

By: Senator(s) Williams, Horhn, McLendon,
Butler (36th)

To: Accountability,
Efficiency, Transparency

SENATE BILL NO. 2538
(As Sent to Governor)

1 AN ACT TO CREATE THE MISSISSIPPI REGIONAL PRE-NEED DISASTER
2 CLEAN UP ACT; TO AMEND SECTION 31-7-13, MISSISSIPPI CODE OF 1972,
3 AS AMENDED BY HOUSE BILL NO. 249, 2023 REGULAR SESSION, TO
4 AUTHORIZE COUNTIES AND MUNICIPALITIES TO OPT IN TO REGIONAL
5 PRE-NEED CONTRACTS FOR DISASTER CLEAN-UP SERVICES; AND FOR RELATED
6 PURPOSES.

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

8 **SECTION 1.** (1) This section shall be known and may be cited
9 as the "Mississippi Regional Pre-Need Disaster Clean Up Act."

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

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

15 (b) "Pre-Need" means a contract entered into in advance
16 of the need for the goods or services, such that the contracted
17 entity is retained before the need for performance of the
18 contract.

19 **SECTION 2.** It is the intent of the Mississippi Legislature
20 that counties and municipalities be authorized to participate in



21 regional pre-need contracts, negotiated in advance by the state
22 after a public bidding process, for disaster-related solid waste
23 collection, disposal, and monitoring, such that the citizens of
24 those counties and municipalities will be quickly and adequately
25 served while recovering from the disaster.

26 **SECTION 3.** Section 31-7-13, Mississippi Code of 1972, as
27 amended by House Bill No. 249, 2023 Regular Session, is amended as
28 follows:

29 31-7-13. All agencies and governing authorities shall
30 purchase their commodities and printing; contract for garbage
31 collection or disposal; contract for solid waste collection or
32 disposal; contract for sewage collection or disposal; contract for
33 public construction; and contract for rentals as herein provided.

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

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

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

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

43 **not over \$75,000.00.** Purchases which involve an expenditure of
44 more than Five Thousand Dollars (\$5,000.00) but not more than
45 Seventy-five Thousand Dollars (\$75,000.00), exclusive of freight



46 and shipping charges, may be made from the lowest and best bidder
47 without publishing or posting advertisement for bids, provided at
48 least two (2) competitive written bids have been obtained. Any
49 state agency or community or junior college purchasing commodities
50 or procuring construction pursuant to this paragraph (b) may
51 authorize its purchasing agent, or his designee, to accept the
52 lowest competitive written bid under Seventy-five Thousand Dollars
53 (\$75,000.00). Any governing authority purchasing commodities
54 pursuant to this paragraph (b) may authorize its purchasing agent,
55 or his designee, with regard to governing authorities other than
56 counties, or its purchase clerk, or his designee, with regard to
57 counties, to accept the lowest and best competitive written bid.
58 Such authorization shall be made in writing by the governing
59 authority and shall be maintained on file in the primary office of
60 the agency and recorded in the official minutes of the governing
61 authority, as appropriate. The purchasing agent or the purchase
62 clerk, or his designee, as the case may be, and not the governing
63 authority, shall be liable for any penalties and/or damages as may
64 be imposed by law for any act or omission of the purchasing agent
65 or purchase clerk, or his designee, constituting a violation of
66 law in accepting any bid without approval by the governing
67 authority. The term "competitive written bid" shall mean a bid
68 submitted on a bid form furnished by the buying agency or
69 governing authority and signed by authorized personnel
70 representing the vendor, or a bid submitted on a vendor's



71 letterhead or identifiable bid form and signed by authorized
72 personnel representing the vendor. "Competitive" shall mean that
73 the bids are developed based upon comparable identification of the
74 needs and are developed independently and without knowledge of
75 other bids or prospective bids. Any bid item for construction in
76 excess of Five Thousand Dollars (\$5,000.00) shall be broken down
77 by components to provide detail of component description and
78 pricing. These details shall be submitted with the written bids
79 and become part of the bid evaluation criteria. Bids may be
80 submitted by facsimile, electronic mail or other generally
81 accepted method of information distribution. Bids submitted by
82 electronic transmission shall not require the signature of the
83 vendor's representative unless required by agencies or governing
84 authorities.

