

By: Senator(s) Harkins

To: Accountability,  
Efficiency, Transparency

SENATE BILL NO. 2399

1 AN ACT TO AMEND SECTIONS 27-104-7 AND 31-7-13, MISSISSIPPI  
2 CODE OF 1972, TO EXEMPT THE DEPARTMENT OF FINANCE AND  
3 ADMINISTRATION FROM CERTAIN BID PROCUREMENT REQUIREMENTS FOR  
4 PURCHASES OF CERTAIN PROFESSIONAL SERVICES AT THE STATE CAPITOL  
5 BUILDING AND GROUNDS OR SITES THAT ARE DUALY DESIGNATED AS A  
6 NATIONAL HISTORIC LANDMARK AND A MISSISSIPPI LANDMARK; AND FOR  
7 RELATED PURPOSES.

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

9 **SECTION 1.** Section 27-104-7, Mississippi Code of 1972, is  
10 amended as follows:

11 27-104-7. (1) (a) There is created the Public Procurement  
12 Review Board, which shall be reconstituted on January 1, 2018, and  
13 shall be composed of the following members:

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

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

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



21 (b) The initial terms of each appointee shall be as  
22 follows:

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

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

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

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

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

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

37 (c) When appointing members to the Public Procurement  
38 Review Board, the Governor and Lieutenant Governor shall take into  
39 consideration persons who possess at least five (5) years of  
40 management experience in general business, health care or finance  
41 for an organization, corporation or other public or private  
42 entity. Any person, or any employee or owner of a company, who  
43 receives any grants, procurements or contracts that are subject to  
44 approval under this section shall not be appointed to the Public  
45 Procurement Review Board. Any person, or any employee or owner of



46 a company, who is a principal of the source providing a personal  
47 or professional service shall not be appointed to the Public  
48 Procurement Review Board if the principal owns or controls a  
49 greater than five percent (5%) interest or has an ownership value  
50 of One Million Dollars (\$1,000,000.00) in the source's business,  
51 whichever is smaller. No member shall be an officer or employee  
52 of the State of Mississippi while serving as a voting member on  
53 the Public Procurement Review Board.

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

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



71 Senate and House of Representatives and the chairs of the  
72 Appropriations Committees of the Senate and House of  
73 Representatives.

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

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

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

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

88 (c) Adopt regulations governing any lease or rental  
89 agreement by any state agency or department, including any state  
90 agency financed entirely by federal funds, for space outside the  
91 buildings under the jurisdiction of the Department of Finance and  
92 Administration. These regulations shall require each agency  
93 requesting to lease such space to provide the following  
94 information that shall be published by the Department of Finance  
95 and Administration on its website: the agency to lease the space;



96 the terms of the lease; the approximate square feet to be leased;  
97 the use for the space; a description of a suitable space; the  
98 general location desired for the leased space; the contact  
99 information for a person from the agency; the deadline date for  
100 the agency to have received a lease proposal; any other specific  
101 terms or conditions of the agency; and any other information  
102 deemed appropriate by the Division of Real Property Management of  
103 the Department of Finance and Administration or the Public  
104 Procurement Review Board. The information shall be provided  
105 sufficiently in advance of the time the space is needed to allow  
106 the Division of Real Property Management of the Department of  
107 Finance and Administration to review and preapprove the lease  
108 before the time for advertisement begins;

109 (d) Adopt, in its discretion, regulations to set aside  
110 at least five percent (5%) of anticipated annual expenditures for  
111 the purchase of commodities from minority businesses; however, all  
112 such set-aside purchases shall comply with all purchasing  
113 regulations promulgated by the department and shall be subject to  
114 all bid requirements. Set-aside purchases for which competitive  
115 bids are required shall be made from the lowest and best minority  
116 business bidder; however, if no minority bid is available or if  
117 the minority bid is more than two percent (2%) higher than the  
118 lowest bid, then bids shall be accepted and awarded to the lowest  
119 and best bidder. However, the provisions in this paragraph shall  
120 not be construed to prohibit the rejection of a bid when only one



121 (1) bid is received. Such rejection shall be placed in the  
122 minutes. For the purposes of this paragraph, the term "minority  
123 business" means a business which is owned by a person who is a  
124 citizen or lawful permanent resident of the United States and who  
125 is:

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

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

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

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

136 (v) Female;

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

143 (f) (i) Except as otherwise provided in subparagraph  
144 (ii) of this paragraph, promulgate rules and regulations governing  
145 the solicitation and selection of contractual services personnel,



146 including personal and professional services contracts for any  
147 form of consulting, policy analysis, public relations, marketing,  
148 public affairs, legislative advocacy services or any other  
149 contract that the board deems appropriate for oversight, with the  
150 exception of:

151                   1. Any personal service contracts entered  
152 into by any agency that employs only nonstate service employees as  
153 defined in Section 25-9-107(c);

154                   2. Any personal service contracts entered  
155 into for computer or information technology-related services  
156 governed by the Mississippi Department of Information Technology  
157 Services;

158                   3. Any personal service contracts entered  
159 into by the individual state institutions of higher learning;

160                   4. Any personal service contracts entered  
161 into by the Mississippi Department of Transportation;

162                   5. Any personal service contracts entered  
163 into by the Department of Human Services through June 30, 2019,  
164 which the Executive Director of the Department of Human Services  
165 determines would be useful in establishing and operating the  
166 Department of Child Protection Services;

167                   6. Any personal service contracts entered  
168 into by the Department of Child Protection Services through June  
169 30, 2019;



170                   7. Any contracts for entertainers and/or  
171 performers at the Mississippi State Fairgrounds entered into by  
172 the Mississippi Fair Commission;

173                   8. Any contracts entered into by the  
174 Department of Finance and Administration when procuring aircraft  
175 maintenance, parts, equipment and/or services;

176                   9. Any contract entered into by the  
177 Department of Public Safety for service on specialized equipment  
178 and/or software required for the operation of such specialized  
179 equipment for use by the Office of Forensics Laboratories;

180                   10. Any personal or professional service  
181 contract entered into by the Mississippi Department of Health or  
182 the Department of Revenue solely in connection with their  
183 respective responsibilities under the Mississippi Medical Cannabis  
184 Act from February 2, 2022, through June 30, 2026;

185                   11. Any contract for attorney, accountant,  
186 actuary auditor, architect, engineer, anatomical pathologist, or  
187 utility rate expert services;

188                   12. Any personal service contracts approved  
189 by the Executive Director of the Department of Finance and  
190 Administration and entered into by the Coordinator of Mental  
191 Health Accessibility through June 30, 2022;

192                   13. Any personal or professional services  
193 contract entered into by the State Department of Health in  
194 carrying out its responsibilities under the ARPA Rural Water





195 Associations Infrastructure Grant Program through June 30,  
196 2026; \* \* \*

197 14. \* \* \* Any personal or professional  
198 services contract entered into by the Mississippi Department of  
199 Environmental Quality in carrying out its responsibilities under  
200 the Mississippi Municipality and County Water Infrastructure Grant  
201 Program Act of 2022, through June 30, 2026 \* \* \*; and

202 15. Any personal or professional services  
203 contract entered into by the Department of Finance and  
204 Administration for architectural, engineering, operation or  
205 maintenance services at the State Capitol Building and grounds or  
206 any other historical buildings or sites under the general  
207 supervision and care of the department that are dually designated  
208 as both a National Historic Landmark and a Mississippi Landmark.

209 Any such rules and regulations shall provide for maintaining  
210 continuous internal audit covering the activities of such agency  
211 affecting its revenue and expenditures as required under Section  
212 7-7-3(6) (d). Any rules and regulation changes related to personal  
213 and professional services contracts that the Public Procurement  
214 Review Board may propose shall be submitted to the Chairs of the  
215 Accountability, Efficiency and Transparency Committees of the  
216 Senate and House of Representatives and the Chairs of the  
217 Appropriation Committees of the Senate and House of  
218 Representatives at least fifteen (15) days before the board votes  
219 on the proposed changes, and those rules and regulation changes,



220 if adopted, shall be promulgated in accordance with the  
221 Mississippi Administrative Procedures Act.

