

Senate Amendments to House Bill No. 540

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

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

11 **SECTION 1.** Section 27-104-7, as amended by House Bill No.
12 249, 2023 Regular Session, is amended as follows:

13 27-104-7. (1) (a) There is created the Public Procurement
14 Review Board, which shall be reconstituted on January 1, 2018, and
15 shall be composed of the following members:

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

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

20 (iii) The Executive Director of the Department of
21 Finance and Administration, serving as an ex officio and nonvoting
22 member.

23 (b) The initial terms of each appointee shall be as
24 follows:

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

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

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

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

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

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

39 (c) When appointing members to the Public Procurement
40 Review Board, the Governor and Lieutenant Governor shall take into
41 consideration persons who possess at least five (5) years of
42 management experience in general business, health care or finance
43 for an organization, corporation or other public or private
44 entity. Any person, or any employee or owner of a company, who
45 receives any grants, procurements or contracts that are subject to
46 approval under this section shall not be appointed to the Public
47 Procurement Review Board. Any person, or any employee or owner of
48 a company, who is a principal of the source providing a personal
49 or professional service shall not be appointed to the Public
50 Procurement Review Board if the principal owns or controls a
51 greater than five percent (5%) interest or has an ownership value
52 of One Million Dollars (\$1,000,000.00) in the source's business,

53 whichever is smaller. No member shall be an officer or employee
54 of the State of Mississippi while serving as a voting member on
55 the Public Procurement Review Board.

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

59 (e) The members of the Public Procurement Review Board
60 shall elect a chair from among the membership, and he or she shall
61 preside over the meetings of the board. The board shall annually
62 elect a vice chair, who shall serve in the absence of the chair.
63 No business shall be transacted, including adoption of rules of
64 procedure, without the presence of a quorum of the board. Three
65 (3) members shall be a quorum. No action shall be valid unless
66 approved by a majority of the members present and voting, entered
67 upon the minutes of the board and signed by the chair. Necessary
68 clerical and administrative support for the board shall be
69 provided by the Department of Finance and Administration. Minutes
70 shall be kept of the proceedings of each meeting, copies of which
71 shall be filed on a monthly basis with the chairs of the
72 Accountability, Efficiency and Transparency Committees of the
73 Senate and House of Representatives and the chairs of the
74 Appropriations Committees of the Senate and House of
75 Representatives.

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

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

82 (b) Adopt regulations governing the approval of
83 contracts let for the construction and maintenance of state
84 buildings and other state facilities as well as related contracts
85 for architectural and engineering services.

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

90 (c) Adopt regulations governing any lease or rental
91 agreement by any state agency or department, including any state
92 agency financed entirely by federal funds, for space outside the
93 buildings under the jurisdiction of the Department of Finance and
94 Administration. These regulations shall require each agency
95 requesting to lease such space to provide the following
96 information that shall be published by the Department of Finance
97 and Administration on its website: the agency to lease the space;
98 the terms of the lease; the approximate square feet to be leased;
99 the use for the space; a description of a suitable space; the
100 general location desired for the leased space; the contact
101 information for a person from the agency; the deadline date for
102 the agency to have received a lease proposal; any other specific
103 terms or conditions of the agency; and any other information

104 deemed appropriate by the Division of Real Property Management of
105 the Department of Finance and Administration or the Public
106 Procurement Review Board. The information shall be provided
107 sufficiently in advance of the time the space is needed to allow
108 the Division of Real Property Management of the Department of
109 Finance and Administration to review and preapprove the lease
110 before the time for advertisement begins;

111 (d) Adopt, in its discretion, regulations to set aside
112 at least five percent (5%) of anticipated annual expenditures for
113 the purchase of commodities from minority businesses; however, all
114 such set-aside purchases shall comply with all purchasing
115 regulations promulgated by the department and shall be subject to
116 all bid requirements. Set-aside purchases for which competitive
117 bids are required shall be made from the lowest and best minority
118 business bidder; however, if no minority bid is available or if
119 the minority bid is more than two percent (2%) higher than the
120 lowest bid, then bids shall be accepted and awarded to the lowest
121 and best bidder. However, the provisions in this paragraph shall
122 not be construed to prohibit the rejection of a bid when only one
123 (1) bid is received. Such rejection shall be placed in the
124 minutes. For the purposes of this paragraph, the term "minority
125 business" means a business which is owned by a person who is a
126 citizen or lawful permanent resident of the United States and who
127 is:

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

130 (ii) Hispanic: of Mexican, Puerto Rican, Cuban,
131 Central or South American, or other Spanish or Portuguese culture
132 or origin regardless of race;

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

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

138 (v) Female;

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

145 (f) Except as otherwise provided in subparagraph (xv)
146 of this paragraph, promulgate rules and regulations governing the
147 solicitation and selection of contractual services personnel,
148 including personal and professional services contracts for any
149 form of consulting, policy analysis, public relations, marketing,
150 public affairs, legislative advocacy services or any other
151 contract that the board deems appropriate for oversight, with the
152 exception of:

153 (i) Any personal service contracts entered into by
154 any agency that employs only nonstate service employees as defined
155 in Section 25-9-107(c) * * *;

156 (ii) Any personal service contracts entered into
157 for computer or information technology-related services governed
158 by the Mississippi Department of Information Technology
159 Services * * *;

160 (iii) Any personal service contracts entered into
161 by the individual state institutions of higher learning * * *;

162 (iv) Any personal service contracts entered into
163 by the Mississippi Department of Transportation * * *;

164 (v) Any personal service contracts entered into by
165 the Department of Human Services through June 30, 2019, which the
166 Executive Director of the Department of Human Services determines
167 would be useful in establishing and operating the Department of
168 Child Protection Services * * *;

169 (vi) Any personal service contracts entered into
170 by the Department of Child Protection Services through June 30,
171 2019 * * *;

172 (vii) Any contracts for entertainers and/or
173 performers at the Mississippi State Fairgrounds entered into by
174 the Mississippi Fair Commission * * *;

175 (viii) Any contracts entered into by the
176 Department of Finance and Administration when procuring aircraft
177 maintenance, parts, equipment and/or services * * *;

178 (ix) Any contract entered into by the Department
179 of Public Safety for service on specialized equipment and/or
180 software required for the operation at such specialized equipment
181 for use by the Office of Forensics Laboratories * * *;

182 (x) Any personal or professional service contract
183 entered into by the Mississippi Department of Health * * * or the
184 Department of Revenue solely in connection with their respective
185 responsibilities under the Mississippi Medical Cannabis Act from
186 February 2, 2022, through June 30, * * * 2026;

187 (xi) Any contract for attorney, accountant,
188 actuary auditor, architect, engineer, anatomical pathologist, or
189 utility rate expert services * * *;

190 (xii) Any personal service contracts approved by
191 the Executive Director of the Department of Finance and
192 Administration and entered into by the Coordinator of Mental
193 Health Accessibility through June 30, 2022 * * *;

194 (xiii) Any personal or professional services
195 contract entered into by the State Department of Health in
196 carrying out its responsibilities under the ARPA Rural Water
197 Associations Infrastructure Grant Program through June 30,
198 2026 * * *;

199 (xiv) Any personal or professional services
200 contract entered into by the Mississippi Department of
201 Environmental Quality in carrying out its responsibilities under
202 the Mississippi Municipality and County Water Infrastructure Grant
203 Program Act of 2022, through June 30, 2026.

204 Any such rules and regulations shall provide for maintaining
205 continuous internal audit covering the activities of such agency
206 affecting its revenue and expenditures as required under Section
207 7-7-3(6) (d). Any rules and regulation changes related to personal

208 and professional services contracts that the Public Procurement
209 Review Board may propose shall be submitted to the Chairs of the
210 Accountability, Efficiency and Transparency Committees of the
211 Senate and House of Representatives and the Chairs of the
212 Appropriation Committees of the Senate and House of
213 Representatives at least fifteen (15) days before the board votes
214 on the proposed changes, and those rules and regulation changes,
215 if adopted, shall be promulgated in accordance with the
216 Mississippi Administrative Procedures Act; and

