 the proper care of patients if, in its opinion, it is not  
533 financially feasible to purchase the necessary equipment or  
534 services. Any such contract for the lease of equipment or  
535 services executed by the commissioners or board shall not exceed a  
536 maximum of five (5) years' duration and shall include a  
537 cancellation clause based on unavailability of funds. If such  
538 cancellation clause is exercised, there shall be no further  
539 liability on the part of the lessee. Any such contract for the  
540 lease of equipment or services executed on behalf of the



541 commissioners or board that complies with the provisions of this  
542 subparagraph (ii) shall be excepted from the bid requirements set  
543 forth in this section.

544 (m) **Exceptions from bidding requirements.** Excepted  
545 from bid requirements are:

546 (i) **Purchasing agreements approved by department.**  
547 Purchasing agreements, contracts and maximum price regulations  
548 executed or approved by the Department of Finance and  
549 Administration.

550 (ii) **Outside equipment repairs.** Repairs to  
551 equipment, when such repairs are made by repair facilities in the  
552 private sector; however, engines, transmissions, rear axles and/or  
553 other such components shall not be included in this exemption when  
554 replaced as a complete unit instead of being repaired and the need  
555 for such total component replacement is known before disassembly  
556 of the component; however, invoices identifying the equipment,  
557 specific repairs made, parts identified by number and name,  
558 supplies used in such repairs, and the number of hours of labor  
559 and costs therefor shall be required for the payment for such  
560 repairs.

561 (iii) **In-house equipment repairs.** Purchases of  
562 parts for repairs to equipment, when such repairs are made by  
563 personnel of the agency or governing authority; however, entire  
564 assemblies, such as engines or transmissions, shall not be



565 included in this exemption when the entire assembly is being  
566 replaced instead of being repaired.

567 (iv) **Raw gravel or dirt.** Raw unprocessed deposits  
568 of gravel or fill dirt which are to be removed and transported by  
569 the purchaser.

570 (v) **Governmental equipment auctions.** Motor  
571 vehicles or other equipment purchased from a federal agency or  
572 authority, another governing authority or state agency of the  
573 State of Mississippi, or any governing authority or state agency  
574 of another state at a public auction held for the purpose of  
575 disposing of such vehicles or other equipment. Any purchase by a  
576 governing authority under the exemption authorized by this  
577 subparagraph (v) shall require advance authorization spread upon  
578 the minutes of the governing authority to include the listing of  
579 the item or items authorized to be purchased and the maximum bid  
580 authorized to be paid for each item or items.

581 (vi) **Intergovernmental sales and transfers.**  
582 Purchases, sales, transfers or trades by governing authorities or  
583 state agencies when such purchases, sales, transfers or trades are  
584 made by a private treaty agreement or through means of  
585 negotiation, from any federal agency or authority, another  
586 governing authority or state agency of the State of Mississippi,  
587 or any state agency or governing authority of another state.  
588 Nothing in this section shall permit such purchases through public  
589 auction except as provided for in subparagraph (v) of this





590 paragraph (m). It is the intent of this section to allow  
591 governmental entities to dispose of and/or purchase commodities  
592 from other governmental entities at a price that is agreed to by  
593 both parties. This shall allow for purchases and/or sales at  
594 prices which may be determined to be below the market value if the  
595 selling entity determines that the sale at below market value is  
596 in the best interest of the taxpayers of the state. Governing  
597 authorities shall place the terms of the agreement and any  
598 justification on the minutes, and state agencies shall obtain  
599 approval from the Department of Finance and Administration, prior  
600 to releasing or taking possession of the commodities.

601 (vii) **Perishable supplies or food.** Perishable  
602 supplies or food purchased for use in connection with hospitals,  
603 the school lunch programs, homemaking programs and for the feeding  
604 of county or municipal prisoners.

605 (viii) **Single-source items.** Noncompetitive items  
606 available from one (1) source only. In connection with the  
607 purchase of noncompetitive items only available from one (1)  
608 source, a certification of the conditions and circumstances  
609 requiring the purchase shall be filed by the agency with the  
610 Department of Finance and Administration and by the governing  
611 authority with the board of the governing authority. Upon receipt  
612 of that certification the Department of Finance and Administration  
613 or the board of the governing authority, as the case may be, may,  
614 in writing, authorize the purchase, which authority shall be noted



615 on the minutes of the body at the next regular meeting thereafter.  
616 In those situations, a governing authority is not required to  
617 obtain the approval of the Department of Finance and  
618 Administration. Following the purchase, the executive head of the  
619 state agency, or his designees, shall file with the Department of  
620 Finance and Administration, documentation of the purchase,  
621 including a description of the commodity purchased, the purchase  
622 price thereof and the source from whom it was purchased.