222 (ii) From and after July 1, 2024, the Public  
223 Procurement Review Board shall promulgate rules and regulations  
224 that require the Department of Finance and Administration to  
225 conduct personal and professional services solicitations as  
226 provided in subparagraph (i) of this paragraph for those services  
227 in excess of Seventy-five Thousand Dollars (\$75,000.00) for the  
228 Department of Marine Resources, the Department of Wildlife,  
229 Fisheries and Parks, the Mississippi Emergency Management Agency  
230 and the Mississippi Development Authority, with assistance to be  
231 provided from these entities. Any powers that have been conferred  
232 upon agencies in order to comply with the provisions of this  
233 section for personal and professional services solicitations shall  
234 be conferred upon the Department of Finance and Administration to  
235 conduct personal and professional services solicitations for the  
236 Department of Marine Resources, the Department of Wildlife,  
237 Fisheries and Parks, the Mississippi Emergency Management Agency  
238 and the Mississippi Development Authority for those services in  
239 excess of Seventy-five Thousand Dollars (\$75,000.00). The  
240 Department of Finance and Administration shall make any  
241 submissions that are required to be made by other agencies to the  
242 Public Procurement Review Board for the Department of Marine  
243 Resources, the Department of Wildlife, Fisheries and Parks, the



244 Mississippi Emergency Management Agency and the Mississippi  
245 Development Authority.

246 The provisions of this subparagraph (ii) shall stand repealed  
247 on June 30, 2027;

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

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

261 (i) Prescribe certain circumstances by which agency  
262 heads may enter into contracts for personal and professional  
263 services without receiving prior approval from the Public  
264 Procurement Review Board. The Public Procurement Review Board may  
265 establish a preapproved list of providers of various personal and  
266 professional services for set prices with which state agencies may  
267 contract without bidding or prior approval from the board;



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

276 (ii) Contracts between two (2) state agencies,  
277 both under Public Procurement Review Board purview, shall not  
278 require Public Procurement Review Board approval. However, the  
279 contracts shall still be entered into the enterprise resource  
280 planning system;

281 (j) Provide standards for the issuance of requests for  
282 proposals, the evaluation of proposals received, consideration of  
283 costs and quality of services proposed, contract negotiations, the  
284 administrative monitoring of contract performance by the agency  
285 and successful steps in terminating a contract;

286 (k) Present recommendations for governmental  
287 privatization and to evaluate privatization proposals submitted by  
288 any state agency;

289 (l) Authorize personal and professional service  
290 contracts to be effective for more than one (1) year provided a  
291 funding condition is included in any such multiple year contract,  
292 except the State Board of Education, which shall have the



293 authority to enter into contractual agreements for student  
294 assessment for a period up to ten (10) years. The State Board of  
295 Education shall procure these services in accordance with the  
296 Public Procurement Review Board procurement regulations;

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

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

303 (o) Develop and implement the following standards and  
304 procedures for the approval of any sole source contract for  
305 personal and professional services regardless of the value of the  
306 procurement:

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

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

316 (iii) Any agency alleging to have a sole source  
317 for any personal or professional service, other than those



318 exempted under paragraph (f) of this subsection (2) and subsection  
319 (8), shall publish on the procurement portal website established  
320 by Sections 25-53-151 and 27-104-165, for at least fourteen (14)  
321 days, the terms of the proposed contract for those services. In  
322 addition, the publication shall include, but is not limited to,  
323 the following information:

324                   1. The personal or professional service  
325 offered in the contract;

326                   2. An explanation of why the personal or  
327 professional service is the only one that can meet the needs of  
328 the agency;

329                   3. An explanation of why the source is the  
330 only person or entity that can provide the required personal or  
331 professional service;

332                   4. An explanation of why the amount to be  
333 expended for the personal or professional service is reasonable;  
334 and

335                   5. The efforts that the agency went through  
336 to obtain the best possible price for the personal or professional  
337 service.

338                   (iv) If any person or entity objects and proposes  
339 that the personal or professional service published under  
340 subparagraph (iii) of this paragraph (o) is not a sole source  
341 service and can be provided by another person or entity, then the  
342 objecting person or entity shall notify the Public Procurement



343 Review Board and the agency that published the proposed sole  
344 source contract with a detailed explanation of why the personal or  
345 professional service is not a sole source service.

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

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

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



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

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

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

390 (4) All sole source contracts for personal and professional  
391 services awarded by state agencies, other than those exempted





392 under Section 27-104-7(2) (f) and (8), whether approved by an  
393 agency head or the Public Procurement Review Board, shall contain  
394 in the procurement file a written determination for the approval,  
395 using a request form furnished by the Public Procurement Review  
396 Board. The written determination shall document the basis for the  
397 determination, including any market analysis conducted in order to  
398 ensure that the service required was practicably available from  
399 only one (1) source. A memorandum shall accompany the request  
400 form and address the following four (4) points:

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

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

405 (c) Explanation of why the price is considered  
406 reasonable; and

407 (d) Description of the efforts that were made to  
408 conduct a noncompetitive negotiation to get the best possible  
409 price for the taxpayers.

410 (5) In conjunction with the State Personnel Board, the  
411 Public Procurement Review Board shall develop and promulgate rules  
412 and regulations to define the allowable legal relationship between  
413 contract employees and the contracting departments, agencies and  
414 institutions of state government under the jurisdiction of the  
415 State Personnel Board, in compliance with the applicable rules and  
416 regulations of the federal Internal Revenue Service (IRS) for



417 federal employment tax purposes. Under these regulations, the  
418 usual common law rules are applicable to determine and require  
419 that such worker is an independent contractor and not an employee,  
420 requiring evidence of lawful behavioral control, lawful financial  
421 control and lawful relationship of the parties. Any state  
422 department, agency or institution shall only be authorized to  
423 contract for personnel services in compliance with those  
424 regulations.

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

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

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



442 to enter into any personal or professional services contracts  
443 involving the management of trust funds, including, but not  
444 limited to, actuarial, custodial banks, cash management,  
445 investment consultant and investment management contracts.

446 (9) Through December 31, 2024, the provisions of this  
447 section related to rental agreements or leasing of real property  
448 for the purpose of conducting agency business shall not apply to  
449 the Office of Workforce Development created in Section 37-153-7.

450 **SECTION 2.** Section 31-7-13, Mississippi Code of 1972, is  
451 amended as follows:

452 31-7-13. All agencies and governing authorities shall  
453 purchase their commodities and printing; contract for garbage  
454 collection or disposal; contract for solid waste collection or  
455 disposal; contract for sewage collection or disposal; contract for  
456 public construction; and contract for rentals as herein provided.

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

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

462 (a) shall be construed to prohibit any agency or governing  
463 authority from establishing procedures which require competitive  
464 bids on purchases of Five Thousand Dollars (\$5,000.00) or less.

465 (b) **Bidding procedure for purchases over \$5,000.00 but**

466 **not over \$75,000.00.** Purchases which involve an expenditure of



467 more than Five Thousand Dollars (\$5,000.00) but not more than  
468 Seventy-five Thousand Dollars (\$75,000.00), exclusive of freight  
469 and shipping charges, may be made from the lowest and best bidder  
470 without publishing or posting advertisement for bids, provided at  
471 least two (2) competitive written bids have been obtained. Any  
472 state agency or community or junior college purchasing commodities  
473 or procuring construction pursuant to this paragraph (b) may  
474 authorize its purchasing agent, or his designee, to accept the  
475 lowest competitive written bid under Seventy-five Thousand Dollars  
476 (\$75,000.00). Any governing authority purchasing commodities  
477 pursuant to this paragraph (b) may authorize its purchasing agent,  
478 or his designee, with regard to governing authorities other than  
479 counties, or its purchase clerk, or his designee, with regard to  
480 counties, to accept the lowest and best competitive written bid.  
481 Such authorization shall be made in writing by the governing  
482 authority and shall be maintained on file in the primary office of  
483 the agency and recorded in the official minutes of the governing  
484 authority, as appropriate. The purchasing agent or the purchase  
485 clerk, or his designee, as the case may be, and not the governing  
486 authority, shall be liable for any penalties and/or damages as may  
487 be imposed by law for any act or omission of the purchasing agent  
488 or purchase clerk, or his designee, constituting a violation of  
489 law in accepting any bid without approval by the governing  
490 authority. The term "competitive written bid" shall mean a bid  
491 submitted on a bid form furnished by the buying agency or



492 governing authority and signed by authorized personnel  
493 representing the vendor, or a bid submitted on a vendor's  
494 letterhead or identifiable bid form and signed by authorized  
495 personnel representing the vendor. "Competitive" shall mean that  
496 the bids are developed based upon comparable identification of the  
497 needs and are developed independently and without knowledge of  
498 other bids or prospective bids. Any bid item for construction in  
499 excess of Five Thousand Dollars (\$5,000.00) shall be broken down  
500 by components to provide detail of component description and  
501 pricing. These details shall be submitted with the written bids  
502 and become part of the bid evaluation criteria. Bids may be  
503 submitted by facsimile, electronic mail or other generally  
504 accepted method of information distribution. Bids submitted by  
505 electronic transmission shall not require the signature of the  
506 vendor's representative unless required by agencies or governing  
507 authorities.

