

By: Senator(s) DeLano

To: Technology

SENATE BILL NO. 2728

1 AN ACT TO AMEND SECTION 25-53-5, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE STATEWIDE MASTER AGREEMENTS; TO AUTHORIZE UTILIZATION OF
3 INFORMATION TECHNOLOGY ACQUISITIONS MADE BY OTHER ENTITIES; AND
4 FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 25-53-5, Mississippi Code of 1972, is
7 amended as follows:

8 25-53-5. The authority shall have the following powers,
9 duties, and responsibilities:

10 (a) (i) The authority shall provide for the
11 development of plans for the efficient acquisition and utilization
12 of computer equipment and services by all agencies of state
13 government, and provide for their implementation. In so doing,
14 the authority may use the MDITS' staff, at the discretion of the
15 executive director of the authority, or the authority may contract
16 for the services of qualified consulting firms in the field of
17 information technology and utilize the service of such consultants
18 as may be necessary for such purposes. Pursuant to Section
19 25-53-1, the provisions of this section shall not apply to the



20 Department of Human Services for a period of three (3) years
21 beginning on July 1, 2017. Pursuant to Section 25-53-1, the
22 provisions of this section shall not apply to the Department of
23 Child Protection Services for a period of three (3) years
24 beginning July 1, 2017.

25 (ii) [Repealed]

26 (b) The authority shall immediately institute
27 procedures for carrying out the purposes of this chapter and
28 supervise the efficient execution of the powers and duties of the
29 office of executive director of the authority. In the execution
30 of its functions under this chapter, the authority shall maintain
31 as a paramount consideration the successful internal organization
32 and operation of the several agencies so that efficiency existing
33 therein shall not be adversely affected or impaired. In executing
34 its functions in relation to the institutions of higher learning
35 and junior colleges in the state, the authority shall take into
36 consideration the special needs of such institutions in relation
37 to the fields of teaching and scientific research.

38 (c) Title of whatever nature of all computer equipment
39 now vested in any agency of the State of Mississippi is hereby
40 vested in the authority, and no such equipment shall be disposed
41 of in any manner except in accordance with the direction of the
42 authority or under the provisions of such rules and regulations as
43 may hereafter be adopted by the authority in relation thereto.



44 (d) The authority shall adopt rules, regulations, and
45 procedures governing the acquisition of computer and
46 telecommunications equipment and services which shall, to the
47 fullest extent practicable, insure the maximum of competition
48 between all manufacturers of supplies or equipment or services.
49 In the writing of specifications, in the making of contracts
50 relating to the acquisition of such equipment and services, and in
51 the performance of its other duties the authority shall provide
52 for the maximum compatibility of all information systems hereafter
53 installed or utilized by all state agencies and may require the
54 use of common computer languages where necessary to accomplish the
55 purposes of this chapter. The authority may establish by
56 regulation and charge reasonable fees on a nondiscriminatory basis
57 for the furnishing to bidders of copies of bid specifications and
58 other documents issued by the authority.

59 (e) The authority shall adopt rules and regulations
60 governing the sharing with, or the sale or lease of information
61 technology services to any nonstate agency or person. Such
62 regulations shall provide that any such sharing, sale or lease
63 shall be restricted in that same shall be accomplished only where
64 such services are not readily available otherwise within the
65 state, and then only at a charge to the user not less than the
66 prevailing rate of charge for similar services by private
67 enterprise within this state.



68 (f) The authority may, in its discretion, establish a
69 special technical advisory committee or committees to study and
70 make recommendations on technology matters within the competence
71 of the authority as the authority may see fit. Persons serving on
72 the Information Resource Council, its task forces, or any such
73 technical advisory committees shall be entitled to receive their
74 actual and necessary expenses actually incurred in the performance
75 of such duties, together with mileage as provided by law for state
76 employees, provided the same has been authorized by a resolution
77 duly adopted by the authority and entered on its minutes prior to
78 the performance of such duties.

79 (g) The authority may provide for the development and
80 require the adoption of standardized computer programs and may
81 provide for the dissemination of information to and the
82 establishment of training programs for the personnel of the
83 various information technology centers of state agencies and
84 personnel of the agencies utilizing the services thereof.

85 (h) The authority shall adopt reasonable rules and
86 regulations requiring the reporting to the authority through the
87 office of executive director of such information as may be
88 required for carrying out the purposes of this chapter and may
89 also establish such reasonable procedures to be followed in the
90 presentation of bills for payment under the terms of all contracts
91 for the acquisition of computer equipment and services now or



92 hereafter in force as may be required by the authority or by the
93 executive director in the execution of their powers and duties.