623 (ix) **Waste disposal facility construction**

624 **contracts.** Construction of incinerators and other facilities for  
625 disposal of solid wastes in which products either generated  
626 therein, such as steam, or recovered therefrom, such as materials  
627 for recycling, are to be sold or otherwise disposed of; however,  
628 in constructing such facilities, a governing authority or agency  
629 shall publicly issue requests for proposals, advertised for in the  
630 same manner as provided herein for seeking bids for public  
631 construction projects, concerning the design, construction,  
632 ownership, operation and/or maintenance of such facilities,  
633 wherein such requests for proposals when issued shall contain  
634 terms and conditions relating to price, financial responsibility,  
635 technology, environmental compatibility, legal responsibilities  
636 and such other matters as are determined by the governing  
637 authority or agency to be appropriate for inclusion; and after  
638 responses to the request for proposals have been duly received,  
639 the governing authority or agency may select the most qualified



640 proposal or proposals on the basis of price, technology and other  
641 relevant factors and from such proposals, but not limited to the  
642 terms thereof, negotiate and enter contracts with one or more of  
643 the persons or firms submitting proposals.

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

647           (xi) **Information technology products.** Purchases  
648 of information technology products made by governing authorities  
649 under the provisions of purchase schedules, or contracts executed  
650 or approved by the Mississippi Department of Information  
651 Technology Services and designated for use by governing  
652 authorities.

653           (xii) **Energy efficiency services and equipment.**  
654 Energy efficiency services and equipment acquired by school  
655 districts, community and junior colleges, institutions of higher  
656 learning and state agencies or other applicable governmental  
657 entities on a shared-savings, lease or lease-purchase basis  
658 pursuant to Section 31-7-14.

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

663           (xiv) **Library books and other reference materials.**  
664 Purchases by libraries or for libraries of books and periodicals;



665 processed film, videocassette tapes, filmstrips and slides;  
666 recorded audiotapes, cassettes and diskettes; and any such items  
667 as would be used for teaching, research or other information  
668 distribution; however, equipment such as projectors, recorders,  
669 audio or video equipment, and monitor televisions are not exempt  
670 under this subparagraph.

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

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

677 (xvii) **Multichannel interactive video systems.**  
678 From and after July 1, 1990, contracts by Mississippi Authority  
679 for Educational Television with any private educational  
680 institution or private nonprofit organization whose purposes are  
681 educational in regard to the construction, purchase, lease or  
682 lease-purchase of facilities and equipment and the employment of  
683 personnel for providing multichannel interactive video systems  
684 (ITSF) in the school districts of this state.

685 (xviii) **Purchases of prison industry products by**  
686 **the Department of Corrections, regional correctional facilities or**  
687 **privately owned prisons.** Purchases made by the Mississippi  
688 Department of Corrections, regional correctional facilities or



689 privately owned prisons involving any item that is manufactured,  
690 processed, grown or produced from the state's prison industries.

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

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

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

705 (xxii) **Garbage, solid waste and sewage contracts.**  
706 Contracts for garbage collection or disposal, contracts for solid  
707 waste collection or disposal and contracts for sewage collection  
708 or disposal.

709 (xxiii) **Municipal water tank maintenance**  
710 **contracts.** Professional maintenance program contracts for the  
711 repair or maintenance of municipal water tanks, which provide  
712 professional services needed to maintain municipal water storage



713 tanks for a fixed annual fee for a duration of two (2) or more  
714 years.

715 (xxiv) **Purchases of Mississippi Industries for the**  
716 **Blind products.** Purchases made by state agencies or governing  
717 authorities involving any item that is manufactured, processed or  
718 produced by the Mississippi Industries for the Blind.

719 (xxv) **Purchases of state-adopted textbooks.**  
720 Purchases of state-adopted textbooks by public school districts.