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

509 (i) **Publication requirement.**

510 1. Purchases which involve an expenditure of  
511 more than Seventy-five Thousand Dollars (\$75,000.00), exclusive of  
512 freight and shipping charges, may be made from the lowest and best  
513 bidder after advertising for competitive bids once each week for  
514 two (2) consecutive weeks in a regular newspaper published in the  
515 county or municipality in which such agency or governing authority  
516 is located. However, all American Recovery and Reinvestment Act



517 projects in excess of Twenty-five Thousand Dollars (\$25,000.00)  
518 shall be bid. All references to American Recovery and  
519 Reinvestment Act projects in this section shall not apply to  
520 programs identified in Division B of the American Recovery and  
521 Reinvestment Act.

522                   2. Reverse auctions shall be the primary  
523 method for receiving bids during the bidding process. If a  
524 purchasing entity determines that a reverse auction is not in the  
525 best interest of the state, then that determination must be  
526 approved by the Public Procurement Review Board. The purchasing  
527 entity shall submit a detailed explanation of why a reverse  
528 auction would not be in the best interest of the state and present  
529 an alternative process to be approved by the Public Procurement  
530 Review Board. If the Public Procurement Review Board authorizes  
531 the purchasing entity to solicit bids with a method other than  
532 reverse auction, then the purchasing entity may designate the  
533 other methods by which the bids will be received, including, but  
534 not limited to, bids sealed in an envelope, bids received  
535 electronically in a secure system, or bids received by any other  
536 method that promotes open competition and has been approved by the  
537 Office of Purchasing and Travel. However, reverse auction shall  
538 not be used for any public contract for design, construction,  
539 improvement, repair or remodeling of any public facilities,  
540 including the purchase of materials, supplies, equipment or goods  
541 for same and including buildings, roads and bridges. The Public



542 Procurement Review Board must approve any contract entered into by  
543 alternative process. The provisions of this item 2 shall not  
544 apply to the individual state institutions of higher learning.  
545 The provisions of this item 2 requiring reverse auction as the  
546 primary method of receiving bids shall not apply to term contract  
547 purchases as provided in paragraph (n) of this section; however, a  
548 purchasing entity may, in its discretion, utilize reverse auction  
549 for such purchases. The provisions of this item 2 shall not apply  
550 to individual public schools, including public charter schools and  
551 public school districts, only when purchasing copyrighted  
552 educational supplemental materials and software as a service  
553 product. For such purchases, a local school board may authorize a  
554 purchasing entity in its jurisdiction to use a Request for  
555 Qualifications which promotes open competition and meets the  
556 requirements of the Office of Purchasing and Travel.

557                   3. The date as published for the bid opening  
558 shall not be less than seven (7) working days after the last  
559 published notice; however, if the purchase involves a construction  
560 project in which the estimated cost is in excess of Seventy-five  
561 Thousand Dollars (\$75,000.00), such bids shall not be opened in  
562 less than fifteen (15) working days after the last notice is  
563 published and the notice for the purchase of such construction  
564 shall be published once each week for two (2) consecutive weeks.  
565 However, all American Recovery and Reinvestment Act projects in  
566 excess of Twenty-five Thousand Dollars (\$25,000.00) shall be bid.



567 For any projects in excess of Twenty-five Thousand Dollars  
568 (\$25,000.00) under the American Recovery and Reinvestment Act,  
569 publication shall be made one (1) time and the bid opening for  
570 construction projects shall not be less than ten (10) working days  
571 after the date of the published notice. The notice of intention  
572 to let contracts or purchase equipment shall state the time and  
573 place at which bids shall be received, list the contracts to be  
574 made or types of equipment or supplies to be purchased, and, if  
575 all plans and/or specifications are not published, refer to the  
576 plans and/or specifications on file. If there is no newspaper  
577 published in the county or municipality, then such notice shall be  
578 given by posting same at the courthouse, or for municipalities at  
579 the city hall, and at two (2) other public places in the county or  
580 municipality, and also by publication once each week for two (2)  
581 consecutive weeks in some newspaper having a general circulation  
582 in the county or municipality in the above-provided manner. On  
583 the same date that the notice is submitted to the newspaper for  
584 publication, the agency or governing authority involved shall mail  
585 written notice to, or provide electronic notification to the main  
586 office of the Mississippi Procurement Technical Assistance Program  
587 under the Mississippi Development Authority that contains the same  
588 information as that in the published notice. Submissions received  
589 by the Mississippi Procurement Technical Assistance Program for  
590 projects funded by the American Recovery and Reinvestment Act  
591 shall be displayed on a separate and unique Internet web page





592 accessible to the public and maintained by the Mississippi  
593 Development Authority for the Mississippi Procurement Technical  
594 Assistance Program. Those American Recovery and Reinvestment Act  
595 related submissions shall be publicly posted within twenty-four  
596 (24) hours of receipt by the Mississippi Development Authority and  
597 the bid opening shall not occur until the submission has been  
598 posted for ten (10) consecutive days. The Department of Finance  
599 and Administration shall maintain information regarding contracts  
600 and other expenditures from the American Recovery and Reinvestment  
601 Act, on a unique Internet web page accessible to the public. The  
602 Department of Finance and Administration shall promulgate rules  
603 regarding format, content and deadlines, unless otherwise  
604 specified by law, of the posting of award notices, contract  
605 execution and subsequent amendments, links to the contract  
606 documents, expenditures against the awarded contracts and general  
607 expenditures of funds from the American Recovery and Reinvestment  
608 Act. Within one (1) working day of the contract award, the agency  
609 or governing authority shall post to the designated web page  
610 maintained by the Department of Finance and Administration, notice  
611 of the award, including the award recipient, the contract amount,  
612 and a brief summary of the contract in accordance with rules  
613 promulgated by the department. Within one (1) working day of the  
614 contract execution, the agency or governing authority shall post  
615 to the designated web page maintained by the Department of Finance  
616 and Administration a summary of the executed contract and make a



617 copy of the appropriately redacted contract documents available  
618 for linking to the designated web page in accordance with the  
619 rules promulgated by the department. The information provided by  
620 the agency or governing authority shall be posted to the web page  
621 for the duration of the American Recovery and Reinvestment Act  
622 funding or until the project is completed, whichever is longer.

623           (ii) **Bidding process amendment procedure.** If all  
624 plans and/or specifications are published in the notification,  
625 then the plans and/or specifications may not be amended. If all  
626 plans and/or specifications are not published in the notification,  
627 then amendments to the plans/specifications, bid opening date, bid  
628 opening time and place may be made, provided that the agency or  
629 governing authority maintains a list of all prospective bidders  
630 who are known to have received a copy of the bid documents and all  
631 such prospective bidders are sent copies of all amendments. This  
632 notification of amendments may be made via mail, facsimile,  
633 electronic mail or other generally accepted method of information  
634 distribution. No addendum to bid specifications may be issued  
635 within two (2) working days of the time established for the  
636 receipt of bids unless such addendum also amends the bid opening  
637 to a date not less than five (5) working days after the date of  
638 the addendum.

639           (iii) **Filing requirement.** In all cases involving  
640 governing authorities, before the notice shall be published or  
641 posted, the plans or specifications for the construction or



642 equipment being sought shall be filed with the clerk of the board  
643 of the governing authority. In addition to these requirements, a  
644 bid file shall be established which shall indicate those vendors  
645 to whom such solicitations and specifications were issued, and  
646 such file shall also contain such information as is pertinent to  
647 the bid.

648 (iv) **Specification restrictions.**

649 1. Specifications pertinent to such bidding  
650 shall be written so as not to exclude comparable equipment of  
651 domestic manufacture. However, if valid justification is  
652 presented, the Department of Finance and Administration or the  
653 board of a governing authority may approve a request for specific  
654 equipment necessary to perform a specific job. Further, such  
655 justification, when placed on the minutes of the board of a  
656 governing authority, may serve as authority for that governing  
657 authority to write specifications to require a specific item of  
658 equipment needed to perform a specific job. In addition to these  
659 requirements, from and after July 1, 1990, vendors of relocatable  
660 classrooms and the specifications for the purchase of such  
661 relocatable classrooms published by local school boards shall meet  
662 all pertinent regulations of the State Board of Education,  
663 including prior approval of such bid by the State Department of  
664 Education.