94 (i) The authority shall require such adequate
95 documentation of information technology procedures utilized by the
96 various state agencies and may require the establishment of such
97 organizational structures within state agencies relating to
98 information technology operations as may be necessary to
99 effectuate the purposes of this chapter.

100 (j) The authority may adopt such further reasonable
101 rules and regulations as may be necessary to fully implement the
102 purposes of this chapter. All rules and regulations adopted by
103 the authority shall be published and disseminated in readily
104 accessible form to all affected state agencies, and to all current
105 suppliers of computer equipment and services to the state, and to
106 all prospective suppliers requesting the same. Such rules and
107 regulations shall be kept current, be periodically revised, and
108 copies thereof shall be available at all times for inspection by
109 the public at reasonable hours in the offices of the authority.
110 Whenever possible no rule, regulation or any proposed amendment to
111 such rules and regulations shall be finally adopted or enforced
112 until copies of the proposed rules and regulations have been
113 furnished to all interested parties for their comment and
114 suggestions.

115 (k) The authority shall establish rules and regulations
116 which shall provide for the submission of all contracts proposed



117 to be executed by the executive director for computer equipment
118 and/or telecommunications or services to the authority for
119 approval before final execution, and the authority may provide
120 that such contracts involving the expenditure of less than such
121 specified amount as may be established by the authority may be
122 finally executed by the executive director without first obtaining
123 such approval by the authority.

124 (l) The authority is authorized to purchase, lease, or
125 rent computer equipment or services and to operate that equipment
126 and use those services in providing services to one or more state
127 agencies when in its opinion such operation will provide maximum
128 efficiency and economy in the functions of any such agency or
129 agencies.

130 (m) Upon the request of the governing body of a
131 political subdivision or instrumentality, the authority shall
132 assist the political subdivision or instrumentality in its
133 development of plans for the efficient acquisition and utilization
134 of computer equipment and services. An appropriate fee shall be
135 charged the political subdivision by the authority for such
136 assistance.

137 (n) The authority shall adopt rules and regulations
138 governing the protest procedures to be followed by any actual or
139 prospective bidder, offerer or contractor who is aggrieved in
140 connection with the solicitation or award of a contract for the
141 acquisition of computer equipment or services. Such rules and



142 regulations shall prescribe the manner, time and procedure for
143 making protests and may provide that a protest not timely filed
144 shall be summarily denied. The authority may require the
145 protesting party, at the time of filing the protest, to post a
146 bond, payable to the state, in an amount that the authority
147 determines sufficient to cover any expense or loss incurred by the
148 state, the authority or any state agency as a result of the
149 protest if the protest subsequently is determined by a court of
150 competent jurisdiction to have been filed without any substantial
151 basis or reasonable expectation to believe that the protest was
152 meritorious; however, in no event may the amount of the bond
153 required exceed a reasonable estimate of the total project cost.
154 The authority, in its discretion, also may prohibit any
155 prospective bidder, offerer or contractor who is a party to any
156 litigation involving any such contract with the state, the
157 authority or any agency of the state to participate in any other
158 such bid, offer or contract, or to be awarded any such contract,
159 during the pendency of the litigation.

160 (o) The authority shall make a report in writing to the
161 Legislature each year in the month of January. Such report shall
162 contain a full and detailed account of the work of the authority
163 for the preceding year as specified in Section 25-53-29(3).

164 All acquisitions of computer equipment and services involving
165 the expenditure of funds in excess of the dollar amount
166 established in Section 31-7-13(c), or rentals or leases in excess



167 of the dollar amount established in Section 31-7-13(c) for the
168 term of the contract, shall be based upon competitive and open
169 specifications, and contracts therefor shall be entered into only
170 after advertisements for bids are published in one or more daily
171 newspapers having a general circulation in the state not less than
172 fourteen (14) days prior to receiving sealed bids therefor. The
173 authority may reserve the right to reject any or all bids, and if
174 all bids are rejected, the authority may negotiate a contract
175 within the limitations of the specifications so long as the terms
176 of any such negotiated contract are equal to or better than the
177 comparable terms submitted by the lowest and best bidder, and so
178 long as the total cost to the State of Mississippi does not exceed
179 the lowest bid. If the authority accepts one (1) of such bids, it
180 shall be that which is the lowest and best. Through June 30,
181 2023, the provisions of this paragraph shall not apply to
182 acquisitions of information technology equipment and services made
183 by the Mississippi Department of Health and/or the Mississippi
184 Department of Revenue for the purposes of implementing,
185 administering and/or enforcing the provisions of the Mississippi
186 Medical Cannabis Act.

187 (p) When applicable, the authority may procure
188 equipment, systems and related services in accordance with the law
189 or regulations, or both, which govern the Bureau of Purchasing of
190 the Office of General Services or which govern the Mississippi



191 Department of Information Technology Services procurement of
192 telecommunications equipment, software and services.