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

724 (xxvii) **Used heavy or specialized machinery or**  
725 **equipment for installation of soil and water conservation**  
726 **practices purchased at auction.** Used heavy or specialized  
727 machinery or equipment used for the installation and  
728 implementation of soil and water conservation practices or  
729 measures purchased subject to the restrictions provided in  
730 Sections 69-27-331 through 69-27-341. Any purchase by the State  
731 Soil and Water Conservation Commission under the exemption  
732 authorized by this subparagraph shall require advance  
733 authorization spread upon the minutes of the commission to include  
734 the listing of the item or items authorized to be purchased and  
735 the maximum bid authorized to be paid for each item or items.



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

739                   (xxix) **Purchases made pursuant to qualified**  
740 **cooperative purchasing agreements.** Purchases made by certified  
741 purchasing offices of state agencies or governing authorities  
742 under cooperative purchasing agreements previously approved by the  
743 Office of Purchasing and Travel and established by or for any  
744 municipality, county, parish or state government or the federal  
745 government, provided that the notification to potential  
746 contractors includes a clause that sets forth the availability of  
747 the cooperative purchasing agreement to other governmental  
748 entities. Such purchases shall only be made if the use of the  
749 cooperative purchasing agreements is determined to be in the best  
750 interest of the governmental entity.

751                   (xxx) **School yearbooks.** Purchases of school  
752 yearbooks by state agencies or governing authorities; provided,  
753 however, that state agencies and governing authorities shall use  
754 for these purchases the RFP process as set forth in the  
755 Mississippi Procurement Manual adopted by the Office of Purchasing  
756 and Travel.

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



760 (xxxii) **Toll roads and bridge construction**  
761 **projects.** Contracts entered into under the provisions of Section  
762 65-43-1 or 65-43-3.

763 (xxxiii) **Certain purchases under Section 57-1-221.**  
764 Contracts entered into pursuant to the provisions of Section  
765 57-1-221.

766 (xxxiv) **Certain transfers made pursuant to the**  
767 **provisions of Section 57-105-1(7).** Transfers of public property  
768 or facilities under Section 57-105-1(7) and construction related  
769 to such public property or facilities.

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

773 (xxxvi) **Certain purchases by an academic medical**  
774 **center or health sciences school.** Purchases by an academic  
775 medical center or health sciences school, as defined in Section  
776 37-115-50, of commodities that are used for clinical purposes and  
777 1. intended for use in the diagnosis of disease or other  
778 conditions or in the cure, mitigation, treatment or prevention of  
779 disease, and 2. medical devices, biological, drugs and  
780 radiation-emitting devices as defined by the United States Food  
781 and Drug Administration.

782 (xxxvii) **Certain purchases made under the Alyce G.**  
783 **Clarke Mississippi Lottery Law.** Contracts made by the Mississippi





784 Lottery Corporation pursuant to the Alyce G. Clarke Mississippi  
785 Lottery Law.

786 (xxxviii) **Certain purchases made by the Department**  
787 **of Health and the Department of Revenue.** Purchases made by the  
788 Department of Health and/or the Department of Revenue solely for  
789 the purpose of fulfilling their respective responsibilities under  
790 the Mississippi Medical Cannabis Act. This subparagraph shall  
791 stand repealed on June 30, 2023.

792 (n) **Term contract authorization.** All contracts for the  
793 purchase of:

794 (i) All contracts for the purchase of commodities,  
795 equipment and public construction (including, but not limited to,  
796 repair and maintenance), may be let for periods of not more than  
797 sixty (60) months in advance, subject to applicable statutory  
798 provisions prohibiting the letting of contracts during specified  
799 periods near the end of terms of office. Term contracts for a  
800 period exceeding twenty-four (24) months shall also be subject to  
801 ratification or cancellation by governing authority boards taking  
802 office subsequent to the governing authority board entering the  
803 contract.

804 (ii) Bid proposals and contracts may include price  
805 adjustment clauses with relation to the cost to the contractor  
806 based upon a nationally published industry-wide or nationally  
807 published and recognized cost index. The cost index used in a  
808 price adjustment clause shall be determined by the Department of



809 Finance and Administration for the state agencies and by the  
810 governing board for governing authorities. The bid proposal and  
811 contract documents utilizing a price adjustment clause shall  
812 contain the basis and method of adjusting unit prices for the  
813 change in the cost of such commodities, equipment and public  
814 construction.

