

By: Senator(s) McMahan

To: Accountability,
Efficiency, Transparency

SENATE BILL NO. 2566

1 AN ACT TO AMEND SECTION 31-7-13, MISSISSIPPI CODE OF 1972, TO
2 INCREASE THRESHOLD EXPENDITURE AMOUNTS FOR PUBLIC BID REQUIREMENTS
3 BY LOCAL GOVERNING AUTHORITIES AND STATE AGENCIES; AND FOR RELATED
4 PURPOSES.

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

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

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

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



20 competitive bids on purchases of * * * Fifteen Thousand Dollars
21 (\$15,000.00) or less.

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



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

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

67 (i) **Publication requirement.**

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



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

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



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

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



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



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



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

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



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

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

206 (iv) **Specification restrictions.**

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



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

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

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



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

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

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



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

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



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

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



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

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

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

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



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



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

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

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



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

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



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

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

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



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

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



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

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

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

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

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



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

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

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

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



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

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

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

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



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

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

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

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



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

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



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

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



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

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

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

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



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

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

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

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

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

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

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

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

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



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

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

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

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

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



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

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

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

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

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

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



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

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

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

739 (xxx) **School yearbooks.** Purchases of school
740 yearbooks by state agencies or governing authorities; however,
741 state agencies and governing authorities shall use for these



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

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

747 (xxxiii) **Toll roads and bridge construction**
748 **projects.** Contracts entered into under the provisions of Section
749 65-43-1 or 65-43-3.

750 (xxxiiii) **Certain purchases under Section 57-1-221.**
751 Contracts entered into pursuant to the provisions of Section
752 57-1-221.

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

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

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



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

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

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

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

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



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

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



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

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

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



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

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



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

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



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

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

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

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

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

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



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

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

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



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

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

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

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

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

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

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

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

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



963 7. Adams, Amite, Franklin, Jefferson,
964 Lawrence, Lincoln, Pike, Walthall and Wilkinson Counties;

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

967 9. George, Hancock, Harrison, Jackson, Pearl
968 River and Stone Counties.

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



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

999 **SECTION 2.** This act shall take effect and be in force from
1000 and after July 1, 2024.