217 (xv) From and after July 1, 2024, the Public
218 Procurement Review Board shall promulgate rules and regulations
219 that require the Department of Finance and Administration to
220 conduct personal and professional services solicitations as
221 provided in subparagraph (i) of this paragraph for those services
222 in excess of Seventy-five Thousand Dollars (\$75,000.00) for the
223 Department of Marine Resources, the Department of Wildlife,
224 Fisheries and Parks, the Mississippi Emergency Management Agency
225 and the Mississippi Development Authority, with assistance to be
226 provided from these entities. Any powers that have been conferred
227 upon agencies in order to comply with the provisions of this
228 section for personal and professional services solicitations shall
229 be conferred upon the Department of Finance and Administration to
230 conduct personal and professional services solicitations for the
231 Department of Marine Resources, the Department of Wildlife,
232 Fisheries and Parks, the Mississippi Emergency Management Agency
233 and the Mississippi Development Authority for those services in

234 excess of Seventy-five Thousand Dollars (\$75,000.00). The
235 Department of Finance and Administration shall make any
236 submissions that are required to be made by other agencies to the
237 Public Procurement Review Board for the Department of Marine
238 Resources, the Department of Wildlife, Fisheries and Parks, the
239 Mississippi Emergency Management Agency and the Mississippi
240 Development Authority.

241 The provisions of this subparagraph (xv) shall stand repealed
242 on June 30, 2027.

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

247 (h) Develop mandatory standards with respect to
248 contractual services personnel that require invitations for public
249 bid, requests for proposals, record keeping and financial
250 responsibility of contractors. The Public Procurement Review
251 Board shall, unless exempted under this paragraph (h) or under
252 paragraph (i) or (o) of this subsection (2), require the agency
253 involved to submit the procurement to a competitive procurement
254 process, and may reserve the right to reject any or all resulting
255 procurements;

256 (i) Prescribe certain circumstances by which agency
257 heads may enter into contracts for personal and professional
258 services without receiving prior approval from the Public
259 Procurement Review Board. The Public Procurement Review Board may

260 establish a preapproved list of providers of various personal and
261 professional services for set prices with which state agencies may
262 contract without bidding or prior approval from the board;

263 (i) Agency requirements may be fulfilled by
264 procuring services performed incident to the state's own programs.
265 The agency head shall determine in writing whether the price
266 represents a fair market value for the services. When the
267 procurements are made from other governmental entities, the
268 private sector need not be solicited; however, these contracts
269 shall still be submitted for approval to the Public Procurement
270 Review Board.

271 (ii) Contracts between two (2) state agencies,
272 both under Public Procurement Review Board purview, shall not
273 require Public Procurement Review Board approval. However, the
274 contracts shall still be entered into the enterprise resource
275 planning system;

276 (j) Provide standards for the issuance of requests for
277 proposals, the evaluation of proposals received, consideration of
278 costs and quality of services proposed, contract negotiations, the
279 administrative monitoring of contract performance by the agency
280 and successful steps in terminating a contract;

281 (k) Present recommendations for governmental
282 privatization and to evaluate privatization proposals submitted by
283 any state agency;

284 (l) Authorize personal and professional service
285 contracts to be effective for more than one (1) year provided a

286 funding condition is included in any such multiple year contract,
287 except the State Board of Education, which shall have the
288 authority to enter into contractual agreements for student
289 assessment for a period up to ten (10) years. The State Board of
290 Education shall procure these services in accordance with the
291 Public Procurement Review Board procurement regulations;

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

294 (n) Prepare an annual report to the Legislature
295 concerning the issuance of personal and professional services
296 contracts during the previous year, collecting any necessary
297 information from state agencies in making such report;

298 (o) Develop and implement the following standards and
299 procedures for the approval of any sole source contract for
300 personal and professional services regardless of the value of the
301 procurement:

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

305 (ii) An agency that has been issued a binding,
306 valid court order mandating that a particular source or provider
307 must be used for the required service must include a copy of the
308 applicable court order in all future sole source contract reviews
309 for the particular personal or professional service referenced in
310 the court order.