665 2. Specifications for construction projects  
666 may include an allowance for commodities, equipment, furniture,



667 construction materials or systems in which prospective bidders are  
668 instructed to include in their bids specified amounts for such  
669 items so long as the allowance items are acquired by the vendor in  
670 a commercially reasonable manner and approved by the  
671 agency/governing authority. Such acquisitions shall not be made  
672 to circumvent the public purchasing laws.

673 (v) **Electronic bids.** Agencies and governing  
674 authorities shall provide a secure electronic interactive system  
675 for the submittal of bids requiring competitive bidding that shall  
676 be an additional bidding option for those bidders who choose to  
677 submit their bids electronically. The Department of Finance and  
678 Administration shall provide, by regulation, the standards that  
679 agencies must follow when receiving electronic bids. Agencies and  
680 governing authorities shall make the appropriate provisions  
681 necessary to accept electronic bids from those bidders who choose  
682 to submit their bids electronically for all purchases requiring  
683 competitive bidding under this section. Any special condition or  
684 requirement for the electronic bid submission shall be specified  
685 in the advertisement for bids required by this section. Agencies  
686 or governing authorities that are currently without available high  
687 speed Internet access shall be exempt from the requirement of this  
688 subparagraph (v) until such time that high speed Internet access  
689 becomes available. Any county having a population of less than  
690 twenty thousand (20,000) shall be exempt from the provisions of  
691 this subparagraph (v). Any municipality having a population of



692 less than ten thousand (10,000) shall be exempt from the  
693 provisions of this subparagraph (v). The provisions of this  
694 subparagraph (v) shall not require any bidder to submit bids  
695 electronically. When construction bids are submitted  
696 electronically, the requirement for including a certificate of  
697 responsibility, or a statement that the bid enclosed does not  
698 exceed Fifty Thousand Dollars (\$50,000.00), on the exterior of the  
699 bid envelope as indicated in Section 31-3-21(1) and (2) shall be  
700 deemed in compliance with by including same as an attachment with  
701 the electronic bid submittal.

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

703 (i) **Decision procedure.** Purchases may be made  
704 from the lowest and best bidder. In determining the lowest and  
705 best bid, freight and shipping charges shall be included.  
706 Life-cycle costing, total cost bids, warranties, guaranteed  
707 buy-back provisions and other relevant provisions may be included  
708 in the best bid calculation. All best bid procedures for state  
709 agencies must be in compliance with regulations established by the  
710 Department of Finance and Administration. If any governing  
711 authority accepts a bid other than the lowest bid actually  
712 submitted, it shall place on its minutes detailed calculations and  
713 narrative summary showing that the accepted bid was determined to  
714 be the lowest and best bid, including the dollar amount of the  
715 accepted bid and the dollar amount of the lowest bid. No agency



716 or governing authority shall accept a bid based on items not  
717 included in the specifications.

718 (ii) **Decision procedure for Certified Purchasing**

719 **Offices.** In addition to the decision procedure set forth in  
720 subparagraph (i) of this paragraph (d), Certified Purchasing  
721 Offices may also use the following procedure: Purchases may be  
722 made from the bidder offering the best value. In determining the  
723 best value bid, freight and shipping charges shall be included.  
724 Life-cycle costing, total cost bids, warranties, guaranteed  
725 buy-back provisions, documented previous experience, training  
726 costs and other relevant provisions, including, but not limited  
727 to, a bidder having a local office and inventory located within  
728 the jurisdiction of the governing authority, may be included in  
729 the best value calculation. This provision shall authorize  
730 Certified Purchasing Offices to utilize a Request For Proposals  
731 (RFP) process when purchasing commodities. All best value  
732 procedures for state agencies must be in compliance with  
733 regulations established by the Department of Finance and  
734 Administration. No agency or governing authority shall accept a  
735 bid based on items or criteria not included in the specifications.

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

737 **Landmarks.** In addition to the decision procedure set forth in  
738 subparagraph (i) of this paragraph (d), where purchase involves  
739 renovation, restoration, or both, of the State Capitol Building or  
740 any other historical building designated for at least five (5)



741 years as a Mississippi Landmark by the Board of Trustees of the  
742 Department of Archives and History under the authority of Sections  
743 39-7-7 and 39-7-11, the agency or governing authority may use the  
744 following procedure: Purchases may be made from the lowest and  
745 best prequalified bidder. Prequalification of bidders shall be  
746 determined not less than fifteen (15) working days before the  
747 first published notice of bid opening. Prequalification criteria  
748 shall be limited to bidder's knowledge and experience in  
749 historical restoration, preservation and renovation. In  
750 determining the lowest and best bid, freight and shipping charges  
751 shall be included. Life-cycle costing, total cost bids,  
752 warranties, guaranteed buy-back provisions and other relevant  
753 provisions may be included in the best bid calculation. All best  
754 bid and prequalification procedures for state agencies must be in  
755 compliance with regulations established by the Department of  
756 Finance and Administration. If any governing authority accepts a  
757 bid other than the lowest bid actually submitted, it shall place  
758 on its minutes detailed calculations and narrative summary showing  
759 that the accepted bid was determined to be the lowest and best  
760 bid, including the dollar amount of the accepted bid and the  
761 dollar amount of the lowest bid. No agency or governing authority  
762 shall accept a bid based on items not included in the  
763 specifications.

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

765 If the lowest and best bid is not more than ten percent (10%)



766 above the amount of funds allocated for a public construction or  
767 renovation project, then the agency or governing authority shall  
768 be permitted to negotiate with the lowest bidder in order to enter  
769 into a contract for an amount not to exceed the funds allocated.

770           (e) **Lease-purchase authorization.** For the purposes of  
771 this section, the term "equipment" shall mean equipment, furniture  
772 and, if applicable, associated software and other applicable  
773 direct costs associated with the acquisition. Any lease-purchase  
774 of equipment which an agency is not required to lease-purchase  
775 under the master lease-purchase program pursuant to Section  
776 31-7-10 and any lease-purchase of equipment which a governing  
777 authority elects to lease-purchase may be acquired by a  
778 lease-purchase agreement under this paragraph (e). Lease-purchase  
779 financing may also be obtained from the vendor or from a  
780 third-party source after having solicited and obtained at least  
781 two (2) written competitive bids, as defined in paragraph (b) of  
782 this section, for such financing without advertising for such  
783 bids. Solicitation for the bids for financing may occur before or  
784 after acceptance of bids for the purchase of such equipment or,  
785 where no such bids for purchase are required, at any time before  
786 the purchase thereof. No such lease-purchase agreement shall be  
787 for an annual rate of interest which is greater than the overall  
788 maximum interest rate to maturity on general obligation  
789 indebtedness permitted under Section 75-17-101, and the term of  
790 such lease-purchase agreement shall not exceed the useful life of





791 equipment covered thereby as determined according to the upper  
792 limit of the asset depreciation range (ADR) guidelines for the  
793 Class Life Asset Depreciation Range System established by the  
794 Internal Revenue Service pursuant to the United States Internal  
795 Revenue Code and regulations thereunder as in effect on December  
796 31, 1980, or comparable depreciation guidelines with respect to  
797 any equipment not covered by ADR guidelines. Any lease-purchase  
798 agreement entered into pursuant to this paragraph (e) may contain  
799 any of the terms and conditions which a master lease-purchase  
800 agreement may contain under the provisions of Section 31-7-10(5),  
801 and shall contain an annual allocation dependency clause  
802 substantially similar to that set forth in Section 31-7-10(8).  
803 Each agency or governing authority entering into a lease-purchase  
804 transaction pursuant to this paragraph (e) shall maintain with  
805 respect to each such lease-purchase transaction the same  
806 information as required to be maintained by the Department of  
807 Finance and Administration pursuant to Section 31-7-10(13).  
808 However, nothing contained in this section shall be construed to  
809 permit agencies to acquire items of equipment with a total  
810 acquisition cost in the aggregate of less than Ten Thousand  
811 Dollars (\$10,000.00) by a single lease-purchase transaction. All  
812 equipment, and the purchase thereof by any lessor, acquired by  
813 lease-purchase under this paragraph and all lease-purchase  
814 payments with respect thereto shall be exempt from all Mississippi  
815 sales, use and ad valorem taxes. Interest paid on any



816 lease-purchase agreement under this section shall be exempt from  
817 State of Mississippi income taxation.

