

By: Representative Rushing

To: Accountability,
Efficiency, Transparency

HOUSE BILL NO. 972

1 AN ACT TO AMEND SECTION 31-7-13, MISSISSIPPI CODE OF 1972, TO
2 RAISE THE THRESHOLD FROM \$5,000.00 TO \$15,000.00 FOR MAKING PUBLIC
3 PURCHASES WITHOUT COMPETITIVE BIDDING; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 31-7-13, Mississippi Code of 1972, is
6 amended as follows:

7 31-7-13. All agencies and governing authorities shall
8 purchase their commodities and printing; contract for garbage
9 collection or disposal; contract for solid waste collection or
10 disposal; contract for sewage collection or disposal; contract for
11 public construction; and contract for rentals as herein provided.

12 (a) **Bidding procedure for purchases not over * * ***
13 **\$15,000.00**. Purchases which do not involve an expenditure of more
14 than * * * Fifteen Thousand Dollars (\$15,000.00), exclusive of
15 freight or shipping charges, may be made without advertising or
16 otherwise requesting competitive bids. However, nothing contained
17 in this paragraph (a) shall be construed to prohibit any agency or
18 governing authority from establishing procedures which require



19 competitive bids on purchases of * * * Fifteen Thousand Dollars
20 (\$15,000.00) or less.

21 (b) **Bidding procedure for purchases over * * ***
22 **\$15,000.00 but not over \$75,000.00.** Purchases which involve an
23 expenditure of more than * * * Fifteen Thousand Dollars
24 (\$15,000.00) but not more than Seventy-five Thousand Dollars
25 (\$75,000.00), exclusive of freight and shipping charges, may be
26 made from the lowest and best bidder without publishing or posting
27 advertisement for bids, provided at least two (2) competitive
28 written bids have been obtained. Any state agency or community or
29 junior college purchasing commodities or procuring construction
30 pursuant to this paragraph (b) may authorize its purchasing agent,
31 or his designee, to accept the lowest competitive written bid
32 under Seventy-five Thousand Dollars (\$75,000.00). Any governing
33 authority purchasing commodities pursuant to this paragraph (b)
34 may authorize its purchasing agent, or his designee, with regard
35 to governing authorities other than counties, or its purchase
36 clerk, or his designee, with regard to counties, to accept the
37 lowest and best competitive written bid. Such authorization shall
38 be made in writing by the governing authority and shall be
39 maintained on file in the primary office of the agency and
40 recorded in the official minutes of the governing authority, as
41 appropriate. The purchasing agent or the purchase clerk, or his
42 designee, as the case may be, and not the governing authority,
43 shall be liable for any penalties and/or damages as may be imposed



44 by law for any act or omission of the purchasing agent or purchase
45 clerk, or his designee, constituting a violation of law in
46 accepting any bid without approval by the governing authority.
47 The term "competitive written bid" shall mean a bid submitted on a
48 bid form furnished by the buying agency or governing authority and
49 signed by authorized personnel representing the vendor, or a bid
50 submitted on a vendor's letterhead or identifiable bid form and
51 signed by authorized personnel representing the vendor.
52 "Competitive" shall mean that the bids are developed based upon
53 comparable identification of the needs and are developed
54 independently and without knowledge of other bids or prospective
55 bids. Any bid item for construction in excess of * * * Fifteen
56 Thousand Dollars (\$15,000.00) shall be broken down by components
57 to provide detail of component description and pricing. These
58 details shall be submitted with the written bids and become part
59 of the bid evaluation criteria. Bids may be submitted by
60 facsimile, electronic mail or other generally accepted method of
61 information distribution. Bids submitted by electronic
62 transmission shall not require the signature of the vendor's
63 representative unless required by agencies or governing
64 authorities.

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

66 (i) **Publication requirement.**

67 1. Purchases which involve an expenditure of
68 more than Seventy-five Thousand Dollars (\$75,000.00), exclusive of



69 freight and shipping charges, may be made from the lowest and best
70 bidder after advertising for competitive bids once each week for
71 two (2) consecutive weeks in a regular newspaper published in the
72 county or municipality in which such agency or governing authority
73 is located. However, all American Recovery and Reinvestment Act
74 projects in excess of Twenty-five Thousand Dollars (\$25,000.00)
75 shall be bid. All references to American Recovery and
76 Reinvestment Act projects in this section shall not apply to
77 programs identified in Division B of the American Recovery and
78 Reinvestment Act.

79 2. Reverse auctions shall be the primary
80 method for receiving bids during the bidding process. If a
81 purchasing entity determines that a reverse auction is not in the
82 best interest of the state, then that determination must be
83 approved by the Public Procurement Review Board. The purchasing
84 entity shall submit a detailed explanation of why a reverse
85 auction would not be in the best interest of the state and present
86 an alternative process to be approved by the Public Procurement
87 Review Board. If the Public Procurement Review Board authorizes
88 the purchasing entity to solicit bids with a method other than
89 reverse auction, then the purchasing entity may designate the
90 other methods by which the bids will be received, including, but
91 not limited to, bids sealed in an envelope, bids received
92 electronically in a secure system, or bids received by any other
93 method that promotes open competition and has been approved by the



94 Office of Purchasing and Travel. However, reverse auction shall
95 not be used for any public contract for design, construction,
96 improvement, repair or remodeling of any public facilities,
97 including the purchase of materials, supplies, equipment or goods
98 for same and including buildings, roads and bridges. The Public
99 Procurement Review Board must approve any contract entered into by
100 alternative process. The provisions of this item 2 shall not
101 apply to the individual state institutions of higher learning.
102 The provisions of this item 2 requiring reverse auction as the
103 primary method of receiving bids shall not apply to term contract
104 purchases as provided in paragraph (n) of this section; however, a
105 purchasing entity may, in its discretion, utilize reverse auction
106 for such purchases. The provisions of this item 2 shall not apply
107 to individual public schools, including public charter schools and
108 public school districts, only when purchasing copyrighted
109 educational supplemental materials and software as a service
110 product. For such purchases, a local school board may authorize a
111 purchasing entity in its jurisdiction to use a Request for
112 Qualifications which promotes open competition and meets the
113 requirements of the Office of Purchasing and Travel.