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

319 1. The personal or professional service
320 offered in the contract;

321 2. An explanation of why the personal or
322 professional service is the only one that can meet the needs of
323 the agency;

324 3. An explanation of why the source is the
325 only person or entity that can provide the required personal or
326 professional service;

327 4. An explanation of why the amount to be
328 expended for the personal or professional service is reasonable;
329 and

330 5. The efforts that the agency went through
331 to obtain the best possible price for the personal or professional
332 service.

333 (iv) If any person or entity objects and proposes
334 that the personal or professional service published under
335 subparagraph (iii) of this paragraph (o) is not a sole source
336 service and can be provided by another person or entity, then the

337 objecting person or entity shall notify the Public Procurement
338 Review Board and the agency that published the proposed sole
339 source contract with a detailed explanation of why the personal or
340 professional service is not a sole source service.

341 (v) 1. If the agency determines after review that
342 the personal or professional service in the proposed sole source
343 contract can be provided by another person or entity, then the
344 agency must withdraw the sole source contract publication from the
345 procurement portal website and submit the procurement of the
346 personal or professional service to an advertised competitive bid
347 or selection process.

348 2. If the agency determines after review that
349 there is only one (1) source for the required personal or
350 professional service, then the agency may appeal to the Public
351 Procurement Review Board. The agency has the burden of proving
352 that the personal or professional service is only provided by one
353 (1) source.

354 3. If the Public Procurement Review Board has
355 any reasonable doubt as to whether the personal or professional
356 service can only be provided by one (1) source, then the agency
357 must submit the procurement of the personal or professional
358 service to an advertised competitive bid or selection process. No
359 action taken by the Public Procurement Review Board in this appeal
360 process shall be valid unless approved by a majority of the
361 members of the Public Procurement Review Board present and voting.

362 (vi) The Public Procurement Review Board shall
363 prepare and submit a quarterly report to the House of
364 Representatives and Senate Accountability, Efficiency and
365 Transparency Committees that details the sole source contracts
366 presented to the Public Procurement Review Board and the reasons
367 that the Public Procurement Review Board approved or rejected each
368 contract. These quarterly reports shall also include the
369 documentation and memoranda required in subsection (4) of this
370 section. An agency that submitted a sole source contract shall be
371 prepared to explain the sole source contract to each committee by
372 December 15 of each year upon request by the committee;

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

375 (3) All submissions shall be made sufficiently in advance of
376 each monthly meeting of the Public Procurement Review Board as
377 prescribed by the Public Procurement Review Board. If the Public
378 Procurement Review Board rejects any contract submitted for review
379 or approval, the Public Procurement Review Board shall clearly set
380 out the reasons for its action, including, but not limited to, the
381 policy that the agency has violated in its submitted contract and
382 any corrective actions that the agency may take to amend the
383 contract to comply with the rules and regulations of the Public
384 Procurement Review Board.

385 (4) All sole source contracts for personal and professional
386 services awarded by state agencies, other than those exempted
387 under Section 27-104-7(2)(f) and (8), whether approved by an

388 agency head or the Public Procurement Review Board, shall contain
389 in the procurement file a written determination for the approval,
390 using a request form furnished by the Public Procurement Review
391 Board. The written determination shall document the basis for the
392 determination, including any market analysis conducted in order to
393 ensure that the service required was practicably available from
394 only one (1) source. A memorandum shall accompany the request
395 form and address the following four (4) points:

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

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

400 (c) Explanation of why the price is considered
401 reasonable; and

402 (d) Description of the efforts that were made to
403 conduct a noncompetitive negotiation to get the best possible
404 price for the taxpayers.

405 (5) In conjunction with the State Personnel Board, the
406 Public Procurement Review Board shall develop and promulgate rules
407 and regulations to define the allowable legal relationship between
408 contract employees and the contracting departments, agencies and
409 institutions of state government under the jurisdiction of the
410 State Personnel Board, in compliance with the applicable rules and
411 regulations of the federal Internal Revenue Service (IRS) for
412 federal employment tax purposes. Under these regulations, the
413 usual common law rules are applicable to determine and require

414 that such worker is an independent contractor and not an employee,
415 requiring evidence of lawful behavioral control, lawful financial
416 control and lawful relationship of the parties. Any state
417 department, agency or institution shall only be authorized to
418 contract for personnel services in compliance with those
419 regulations.