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

86 (i) **Publication requirement.**

87 1. Purchases which involve an expenditure of
88 more than Seventy-five Thousand Dollars (\$75,000.00), exclusive of
89 freight and shipping charges, may be made from the lowest and best
90 bidder after advertising for competitive bids once each week for
91 two (2) consecutive weeks in a regular newspaper published in the
92 county or municipality in which such agency or governing authority
93 is located. However, all American Recovery and Reinvestment Act
94 projects in excess of Twenty-five Thousand Dollars (\$25,000.00)
95 shall be bid. All references to American Recovery and



96 Reinvestment Act projects in this section shall not apply to
97 programs identified in Division B of the American Recovery and
98 Reinvestment Act.

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



121 apply to the individual state institutions of higher learning.
122 The provisions of this item 2 requiring reverse auction as the
123 primary method of receiving bids shall not apply to term contract
124 purchases as provided in paragraph (n) of this section; however, a
125 purchasing entity may, in its discretion, utilize reverse auction
126 for such purchases. The provisions of this item 2 shall not apply
127 to individual public schools, including public charter schools and
128 public school districts, only when purchasing copyrighted
129 educational supplemental materials and software as a service
130 product. For such purchases, a local school board may authorize a
131 purchasing entity in its jurisdiction to use a Request for
132 Qualifications which promotes open competition and meets the
133 requirements of the Office of Purchasing and Travel.

134 3. The date as published for the bid opening
135 shall not be less than seven (7) working days after the last
136 published notice; however, if the purchase involves a construction
137 project in which the estimated cost is in excess of Seventy-five
138 Thousand Dollars (\$75,000.00), such bids shall not be opened in
139 less than fifteen (15) working days after the last notice is
140 published and the notice for the purchase of such construction
141 shall be published once each week for two (2) consecutive weeks.
142 However, all American Recovery and Reinvestment Act projects in
143 excess of Twenty-five Thousand Dollars (\$25,000.00) shall be bid.
144 For any projects in excess of Twenty-five Thousand Dollars
145 (\$25,000.00) under the American Recovery and Reinvestment Act,



146 publication shall be made one (1) time and the bid opening for
147 construction projects shall not be less than ten (10) working days
148 after the date of the published notice. The notice of intention
149 to let contracts or purchase equipment shall state the time and
150 place at which bids shall be received, list the contracts to be
151 made or types of equipment or supplies to be purchased, and, if
152 all plans and/or specifications are not published, refer to the
153 plans and/or specifications on file. If there is no newspaper
154 published in the county or municipality, then such notice shall be
155 given by posting same at the courthouse, or for municipalities at
156 the city hall, and at two (2) other public places in the county or
157 municipality, and also by publication once each week for two (2)
158 consecutive weeks in some newspaper having a general circulation
159 in the county or municipality in the above-provided manner. On
160 the same date that the notice is submitted to the newspaper for
161 publication, the agency or governing authority involved shall mail
162 written notice to, or provide electronic notification to the main
163 office of the Mississippi Procurement Technical Assistance Program
164 under the Mississippi Development Authority that contains the same
165 information as that in the published notice. Submissions received
166 by the Mississippi Procurement Technical Assistance Program for
167 projects funded by the American Recovery and Reinvestment Act
168 shall be displayed on a separate and unique Internet web page
169 accessible to the public and maintained by the Mississippi
170 Development Authority for the Mississippi Procurement Technical



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



196 rules promulgated by the department. The information provided by
197 the agency or governing authority shall be posted to the web page
198 for the duration of the American Recovery and Reinvestment Act
199 funding or until the project is completed, whichever is longer.

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

216 (iii) **Filing requirement.** In all cases involving
217 governing authorities, before the notice shall be published or
218 posted, the plans or specifications for the construction or
219 equipment being sought shall be filed with the clerk of the board
220 of the governing authority. In addition to these requirements, a



221 bid file shall be established which shall indicate those vendors
222 to whom such solicitations and specifications were issued, and
223 such file shall also contain such information as is pertinent to
224 the bid.

225 (iv) **Specification restrictions.**

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

242 2. Specifications for construction projects
243 may include an allowance for commodities, equipment, furniture,
244 construction materials or systems in which prospective bidders are
245 instructed to include in their bids specified amounts for such



246 items so long as the allowance items are acquired by the vendor in
247 a commercially reasonable manner and approved by the
248 agency/governing authority. Such acquisitions shall not be made
249 to circumvent the public purchasing laws.