114 3. The date as published for the bid opening
115 shall not be less than seven (7) working days after the last
116 published notice; however, if the purchase involves a construction
117 project in which the estimated cost is in excess of Seventy-five
118 Thousand Dollars (\$75,000.00), such bids shall not be opened in



119 less than fifteen (15) working days after the last notice is
120 published and the notice for the purchase of such construction
121 shall be published once each week for two (2) consecutive weeks.
122 However, all American Recovery and Reinvestment Act projects in
123 excess of Twenty-five Thousand Dollars (\$25,000.00) shall be bid.
124 For any projects in excess of Twenty-five Thousand Dollars
125 (\$25,000.00) under the American Recovery and Reinvestment Act,
126 publication shall be made one (1) time and the bid opening for
127 construction projects shall not be less than ten (10) working days
128 after the date of the published notice. The notice of intention
129 to let contracts or purchase equipment shall state the time and
130 place at which bids shall be received, list the contracts to be
131 made or types of equipment or supplies to be purchased, and, if
132 all plans and/or specifications are not published, refer to the
133 plans and/or specifications on file. If there is no newspaper
134 published in the county or municipality, then such notice shall be
135 given by posting same at the courthouse, or for municipalities at
136 the city hall, and at two (2) other public places in the county or
137 municipality, and also by publication once each week for two (2)
138 consecutive weeks in some newspaper having a general circulation
139 in the county or municipality in the above-provided manner. On
140 the same date that the notice is submitted to the newspaper for
141 publication, the agency or governing authority involved shall mail
142 written notice to, or provide electronic notification to the main
143 office of the Mississippi Procurement Technical Assistance Program



144 under the Mississippi Development Authority that contains the same
145 information as that in the published notice. Submissions received
146 by the Mississippi Procurement Technical Assistance Program for
147 projects funded by the American Recovery and Reinvestment Act
148 shall be displayed on a separate and unique Internet web page
149 accessible to the public and maintained by the Mississippi
150 Development Authority for the Mississippi Procurement Technical
151 Assistance Program. Those American Recovery and Reinvestment Act
152 related submissions shall be publicly posted within twenty-four
153 (24) hours of receipt by the Mississippi Development Authority and
154 the bid opening shall not occur until the submission has been
155 posted for ten (10) consecutive days. The Department of Finance
156 and Administration shall maintain information regarding contracts
157 and other expenditures from the American Recovery and Reinvestment
158 Act, on a unique Internet web page accessible to the public. The
159 Department of Finance and Administration shall promulgate rules
160 regarding format, content and deadlines, unless otherwise
161 specified by law, of the posting of award notices, contract
162 execution and subsequent amendments, links to the contract
163 documents, expenditures against the awarded contracts and general
164 expenditures of funds from the American Recovery and Reinvestment
165 Act. Within one (1) working day of the contract award, the agency
166 or governing authority shall post to the designated web page
167 maintained by the Department of Finance and Administration, notice
168 of the award, including the award recipient, the contract amount,



169 and a brief summary of the contract in accordance with rules
170 promulgated by the department. Within one (1) working day of the
171 contract execution, the agency or governing authority shall post
172 to the designated web page maintained by the Department of Finance
173 and Administration a summary of the executed contract and make a
174 copy of the appropriately redacted contract documents available
175 for linking to the designated web page in accordance with the
176 rules promulgated by the department. The information provided by
177 the agency or governing authority shall be posted to the web page
178 for the duration of the American Recovery and Reinvestment Act
179 funding or until the project is completed, whichever is longer.

180 (ii) **Bidding process amendment procedure.** If all
181 plans and/or specifications are published in the notification,
182 then the plans and/or specifications may not be amended. If all
183 plans and/or specifications are not published in the notification,
184 then amendments to the plans/specifications, bid opening date, bid
185 opening time and place may be made, provided that the agency or
186 governing authority maintains a list of all prospective bidders
187 who are known to have received a copy of the bid documents and all
188 such prospective bidders are sent copies of all amendments. This
189 notification of amendments may be made via mail, facsimile,
190 electronic mail or other generally accepted method of information
191 distribution. No addendum to bid specifications may be issued
192 within two (2) working days of the time established for the
193 receipt of bids unless such addendum also amends the bid opening



194 to a date not less than five (5) working days after the date of
195 the addendum.

196 (iii) **Filing requirement.** In all cases involving
197 governing authorities, before the notice shall be published or
198 posted, the plans or specifications for the construction or
199 equipment being sought shall be filed with the clerk of the board
200 of the governing authority. In addition to these requirements, a
201 bid file shall be established which shall indicate those vendors
202 to whom such solicitations and specifications were issued, and
203 such file shall also contain such information as is pertinent to
204 the bid.

205 (iv) **Specification restrictions.**

206 1. Specifications pertinent to such bidding
207 shall be written so as not to exclude comparable equipment of
208 domestic manufacture. However, if valid justification is
209 presented, the Department of Finance and Administration or the
210 board of a governing authority may approve a request for specific
211 equipment necessary to perform a specific job. Further, such
212 justification, when placed on the minutes of the board of a
213 governing authority, may serve as authority for that governing
214 authority to write specifications to require a specific item of
215 equipment needed to perform a specific job. In addition to these
216 requirements, from and after July 1, 1990, vendors of relocatable
217 classrooms and the specifications for the purchase of such
218 relocatable classrooms published by local school boards shall meet



219 all pertinent regulations of the State Board of Education,
220 including prior approval of such bid by the State Department of
221 Education.

222 2. Specifications for construction projects
223 may include an allowance for commodities, equipment, furniture,
224 construction materials or systems in which prospective bidders are
225 instructed to include in their bids specified amounts for such
226 items so long as the allowance items are acquired by the vendor in
227 a commercially reasonable manner and approved by the
228 agency/governing authority. Such acquisitions shall not be made
229 to circumvent the public purchasing laws.

