

By: Representatives Martinson, Mitchell

To: County Affairs;
Municipalities

HOUSE BILL NO. 366

1 AN ACT TO REQUIRE THE BOARD OF SUPERVISORS OF EVERY COUNTY
2 AND THE GOVERNING AUTHORITIES OF EVERY MUNICIPALITY TO ADOPT
3 ORDINANCES ESTABLISHING POLICIES, PROCEDURES AND STANDARDS
4 GOVERNING THE SOLICITATION, SELECTION, AWARDING AND TERMINATION OF
5 COUNTY OR MUNICIPAL CONTRACTS FOR PERSONAL OR PROFESSIONAL
6 SERVICES; TO REQUIRE SUCH POLICIES, PROCEDURES AND STANDARDS TO
7 COMPLY WITH GUIDELINES ESTABLISHED BY THE STATE DEPARTMENT OF
8 AUDIT; TO PRESCRIBE PENALTIES FOR VIOLATIONS OF THIS ACT; AND FOR
9 RELATED PURPOSES.

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

11 **SECTION 1.** (1) The board of supervisors of every county and
12 the governing authorities of every municipality shall adopt
13 ordinances establishing policies and procedures governing county
14 or municipal contracts for personal or professional services
15 including, but not limited to, contracts for attorneys,
16 accountants, auditors, physicians, dentists, architects,
17 engineers, veterinarians, utility rate expert services, any form
18 of consulting, policy analysis, public relations, marketing,
19 public affairs, legislative advocacy services, and computer or
20 information technology.

21 (2) In establishing such policies and procedures governing
22 personal and professional services contracts, county boards of
23 supervisors and municipal governing authorities shall follow
24 guidelines established by the State Department of Audit. The
25 guidelines established by the Department of Audit shall provide:

26 (a) Standards for invitations for public bids, for
27 development and issuance of requests for proposals, for the
28 evaluation of proposals received, for consideration of costs and
29 quality of services proposed, for contract negotiations and for
30 record keeping and financial responsibility of contractors; and



31 (b) Standards for the administrative monitoring of
32 contract performance and for successful steps in terminating such
33 contracts.

34 (3) Every county and municipal contract for personal or
35 professional services that involves the expenditure of funds in
36 excess of One Hundred Thousand Dollars (\$100,000.00), in addition
37 to complying with the standards established under subsection (2)
38 of this section, shall be advertised and subject to public bid
39 before the contract may be awarded.

40 **SECTION 2.** It shall be unlawful for any county or municipal
41 official or employee to knowingly and willfully violate any of the
42 provisions of Section 1 of this act or any of the policies,
43 procedures, guidelines or standards established under Section 1 of
44 this act. A person convicted for any such violation shall be
45 guilty of a misdemeanor and shall be punished by a fine of not
46 less than Five Hundred Dollars (\$500.00) nor more than Five
47 Thousand Dollars (\$5,000.00), or by imprisonment in the county
48 jail for not less than thirty (30) days nor more than one (1)
49 year, or by both such fine and imprisonment. In addition, if the
50 person convicted is a member of the board of supervisors of the
51 county or a member of the governing authorities of the
52 municipality and the member knowingly voted in favor of any action
53 in violation of Section 1 of this act, such person shall be liable
54 on his official bond to the county or municipality, as the case
55 may be, for any damages or loss that the county or municipality
56 sustained as the result of the violation.

57 **SECTION 3.** This act shall take effect and be in force from
58 and after July 1, 2002.