250 (v) **Electronic bids.** Agencies and governing
251 authorities shall provide a secure electronic interactive system
252 for the submittal of bids requiring competitive bidding that shall
253 be an additional bidding option for those bidders who choose to
254 submit their bids electronically. The Department of Finance and
255 Administration shall provide, by regulation, the standards that
256 agencies must follow when receiving electronic bids. Agencies and
257 governing authorities shall make the appropriate provisions
258 necessary to accept electronic bids from those bidders who choose
259 to submit their bids electronically for all purchases requiring
260 competitive bidding under this section. Any special condition or
261 requirement for the electronic bid submission shall be specified
262 in the advertisement for bids required by this section. Agencies
263 or governing authorities that are currently without available high
264 speed Internet access shall be exempt from the requirement of this
265 subparagraph (v) until such time that high speed Internet access
266 becomes available. Any county having a population of less than
267 twenty thousand (20,000) shall be exempt from the provisions of
268 this subparagraph (v). Any municipality having a population of
269 less than ten thousand (10,000) shall be exempt from the
270 provisions of this subparagraph (v). The provisions of this



271 subparagraph (v) shall not require any bidder to submit bids
272 electronically. When construction bids are submitted
273 electronically, the requirement for including a certificate of
274 responsibility, or a statement that the bid enclosed does not
275 exceed Fifty Thousand Dollars (\$50,000.00), on the exterior of the
276 bid envelope as indicated in Section 31-3-21(1) and (2) shall be
277 deemed in compliance with by including same as an attachment with
278 the electronic bid submittal.

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

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



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

313 (iii) **Decision procedure for Mississippi**
314 **Landmarks.** In addition to the decision procedure set forth in
315 subparagraph (i) of this paragraph (d), where purchase involves
316 renovation, restoration, or both, of the State Capitol Building or
317 any other historical building designated for at least five (5)
318 years as a Mississippi Landmark by the Board of Trustees of the
319 Department of Archives and History under the authority of Sections



320 39-7-7 and 39-7-11, the agency or governing authority may use the
321 following procedure: Purchases may be made from the lowest and
322 best prequalified bidder. Prequalification of bidders shall be
323 determined not less than fifteen (15) working days before the
324 first published notice of bid opening. Prequalification criteria
325 shall be limited to bidder's knowledge and experience in
326 historical restoration, preservation and renovation. In
327 determining the lowest and best bid, freight and shipping charges
328 shall be included. Life-cycle costing, total cost bids,
329 warranties, guaranteed buy-back provisions and other relevant
330 provisions may be included in the best bid calculation. All best
331 bid and prequalification procedures for state agencies must be in
332 compliance with regulations established by the Department of
333 Finance and Administration. If any governing authority accepts a
334 bid other than the lowest bid actually submitted, it shall place
335 on its minutes detailed calculations and narrative summary showing
336 that the accepted bid was determined to be the lowest and best
337 bid, including the dollar amount of the accepted bid and the
338 dollar amount of the lowest bid. No agency or governing authority
339 shall accept a bid based on items not included in the
340 specifications.

341 (iv) **Construction project negotiations authority.**
342 If the lowest and best bid is not more than ten percent (10%)
343 above the amount of funds allocated for a public construction or
344 renovation project, then the agency or governing authority shall



345 be permitted to negotiate with the lowest bidder in order to enter
346 into a contract for an amount not to exceed the funds allocated.

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



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



395 (f) **Alternate bid authorization.** When necessary to
396 ensure ready availability of commodities for public works and the
397 timely completion of public projects, no more than two (2)
398 alternate bids may be accepted by a governing authority for
399 commodities. No purchases may be made through use of such
400 alternate bids procedure unless the lowest and best bidder cannot
401 deliver the commodities contained in his bid. In that event,
402 purchases of such commodities may be made from one (1) of the
403 bidders whose bid was accepted as an alternate.

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



420 governing authority when any such change or modification is less
421 than one percent (1%) of the total contract amount. The agency or
422 governing authority may limit the number, manner or frequency of
423 such emergency changes or modifications.