420 (6) No member of the Public Procurement Review Board shall
421 use his or her official authority or influence to coerce, by
422 threat of discharge from employment, or otherwise, the purchase of
423 commodities, the contracting for personal or professional
424 services, or the contracting for public construction under this
425 chapter.

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

429 (8) Nothing in this section shall impair or limit the
430 authority of the Board of Trustees of the Public Employees'
431 Retirement System to enter into any personal or professional
432 services contracts directly related to their constitutional
433 obligation to manage the trust funds, including, but not limited
434 to, actuarial, custodial banks, cash management, investment
435 consultant and investment management contracts.

436 (9) Notwithstanding the exemption of personal and
437 professional services contracts entered into by the Department of
438 Human Services and personal and professional services contracts
439 entered into by the Department of Child Protection Services from

440 the provisions of this section under subsection (2)(f), before the
441 Department of Human Services or the Department of Child Protection
442 Services may enter into a personal or professional service
443 contract, the department(s) shall give notice of the proposed
444 personal or professional service contract to the Public
445 Procurement Review Board for any recommendations by the board.
446 Upon receipt of the notice, the board shall post the notice on its
447 website and on the procurement portal website established by
448 Sections 25-53-151 and 27-104-165. If the board does not respond
449 to the department(s) within seven (7) calendar days after
450 receiving the notice, the department(s) may enter the proposed
451 personal or professional service contract. If the board responds
452 to the department(s) within seven (7) calendar days, then the
453 board has seven (7) calendar days from the date of its initial
454 response to provide any additional recommendations. After the end
455 of the second seven-day period, the department(s) may enter the
456 proposed personal or professional service contract. The board is
457 not authorized to disapprove any proposed personal or professional
458 services contracts. This subsection shall stand repealed on July
459 1, 2022.

460 **SECTION 2.** Section 27-104-103, Mississippi Code of 1972, is
461 amended as follows:

462 27-104-103. (1) The Department of Finance and
463 Administration shall have the following duties and powers:

464 (a) To provide administrative guidance to the various
465 departments and agencies of state government;

466 (b) To facilitate the expedient delivery of services
467 and programs for the benefit of the citizens of the state;

468 (c) To analyze and develop efficient management
469 practices and assist departments and agencies in implementing
470 effective and efficient work management systems;

471 (d) To conduct management review of state agencies and
472 departments and recommend a management plan to state departments
473 and agencies when corrective action is required;

474 (e) To, at least annually, report to the Governor and
475 the Legislature on programs and actions taken to improve the
476 conduct of state operations and to prepare and recommend
477 management programs for effective and efficient management of the
478 operations of state government;

479 (f) To allocate the federal-state programs funds to the
480 departments responsible for the delivery of the programs and
481 services for which the appropriation was made;

482 (g) To coordinate the planning functions of all
483 agencies in the executive branch of government and review any and
484 all plans which are developed by those agencies and departments;

485 (h) To collect and maintain the necessary data on which
486 to base budget and policy development issues;

487 (i) To develop and analyze policy recommendations to
488 the Governor;

489 (j) To develop and manage the executive budget process;

490 (k) To prepare the executive branch budget
491 recommendations;

492 (l) To review and monitor the expenditures of the
493 executive agencies and departments of government;

494 (m) To manage the state's fiscal affairs;

495 (n) To administer programs relating to general
496 services, public procurement, insurance and the Bond Advisory
497 Division;

498 (o) To administer the state's aircraft operation.

499 (2) The department shall have the following additional
500 powers and duties under Chapter 18 of Title 17:

501 (a) It shall acquire the site submitted by the
502 Mississippi Hazardous Waste Facility Siting Authority and, if
503 determined necessary, design, finance, construct and operate a
504 state commercial hazardous waste management facility;

505 (b) It may acquire by deed, purchase, lease, contract,
506 gift, devise or otherwise any real or personal property,
507 structures, rights-of-way, franchises, easements and other
508 interest in land which is necessary and convenient for the
509 construction or operation of the state commercial hazardous waste
510 management facility, upon such terms and conditions as it deems
511 advisable, hold, mortgage, pledge or otherwise encumber the same,
512 and lease, sell, convey or otherwise dispose of the same in such a
513 manner as may be necessary or advisable to carry out the purposes
514 of Chapter 18 of Title 17;