230 (v) **Electronic bids.** Agencies and governing
231 authorities shall provide a secure electronic interactive system
232 for the submittal of bids requiring competitive bidding that shall
233 be an additional bidding option for those bidders who choose to
234 submit their bids electronically. The Department of Finance and
235 Administration shall provide, by regulation, the standards that
236 agencies must follow when receiving electronic bids. Agencies and
237 governing authorities shall make the appropriate provisions
238 necessary to accept electronic bids from those bidders who choose
239 to submit their bids electronically for all purchases requiring
240 competitive bidding under this section. Any special condition or
241 requirement for the electronic bid submission shall be specified
242 in the advertisement for bids required by this section. Agencies
243 or governing authorities that are currently without available high



244 speed Internet access shall be exempt from the requirement of this
245 subparagraph (v) until such time that high speed Internet access
246 becomes available. Any county having a population of less than
247 twenty thousand (20,000) shall be exempt from the provisions of
248 this subparagraph (v). Any municipality having a population of
249 less than ten thousand (10,000) shall be exempt from the
250 provisions of this subparagraph (v). The provisions of this
251 subparagraph (v) shall not require any bidder to submit bids
252 electronically. When construction bids are submitted
253 electronically, the requirement for including a certificate of
254 responsibility, or a statement that the bid enclosed does not
255 exceed Fifty Thousand Dollars (\$50,000.00), on the exterior of the
256 bid envelope as indicated in Section 31-3-21(1) and (2) shall be
257 deemed in compliance with by including same as an attachment with
258 the electronic bid submittal.

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

260 (i) **Decision procedure.** Purchases may be made
261 from the lowest and best bidder. In determining the lowest and
262 best bid, freight and shipping charges shall be included.
263 Life-cycle costing, total cost bids, warranties, guaranteed
264 buy-back provisions and other relevant provisions may be included
265 in the best bid calculation. All best bid procedures for state
266 agencies must be in compliance with regulations established by the
267 Department of Finance and Administration. If any governing
268 authority accepts a bid other than the lowest bid actually



269 submitted, it shall place on its minutes detailed calculations and
270 narrative summary showing that the accepted bid was determined to
271 be the lowest and best bid, including the dollar amount of the
272 accepted bid and the dollar amount of the lowest bid. No agency
273 or governing authority shall accept a bid based on items not
274 included in the specifications.

275 (ii) **Decision procedure for Certified Purchasing**
276 **Offices.** In addition to the decision procedure set forth in
277 subparagraph (i) of this paragraph (d), Certified Purchasing
278 Offices may also use the following procedure: Purchases may be
279 made from the bidder offering the best value. In determining the
280 best value bid, freight and shipping charges shall be included.
281 Life-cycle costing, total cost bids, warranties, guaranteed
282 buy-back provisions, documented previous experience, training
283 costs and other relevant provisions, including, but not limited
284 to, a bidder having a local office and inventory located within
285 the jurisdiction of the governing authority, may be included in
286 the best value calculation. This provision shall authorize
287 Certified Purchasing Offices to utilize a Request For Proposals
288 (RFP) process when purchasing commodities. All best value
289 procedures for state agencies must be in compliance with
290 regulations established by the Department of Finance and
291 Administration. No agency or governing authority shall accept a
292 bid based on items or criteria not included in the specifications.



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

294 **Landmarks.** In addition to the decision procedure set forth in
295 subparagraph (i) of this paragraph (d), where purchase involves
296 renovation, restoration, or both, of the State Capitol Building or
297 any other historical building designated for at least five (5)
298 years as a Mississippi Landmark by the Board of Trustees of the
299 Department of Archives and History under the authority of Sections
300 39-7-7 and 39-7-11, the agency or governing authority may use the
301 following procedure: Purchases may be made from the lowest and
302 best prequalified bidder. Prequalification of bidders shall be
303 determined not less than fifteen (15) working days before the
304 first published notice of bid opening. Prequalification criteria
305 shall be limited to bidder's knowledge and experience in
306 historical restoration, preservation and renovation. In
307 determining the lowest and best bid, freight and shipping charges
308 shall be included. Life-cycle costing, total cost bids,
309 warranties, guaranteed buy-back provisions and other relevant
310 provisions may be included in the best bid calculation. All best
311 bid and prequalification procedures for state agencies must be in
312 compliance with regulations established by the Department of
313 Finance and Administration. If any governing authority accepts a
314 bid other than the lowest bid actually submitted, it shall place
315 on its minutes detailed calculations and narrative summary showing
316 that the accepted bid was determined to be the lowest and best
317 bid, including the dollar amount of the accepted bid and the



318 dollar amount of the lowest bid. No agency or governing authority
319 shall accept a bid based on items not included in the
320 specifications.

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

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

327 (e) **Lease-purchase authorization.** For the purposes of
328 this section, the term "equipment" shall mean equipment, furniture
329 and, if applicable, associated software and other applicable
330 direct costs associated with the acquisition. Any lease-purchase
331 of equipment which an agency is not required to lease-purchase
332 under the master lease-purchase program pursuant to Section
333 31-7-10 and any lease-purchase of equipment which a governing
334 authority elects to lease-purchase may be acquired by a
335 lease-purchase agreement under this paragraph (e). Lease-purchase
336 financing may also be obtained from the vendor or from a
337 third-party source after having solicited and obtained at least
338 two (2) written competitive bids, as defined in paragraph (b) of
339 this section, for such financing without advertising for such
340 bids. Solicitation for the bids for financing may occur before or
341 after acceptance of bids for the purchase of such equipment or,
342 where no such bids for purchase are required, at any time before