193 (q) The authority is authorized to purchase, lease, or
194 rent information technology and services for the purpose of
195 establishing pilot projects to investigate emerging technologies.
196 These acquisitions shall be limited to new technologies and shall
197 be limited to an amount set by annual appropriation of the
198 Legislature. These acquisitions shall be exempt from the
199 advertising and bidding requirement.

200 (r) To promote the maximum use and benefit from
201 technology and services now in operation or which will in the
202 future be placed in operation and to identify opportunities,
203 minimize duplication, reduce costs and improve the efficiency of
204 providing common technology services the authority is authorized
205 to:

206 (i) Enter into master agreements for computer or
207 telecommunications equipment or services available for shared use
208 by state agencies, institutes of higher learning and governing
209 authorities; and

210 (ii) Enter into contracts for the acquisition of
211 computer or telecommunications equipment or services that have
212 been acquired by other entities, located within or outside of the
213 State of Mississippi, so long as it is determined by the authority
214 to be in the best interest of the State. The acquisitions



215 provided in this subsection (r) shall be exempt from the
216 advertising and bidding requirements of Section 25-53-1 et seq.

217 (* * *s) All fees collected by the Mississippi
218 Department of Information Technology Services shall be deposited
219 into the Mississippi Department of Information Technology Services
220 Revolving Fund unless otherwise specified by the Legislature.

221 (* * *t) The authority shall work closely with the
222 council to bring about effective coordination of policies,
223 standards and procedures relating to procurement of remote sensing
224 and geographic information systems (GIS) resources. In addition,
225 the authority is responsible for development, operation and
226 maintenance of a delivery system infrastructure for geographic
227 information systems data. The authority shall provide a warehouse
228 for Mississippi's geographic information systems data.

229 (* * *u) The authority shall manage one or more State
230 Data Centers to provide information technology services on a
231 cost-sharing basis. In determining the appropriate services to be
232 provided through the State Data Center, the authority should
233 consider those services that:

- 234 (i) Result in savings to the state as a whole;
235 (ii) Improve and enhance the security and
236 reliability of the state's information and business systems; and
237 (iii) Optimize the efficient use of the state's
238 information technology assets, including, but not limited to,
239 promoting partnerships with the state institutions of higher



240 learning and community colleges to capitalize on advanced
241 information technology resources.

242 (* * *y) The authority shall increase federal
243 participation in the cost of the State Data Center to the extent
244 provided by law and its shared technology infrastructure through
245 providing such shared services to agencies that receive federal
246 funds. With regard to state institutions of higher learning and
247 community colleges, the authority may provide shared services when
248 mutually agreeable, following a determination by both the
249 authority and the Board of Trustees of State Institutions of
250 Higher Learning or the Mississippi Community College Board, as the
251 case may be, that the sharing of services is mutually beneficial.

252 (* * *w) The authority, in its discretion, may require
253 new or replacement agency business applications to be hosted at
254 the State Data Center. With regard to state institutions of
255 higher learning and community colleges, the authority and the
256 Board of Trustees of State Institutions of Higher Learning or the
257 Mississippi Community College Board, as the case may be, may agree
258 that institutions of higher learning or community colleges may
259 utilize business applications that are hosted at the State Data
260 Center, following a determination by both the authority and the
261 applicable board that the hosting of those applications is
262 mutually beneficial. In addition, the authority may establish
263 partnerships to capitalize on the advanced technology resources of
264 the Board of Trustees of State Institutions of Higher Learning or



265 the Mississippi Community College Board, following a determination
266 by both the authority and the applicable board that such a
267 partnership is mutually beneficial.

268 (* * *x) The authority shall provide a periodic update
269 regarding reform-based information technology initiatives to the
270 Chairmen of the House and Senate Accountability, Efficiency and
271 Transparency Committees.

272 From and after July 1, 2018, the expenses of this agency
273 shall be defrayed by appropriation from the State General Fund.
274 In addition, in order to receive the maximum use and benefit from
275 information technology and services, expenses for the provision of
276 statewide shared services that facilitate cost-effective
277 information processing and telecommunication solutions shall be
278 defrayed by pass-through funding and shall be deposited into the
279 Mississippi Department of Information Technology Services
280 Revolving Fund unless otherwise specified by the Legislature.
281 These funds shall only be utilized to pay the actual costs
282 incurred by the Mississippi Department of Information Technology
283 Services for providing these shared services to state agencies.
284 Furthermore, state agencies shall work in full cooperation with
285 the Board of the Mississippi Department of Information Technology
286 Services to identify computer equipment or services to minimize
287 duplication, reduce costs, and improve the efficiency of providing
288 common technology services across agency boundaries.



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