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

441 (i) **Road construction petroleum products price**
442 **adjustment clause authorization.** Any agency or governing
443 authority authorized to enter into contracts for the construction,
444 maintenance, surfacing or repair of highways, roads or streets,



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

461 (j) **State agency emergency purchase procedure.** If the
462 governing board or the executive head, or his designees, of any
463 agency of the state shall determine that an emergency exists in
464 regard to the purchase of any commodities or repair contracts, so
465 that the delay incident to giving opportunity for competitive
466 bidding would be detrimental to the interests of the state, then
467 the head of such agency, or his designees, shall file with the
468 Department of Finance and Administration (i) a statement
469 explaining the conditions and circumstances of the emergency,



470 which shall include a detailed description of the events leading
471 up to the situation and the negative impact to the entity if the
472 purchase is made following the statutory requirements set forth in
473 paragraph (a), (b) or (c) of this section, and (ii) a certified
474 copy of the appropriate minutes of the board of such agency
475 requesting the emergency purchase, if applicable. Upon receipt of
476 the statement and applicable board certification, the State Fiscal
477 Officer, or his designees, may, in writing, authorize the purchase
478 or repair without having to comply with competitive bidding
479 requirements.

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

492 Total purchases made under this paragraph (j) shall only be
493 for the purpose of meeting needs created by the emergency
494 situation. Following the emergency purchase, documentation of the



495 purchase, including a description of the commodity purchased, the
496 purchase price thereof and the nature of the emergency shall be
497 filed with the Department of Finance and Administration. Any
498 contract awarded pursuant to this paragraph (j) shall not exceed a
499 term of one (1) year.

500 Purchases under the grant program established under Section
501 37-68-7 in response to COVID-19 and the directive that school
502 districts create a distance learning plan and fulfill technology
503 needs expeditiously shall be deemed an emergency purchase for
504 purposes of this paragraph (j).

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

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



520 thereof and the nature of the emergency shall be presented to the
521 board and shall be placed on the minutes of the board of such
522 governing authority. Purchases under the grant program
523 established under Section 37-68-7 in response to COVID-19 and the
524 directive that school districts create a distance learning plan
525 and fulfill technology needs expeditiously shall be deemed an
526 emergency purchase for purposes of this paragraph (k).

527 (1) **Hospital purchase, lease-purchase and lease**
528 **authorization.**

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

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



545 liability on the part of the lessee. Any such contract for the
546 lease of equipment or services executed on behalf of the
547 commissioners or board that complies with the provisions of this
548 subparagraph (ii) shall be excepted from the bid requirements set
549 forth in this section.

550 (m) **Exceptions from bidding requirements.** Excepted
551 from bid requirements are:

552 (i) **Purchasing agreements approved by department.**
553 Purchasing agreements, contracts and maximum price regulations
554 executed or approved by the Department of Finance and
555 Administration.

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

567 (iii) **In-house equipment repairs.** Purchases of
568 parts for repairs to equipment, when such repairs are made by
569 personnel of the agency or governing authority; however, entire



570 assemblies, such as engines or transmissions, shall not be
571 included in this exemption when the entire assembly is being
572 replaced instead of being repaired.

573 (iv) **Raw gravel or dirt.** Raw unprocessed deposits
574 of gravel or fill dirt which are to be removed and transported by
575 the purchaser.

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

587 (vi) **Intergovernmental sales and transfers.**
588 Purchases, sales, transfers or trades by governing authorities or
589 state agencies when such purchases, sales, transfers or trades are
590 made by a private treaty agreement or through means of
591 negotiation, from any federal agency or authority, another
592 governing authority or state agency of the State of Mississippi,
593 or any state agency or governing authority of another state.
594 Nothing in this section shall permit such purchases through public



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

607 (vii) **Perishable supplies or food.** Perishable
608 supplies or food purchased for use in connection with hospitals,
609 the school lunch programs, homemaking programs and for the feeding
610 of county or municipal prisoners.

611 (viii) **Single-source items.** Noncompetitive items
612 available from one (1) source only. In connection with the
613 purchase of noncompetitive items only available from one (1)
614 source, a certification of the conditions and circumstances
615 requiring the purchase shall be filed by the agency with the
616 Department of Finance and Administration and by the governing
617 authority with the board of the governing authority. Upon receipt
618 of that certification the Department of Finance and Administration
619 or the board of the governing authority, as the case may be, may,



620 in writing, authorize the purchase, which authority shall be noted
621 on the minutes of the body at the next regular meeting thereafter.
622 In those situations, a governing authority is not required to
623 obtain the approval of the Department of Finance and
624 Administration. Following the purchase, the executive head of the
625 state agency, or his designees, shall file with the Department of
626 Finance and Administration, documentation of the purchase,
627 including a description of the commodity purchased, the purchase
628 price thereof and the source from whom it was purchased.