815           (o) **Purchase law violation prohibition and vendor**  
816 **penalty.** No contract or purchase as herein authorized shall be  
817 made for the purpose of circumventing the provisions of this  
818 section requiring competitive bids, nor shall it be lawful for any  
819 person or concern to submit individual invoices for amounts within  
820 those authorized for a contract or purchase where the actual value  
821 of the contract or commodity purchased exceeds the authorized  
822 amount and the invoices therefor are split so as to appear to be  
823 authorized as purchases for which competitive bids are not  
824 required. Submission of such invoices shall constitute a  
825 misdemeanor punishable by a fine of not less than Five Hundred  
826 Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00),  
827 or by imprisonment for thirty (30) days in the county jail, or  
828 both such fine and imprisonment. In addition, the claim or claims  
829 submitted shall be forfeited.

830           (p) **Electrical utility petroleum-based equipment**  
831 **purchase procedure.** When in response to a proper advertisement  
832 therefor, no bid firm as to price is submitted to an electric  
833 utility for power transformers, distribution transformers, power



834 breakers, reclosers or other articles containing a petroleum  
835 product, the electric utility may accept the lowest and best bid  
836 therefor although the price is not firm.

837           (q) **Fuel management system bidding procedure.** Any  
838 governing authority or agency of the state shall, before  
839 contracting for the services and products of a fuel management or  
840 fuel access system, enter into negotiations with not fewer than  
841 two (2) sellers of fuel management or fuel access systems for  
842 competitive written bids to provide the services and products for  
843 the systems. In the event that the governing authority or agency  
844 cannot locate two (2) sellers of such systems or cannot obtain  
845 bids from two (2) sellers of such systems, it shall show proof  
846 that it made a diligent, good-faith effort to locate and negotiate  
847 with two (2) sellers of such systems. Such proof shall include,  
848 but not be limited to, publications of a request for proposals and  
849 letters soliciting negotiations and bids. For purposes of this  
850 paragraph (q), a fuel management or fuel access system is an  
851 automated system of acquiring fuel for vehicles as well as  
852 management reports detailing fuel use by vehicles and drivers, and  
853 the term "competitive written bid" shall have the meaning as  
854 defined in paragraph (b) of this section. Governing authorities  
855 and agencies shall be exempt from this process when contracting  
856 for the services and products of fuel management or fuel access  
857 systems under the terms of a state contract established by the  
858 Office of Purchasing and Travel.



859                   (r) **Solid waste contract proposal procedure.** Before  
860 entering into any contract for garbage collection or disposal,  
861 contract for solid waste collection or disposal or contract for  
862 sewage collection or disposal, which involves an expenditure of  
863 more than Seventy-five Thousand Dollars (\$75,000.00), a governing  
864 authority or agency shall issue publicly a request for proposals  
865 concerning the specifications for such services which shall be  
866 advertised for in the same manner as provided in this section for  
867 seeking bids for purchases which involve an expenditure of more  
868 than the amount provided in paragraph (c) of this section. Any  
869 request for proposals when issued shall contain terms and  
870 conditions relating to price, financial responsibility,  
871 technology, legal responsibilities and other relevant factors as  
872 are determined by the governing authority or agency to be  
873 appropriate for inclusion; all factors determined relevant by the  
874 governing authority or agency or required by this paragraph (r)  
875 shall be duly included in the advertisement to elicit proposals.  
876 After responses to the request for proposals have been duly  
877 received, the governing authority or agency shall select the most  
878 qualified proposal or proposals on the basis of price, technology  
879 and other relevant factors and from such proposals, but not  
880 limited to the terms thereof, negotiate and enter into contracts  
881 with one or more of the persons or firms submitting proposals. If  
882 the governing authority or agency deems none of the proposals to  
883 be qualified or otherwise acceptable, the request for proposals



884 process may be reinitiated. Notwithstanding any other provisions  
885 of this paragraph, where a county with at least thirty-five  
886 thousand (35,000) nor more than forty thousand (40,000)  
887 population, according to the 1990 federal decennial census, owns  
888 or operates a solid waste landfill, the governing authorities of  
889 any other county or municipality may contract with the governing  
890 authorities of the county owning or operating the landfill,  
891 pursuant to a resolution duly adopted and spread upon the minutes  
892 of each governing authority involved, for garbage or solid waste  
893 collection or disposal services through contract negotiations.