818           (f) **Alternate bid authorization.** When necessary to  
819 ensure ready availability of commodities for public works and the  
820 timely completion of public projects, no more than two (2)  
821 alternate bids may be accepted by a governing authority for  
822 commodities. No purchases may be made through use of such  
823 alternate bids procedure unless the lowest and best bidder cannot  
824 deliver the commodities contained in his bid. In that event,  
825 purchases of such commodities may be made from one (1) of the  
826 bidders whose bid was accepted as an alternate.

827           (g) **Construction contract change authorization.** In the  
828 event a determination is made by an agency or governing authority  
829 after a construction contract is let that changes or modifications  
830 to the original contract are necessary or would better serve the  
831 purpose of the agency or the governing authority, such agency or  
832 governing authority may, in its discretion, order such changes  
833 pertaining to the construction that are necessary under the  
834 circumstances without the necessity of further public bids;  
835 provided that such change shall be made in a commercially  
836 reasonable manner and shall not be made to circumvent the public  
837 purchasing statutes. In addition to any other authorized person,  
838 the architect or engineer hired by an agency or governing  
839 authority with respect to any public construction contract shall  
840 have the authority, when granted by an agency or governing



841 authority, to authorize changes or modifications to the original  
842 contract without the necessity of prior approval of the agency or  
843 governing authority when any such change or modification is less  
844 than one percent (1%) of the total contract amount. The agency or  
845 governing authority may limit the number, manner or frequency of  
846 such emergency changes or modifications.

847           (h) **Petroleum purchase alternative.** In addition to  
848 other methods of purchasing authorized in this chapter, when any  
849 agency or governing authority shall have a need for gas, diesel  
850 fuel, oils and/or other petroleum products in excess of the amount  
851 set forth in paragraph (a) of this section, such agency or  
852 governing authority may purchase the commodity after having  
853 solicited and obtained at least two (2) competitive written bids,  
854 as defined in paragraph (b) of this section. If two (2)  
855 competitive written bids are not obtained, the entity shall comply  
856 with the procedures set forth in paragraph (c) of this section.  
857 In the event any agency or governing authority shall have  
858 advertised for bids for the purchase of gas, diesel fuel, oils and  
859 other petroleum products and coal and no acceptable bids can be  
860 obtained, such agency or governing authority is authorized and  
861 directed to enter into any negotiations necessary to secure the  
862 lowest and best contract available for the purchase of such  
863 commodities.

864           (i) **Road construction petroleum products price**  
865 **adjustment clause authorization.** Any agency or governing



866 authority authorized to enter into contracts for the construction,  
867 maintenance, surfacing or repair of highways, roads or streets,  
868 may include in its bid proposal and contract documents a price  
869 adjustment clause with relation to the cost to the contractor,  
870 including taxes, based upon an industry-wide cost index, of  
871 petroleum products including asphalt used in the performance or  
872 execution of the contract or in the production or manufacture of  
873 materials for use in such performance. Such industry-wide index  
874 shall be established and published monthly by the Mississippi  
875 Department of Transportation with a copy thereof to be mailed,  
876 upon request, to the clerks of the governing authority of each  
877 municipality and the clerks of each board of supervisors  
878 throughout the state. The price adjustment clause shall be based  
879 on the cost of such petroleum products only and shall not include  
880 any additional profit or overhead as part of the adjustment. The  
881 bid proposals or document contract shall contain the basis and  
882 methods of adjusting unit prices for the change in the cost of  
883 such petroleum products.

884 (j) **State agency emergency purchase procedure.** If the  
885 governing board or the executive head, or his designees, of any  
886 agency of the state shall determine that an emergency exists in  
887 regard to the purchase of any commodities or repair contracts, so  
888 that the delay incident to giving opportunity for competitive  
889 bidding would be detrimental to the interests of the state, then  
890 the head of such agency, or his designees, shall file with the



891 Department of Finance and Administration (i) a statement  
892 explaining the conditions and circumstances of the emergency,  
893 which shall include a detailed description of the events leading  
894 up to the situation and the negative impact to the entity if the  
895 purchase is made following the statutory requirements set forth in  
896 paragraph (a), (b) or (c) of this section, and (ii) a certified  
897 copy of the appropriate minutes of the board of such agency  
898 requesting the emergency purchase, if applicable. Upon receipt of  
899 the statement and applicable board certification, the State Fiscal  
900 Officer, or his designees, may, in writing, authorize the purchase  
901 or repair without having to comply with competitive bidding  
902 requirements.

903       If the governing board or the executive head, or his  
904 designees, of any agency determines that an emergency exists in  
905 regard to the purchase of any commodities or repair contracts, so  
906 that the delay incident to giving opportunity for competitive  
907 bidding would threaten the health or safety of any person, or the  
908 preservation or protection of property, then the provisions in  
909 this section for competitive bidding shall not apply, and any  
910 officer or agent of the agency having general or specific  
911 authority for making the purchase or repair contract shall approve  
912 the bill presented for payment, and he shall certify in writing  
913 from whom the purchase was made, or with whom the repair contract  
914 was made.



915 Total purchases made under this paragraph (j) shall only be  
916 for the purpose of meeting needs created by the emergency  
917 situation. Following the emergency purchase, documentation of the  
918 purchase, including a description of the commodity purchased, the  
919 purchase price thereof and the nature of the emergency shall be  
920 filed with the Department of Finance and Administration. Any  
921 contract awarded pursuant to this paragraph (j) shall not exceed a  
922 term of one (1) year.

923 Purchases under the grant program established under Section  
924 37-68-7 in response to COVID-19 and the directive that school  
925 districts create a distance learning plan and fulfill technology  
926 needs expeditiously shall be deemed an emergency purchase for  
927 purposes of this paragraph (j).

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

929 If the governing authority, or the governing authority acting  
930 through its designee, shall determine that an emergency exists in  
931 regard to the purchase of any commodities or repair contracts, so  
932 that the delay incident to giving opportunity for competitive  
933 bidding would be detrimental to the interest of the governing  
934 authority, then the provisions herein for competitive bidding  
935 shall not apply and any officer or agent of such governing  
936 authority having general or special authority therefor in making  
937 such purchase or repair shall approve the bill presented therefor,  
938 and he shall certify in writing thereon from whom such purchase  
939 was made, or with whom such a repair contract was made. At the



940 board meeting next following the emergency purchase or repair  
941 contract, documentation of the purchase or repair contract,  
942 including a description of the commodity purchased, the price  
943 thereof and the nature of the emergency shall be presented to the  
944 board and shall be placed on the minutes of the board of such  
945 governing authority. Purchases under the grant program  
946 established under Section 37-68-7 in response to COVID-19 and the  
947 directive that school districts create a distance learning plan  
948 and fulfill technology needs expeditiously shall be deemed an  
949 emergency purchase for purposes of this paragraph (k).

950 (1) **Hospital purchase, lease-purchase and lease**  
951 **authorization.**

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

957 (ii) In addition to the authority granted in  
958 subparagraph (i) of this paragraph (1), the commissioners or board  
959 of trustees is authorized to enter into contracts for the lease of  
960 equipment or services, or both, which it considers necessary for  
961 the proper care of patients if, in its opinion, it is not  
962 financially feasible to purchase the necessary equipment or  
963 services. Any such contract for the lease of equipment or  
964 services executed by the commissioners or board shall not exceed a



965 maximum of five (5) years' duration and shall include a  
966 cancellation clause based on unavailability of funds. If such  
967 cancellation clause is exercised, there shall be no further  
968 liability on the part of the lessee. Any such contract for the  
969 lease of equipment or services executed on behalf of the  
970 commissioners or board that complies with the provisions of this  
971 subparagraph (ii) shall be excepted from the bid requirements set  
972 forth in this section.

973 (m) **Exceptions from bidding requirements.** Excepted  
974 from bid requirements are:

975 (i) **Purchasing agreements approved by department.**  
976 Purchasing agreements, contracts and maximum price regulations  
977 executed or approved by the Department of Finance and  
978 Administration.

979 (ii) **Outside equipment repairs.** Repairs to  
980 equipment, when such repairs are made by repair facilities in the  
981 private sector; however, engines, transmissions, rear axles and/or  
982 other such components shall not be included in this exemption when  
983 replaced as a complete unit instead of being repaired and the need  
984 for such total component replacement is known before disassembly  
985 of the component; however, invoices identifying the equipment,  
986 specific repairs made, parts identified by number and name,  
987 supplies used in such repairs, and the number of hours of labor  
988 and costs therefor shall be required for the payment for such  
989 repairs.





990 (iii) **In-house equipment repairs.** Purchases of  
991 parts for repairs to equipment, when such repairs are made by  
992 personnel of the agency or governing authority; however, entire  
993 assemblies, such as engines or transmissions, shall not be  
994 included in this exemption when the entire assembly is being  
995 replaced instead of being repaired.