343 the purchase thereof. No such lease-purchase agreement shall be
344 for an annual rate of interest which is greater than the overall
345 maximum interest rate to maturity on general obligation
346 indebtedness permitted under Section 75-17-101, and the term of
347 such lease-purchase agreement shall not exceed the useful life of
348 equipment covered thereby as determined according to the upper
349 limit of the asset depreciation range (ADR) guidelines for the
350 Class Life Asset Depreciation Range System established by the
351 Internal Revenue Service pursuant to the United States Internal
352 Revenue Code and regulations thereunder as in effect on December
353 31, 1980, or comparable depreciation guidelines with respect to
354 any equipment not covered by ADR guidelines. Any lease-purchase
355 agreement entered into pursuant to this paragraph (e) may contain
356 any of the terms and conditions which a master lease-purchase
357 agreement may contain under the provisions of Section 31-7-10(5),
358 and shall contain an annual allocation dependency clause
359 substantially similar to that set forth in Section 31-7-10(8).
360 Each agency or governing authority entering into a lease-purchase
361 transaction pursuant to this paragraph (e) shall maintain with
362 respect to each such lease-purchase transaction the same
363 information as required to be maintained by the Department of
364 Finance and Administration pursuant to Section 31-7-10(13).
365 However, nothing contained in this section shall be construed to
366 permit agencies to acquire items of equipment with a total
367 acquisition cost in the aggregate of less than Ten Thousand



368 Dollars (\$10,000.00) by a single lease-purchase transaction. All
369 equipment, and the purchase thereof by any lessor, acquired by
370 lease-purchase under this paragraph and all lease-purchase
371 payments with respect thereto shall be exempt from all Mississippi
372 sales, use and ad valorem taxes. Interest paid on any
373 lease-purchase agreement under this section shall be exempt from
374 State of Mississippi income taxation.

375 (f) **Alternate bid authorization.** When necessary to
376 ensure ready availability of commodities for public works and the
377 timely completion of public projects, no more than two (2)
378 alternate bids may be accepted by a governing authority for
379 commodities. No purchases may be made through use of such
380 alternate bids procedure unless the lowest and best bidder cannot
381 deliver the commodities contained in his bid. In that event,
382 purchases of such commodities may be made from one (1) of the
383 bidders whose bid was accepted as an alternate.

384 (g) **Construction contract change authorization.** In the
385 event a determination is made by an agency or governing authority
386 after a construction contract is let that changes or modifications
387 to the original contract are necessary or would better serve the
388 purpose of the agency or the governing authority, such agency or
389 governing authority may, in its discretion, order such changes
390 pertaining to the construction that are necessary under the
391 circumstances without the necessity of further public bids;
392 provided that such change shall be made in a commercially



393 reasonable manner and shall not be made to circumvent the public
394 purchasing statutes. In addition to any other authorized person,
395 the architect or engineer hired by an agency or governing
396 authority with respect to any public construction contract shall
397 have the authority, when granted by an agency or governing
398 authority, to authorize changes or modifications to the original
399 contract without the necessity of prior approval of the agency or
400 governing authority when any such change or modification is less
401 than one percent (1%) of the total contract amount. The agency or
402 governing authority may limit the number, manner or frequency of
403 such emergency changes or modifications.

404 (h) **Petroleum purchase alternative.** In addition to
405 other methods of purchasing authorized in this chapter, when any
406 agency or governing authority shall have a need for gas, diesel
407 fuel, oils and/or other petroleum products in excess of the amount
408 set forth in paragraph (a) of this section, such agency or
409 governing authority may purchase the commodity after having
410 solicited and obtained at least two (2) competitive written bids,
411 as defined in paragraph (b) of this section. If two (2)
412 competitive written bids are not obtained, the entity shall comply
413 with the procedures set forth in paragraph (c) of this section.
414 In the event any agency or governing authority shall have
415 advertised for bids for the purchase of gas, diesel fuel, oils and
416 other petroleum products and coal and no acceptable bids can be
417 obtained, such agency or governing authority is authorized and



418 directed to enter into any negotiations necessary to secure the
419 lowest and best contract available for the purchase of such
420 commodities.

421 (i) **Road construction petroleum products price**
422 **adjustment clause authorization.** Any agency or governing
423 authority authorized to enter into contracts for the construction,
424 maintenance, surfacing or repair of highways, roads or streets,
425 may include in its bid proposal and contract documents a price
426 adjustment clause with relation to the cost to the contractor,
427 including taxes, based upon an industry-wide cost index, of
428 petroleum products including asphalt used in the performance or
429 execution of the contract or in the production or manufacture of
430 materials for use in such performance. Such industry-wide index
431 shall be established and published monthly by the Mississippi
432 Department of Transportation with a copy thereof to be mailed,
433 upon request, to the clerks of the governing authority of each
434 municipality and the clerks of each board of supervisors
435 throughout the state. The price adjustment clause shall be based
436 on the cost of such petroleum products only and shall not include
437 any additional profit or overhead as part of the adjustment. The
438 bid proposals or document contract shall contain the basis and
439 methods of adjusting unit prices for the change in the cost of
440 such petroleum products.

441 (j) **State agency emergency purchase procedure.** If the
442 governing board or the executive head, or his designees, of any



443 agency of the state shall determine that an emergency exists in
444 regard to the purchase of any commodities or repair contracts, so
445 that the delay incident to giving opportunity for competitive
446 bidding would be detrimental to the interests of the state, then
447 the head of such agency, or his designees, shall file with the
448 Department of Finance and Administration (i) a statement
449 explaining the conditions and circumstances of the emergency,
450 which shall include a detailed description of the events leading
451 up to the situation and the negative impact to the entity if the
452 purchase is made following the statutory requirements set forth in
453 paragraph (a), (b) or (c) of this section, and (ii) a certified
454 copy of the appropriate minutes of the board of such agency
455 requesting the emergency purchase, if applicable. Upon receipt of
456 the statement and applicable board certification, the State Fiscal
457 Officer, or his designees, may, in writing, authorize the purchase
458 or repair without having to comply with competitive bidding
459 requirements.

460 If the governing board or the executive head, or his
461 designees, of any agency determines that an emergency exists in
462 regard to the purchase of any commodities or repair contracts, so
463 that the delay incident to giving opportunity for competitive
464 bidding would threaten the health or safety of any person, or the
465 preservation or protection of property, then the provisions in
466 this section for competitive bidding shall not apply, and any
467 officer or agent of the agency having general or specific



468 authority for making the purchase or repair contract shall approve
469 the bill presented for payment, and he shall certify in writing
470 from whom the purchase was made, or with whom the repair contract
471 was made.

