

By: Representative Lamar

To: Accountability,
Efficiency, Transparency

HOUSE BILL NO. 13

1 AN ACT TO AMEND SECTION 31-11-3, MISSISSIPPI CODE OF 1972, TO
2 EXEMPT CONTRACTS FOR THE CONSTRUCTION AND MAINTENANCE OF BUILDING
3 AND OTHER FACILITIES ON THE CAMPUSES OF PUBLIC COMMUNITY AND
4 JUNIOR COLLEGES, WHICH ARE FUNDED IN WHOLE OR IN PART BY GENERAL
5 OBLIGATION BONDS OR OTHER STATE SOURCE FUNDS, FROM THE REQUIREMENT
6 FOR PREAPPROVAL BY THE DEPARTMENT OF FINANCE AND ADMINISTRATION
7 FOR ARCHITECTURAL AND ENGINEERING SERVICE CONTRACTS; AND FOR
8 RELATED PURPOSES.

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

10 **SECTION 1.** Section 31-11-3, Mississippi Code of 1972, is
11 amended as follows:

12 31-11-3. (1) The Department of Finance and Administration,
13 for the purposes of carrying out the provisions of this chapter,
14 in addition to all other rights and powers granted by law, shall
15 have full power and authority to employ and compensate architects
16 or other employees necessary for the purpose of making
17 inspections, preparing plans and specifications, supervising the
18 erection of any buildings, and making any repairs or additions as
19 may be determined by the Department of Finance and Administration
20 to be necessary, pursuant to the rules and regulations of the
21 State Personnel Board. The department shall have entire control



22 and supervision of, and determine what, if any, buildings,
23 additions, repairs, demolitions or improvements are to be made
24 under the provisions of this chapter, subject to the regulations
25 adopted by the Public Procurement Review Board.

26 (2) The department shall have full power to erect buildings,
27 make repairs, additions or improvements, demolitions, to grant or
28 acquire easements or rights-of-way, and to buy materials, supplies
29 and equipment for any of the institutions or departments of the
30 state subject to the regulations adopted by the Public Procurement
31 Review Board. In addition to other powers conferred, the
32 department shall have full power and authority, as directed by the
33 Legislature, or when funds have been appropriated for its use for
34 these purposes, to:

35 (a) Build a state office building;

36 (b) Build suitable plants or buildings for the use and
37 housing of any state schools or institutions, including the
38 building of plants or buildings for new state schools or
39 institutions, as provided for by the Legislature;

40 (c) Provide state aid for the construction of school
41 buildings;

42 (d) Promote and develop the training of returned
43 veterans of the United States in all sorts of educational and
44 vocational learning to be supplied by the proper educational
45 institution of the State of Mississippi, and in so doing allocate
46 monies appropriated to it for these purposes to the Governor for



use by him in setting up, maintaining and operating an office and employing a state director of on-the-job training for veterans and the personnel necessary in carrying out Public Law No. 346 of the United States;

(e) Build and equip a hospital and administration building at the Mississippi State Penitentiary;

(f) Build and equip additional buildings and wards at the Boswell Retardation Center;

(g) Construct a sewage disposal and treatment plant at the Mississippi State Hospital, and in so doing acquire additional land as may be necessary, and to exercise the right of eminent domain in the acquisition of this land;

(h) Build and equip the Mississippi central market and purchase or acquire by eminent domain, if necessary, any lands needed for this purpose;

(i) Build and equip suitable facilities for a training and employing center for the blind;

(j) Build and equip a gymnasium at Columbia Training School;

(k) Approve or disapprove the expenditure of any money appropriated by the Legislature when authorized by the bill making the appropriation;

(l) Expend monies appropriated to it in paying the state's part of the cost of any street paving;



71 (m) Sell and convey state lands when authorized by the
72 Legislature, cause said lands to be properly surveyed and platted,
73 execute all deeds or other legal instruments, and do any and all
74 other things required to effectively carry out the purpose and
75 intent of the Legislature. Any transaction which involves state
76 lands under the provisions of this paragraph shall be done in a
77 manner consistent with the provisions of Section 29-1-1;

78 (n) Collect and receive from educational institutions
79 of the State of Mississippi monies required to be paid by these
80 institutions to the state in carrying out any veterans'
81 educational programs;

82 (o) Purchase lands for building sites, or as additions
83 to building sites, for the erection of buildings and other
84 facilities which the department is authorized to erect, and
85 demolish and dispose of old buildings, when necessary for the
86 proper construction of new buildings. Any transaction which
87 involves state lands under the provisions of this paragraph shall
88 be done in a manner consistent with the provisions of Section
89 29-1-1;

90 (p) Obtain business property insurance with a
91 deductible of not less than One Hundred Thousand Dollars
92 (\$100,000.00) on state-owned buildings under the management and
93 control of the department; * * *

94 (q) In consultation with and approval by the Chairmen
95 of the Public Property Committees of the Senate and the House of



Representatives, enter into contracts for the purpose of providing parking spaces for state employees who work in the Woolfolk Building, the Carroll Gartin Justice Building or the Walter Sillers Office Building * * *; and

(r) The department is hereby authorized to transfer up to One Million Dollars (\$1,000,000.00) of available bond funds to each community college requesting to be exempt from department control and supervision relating to the repair, renovation and improvement of existing facilities owned by the community colleges, including utility infrastructure projects; heating and air conditioning systems; and the replacement of furniture and equipment. The community colleges shall abide by all applicable statutes related to the purchase of the repair, renovation and improvement of such existing facilities.