996 (iv) **Raw gravel or dirt.** Raw unprocessed deposits  
997 of gravel or fill dirt which are to be removed and transported by  
998 the purchaser.

999 (v) **Governmental equipment auctions.** Motor  
1000 vehicles or other equipment purchased from a federal agency or  
1001 authority, another governing authority or state agency of the  
1002 State of Mississippi, or any governing authority or state agency  
1003 of another state at a public auction held for the purpose of  
1004 disposing of such vehicles or other equipment. Any purchase by a  
1005 governing authority under the exemption authorized by this  
1006 subparagraph (v) shall require advance authorization spread upon  
1007 the minutes of the governing authority to include the listing of  
1008 the item or items authorized to be purchased and the maximum bid  
1009 authorized to be paid for each item or items.

1010 (vi) **Intergovernmental sales and transfers.**  
1011 Purchases, sales, transfers or trades by governing authorities or  
1012 state agencies when such purchases, sales, transfers or trades are  
1013 made by a private treaty agreement or through means of  
1014 negotiation, from any federal agency or authority, another



1015 governing authority or state agency of the State of Mississippi,  
1016 or any state agency or governing authority of another state.  
1017 Nothing in this section shall permit such purchases through public  
1018 auction except as provided for in subparagraph (v) of this  
1019 paragraph (m). It is the intent of this section to allow  
1020 governmental entities to dispose of and/or purchase commodities  
1021 from other governmental entities at a price that is agreed to by  
1022 both parties. This shall allow for purchases and/or sales at  
1023 prices which may be determined to be below the market value if the  
1024 selling entity determines that the sale at below market value is  
1025 in the best interest of the taxpayers of the state. Governing  
1026 authorities shall place the terms of the agreement and any  
1027 justification on the minutes, and state agencies shall obtain  
1028 approval from the Department of Finance and Administration, prior  
1029 to releasing or taking possession of the commodities.

1030 (vii) **Perishable supplies or food.** Perishable  
1031 supplies or food purchased for use in connection with hospitals,  
1032 the school lunch programs, homemaking programs and for the feeding  
1033 of county or municipal prisoners.

1034 (viii) **Single-source items.** Noncompetitive items  
1035 available from one (1) source only. In connection with the  
1036 purchase of noncompetitive items only available from one (1)  
1037 source, a certification of the conditions and circumstances  
1038 requiring the purchase shall be filed by the agency with the  
1039 Department of Finance and Administration and by the governing



1040 authority with the board of the governing authority. Upon receipt  
1041 of that certification the Department of Finance and Administration  
1042 or the board of the governing authority, as the case may be, may,  
1043 in writing, authorize the purchase, which authority shall be noted  
1044 on the minutes of the body at the next regular meeting thereafter.  
1045 In those situations, a governing authority is not required to  
1046 obtain the approval of the Department of Finance and  
1047 Administration. Following the purchase, the executive head of the  
1048 state agency, or his designees, shall file with the Department of  
1049 Finance and Administration, documentation of the purchase,  
1050 including a description of the commodity purchased, the purchase  
1051 price thereof and the source from whom it was purchased.

1052 (ix) **Waste disposal facility construction**

1053 **contracts.** Construction of incinerators and other facilities for  
1054 disposal of solid wastes in which products either generated  
1055 therein, such as steam, or recovered therefrom, such as materials  
1056 for recycling, are to be sold or otherwise disposed of; however,  
1057 in constructing such facilities, a governing authority or agency  
1058 shall publicly issue requests for proposals, advertised for in the  
1059 same manner as provided herein for seeking bids for public  
1060 construction projects, concerning the design, construction,  
1061 ownership, operation and/or maintenance of such facilities,  
1062 wherein such requests for proposals when issued shall contain  
1063 terms and conditions relating to price, financial responsibility,  
1064 technology, environmental compatibility, legal responsibilities



1065 and such other matters as are determined by the governing  
1066 authority or agency to be appropriate for inclusion; and after  
1067 responses to the request for proposals have been duly received,  
1068 the governing authority or agency may select the most qualified  
1069 proposal or proposals on the basis of price, technology and other  
1070 relevant factors and from such proposals, but not limited to the  
1071 terms thereof, negotiate and enter contracts with one or more of  
1072 the persons or firms submitting proposals.

1073                   (x) **Hospital group purchase contracts.** Supplies,  
1074 commodities and equipment purchased by hospitals through group  
1075 purchase programs pursuant to Section 31-7-38.

1076                   (xi) **Information technology products.** Purchases  
1077 of information technology products made by governing authorities  
1078 under the provisions of purchase schedules, or contracts executed  
1079 or approved by the Mississippi Department of Information  
1080 Technology Services and designated for use by governing  
1081 authorities.

1082                   (xii) **Energy efficiency services and equipment.**  
1083 Energy efficiency services and equipment acquired by school  
1084 districts, community and junior colleges, institutions of higher  
1085 learning and state agencies or other applicable governmental  
1086 entities on a shared-savings, lease or lease-purchase basis  
1087 pursuant to Section 31-7-14.

1088                   (xiii) **Municipal electrical utility system fuel.**  
1089 Purchases of coal and/or natural gas by municipally owned electric



1090 power generating systems that have the capacity to use both coal  
1091 and natural gas for the generation of electric power.

1092 (xiv) **Library books and other reference materials.**

1093 Purchases by libraries or for libraries of books and periodicals;  
1094 processed film, videocassette tapes, filmstrips and slides;  
1095 recorded audiotapes, cassettes and diskettes; and any such items  
1096 as would be used for teaching, research or other information  
1097 distribution; however, equipment such as projectors, recorders,  
1098 audio or video equipment, and monitor televisions are not exempt  
1099 under this subparagraph.

1100 (xv) **Unmarked vehicles.** Purchases of unmarked  
1101 vehicles when such purchases are made in accordance with  
1102 purchasing regulations adopted by the Department of Finance and  
1103 Administration pursuant to Section 31-7-9(2).

1104 (xvi) **Election ballots.** Purchases of ballots  
1105 printed pursuant to Section 23-15-351.

1106 (xvii) **Multichannel interactive video systems.**  
1107 From and after July 1, 1990, contracts by Mississippi Authority  
1108 for Educational Television with any private educational  
1109 institution or private nonprofit organization whose purposes are  
1110 educational in regard to the construction, purchase, lease or  
1111 lease-purchase of facilities and equipment and the employment of  
1112 personnel for providing multichannel interactive video systems  
1113 (ITSF) in the school districts of this state.



1114                   (xviii) **Purchases of prison industry products by**  
1115 **the Department of Corrections, regional correctional facilities or**  
1116 **privately owned prisons.** Purchases made by the Mississippi  
1117 Department of Corrections, regional correctional facilities or  
1118 privately owned prisons involving any item that is manufactured,  
1119 processed, grown or produced from the state's prison industries.

1120                   (xix) **Undercover operations equipment.** Purchases  
1121 of surveillance equipment or any other high-tech equipment to be  
1122 used by law enforcement agents in undercover operations, provided  
1123 that any such purchase shall be in compliance with regulations  
1124 established by the Department of Finance and Administration.

1125                   (xx) **Junior college books for rent.** Purchases by  
1126 community or junior colleges of textbooks which are obtained for  
1127 the purpose of renting such books to students as part of a book  
1128 service system.

1129                   (xxi) **Certain school district purchases.**  
1130 Purchases of commodities made by school districts from vendors  
1131 with which any levying authority of the school district, as  
1132 defined in Section 37-57-1, has contracted through competitive  
1133 bidding procedures for purchases of the same commodities.

1134                   (xxii) **Garbage, solid waste and sewage contracts.**  
1135 Contracts for garbage collection or disposal, contracts for solid  
1136 waste collection or disposal and contracts for sewage collection  
1137 or disposal.



1138                   (xxiii) **Municipal water tank maintenance**  
1139 **contracts.** Professional maintenance program contracts for the  
1140 repair or maintenance of municipal water tanks, which provide  
1141 professional services needed to maintain municipal water storage  
1142 tanks for a fixed annual fee for a duration of two (2) or more  
1143 years.

1144                   (xxiv) **Purchases of Mississippi Industries for the**  
1145 **Blind products or services.** Purchases made by state agencies or  
1146 governing authorities involving any item that is manufactured,  
1147 processed or produced by, or any services provided by, the  
1148 Mississippi Industries for the Blind.

1149                   (xxv) **Purchases of state-adopted textbooks.**  
1150 Purchases of state-adopted textbooks by public school districts.