472 Total purchases made under this paragraph (j) shall only be
473 for the purpose of meeting needs created by the emergency
474 situation. Following the emergency purchase, documentation of the
475 purchase, including a description of the commodity purchased, the
476 purchase price thereof and the nature of the emergency shall be
477 filed with the Department of Finance and Administration. Any
478 contract awarded pursuant to this paragraph (j) shall not exceed a
479 term of one (1) year.

480 Purchases under the grant program established under Section
481 37-68-7 in response to COVID-19 and the directive that school
482 districts create a distance learning plan and fulfill technology
483 needs expeditiously shall be deemed an emergency purchase for
484 purposes of this paragraph (j).

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

486 If the governing authority, or the governing authority acting
487 through its designee, shall determine that an emergency exists in
488 regard to the purchase of any commodities or repair contracts, so
489 that the delay incident to giving opportunity for competitive
490 bidding would be detrimental to the interest of the governing
491 authority, then the provisions herein for competitive bidding
492 shall not apply and any officer or agent of such governing



493 authority having general or special authority therefor in making
494 such purchase or repair shall approve the bill presented therefor,
495 and he shall certify in writing thereon from whom such purchase
496 was made, or with whom such a repair contract was made. At the
497 board meeting next following the emergency purchase or repair
498 contract, documentation of the purchase or repair contract,
499 including a description of the commodity purchased, the price
500 thereof and the nature of the emergency shall be presented to the
501 board and shall be placed on the minutes of the board of such
502 governing authority. Purchases under the grant program
503 established under Section 37-68-7 in response to COVID-19 and the
504 directive that school districts create a distance learning plan
505 and fulfill technology needs expeditiously shall be deemed an
506 emergency purchase for purposes of this paragraph (k).

507 (1) **Hospital purchase, lease-purchase and lease**
508 **authorization.**

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

514 (ii) In addition to the authority granted in
515 subparagraph (i) of this paragraph (1), the commissioners or board
516 of trustees is authorized to enter into contracts for the lease of
517 equipment or services, or both, which it considers necessary for



518 the proper care of patients if, in its opinion, it is not
519 financially feasible to purchase the necessary equipment or
520 services. Any such contract for the lease of equipment or
521 services executed by the commissioners or board shall not exceed a
522 maximum of five (5) years' duration and shall include a
523 cancellation clause based on unavailability of funds. If such
524 cancellation clause is exercised, there shall be no further
525 liability on the part of the lessee. Any such contract for the
526 lease of equipment or services executed on behalf of the
527 commissioners or board that complies with the provisions of this
528 subparagraph (ii) shall be excepted from the bid requirements set
529 forth in this section.

530 (m) **Exceptions from bidding requirements.** Excepted
531 from bid requirements are:

532 (i) **Purchasing agreements approved by department.**
533 Purchasing agreements, contracts and maximum price regulations
534 executed or approved by the Department of Finance and
535 Administration.

536 (ii) **Outside equipment repairs.** Repairs to
537 equipment, when such repairs are made by repair facilities in the
538 private sector; however, engines, transmissions, rear axles and/or
539 other such components shall not be included in this exemption when
540 replaced as a complete unit instead of being repaired and the need
541 for such total component replacement is known before disassembly
542 of the component; however, invoices identifying the equipment,



543 specific repairs made, parts identified by number and name,
544 supplies used in such repairs, and the number of hours of labor
545 and costs therefor shall be required for the payment for such
546 repairs.

547 (iii) **In-house equipment repairs.** Purchases of
548 parts for repairs to equipment, when such repairs are made by
549 personnel of the agency or governing authority; however, entire
550 assemblies, such as engines or transmissions, shall not be
551 included in this exemption when the entire assembly is being
552 replaced instead of being repaired.

553 (iv) **Raw gravel or dirt.** Raw unprocessed deposits
554 of gravel or fill dirt which are to be removed and transported by
555 the purchaser.

556 (v) **Governmental equipment auctions.** Motor
557 vehicles or other equipment purchased from a federal agency or
558 authority, another governing authority or state agency of the
559 State of Mississippi, or any governing authority or state agency
560 of another state at a public auction held for the purpose of
561 disposing of such vehicles or other equipment. Any purchase by a
562 governing authority under the exemption authorized by this
563 subparagraph (v) shall require advance authorization spread upon
564 the minutes of the governing authority to include the listing of
565 the item or items authorized to be purchased and the maximum bid
566 authorized to be paid for each item or items.



567 (vi) **Intergovernmental sales and transfers.**
568 Purchases, sales, transfers or trades by governing authorities or
569 state agencies when such purchases, sales, transfers or trades are
570 made by a private treaty agreement or through means of
571 negotiation, from any federal agency or authority, another
572 governing authority or state agency of the State of Mississippi,
573 or any state agency or governing authority of another state.
574 Nothing in this section shall permit such purchases through public
575 auction except as provided for in subparagraph (v) of this
576 paragraph (m). It is the intent of this section to allow
577 governmental entities to dispose of and/or purchase commodities
578 from other governmental entities at a price that is agreed to by
579 both parties. This shall allow for purchases and/or sales at
580 prices which may be determined to be below the market value if the
581 selling entity determines that the sale at below market value is
582 in the best interest of the taxpayers of the state. Governing
583 authorities shall place the terms of the agreement and any
584 justification on the minutes, and state agencies shall obtain
585 approval from the Department of Finance and Administration, prior
586 to releasing or taking possession of the commodities.

587 (vii) **Perishable supplies or food.** Perishable
588 supplies or food purchased for use in connection with hospitals,
589 the school lunch programs, homemaking programs and for the feeding
590 of county or municipal prisoners.



591 (viii) **Single-source items.** Noncompetitive items
592 available from one (1) source only. In connection with the
593 purchase of noncompetitive items only available from one (1)
594 source, a certification of the conditions and circumstances
595 requiring the purchase shall be filed by the agency with the
596 Department of Finance and Administration and by the governing
597 authority with the board of the governing authority. Upon receipt
598 of that certification the Department of Finance and Administration
599 or the board of the governing authority, as the case may be, may,
600 in writing, authorize the purchase, which authority shall be noted
601 on the minutes of the body at the next regular meeting thereafter.
602 In those situations, a governing authority is not required to
603 obtain the approval of the Department of Finance and
604 Administration. Following the purchase, the executive head of the
605 state agency, or his designees, shall file with the Department of
606 Finance and Administration, documentation of the purchase,
607 including a description of the commodity purchased, the purchase
608 price thereof and the source from whom it was purchased.