515 (c) It shall develop and implement, in consultation
516 with the Department of Environmental Quality, schedules of user
517 fees, franchise fees and other charges, including nonregulatory

518 penalties and surcharges applicable to the state commercial
519 hazardous waste management facility;

520 (d) It may employ consultants and contractors to
521 provide services including site acquisition, design, construction,
522 operation, closure, post-closure and perpetual care of the state
523 commercial hazardous waste management facility;

524 (e) It may apply for and accept loans, grants and gifts
525 from any federal or state agency or any political subdivision or
526 any private or public organization;

527 (f) It shall make plans, surveys, studies and
528 investigations as may be necessary or desirable with respect to
529 the acquisition, development and use of real property and the
530 design, construction, operation, closure and long-term care of the
531 state commercial hazardous waste management facility;

532 (g) It shall have the authority to preempt any local
533 ordinance or restriction which prohibits or has the effect of
534 prohibiting the establishment or operation of the state commercial
535 hazardous waste management facility;

536 (h) It may negotiate any agreement for site
537 acquisition, design, construction, operation, closure,
538 post-closure and perpetual care of the state commercial hazardous
539 waste management facility and may negotiate any agreement with any
540 local governmental unit pursuant to Chapter 18 of Title 17;

541 (i) It may promulgate rules and regulations necessary
542 to effectuate the purposes of Chapter 18 of Title 17 not
543 inconsistent therewith;

544 (j) If funds are not appropriated or if the
545 appropriated funds are insufficient to carry out the provisions of
546 Chapter 18 of Title 17, the department shall expend any funds
547 available to it from any source to defray its costs to implement
548 Chapter 18 of Title 17 through February 1, 1991 * * *;

549 (k) To carry out such duties and responsibilities
550 assigned to it by the Public Procurement Review Board as provided
551 in Section 27-104-7(2)(f);

552 (l) To establish, with the approval of the Public
553 Procurement Review Board, rules and regulations that prohibit
554 agencies from requiring that a vendor be located in the same
555 municipality or surrounding area as the agency. Such rules and
556 regulations shall further prohibit agencies from giving preference
557 to any vendor based on location. Such rules and regulations shall
558 provide that a winning bidder without a local office shall be
559 given a reasonable opportunity to open an office in Mississippi
560 when such local office is necessary to deliver the relevant
561 services.

562 The provisions of this paragraph (l) shall stand repealed on
563 June 30, 2027.

564 (3) From and after July 1, 2016, the expenses of the
565 Department of Finance and Administration shall be defrayed by
566 appropriation from the State General Fund and all user charges and
567 fees authorized under law such as rents, MAGIC fees, and other
568 fees for services shall be deposited into the State General Fund
569 as authorized by law.

570 (4) From and after July 1, 2016, the Department of Finance
571 and Administration shall not charge another state agency a fee,
572 assessment, rent or other charge for services or resources
573 received by that state agency from the department.

574 **SECTION 3.** This act shall take effect and be in force from
575 and after July 1, 2023.

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

1 AN ACT TO AMEND SECTION 27-104-7, MISSISSIPPI CODE OF 1972,
2 TO REQUIRE THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO CONDUCT
3 PERSONAL AND PROFESSIONAL SERVICES SOLICITATIONS IN EXCESS OF
4 \$75,000.00 FOR THE DEPARTMENT OF MARINE RESOURCES, THE DEPARTMENT
5 OF WILDLIFE, FISHERIES AND PARKS, THE MISSISSIPPI EMERGENCY
6 MANAGEMENT AGENCY AND THE MISSISSIPPI DEVELOPMENT AUTHORITY; TO
7 AMEND SECTION 27-104-103, MISSISSIPPI CODE OF 1972, TO REVISE THE
8 POWER AND DUTIES OF THE DEPARTMENT OF FINANCE AND ADMINISTRATION
9 TO CONFORM; AND FOR RELATED PURPOSES.

SS26\HB540A.5J

Eugene S. Clarke
Secretary of the Senate