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

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



645 the governing authority or agency may select the most qualified
646 proposal or proposals on the basis of price, technology and other
647 relevant factors and from such proposals, but not limited to the
648 terms thereof, negotiate and enter contracts with one or more of
649 the persons or firms submitting proposals.

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

653 (xi) **Information technology products.** Purchases
654 of information technology products made by governing authorities
655 under the provisions of purchase schedules, or contracts executed
656 or approved by the Mississippi Department of Information
657 Technology Services and designated for use by governing
658 authorities.

659 (xii) **Energy efficiency services and equipment.**
660 Energy efficiency services and equipment acquired by school
661 districts, community and junior colleges, institutions of higher
662 learning and state agencies or other applicable governmental
663 entities on a shared-savings, lease or lease-purchase basis
664 pursuant to Section 31-7-14.

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



669 (xiv) **Library books and other reference materials.**
670 Purchases by libraries or for libraries of books and periodicals;
671 processed film, videocassette tapes, filmstrips and slides;
672 recorded audiotapes, cassettes and diskettes; and any such items
673 as would be used for teaching, research or other information
674 distribution; however, equipment such as projectors, recorders,
675 audio or video equipment, and monitor televisions are not exempt
676 under this subparagraph.

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

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

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

691 (xviii) **Purchases of prison industry products by**
692 **the Department of Corrections, regional correctional facilities or**
693 **privately owned prisons.** Purchases made by the Mississippi



694 Department of Corrections, regional correctional facilities or
695 privately owned prisons involving any item that is manufactured,
696 processed, grown or produced from the state's prison industries.

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

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

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

711 (xxii) **Garbage, solid waste and sewage contracts.**
712 Contracts for garbage collection or disposal, contracts for solid
713 waste collection or disposal and contracts for sewage collection
714 or disposal.

715 (xxiii) **Municipal water tank maintenance**
716 **contracts.** Professional maintenance program contracts for the
717 repair or maintenance of municipal water tanks, which provide
718 professional services needed to maintain municipal water storage



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

721 (xxiv) **Purchases of Mississippi Industries for the**
722 **Blind products or services.** Purchases made by state agencies or
723 governing authorities involving any item that is manufactured,
724 processed or produced by, or any services provided by, the
725 Mississippi Industries for the Blind.

726 (xxv) **Purchases of state-adopted textbooks.**
727 Purchases of state-adopted textbooks by public school districts.

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

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



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

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

758 (xxx) **School yearbooks.** Purchases of school
759 yearbooks by state agencies or governing authorities; however,
760 state agencies and governing authorities shall use for these
761 purchases the RFP process as set forth in the Mississippi
762 Procurement Manual adopted by the Office of Purchasing and Travel.

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



766 (xxxii) **Toll roads and bridge construction**
767 **projects.** Contracts entered into under the provisions of Section
768 65-43-1 or 65-43-3.

769 (xxxiii) **Certain purchases under Section 57-1-221.**
770 Contracts entered into pursuant to the provisions of Section
771 57-1-221.

772 (xxxiv) **Certain transfers made pursuant to the**
773 **provisions of Section 57-105-1(7).** Transfers of public property
774 or facilities under Section 57-105-1(7) and construction related
775 to such public property or facilities.

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

779 (xxxvi) **Certain purchases by an academic medical**
780 **center or health sciences school.** Purchases by an academic
781 medical center or health sciences school, as defined in Section
782 37-115-50, of commodities that are used for clinical purposes and
783 1. intended for use in the diagnosis of disease or other
784 conditions or in the cure, mitigation, treatment or prevention of
785 disease, and 2. medical devices, biological, drugs and
786 radiation-emitting devices as defined by the United States Food
787 and Drug Administration.

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



790 Lottery Corporation pursuant to the Alyce G. Clarke Mississippi
791 Lottery Law.

792 (xxxviii) **Certain purchases made by the Department**
793 **of Health and the Department of Revenue.** Purchases made by the
794 Department of Health and the Department of Revenue solely for the
795 purpose of fulfilling their respective responsibilities under the
796 Mississippi Medical Cannabis Act. This subparagraph shall stand
797 repealed on June 30, 2026.

798 (n) **Term contract authorization.** All contracts for the
799 purchase of:

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

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



815 Finance and Administration for the state agencies and by the
816 governing board for governing authorities. The bid proposal and
817 contract documents utilizing a price adjustment clause shall
818 contain the basis and method of adjusting unit prices for the
819 change in the cost of such commodities, equipment and public
820 construction.