609 (ix) **Waste disposal facility construction**
610 **contracts.** Construction of incinerators and other facilities for
611 disposal of solid wastes in which products either generated
612 therein, such as steam, or recovered therefrom, such as materials
613 for recycling, are to be sold or otherwise disposed of; however,
614 in constructing such facilities, a governing authority or agency
615 shall publicly issue requests for proposals, advertised for in the



616 same manner as provided herein for seeking bids for public
617 construction projects, concerning the design, construction,
618 ownership, operation and/or maintenance of such facilities,
619 wherein such requests for proposals when issued shall contain
620 terms and conditions relating to price, financial responsibility,
621 technology, environmental compatibility, legal responsibilities
622 and such other matters as are determined by the governing
623 authority or agency to be appropriate for inclusion; and after
624 responses to the request for proposals have been duly received,
625 the governing authority or agency may select the most qualified
626 proposal or proposals on the basis of price, technology and other
627 relevant factors and from such proposals, but not limited to the
628 terms thereof, negotiate and enter contracts with one or more of
629 the persons or firms submitting proposals.

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

633 (xi) **Information technology products.** Purchases
634 of information technology products made by governing authorities
635 under the provisions of purchase schedules, or contracts executed
636 or approved by the Mississippi Department of Information
637 Technology Services and designated for use by governing
638 authorities.

639 (xii) **Energy efficiency services and equipment.**
640 Energy efficiency services and equipment acquired by school



641 districts, community and junior colleges, institutions of higher
642 learning and state agencies or other applicable governmental
643 entities on a shared-savings, lease or lease-purchase basis
644 pursuant to Section 31-7-14.

645 (xiii) **Municipal electrical utility system fuel.**

646 Purchases of coal and/or natural gas by municipally owned electric
647 power generating systems that have the capacity to use both coal
648 and natural gas for the generation of electric power.

649 (xiv) **Library books and other reference materials.**

650 Purchases by libraries or for libraries of books and periodicals;
651 processed film, videocassette tapes, filmstrips and slides;
652 recorded audiotapes, cassettes and diskettes; and any such items
653 as would be used for teaching, research or other information
654 distribution; however, equipment such as projectors, recorders,
655 audio or video equipment, and monitor televisions are not exempt
656 under this subparagraph.

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

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

663 (xvii) **Multichannel interactive video systems.**

664 From and after July 1, 1990, contracts by Mississippi Authority
665 for Educational Television with any private educational



666 institution or private nonprofit organization whose purposes are
667 educational in regard to the construction, purchase, lease or
668 lease-purchase of facilities and equipment and the employment of
669 personnel for providing multichannel interactive video systems
670 (ITSF) in the school districts of this state.

671 (xviii) **Purchases of prison industry products by**
672 **the Department of Corrections, regional correctional facilities or**
673 **privately owned prisons.** Purchases made by the Mississippi
674 Department of Corrections, regional correctional facilities or
675 privately owned prisons involving any item that is manufactured,
676 processed, grown or produced from the state's prison industries.

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

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

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



691 (xxii) **Garbage, solid waste and sewage contracts.**
692 Contracts for garbage collection or disposal, contracts for solid
693 waste collection or disposal and contracts for sewage collection
694 or disposal.

695 (xxiii) **Municipal water tank maintenance**
696 **contracts.** Professional maintenance program contracts for the
697 repair or maintenance of municipal water tanks, which provide
698 professional services needed to maintain municipal water storage
699 tanks for a fixed annual fee for a duration of two (2) or more
700 years.

701 (xxiv) **Purchases of Mississippi Industries for the**
702 **Blind products or services.** Purchases made by state agencies or
703 governing authorities involving any item that is manufactured,
704 processed or produced by, or any services provided by, the
705 Mississippi Industries for the Blind.

706 (xxv) **Purchases of state-adopted textbooks.**
707 Purchases of state-adopted textbooks by public school districts.

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

711 (xxvii) **Used heavy or specialized machinery or**
712 **equipment for installation of soil and water conservation**
713 **practices purchased at auction.** Used heavy or specialized
714 machinery or equipment used for the installation and
715 implementation of soil and water conservation practices or



716 measures purchased subject to the restrictions provided in
717 Sections 69-27-331 through 69-27-341. Any purchase by the State
718 Soil and Water Conservation Commission under the exemption
719 authorized by this subparagraph shall require advance
720 authorization spread upon the minutes of the commission to include
721 the listing of the item or items authorized to be purchased and
722 the maximum bid authorized to be paid for each item or items.

723 (xxviii) **Hospital lease of equipment or services.**

724 Leases by hospitals of equipment or services if the leases are in
725 compliance with paragraph (1)(ii).

726 (xxix) **Purchases made pursuant to qualified**

727 **cooperative purchasing agreements.** Purchases made by certified
728 purchasing offices of state agencies or governing authorities
729 under cooperative purchasing agreements previously approved by the
730 Office of Purchasing and Travel and established by or for any
731 municipality, county, parish or state government or the federal
732 government, provided that the notification to potential
733 contractors includes a clause that sets forth the availability of
734 the cooperative purchasing agreement to other governmental
735 entities. Such purchases shall only be made if the use of the
736 cooperative purchasing agreements is determined to be in the best
737 interest of the governmental entity.

738 (xxx) **School yearbooks.** Purchases of school

739 yearbooks by state agencies or governing authorities; however,
740 state agencies and governing authorities shall use for these



741 purchases the RFP process as set forth in the Mississippi
742 Procurement Manual adopted by the Office of Purchasing and Travel.

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

746 (xxxiii) **Toll roads and bridge construction**
747 **projects.** Contracts entered into under the provisions of Section
748 65-43-1 or 65-43-3.

749 (xxxiiii) **Certain purchases under Section 57-1-221.**
750 Contracts entered into pursuant to the provisions of Section
751 57-1-221.