1151                   (xxvi) **Certain purchases under the Mississippi**  
1152 **Major Economic Impact Act.** Contracts entered into pursuant to the  
1153 provisions of Section 57-75-9(2), (3) and (4).

1154                   (xxvii) **Used heavy or specialized machinery or**  
1155 **equipment for installation of soil and water conservation**  
1156 **practices purchased at auction.** Used heavy or specialized  
1157 machinery or equipment used for the installation and  
1158 implementation of soil and water conservation practices or  
1159 measures purchased subject to the restrictions provided in  
1160 Sections 69-27-331 through 69-27-341. Any purchase by the State  
1161 Soil and Water Conservation Commission under the exemption  
1162 authorized by this subparagraph shall require advance



1163 authorization spread upon the minutes of the commission to include  
1164 the listing of the item or items authorized to be purchased and  
1165 the maximum bid authorized to be paid for each item or items.

1166 (xxviii) **Hospital lease of equipment or services.**

1167 Leases by hospitals of equipment or services if the leases are in  
1168 compliance with paragraph (1)(ii).

1169 (xxix) **Purchases made pursuant to qualified**

1170 **cooperative purchasing agreements.** Purchases made by certified  
1171 purchasing offices of state agencies or governing authorities  
1172 under cooperative purchasing agreements previously approved by the  
1173 Office of Purchasing and Travel and established by or for any  
1174 municipality, county, parish or state government or the federal  
1175 government, provided that the notification to potential  
1176 contractors includes a clause that sets forth the availability of  
1177 the cooperative purchasing agreement to other governmental  
1178 entities. Such purchases shall only be made if the use of the  
1179 cooperative purchasing agreements is determined to be in the best  
1180 interest of the governmental entity.

1181 (xxx) **School yearbooks.** Purchases of school  
1182 yearbooks by state agencies or governing authorities; however,  
1183 state agencies and governing authorities shall use for these  
1184 purchases the RFP process as set forth in the Mississippi  
1185 Procurement Manual adopted by the Office of Purchasing and Travel.





1186 (xxxii) **Design-build method of contracting and**  
1187 **certain other contracts.** Contracts entered into under the  
1188 provisions of Section 31-7-13.1, 37-101-44 or 65-1-85.

1189 (xxxiii) **Toll roads and bridge construction**  
1190 **projects.** Contracts entered into under the provisions of Section  
1191 65-43-1 or 65-43-3.

1192 (xxxiiii) **Certain purchases under Section 57-1-221.**  
1193 Contracts entered into pursuant to the provisions of Section  
1194 57-1-221.

1195 (xxxv) **Certain transfers made pursuant to the**  
1196 **provisions of Section 57-105-1(7).** Transfers of public property  
1197 or facilities under Section 57-105-1(7) and construction related  
1198 to such public property or facilities.

1199 (xxxvi) **Certain purchases or transfers entered into**  
1200 **with local electrical power associations.** Contracts or agreements  
1201 entered into under the provisions of Section 55-3-33.

1202 (xxxvii) **Certain purchases by an academic medical**  
1203 **center or health sciences school.** Purchases by an academic  
1204 medical center or health sciences school, as defined in Section  
1205 37-115-50, of commodities that are used for clinical purposes and  
1206 1. intended for use in the diagnosis of disease or other  
1207 conditions or in the cure, mitigation, treatment or prevention of  
1208 disease, and 2. medical devices, biological, drugs and  
1209 radiation-emitting devices as defined by the United States Food  
1210 and Drug Administration.



1211 (xxxvii) **Certain purchases made under the Alyce G.**  
1212 **Clarke Mississippi Lottery Law.** Contracts made by the Mississippi  
1213 Lottery Corporation pursuant to the Alyce G. Clarke Mississippi  
1214 Lottery Law.

1215 (xxxviii) **Certain purchases made by the Department**  
1216 **of Health and the Department of Revenue.** Purchases made by the  
1217 Department of Health and the Department of Revenue solely for the  
1218 purpose of fulfilling their respective responsibilities under the  
1219 Mississippi Medical Cannabis Act. This subparagraph shall stand  
1220 repealed on June 30, 2026.

1221 (xxxix) **Certain purchases at landmark buildings.**  
1222 Purchases made by the Department of Finance and Administration for  
1223 the renovation, repair, restoration or improvements to the State  
1224 Capitol Building and grounds or any other historical buildings or  
1225 sites under the general supervision and care of the department  
1226 that are dually designated as both a National Historic Landmark  
1227 and a Mississippi Landmark.

1228 (n) **Term contract authorization.** All contracts for the  
1229 purchase of:

1230 (i) All contracts for the purchase of commodities,  
1231 equipment and public construction (including, but not limited to,  
1232 repair and maintenance), may be let for periods of not more than  
1233 sixty (60) months in advance, subject to applicable statutory  
1234 provisions prohibiting the letting of contracts during specified  
1235 periods near the end of terms of office. Term contracts for a



1236 period exceeding twenty-four (24) months shall also be subject to  
1237 ratification or cancellation by governing authority boards taking  
1238 office subsequent to the governing authority board entering the  
1239 contract.

1240 (ii) Bid proposals and contracts may include price  
1241 adjustment clauses with relation to the cost to the contractor  
1242 based upon a nationally published industry-wide or nationally  
1243 published and recognized cost index. The cost index used in a  
1244 price adjustment clause shall be determined by the Department of  
1245 Finance and Administration for the state agencies and by the  
1246 governing board for governing authorities. The bid proposal and  
1247 contract documents utilizing a price adjustment clause shall  
1248 contain the basis and method of adjusting unit prices for the  
1249 change in the cost of such commodities, equipment and public  
1250 construction.

1251 (o) **Purchase law violation prohibition and vendor**  
1252 **penalty.** No contract or purchase as herein authorized shall be  
1253 made for the purpose of circumventing the provisions of this  
1254 section requiring competitive bids, nor shall it be lawful for any  
1255 person or concern to submit individual invoices for amounts within  
1256 those authorized for a contract or purchase where the actual value  
1257 of the contract or commodity purchased exceeds the authorized  
1258 amount and the invoices therefor are split so as to appear to be  
1259 authorized as purchases for which competitive bids are not  
1260 required. Submission of such invoices shall constitute a



1261 misdemeanor punishable by a fine of not less than Five Hundred  
1262 Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00),  
1263 or by imprisonment for thirty (30) days in the county jail, or  
1264 both such fine and imprisonment. In addition, the claim or claims  
1265 submitted shall be forfeited.

1266           (p) **Electrical utility petroleum-based equipment**  
1267 **purchase procedure.** When in response to a proper advertisement  
1268 therefor, no bid firm as to price is submitted to an electric  
1269 utility for power transformers, distribution transformers, power  
1270 breakers, reclosers or other articles containing a petroleum  
1271 product, the electric utility may accept the lowest and best bid  
1272 therefor although the price is not firm.

1273           (q) **Fuel management system bidding procedure.** Any  
1274 governing authority or agency of the state shall, before  
1275 contracting for the services and products of a fuel management or  
1276 fuel access system, enter into negotiations with not fewer than  
1277 two (2) sellers of fuel management or fuel access systems for  
1278 competitive written bids to provide the services and products for  
1279 the systems. In the event that the governing authority or agency  
1280 cannot locate two (2) sellers of such systems or cannot obtain  
1281 bids from two (2) sellers of such systems, it shall show proof  
1282 that it made a diligent, good-faith effort to locate and negotiate  
1283 with two (2) sellers of such systems. Such proof shall include,  
1284 but not be limited to, publications of a request for proposals and  
1285 letters soliciting negotiations and bids. For purposes of this



1286 paragraph (q), a fuel management or fuel access system is an  
1287 automated system of acquiring fuel for vehicles as well as  
1288 management reports detailing fuel use by vehicles and drivers, and  
1289 the term "competitive written bid" shall have the meaning as  
1290 defined in paragraph (b) of this section. Governing authorities  
1291 and agencies shall be exempt from this process when contracting  
1292 for the services and products of fuel management or fuel access  
1293 systems under the terms of a state contract established by the  
1294 Office of Purchasing and Travel.

