

By: Representative Hale

To: Education;  
Accountability, Efficiency,  
Transparency

HOUSE BILL NO. 1164

1 AN ACT TO AMEND SECTION 31-7-13, MISSISSIPPI CODE OF 1972, TO  
2 PROVIDE THAT THE PURCHASE OF ANY TEXTBOOK, NOT JUST A STATE  
3 ADOPTED TEXTBOOK, BY A PUBLIC SCHOOL DISTRICT SHALL BE EXEMPT FROM  
4 THE PUBLIC PURCHASING LAW; AND FOR RELATED PURPOSES.

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

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

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

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

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

18 (a) shall be construed to prohibit any agency or governing



19 authority from establishing procedures which require competitive  
20 bids on purchases of Five Thousand Dollars (\$5,000.00) or less.

21 (b) **Bidding procedure for purchases over \$5,000.00 but**  
22 **not over \$75,000.00.** Purchases which involve an expenditure of  
23 more than Five Thousand Dollars (\$5,000.00) but not more than  
24 Seventy-five Thousand Dollars (\$75,000.00), exclusive of freight  
25 and shipping charges, may be made from the lowest and best bidder  
26 without publishing or posting advertisement for bids, provided at  
27 least two (2) competitive written bids have been obtained. Any  
28 state agency or community or junior college purchasing commodities  
29 or procuring construction pursuant to this paragraph (b) may  
30 authorize its purchasing agent, or his designee, to accept the  
31 lowest competitive written bid under Seventy-five Thousand Dollars  
32 (\$75,000.00). Any governing authority purchasing commodities  
33 pursuant to this paragraph (b) may authorize its purchasing agent,  
34 or his designee, with regard to governing authorities other than  
35 counties, or its purchase clerk, or his designee, with regard to  
36 counties, to accept the lowest and best competitive written bid.  
37 Such authorization shall be made in writing by the governing  
38 authority and shall be maintained on file in the primary office of  
39 the agency and recorded in the official minutes of the governing  
40 authority, as appropriate. The purchasing agent or the purchase  
41 clerk, or his designee, as the case may be, and not the governing  
42 authority, shall be liable for any penalties and/or damages as may  
43 be imposed by law for any act or omission of the purchasing agent



44 or purchase clerk, or his designee, constituting a violation of  
45 law in accepting any bid without approval by the governing  
46 authority. The term "competitive written bid" shall mean a bid  
47 submitted on a bid form furnished by the buying agency or  
48 governing authority and signed by authorized personnel  
49 representing the vendor, or a bid submitted on a vendor's  
50 letterhead or identifiable bid form and signed by authorized  
51 personnel representing the vendor. "Competitive" shall mean that  
52 the bids are developed based upon comparable identification of the  
53 needs and are developed independently and without knowledge of  
54 other bids or prospective bids. Any bid item for construction in  
55 excess of Five Thousand Dollars (\$5,000.00) shall be broken down  
56 by components to provide detail of component description and  
57 pricing. These details shall be submitted with the written bids  
58 and become part of the bid evaluation criteria. Bids may be  
59 submitted by facsimile, electronic mail or other generally  
60 accepted method of information distribution. Bids submitted by  
61 electronic transmission shall not require the signature of the  
62 vendor's representative unless required by agencies or governing  
63 authorities.

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

65 (i) **Publication requirement.**

66 1. Purchases which involve an expenditure of  
67 more than Seventy-five Thousand Dollars (\$75,000.00), exclusive of  
68 freight and shipping charges, may be made from the lowest and best



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

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



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

113                   3. The date as published for the bid opening  
114 shall not be less than seven (7) working days after the last  
115 published notice; however, if the purchase involves a construction  
116 project in which the estimated cost is in excess of Seventy-five  
117 Thousand Dollars (\$75,000.00), such bids shall not be opened in  
118 less than fifteen (15) working days after the last notice is



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



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



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

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





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

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

204                   (iv) **Specification restrictions.**

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



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

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

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



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

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

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



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

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



(iii) **Decision procedure for Mississippi**

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



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

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

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

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



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



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

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

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





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

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



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

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

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



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

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



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

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

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

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

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



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

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

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

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



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

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

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

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



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

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

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

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



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

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





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

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



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

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

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

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



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

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

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

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

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

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

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

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

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



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

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

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

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

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



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

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

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

705 (xxv) **Purchases of \* \* \* textbooks.** Purchases  
706 of \* \* \* any textbooks by public school districts.

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

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



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

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

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

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

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

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

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



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

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

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

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

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

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

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



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

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

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

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

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





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

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



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

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

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



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

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



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

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



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

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

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

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

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

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



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

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

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



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

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

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

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

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

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

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

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

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



961                   7. Adams, Amite, Franklin, Jefferson,  
962 Lawrence, Lincoln, Pike, Walthall and Wilkinson Counties;

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

965                   9. George, Hancock, Harrison, Jackson, Pearl  
966 River and Stone Counties.

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





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

997 **SECTION 2.** This act shall take effect and be in force from  
998 and after its passage.