752 (xxxiv) **Certain transfers made pursuant to the**
753 **provisions of Section 57-105-1(7).** Transfers of public property
754 or facilities under Section 57-105-1(7) and construction related
755 to such public property or facilities.

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

759 (xxxvi) **Certain purchases by an academic medical**
760 **center or health sciences school.** Purchases by an academic
761 medical center or health sciences school, as defined in Section
762 37-115-50, of commodities that are used for clinical purposes and
763 1. intended for use in the diagnosis of disease or other
764 conditions or in the cure, mitigation, treatment or prevention of
765 disease, and 2. medical devices, biological, drugs and



766 radiation-emitting devices as defined by the United States Food
767 and Drug Administration.

768 (xxxvii) **Certain purchases made under the Alyce G.**
769 **Clarke Mississippi Lottery Law.** Contracts made by the Mississippi
770 Lottery Corporation pursuant to the Alyce G. Clarke Mississippi
771 Lottery Law.

772 (xxxviii) **Certain purchases made by the Department**
773 **of Health and the Department of Revenue.** Purchases made by the
774 Department of Health and the Department of Revenue solely for the
775 purpose of fulfilling their respective responsibilities under the
776 Mississippi Medical Cannabis Act. This subparagraph shall stand
777 repealed on June 30, 2026.

778 (n) **Term contract authorization.** All contracts for the
779 purchase of:

780 (i) All contracts for the purchase of commodities,
781 equipment and public construction (including, but not limited to,
782 repair and maintenance), may be let for periods of not more than
783 sixty (60) months in advance, subject to applicable statutory
784 provisions prohibiting the letting of contracts during specified
785 periods near the end of terms of office. Term contracts for a
786 period exceeding twenty-four (24) months shall also be subject to
787 ratification or cancellation by governing authority boards taking
788 office subsequent to the governing authority board entering the
789 contract.



790 (ii) Bid proposals and contracts may include price
791 adjustment clauses with relation to the cost to the contractor
792 based upon a nationally published industry-wide or nationally
793 published and recognized cost index. The cost index used in a
794 price adjustment clause shall be determined by the Department of
795 Finance and Administration for the state agencies and by the
796 governing board for governing authorities. The bid proposal and
797 contract documents utilizing a price adjustment clause shall
798 contain the basis and method of adjusting unit prices for the
799 change in the cost of such commodities, equipment and public
800 construction.

801 (o) **Purchase law violation prohibition and vendor**
802 **penalty.** No contract or purchase as herein authorized shall be
803 made for the purpose of circumventing the provisions of this
804 section requiring competitive bids, nor shall it be lawful for any
805 person or concern to submit individual invoices for amounts within
806 those authorized for a contract or purchase where the actual value
807 of the contract or commodity purchased exceeds the authorized
808 amount and the invoices therefor are split so as to appear to be
809 authorized as purchases for which competitive bids are not
810 required. Submission of such invoices shall constitute a
811 misdemeanor punishable by a fine of not less than Five Hundred
812 Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00),
813 or by imprisonment for thirty (30) days in the county jail, or



814 both such fine and imprisonment. In addition, the claim or claims
815 submitted shall be forfeited.

816 (p) **Electrical utility petroleum-based equipment**
817 **purchase procedure.** When in response to a proper advertisement
818 therefor, no bid firm as to price is submitted to an electric
819 utility for power transformers, distribution transformers, power
820 breakers, reclosers or other articles containing a petroleum
821 product, the electric utility may accept the lowest and best bid
822 therefor although the price is not firm.

823 (q) **Fuel management system bidding procedure.** Any
824 governing authority or agency of the state shall, before
825 contracting for the services and products of a fuel management or
826 fuel access system, enter into negotiations with not fewer than
827 two (2) sellers of fuel management or fuel access systems for
828 competitive written bids to provide the services and products for
829 the systems. In the event that the governing authority or agency
830 cannot locate two (2) sellers of such systems or cannot obtain
831 bids from two (2) sellers of such systems, it shall show proof
832 that it made a diligent, good-faith effort to locate and negotiate
833 with two (2) sellers of such systems. Such proof shall include,
834 but not be limited to, publications of a request for proposals and
835 letters soliciting negotiations and bids. For purposes of this
836 paragraph (q), a fuel management or fuel access system is an
837 automated system of acquiring fuel for vehicles as well as
838 management reports detailing fuel use by vehicles and drivers, and



839 the term "competitive written bid" shall have the meaning as
840 defined in paragraph (b) of this section. Governing authorities
841 and agencies shall be exempt from this process when contracting
842 for the services and products of fuel management or fuel access
843 systems under the terms of a state contract established by the
844 Office of Purchasing and Travel.

845 (r) **Solid waste contract proposal procedure.** Before
846 entering into any contract for garbage collection or disposal,
847 contract for solid waste collection or disposal or contract for
848 sewage collection or disposal, which involves an expenditure of
849 more than Seventy-five Thousand Dollars (\$75,000.00), a governing
850 authority or agency shall issue publicly a request for proposals
851 concerning the specifications for such services which shall be
852 advertised for in the same manner as provided in this section for
853 seeking bids for purchases which involve an expenditure of more
854 than the amount provided in paragraph (c) of this section. Any
855 request for proposals when issued shall contain terms and
856 conditions relating to price, financial responsibility,
857 technology, legal responsibilities and other relevant factors as
858 are determined by the governing authority or agency to be
859 appropriate for inclusion; all factors determined relevant by the
860 governing authority or agency or required by this paragraph (r)
861 shall be duly included in the advertisement to elicit proposals.
862 After responses to the request for proposals have been duly
863 received, the governing authority or agency shall select the most



864 qualified proposal or proposals on the basis of price, technology
865 and other relevant factors and from such proposals, but not
866 limited to the terms thereof, negotiate and enter into contracts
867 with one or more of the persons or firms submitting proposals. If
868 the governing authority or agency deems none of the proposals to
869 be qualified or otherwise acceptable, the request for proposals
870 process may be reinitiated. Notwithstanding any other provisions
871 of this paragraph, where a county with at least thirty-five
872 thousand (35,000) nor more than forty thousand (40,000)
873 population, according to the 1990 federal decennial census, owns
874 or operates a solid waste landfill, the governing authorities of
875 any other county or municipality may contract with the governing
876 authorities of the county owning or operating the landfill,
877 pursuant to a resolution duly adopted and spread upon the minutes
878 of each governing authority involved, for garbage or solid waste
879 collection or disposal services through contract negotiations.