1295           (r) **Solid waste contract proposal procedure.** Before  
1296 entering into any contract for garbage collection or disposal,  
1297 contract for solid waste collection or disposal or contract for  
1298 sewage collection or disposal, which involves an expenditure of  
1299 more than Seventy-five Thousand Dollars (\$75,000.00), a governing  
1300 authority or agency shall issue publicly a request for proposals  
1301 concerning the specifications for such services which shall be  
1302 advertised for in the same manner as provided in this section for  
1303 seeking bids for purchases which involve an expenditure of more  
1304 than the amount provided in paragraph (c) of this section. Any  
1305 request for proposals when issued shall contain terms and  
1306 conditions relating to price, financial responsibility,  
1307 technology, legal responsibilities and other relevant factors as  
1308 are determined by the governing authority or agency to be  
1309 appropriate for inclusion; all factors determined relevant by the  
1310 governing authority or agency or required by this paragraph (r)



1311 shall be duly included in the advertisement to elicit proposals.  
1312 After responses to the request for proposals have been duly  
1313 received, the governing authority or agency shall select the most  
1314 qualified proposal or proposals on the basis of price, technology  
1315 and other relevant factors and from such proposals, but not  
1316 limited to the terms thereof, negotiate and enter into contracts  
1317 with one or more of the persons or firms submitting proposals. If  
1318 the governing authority or agency deems none of the proposals to  
1319 be qualified or otherwise acceptable, the request for proposals  
1320 process may be reinitiated. Notwithstanding any other provisions  
1321 of this paragraph, where a county with at least thirty-five  
1322 thousand (35,000) nor more than forty thousand (40,000)  
1323 population, according to the 1990 federal decennial census, owns  
1324 or operates a solid waste landfill, the governing authorities of  
1325 any other county or municipality may contract with the governing  
1326 authorities of the county owning or operating the landfill,  
1327 pursuant to a resolution duly adopted and spread upon the minutes  
1328 of each governing authority involved, for garbage or solid waste  
1329 collection or disposal services through contract negotiations.

1330 (s) **Minority set-aside authorization.** Notwithstanding  
1331 any provision of this section to the contrary, any agency or  
1332 governing authority, by order placed on its minutes, may, in its  
1333 discretion, set aside not more than twenty percent (20%) of its  
1334 anticipated annual expenditures for the purchase of commodities  
1335 from minority businesses; however, all such set-aside purchases



1336 shall comply with all purchasing regulations promulgated by the  
1337 Department of Finance and Administration and shall be subject to  
1338 bid requirements under this section. Set-aside purchases for  
1339 which competitive bids are required shall be made from the lowest  
1340 and best minority business bidder. For the purposes of this  
1341 paragraph, the term "minority business" means a business which is  
1342 owned by a majority of persons who are United States citizens or  
1343 permanent resident aliens (as defined by the Immigration and  
1344 Naturalization Service) of the United States, and who are Asian,  
1345 Black, Hispanic or Native American, according to the following  
1346 definitions:

1347 (i) "Asian" means persons having origins in any of  
1348 the original people of the Far East, Southeast Asia, the Indian  
1349 subcontinent, or the Pacific Islands.

1350 (ii) "Black" means persons having origins in any  
1351 black racial group of Africa.

1352 (iii) "Hispanic" means persons of Spanish or  
1353 Portuguese culture with origins in Mexico, South or Central  
1354 America, or the Caribbean Islands, regardless of race.

1355 (iv) "Native American" means persons having  
1356 origins in any of the original people of North America, including  
1357 American Indians, Eskimos and Aleuts.

1358 (t) **Construction punch list restriction.** The  
1359 architect, engineer or other representative designated by the  
1360 agency or governing authority that is contracting for public



1361 construction or renovation may prepare and submit to the  
1362 contractor only one (1) preliminary punch list of items that do  
1363 not meet the contract requirements at the time of substantial  
1364 completion and one (1) final list immediately before final  
1365 completion and final payment.

1366 (u) **Procurement of construction services by state**  
1367 **institutions of higher learning.** Contracts for privately financed  
1368 construction of auxiliary facilities on the campus of a state  
1369 institution of higher learning may be awarded by the Board of  
1370 Trustees of State Institutions of Higher Learning to the lowest  
1371 and best bidder, where sealed bids are solicited, or to the  
1372 offeror whose proposal is determined to represent the best value  
1373 to the citizens of the State of Mississippi, where requests for  
1374 proposals are solicited.

1375 (v) **Insurability of bidders for public construction or**  
1376 **other public contracts.** In any solicitation for bids to perform  
1377 public construction or other public contracts to which this  
1378 section applies, including, but not limited to, contracts for  
1379 repair and maintenance, for which the contract will require  
1380 insurance coverage in an amount of not less than One Million  
1381 Dollars (\$1,000,000.00), bidders shall be permitted to either  
1382 submit proof of current insurance coverage in the specified amount  
1383 or demonstrate ability to obtain the required coverage amount of  
1384 insurance if the contract is awarded to the bidder. Proof of





1385 insurance coverage shall be submitted within five (5) business  
1386 days from bid acceptance.

1387 (w) **Purchase authorization clarification.** Nothing in  
1388 this section shall be construed as authorizing any purchase not  
1389 authorized by law.

1390 (x) **Mississippi Regional Pre-Need Disaster Clean Up**

1391 **Act.** (i) The Department of Finance and Administration shall  
1392 enter into nine (9) contracts for the pre-need purchase of labor,  
1393 services, work, materials, equipment, supplies or other personal  
1394 property for disaster-related solid waste collection, disposal or  
1395 monitoring. One (1) contract shall be entered into for each of  
1396 the nine (9) Mississippi Emergency Management Association  
1397 districts:

1398 1. Coahoma, DeSoto, Grenada, Panola, Quitman,  
1399 Tallahatchie, Tate, Tunica and Yalobusha Counties;

1400 2. Alcorn, Benton, Itawamba, Lafayette, Lee,  
1401 Marshall, Pontotoc, Prentiss, Tippah, Tishomingo and Union  
1402 Counties;

1403 3. Attala, Bolivar, Carroll, Holmes,  
1404 Humphreys, Leflore, Montgomery, Sunflower and Washington Counties;

1405 4. Calhoun, Chickasaw, Choctaw, Clay,  
1406 Lowndes, Monroe, Noxubee, Oktibbeha, Webster and Winston Counties;

1407 5. Claiborne, Copiah, Hinds, Issaquena,  
1408 Madison, Rankin, Sharkey, Simpson, Warren and Yazoo Counties;



1409                   6. Clarke, Jasper, Kemper, Lauderdale, Leake,  
1410 Neshoba, Newton, Scott, and Smith Counties and the Mississippi  
1411 Band of Choctaw Indians;

1412                   7. Adams, Amite, Franklin, Jefferson,  
1413 Lawrence, Lincoln, Pike, Walthall and Wilkinson Counties;

1414                   8. Covington, Forrest, Greene, Jefferson  
1415 Davis, Jones, Lamar, Marion, Perry and Wayne Counties; and

1416                   9. George, Hancock, Harrison, Jackson, Pearl  
1417 River and Stone Counties.

1418           Any such contract shall set forth the manner of awarding such  
1419 a contract, the method of payment, and any other matter deemed  
1420 necessary to carry out the purposes of the agreement. Such  
1421 contract may be entered into only for a term of one (1) year, with  
1422 an option for an additional one-year extension after the  
1423 conclusion of the first year of the contract, and only after  
1424 having solicited bids or proposals, as appropriate, which shall be  
1425 publicly advertised by posting on a web page maintained by the  
1426 Department of Finance and Administration through submission of  
1427 such advertisement to the Mississippi Procurement Technical  
1428 Assistance Program under the Mississippi Development Authority.  
1429 The bid opening shall not occur until after the submission has  
1430 been posted for at least ten (10) consecutive days. The state's  
1431 share of expenditures for solid waste collection, disposal or  
1432 monitoring under any contract shall be appropriated and paid in  
1433 the manner set forth in the contract and in the same manner as for



1434 other solid waste collection, disposal, or monitoring expenses of  
1435 the state. Any contract entered into under this paragraph shall  
1436 not be subject to the provisions of Section 17-13-11.

1437 (ii) Any board of supervisors of any county or any  
1438 governing authority of any municipality may opt in to the benefits  
1439 and services provided under the appropriate and relevant contract  
1440 established in subparagraph (i) of this paragraph at the time of a  
1441 disaster event in that county or municipality. At the time of opt  
1442 in, the county or municipality shall assume responsibility for  
1443 payment in full to the contractor for the disaster-related solid  
1444 waste collection, disposal or monitoring services provided.  
1445 Nothing in this subparagraph (ii) shall be construed as requiring  
1446 a county or municipality to opt in to any such contract  
1447 established in subparagraph (i) of this paragraph.

1448 **SECTION 3.** This act shall take effect and be in force from  
1449 and after July 1, 2024.

