

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.