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

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



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

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



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



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

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



915 Black, Hispanic or Native American, according to the following
916 definitions:

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

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

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

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

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

936 (u) **Procurement of construction services by state**
937 **institutions of higher learning.** Contracts for privately financed
938 construction of auxiliary facilities on the campus of a state
939 institution of higher learning may be awarded by the Board of



940 Trustees of State Institutions of Higher Learning to the lowest
941 and best bidder, where sealed bids are solicited, or to the
942 offeror whose proposal is determined to represent the best value
943 to the citizens of the State of Mississippi, where requests for
944 proposals are solicited.

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

957 (w) **Purchase authorization clarification.** Nothing in
958 this section shall be construed as authorizing any purchase not
959 authorized by law.

960 (x) **Mississippi Regional Pre-Need Disaster Clean Up**
961 **Act.** (i) The Department of Finance and Administration shall
962 enter into nine (9) contracts for the pre-need purchase of labor,
963 services, work, materials, equipment, supplies or other personal
964 property for disaster-related solid waste collection, disposal or



965 monitoring. One (1) contract shall be entered into for each of
966 the nine (9) Mississippi Emergency Management Association
967 districts:

968 1. Coahoma, DeSoto, Grenada, Panola, Quitman,
969 Tallahatchie, Tate, Tunica and Yalobusha Counties;

970 2. Alcorn, Benton, Itawamba, Lafayette, Lee,
971 Marshall, Pontotoc, Prentiss, Tippah, Tishomingo and Union
972 Counties;

973 3. Attala, Bolivar, Carroll, Holmes,
974 Humphreys, Leflore, Montgomery, Sunflower and Washington Counties;

975 4. Calhoun, Chickasaw, Choctaw, Clay,
976 Lowndes, Monroe, Noxubee, Oktibbeha, Webster and Winston Counties;

977 5. Claiborne, Covich, Hinds, Issaquena,
978 Madison, Rankin, Sharkey, Simpson, Warren and Yazoo Counties;

979 6. Clarke, Jasper, Kemper, Lauderdale, Leake,
980 Neshoba, Newton, Scott, and Smith Counties and the Mississippi
981 Band of Choctaw Indians;

982 7. Adams, Amite, Franklin, Jefferson,
983 Lawrence, Lincoln, Pike, Walthall and Wilkinson Counties;

984 8. Covington, Forrest, Greene, Jefferson
985 Davis, Jones, Lamar, Marion, Perry and Wayne Counties; and

986 9. George, Hancock, Harrison, Jackson, Pearl
987 River and Stone Counties.

988 Any such contract shall set forth the manner of awarding such
989 a contract, the method of payment, and any other matter deemed



990 necessary to carry out the purposes of the agreement. Such
991 contract may be entered into only for a term of one (1) year, with
992 an option for an additional one-year extension after the
993 conclusion of the first year of the contract, and only after
994 having solicited bids or proposals, as appropriate, which shall be
995 publicly advertised by posting on a web page maintained by the
996 Department of Finance and Administration through submission of
997 such advertisement to the Mississippi Procurement Technical
998 Assistance Program under the Mississippi Development Authority.
999 The bid opening shall not occur until after the submission has
1000 been posted for at least ten (10) consecutive days. The state's
1001 share of expenditures for solid waste collection, disposal or
1002 monitoring under any contract shall be appropriated and paid in
1003 the manner set forth in the contract and in the same manner as for
1004 other solid waste collection, disposal, or monitoring expenses of
1005 the state. Any contract entered into under this paragraph shall
1006 not be subject to the provisions of Section 17-13-11.

1007 (ii) Any board of supervisors of any county or any
1008 governing authority of any municipality may opt in to the benefits
1009 and services provided under the appropriate and relevant contract
1010 established in subparagraph (i) of this paragraph at the time of a
1011 disaster event in that county or municipality. At the time of opt
1012 in, the county or municipality shall assume responsibility for
1013 payment in full to the contractor for the disaster-related solid
1014 waste collection, disposal or monitoring services provided.



1015 Nothing in this subparagraph (ii) shall be construed as requiring
1016 a county or municipality to opt in to any such contract
1017 established in subparagraph (i) of this paragraph.

1018 **SECTION 4.** This act shall take effect and be in force from
1019 and after its passage.