(3) The department shall survey state-owned and state-utilized buildings to establish an estimate of the costs of architectural alterations, pursuant to the Americans With Disabilities Act of 1990, 42 USCS, Section 12111 et seq. The department shall establish priorities for making the identified architectural alterations and shall make known to the Legislative Budget Office and to the Legislature the required cost to effectuate such alterations. To meet the requirements of this section, the department shall use standards of accessibility that are at least as stringent as any applicable federal requirements and may consider:



(a) Federal minimum guidelines and requirements issued by the United States Architectural and Transportation Barriers Compliance Board and standards issued by other federal agencies;

(b) The criteria contained in the American Standard Specifications for Making Buildings Accessible and Usable by the Physically Handicapped and any amendments thereto as approved by the American Standards Association, Incorporated (ANSI Standards);

(c) Design manuals;

(d) Applicable federal guidelines;

(e) Current literature in the field;

(f) Applicable safety standards; and

(g) Any applicable environmental impact statements.

(4) The department shall observe the provisions of Section 31-5-23 in letting contracts and shall use Mississippi products, including paint, varnish and lacquer which contain as vehicles tung oil and either ester gum or modified resin (with rosin as the principal base of constituents), and turpentine shall be used as a solvent or thinner, where these products are available at a cost not to exceed the cost of products grown, produced, prepared, made or manufactured outside of the State of Mississippi.

(5) The department shall have authority to accept grants, loans or donations from the United States government or from any other sources for the purpose of matching funds in carrying out the provisions of this chapter.



(6) The department shall build a wheelchair ramp at the War Memorial Building which complies with all applicable federal laws, regulations and specifications regarding wheelchair ramps.

(7) The department shall review and preapprove all architectural or engineering service contracts entered into by any state agency, institution, commission, board or authority, regardless of the source of funding used to defray the costs of the construction or renovation project, for which services are to be obtained to ensure compliance with purchasing regulations and to confirm that the contracts are procured by a competitive qualification-based selection process except where such appointment is for an emergency project or for a continuation of a previous appointment for a directly related project. The provisions of this subsection (7) shall not apply to:

(a) Any architectural or engineering contract fully paid for by self-generated funds of any of the state institutions of higher learning;

(b) Any architectural or engineering contract that is self-administered at a state institution of higher learning as provided under Section 27-104-7(2)(b) or 37-101-15(m);

(c) Community college projects that are fully funded from local funds or other nonstate sources which are outside the Department of Finance and Administration's appropriations or as directed by the Legislature;



(d) Any contract for the construction of buildings or other facilities, including contracts for architectural and engineering services, which are funded in whole or in part by general obligation bonds or other state source funds appropriated in lieu of general obligations bonds of the State of Mississippi, at Mississippi public community and junior colleges when the local community or junior college board of trustees determines that it is in the best interest of the community or junior college to procure and administer all such contracts.

(* * *e) Any construction or design projects of the State Military Department that are fully or partially funded from federal funds or other nonstate sources; and

(* * *f) Any project of the State Department of Transportation.

(8) (a) The department shall have the authority to obtain annually from the state institutions of higher learning, the state community colleges and junior colleges, the Department of Mental Health, the Department of Corrections and the Department of Wildlife, Fisheries and Parks information on all renovation and repair expenditures for buildings under their operation and control, including duties, responsibilities and costs of any architect or engineer hired by any such institutions, and shall annually report the same to the Legislative Budget Office, the Chairman of the House Public Property Committee and the Chairman of the Senate Public Property Committee before September 1.



194 (b) All state agencies, departments and institutions
195 are required to cooperate with the Department of Finance and
196 Administration in carrying out the provisions of this subsection.

197 (c) Expenditures shall not include those amounts
198 expended for janitorial, landscaping or administrative support,
199 but shall include expenditures from both state and nonstate
200 sources.

201 (d) Expenditures shall not include amounts expended by
202 the department on behalf of state agencies, departments and
203 institutions through the Department of Finance and Administration
204 administered contracts, but shall include amounts transferred to
205 the Department of Finance and Administration for support of such
206 contracts.

207 (9) As an alternative to other methods of awarding contracts
208 as prescribed by law, the department may elect to use the method
209 of contracting for construction projects set out in Sections
210 31-7-13.1 and 31-7-13.2; however, the design-build method of
211 construction contracting authorized under Section 31-7-13.1 may be
212 used only when the Legislature has specifically required or
213 authorized the use of this method in the legislation authorizing a
214 project.

215 (10) The department shall have the authority, for the
216 purposes of carrying out the provisions of this chapter, and in
217 addition to all other rights and powers granted by law, to create
218 and maintain a list of suspended and debarred contractors and



219 subcontractors. Consistent with this authority, the department
220 may adopt regulations governing the suspension or debarment of
221 contractors and subcontractors, which regulations shall be subject
222 to the approval of the Public Procurement Review Board. A
223 suspended or debarred contractor or subcontractor shall be
224 disqualified from consideration for contracts with the department
225 during the suspension or debarment period in accordance with the
226 department's regulations.

227 (11) This section shall not apply to the Mississippi State
228 Port Authority.

229 **SECTION 2.** This act shall take effect and be in force from
230 and after July 1, 2025.

