

By: Representative Lancaster

To: Public Utilities

HOUSE BILL NO. 1648

1 AN ACT TO AMEND SECTION 77-3-16, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE THE ELECTRONIC SUBMISSION OF BIDS FOR PUBLIC UTILITY
3 CONTRACTS; TO PROVIDE CERTAIN REQUIREMENTS FOR CONSTRUCTION BIDS
4 THAT ARE SUBMITTED ELECTRONICALLY; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 77-3-16, Mississippi Code of 1972, is
7 amended as follows:

8 77-3-16. (1) All contracts for construction, extension
9 and/or repair of facilities in excess of Two Hundred Thousand
10 Dollars (\$200,000.00) by or on the behalf of any public utility
11 subject to rate regulations by the Mississippi Public Service
12 Commission, shall be governed by this section. The public utility
13 shall maintain a list of contractors and suppliers qualified to
14 perform contracts within the scope of proposed utility projects.
15 The public utility shall, upon written request of any qualified
16 prospective bidder, add his or its name to such list. At least
17 every six (6) months, the public utility shall publish in a
18 newspaper, having general circulation in the area in which the
19 utility operates, a notice requesting names of qualified



20 contractors and suppliers. Upon written request by qualified
21 contractors and suppliers, those names shall be added to such
22 list. The public utility shall give to each contractor or
23 supplier on said list who is qualified with respect to a project
24 under consideration written invitation to bid those projects
25 subject to this section. Contracts subject to this section shall
26 be awarded to the lowest and best bidder. Provided, however,
27 nothing contained herein shall prohibit any public utility from
28 performing services covered by this section with its own regularly
29 employed workforce.

30 (2) The public utility may enter into a master contract with
31 the lowest and best contractor to cover all construction work to
32 be performed in a specified geographic area.

33 (3) If the chief executive officer of a public utility
34 determines that an emergency exists which affects the public
35 health, safety or welfare, the provisions of this section shall
36 not apply. As used in this section, an emergency is any
37 occurrence in which service is interrupted.

38 (4) The provisions of this section shall not apply to
39 contracts which by their nature are not adapted to competitive
40 bidding, including, but not limited to:

- 41 (a) Items which may be acquired from a sole source;
- 42 (b) Contracts for professional services;
- 43 (c) Equipment and systems which, by reason of the
44 training of personnel or of any inventory replacement of parts



45 maintained by the utility, are or should be compatible with
46 existing equipment;

47 (d) Contracts for interstate or intrastate carriage of
48 persons or property with a common carrier or contract carrier at
49 the rates set forth in the officially approved tariff of that
50 carrier; and

51 (e) Such contracts as the commission may define by
52 regulation.

53 (5) The Public Service Commission shall have the authority
54 to monitor all conditions contained in this section.

55 (6) With respect to any facility or contract for a facility
56 serving a customer under Section 22 of * * * Senate Bill No. 2001,
57 2024 Second Extraordinary Session, nothing in this section shall
58 supersede the provisions of Section 22 of * * * Senate Bill No.
59 2001, 2024 Second Extraordinary Session.

60 (7) Public utilities, as defined in Section 77-3-3, may
61 provide a secure electronic interactive system for the submittal
62 of bids requiring competitive bidding that shall be an additional
63 bidding option for those bidders who choose to submit their bids
64 electronically. Public utilities shall implement the provisions
65 necessary to accept electronic bids from those bidders who choose
66 to submit their bids electronically for all purchases requiring
67 competitive bidding under this section.

68 When construction bids are submitted electronically, the
69 requirement for including a certificate of responsibility or a



70 statement that the bid enclosed does not exceed Fifty Thousand
71 Dollars (\$50,000.00) on the exterior of the bid envelope, as
72 indicated in Section 31-3-21, shall be deemed met by including
73 such certificate or statement as an attachment with the electronic
74 bid submittal.

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