880 (s) **Minority set-aside authorization.** Notwithstanding
881 any provision of this section to the contrary, any agency or
882 governing authority, by order placed on its minutes, may, in its
883 discretion, set aside not more than twenty percent (20%) of its
884 anticipated annual expenditures for the purchase of commodities
885 from minority businesses; however, all such set-aside purchases
886 shall comply with all purchasing regulations promulgated by the
887 Department of Finance and Administration and shall be subject to
888 bid requirements under this section. Set-aside purchases for



889 which competitive bids are required shall be made from the lowest
890 and best minority business bidder. For the purposes of this
891 paragraph, the term "minority business" means a business which is
892 owned by a majority of persons who are United States citizens or
893 permanent resident aliens (as defined by the Immigration and
894 Naturalization Service) of the United States, and who are Asian,
895 Black, Hispanic or Native American, according to the following
896 definitions:

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

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

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

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

908 (t) **Construction punch list restriction.** The
909 architect, engineer or other representative designated by the
910 agency or governing authority that is contracting for public
911 construction or renovation may prepare and submit to the
912 contractor only one (1) preliminary punch list of items that do
913 not meet the contract requirements at the time of substantial



914 completion and one (1) final list immediately before final
915 completion and final payment.

916 (u) **Procurement of construction services by state**
917 **institutions of higher learning.** Contracts for privately financed
918 construction of auxiliary facilities on the campus of a state
919 institution of higher learning may be awarded by the Board of
920 Trustees of State Institutions of Higher Learning to the lowest
921 and best bidder, where sealed bids are solicited, or to the
922 offeror whose proposal is determined to represent the best value
923 to the citizens of the State of Mississippi, where requests for
924 proposals are solicited.

925 (v) **Insurability of bidders for public construction or**
926 **other public contracts.** In any solicitation for bids to perform
927 public construction or other public contracts to which this
928 section applies, including, but not limited to, contracts for
929 repair and maintenance, for which the contract will require
930 insurance coverage in an amount of not less than One Million
931 Dollars (\$1,000,000.00), bidders shall be permitted to either
932 submit proof of current insurance coverage in the specified amount
933 or demonstrate ability to obtain the required coverage amount of
934 insurance if the contract is awarded to the bidder. Proof of
935 insurance coverage shall be submitted within five (5) business
936 days from bid acceptance.



937 (w) **Purchase authorization clarification.** Nothing in
938 this section shall be construed as authorizing any purchase not
939 authorized by law.

940 (x) **Mississippi Regional Pre-Need Disaster Clean Up**

941 **Act.** (i) The Department of Finance and Administration shall
942 enter into nine (9) contracts for the pre-need purchase of labor,
943 services, work, materials, equipment, supplies or other personal
944 property for disaster-related solid waste collection, disposal or
945 monitoring. One (1) contract shall be entered into for each of
946 the nine (9) Mississippi Emergency Management Association
947 districts:

948 1. Coahoma, DeSoto, Grenada, Panola, Quitman,
949 Tallahatchie, Tate, Tunica and Yalobusha Counties;

950 2. Alcorn, Benton, Itawamba, Lafayette, Lee,
951 Marshall, Pontotoc, Prentiss, Tippah, Tishomingo and Union
952 Counties;

953 3. Attala, Bolivar, Carroll, Holmes,
954 Humphreys, Leflore, Montgomery, Sunflower and Washington Counties;

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

957 5. Claiborne, Copiah, Hinds, Issaquena,
958 Madison, Rankin, Sharkey, Simpson, Warren and Yazoo Counties;

959 6. Clarke, Jasper, Kemper, Lauderdale, Leake,
960 Neshoba, Newton, Scott, and Smith Counties and the Mississippi
961 Band of Choctaw Indians;



962 7. Adams, Amite, Franklin, Jefferson,
963 Lawrence, Lincoln, Pike, Walthall and Wilkinson Counties;
964 8. Covington, Forrest, Greene, Jefferson
965 Davis, Jones, Lamar, Marion, Perry and Wayne Counties; and
966 9. George, Hancock, Harrison, Jackson, Pearl
967 River and Stone Counties.

968 Any such contract shall set forth the manner of awarding such
969 a contract, the method of payment, and any other matter deemed
970 necessary to carry out the purposes of the agreement. Such
971 contract may be entered into only for a term of one (1) year, with
972 an option for an additional one-year extension after the
973 conclusion of the first year of the contract, and only after
974 having solicited bids or proposals, as appropriate, which shall be
975 publicly advertised by posting on a web page maintained by the
976 Department of Finance and Administration through submission of
977 such advertisement to the Mississippi Procurement Technical
978 Assistance Program under the Mississippi Development Authority.
979 The bid opening shall not occur until after the submission has
980 been posted for at least ten (10) consecutive days. The state's
981 share of expenditures for solid waste collection, disposal or
982 monitoring under any contract shall be appropriated and paid in
983 the manner set forth in the contract and in the same manner as for
984 other solid waste collection, disposal, or monitoring expenses of
985 the state. Any contract entered into under this paragraph shall
986 not be subject to the provisions of Section 17-13-11.



987 (ii) Any board of supervisors of any county or any
988 governing authority of any municipality may opt in to the benefits
989 and services provided under the appropriate and relevant contract
990 established in subparagraph (i) of this paragraph at the time of a
991 disaster event in that county or municipality. At the time of opt
992 in, the county or municipality shall assume responsibility for
993 payment in full to the contractor for the disaster-related solid
994 waste collection, disposal or monitoring services provided.
995 Nothing in this subparagraph (ii) shall be construed as requiring
996 a county or municipality to opt in to any such contract
997 established in subparagraph (i) of this paragraph.

998 **SECTION 2.** This act shall take effect and be in force from
999 and after July 1, 2024.