894 (s) **Minority set-aside authorization.** Notwithstanding  
895 any provision of this section to the contrary, any agency or  
896 governing authority, by order placed on its minutes, may, in its  
897 discretion, set aside not more than twenty percent (20%) of its  
898 anticipated annual expenditures for the purchase of commodities  
899 from minority businesses; however, all such set-aside purchases  
900 shall comply with all purchasing regulations promulgated by the  
901 Department of Finance and Administration and shall be subject to  
902 bid requirements under this section. Set-aside purchases for  
903 which competitive bids are required shall be made from the lowest  
904 and best minority business bidder. For the purposes of this  
905 paragraph, the term "minority business" means a business which is  
906 owned by a majority of persons who are United States citizens or  
907 permanent resident aliens (as defined by the Immigration and  
908 Naturalization Service) of the United States, and who are Asian,



909 Black, Hispanic or Native American, according to the following  
910 definitions:

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

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

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

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

922 (t) **Construction punch list restriction.** The  
923 architect, engineer or other representative designated by the  
924 agency or governing authority that is contracting for public  
925 construction or renovation may prepare and submit to the  
926 contractor only one (1) preliminary punch list of items that do  
927 not meet the contract requirements at the time of substantial  
928 completion and one (1) final list immediately before final  
929 completion and final payment.

930 (u) **Procurement of construction services by state**  
931 **institutions of higher learning.** Contracts for privately financed  
932 construction of auxiliary facilities on the campus of a state  
933 institution of higher learning may be awarded by the Board of



934 Trustees of State Institutions of Higher Learning to the lowest  
935 and best bidder, where sealed bids are solicited, or to the  
936 offeror whose proposal is determined to represent the best value  
937 to the citizens of the State of Mississippi, where requests for  
938 proposals are solicited.

939 (v) **Insurability of bidders for public construction or**  
940 **other public contracts.** In any solicitation for bids to perform  
941 public construction or other public contracts to which this  
942 section applies, including, but not limited to, contracts for  
943 repair and maintenance, for which the contract will require  
944 insurance coverage in an amount of not less than One Million  
945 Dollars (\$1,000,000.00), bidders shall be permitted to either  
946 submit proof of current insurance coverage in the specified amount  
947 or demonstrate ability to obtain the required coverage amount of  
948 insurance if the contract is awarded to the bidder. Proof of  
949 insurance coverage shall be submitted within five (5) business  
950 days from bid acceptance.

951 (w) **Purchase authorization clarification.** Nothing in  
952 this section shall be construed as authorizing any purchase not  
953 authorized by law.

954 (x) **Mississippi Regional Preneed Disaster Cleanup Act.**  
955 Any combination of two (2) or more county boards of supervisors  
956 may contract by joint agreement for the preneed purchase of labor,  
957 services, work, materials, equipment, supplies or other personal  
958 property for disaster-related solid waste collection, disposal or



959 monitoring. Any such joint agreement shall be entered into by  
960 each of the boards which shall set forth the manner of awarding  
961 such a contract, the method of payment by each contracting board,  
962 and any other matter deemed necessary to carry out the purposes of  
963 the agreement. Such contracts may be entered into only for a  
964 maximum term of two (2) years and only after having solicited bids  
965 or proposals, as appropriate, which shall be publicly advertised  
966 by posting on a web page maintained by the Department of Finance  
967 and Administration through submission of such advertisement to the  
968 Mississippi Procurement Technical Assistance Program under the  
969 Mississippi Development Authority. The bid opening shall not  
970 occur until after the submission has been posted for at least ten  
971 (10) consecutive days. Each contracting board's share of  
972 expenditures for solid waste collection, disposal or monitoring  
973 under any contract shall be appropriated and paid in the manner  
974 set forth in the joint agreement and in the same manner as for  
975 other solid waste collection, disposal or monitoring expenses of  
976 the contracting board. The contracting boards entering into a  
977 joint agreement, as herein permitted, may designate a joint  
978 purchasing or bidding agent, and the agent shall comply with this  
979 paragraph. Any joint agreement entered into under this paragraph  
980 shall not be subject to the provisions of Section 17-13-11.

981       **SECTION 4.** This act shall take effect and be in force from  
982 and after its passage.

