

By: Representative Wallace

To: Appropriations

HOUSE BILL NO. 1039

1 AN ACT TO REQUIRE ENTITIES THAT ENTER CONTRACTS WITH THE
 2 STATE OR POLITICAL SUBDIVISIONS OF THE STATE FOR MORE THAN
 3 \$100,000.00 OF BUSINESS IN ANY FISCAL YEAR TO FILE A
 4 SUBCONTRACTING PLAN WITH THE STATE OUTLINING HOW THE ENTITY PLANS
 5 TO UTILIZE MINORITY-OWNED BUSINESSES IN THE BUSINESS TO BE
 6 CONDUCTED WITH THE STATE OR POLITICAL SUBDIVISION; TO PROHIBIT THE
 7 STATE AND POLITICAL SUBDIVISIONS FROM CONDUCTING ANY BUSINESS
 8 UNDER ANY SUCH CONTRACT UNTIL THE ENTITY HAS FILED THE REQUIRED
 9 PLAN; TO AMEND SECTIONS 25-53-5, 25-53-125, 31-7-12, 31-7-13 AND
 10 31-7-38, MISSISSIPPI CODE OF 1972, IN CONFORMITY WITH THE
 11 PRECEDING PROVISIONS; AND FOR RELATED PURPOSES.

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

13 **SECTION 1.** (1) Each individual, corporation, partnership,
 14 association, organization or other entity that enters a new
 15 contract or renews an existing contract to conduct business with
 16 the State of Mississippi or any agency, department, institution or
 17 political subdivision of the state, in an amount that will or is
 18 reasonably anticipated to exceed One Hundred Thousand Dollars
 19 (\$100,000.00) in any fiscal year of the state or the political
 20 subdivision with which the business is to be conducted, shall file
 21 with the Department of Finance and Administration in the case a
 22 contract with the state or with the State Auditor in the case a
 23 contract with a political subdivision, a subcontracting plan that
 24 outlines the manner in which the entity plans to utilize the
 25 services of minority-owned businesses in the business to be
 26 conducted with the state or political subdivision, and that
 27 includes a goal for the utilization of the services of
 28 minority-owned businesses expressed as a percentage of the total
 29 business to be conducted under the contract. The entity shall
 30 file the plan required by this section before it may conduct any
 31 business under the contract with the state or political



32 subdivision with which the entity has the contract. The state and
33 each political subdivision of the state having a contract with an
34 entity for which the plan required by this section must be filed
35 shall be prohibited from conducting any business under the
36 contract until the entity has filed the plan.

37 (2) For the purposes of this section, the term
38 "minority-owned business" means a business that is owned by a
39 majority of persons who are United States citizens or permanent
40 resident aliens (as defined by the Immigration and Naturalization
41 Service) of the United States and who are:

42 (a) Asian, which means persons having origins in any of
43 the original people of the Far East, Southeast Asia, the Indian
44 subcontinent, or the Pacific Islands;

45 (b) Black, which means persons having origins in any
46 black racial group of Africa;

47 (c) Hispanic, which means persons of Spanish or
48 Portuguese culture with origins in Mexico, South or Central
49 America, or the Caribbean Islands, regardless of race;

50 (d) Native American, which means persons having origins
51 in any of the original people of North America, including American
52 Indians, Eskimos and Aleuts;

53 (e) Female; or

54 (f) Any combination of the persons listed in paragraphs
55 (a) through (e) of this subsection.

56 **SECTION 2.** Section 25-53-5, Mississippi Code of 1972, is
57 amended as follows:

58 25-53-5. The authority shall have the following powers,
59 duties, and responsibilities:

60 (a) The authority shall provide for the development of
61 plans for the efficient acquisition and utilization of computer
62 equipment and services by all agencies of state government, and
63 provide for their implementation. In so doing, the authority may
64 use the MDITS staff, at the discretion of the executive director



65 of the authority, or the authority may contract for the services
66 of qualified consulting firms in the field of information
67 technology and utilize the service of such consultants as may be
68 necessary for such purposes.

69 (b) The authority shall immediately institute
70 procedures for carrying out the purposes of this chapter and
71 supervise the efficient execution of the powers and duties of the
72 office of executive director of the authority. In the execution
73 of its functions under this chapter, the authority shall maintain
74 as a paramount consideration the successful internal organization
75 and operation of the several agencies so that efficiency existing
76 therein shall not be adversely affected or impaired. In executing
77 its functions in relation to the institutions of higher learning
78 and junior colleges in the state, the authority shall take into
79 consideration the special needs of such institutions in relation
80 to the fields of teaching and scientific research.

81 (c) Title of whatever nature of all computer equipment
82 now vested in any agency of the State of Mississippi is hereby
83 vested in the authority, and no such equipment shall be disposed
84 of in any manner except in accordance with the direction of the
85 authority or under the provisions of such rules and regulations as
86 may hereafter be adopted by the authority in relation thereto.

87 (d) The authority shall adopt rules, regulations, and
88 procedures governing the acquisition of computer and
89 telecommunications equipment and services which shall, to the
90 fullest extent practicable, insure the maximum of competition
91 between all manufacturers of supplies or equipment or services.
92 In the writing of specifications, in the making of contracts
93 relating to the acquisition of such equipment and services, and in
94 the performance of its other duties the authority shall provide
95 for the maximum compatibility of all information systems hereafter
96 installed or utilized by all state agencies and may require the
97 use of common computer languages where necessary to accomplish the



98 purposes of this chapter. The authority may establish by
99 regulation and charge reasonable fees on a nondiscriminatory basis
100 for the furnishing to bidders of copies of bid specifications and
101 other documents issued by the authority.

102 (e) The authority shall adopt rules and regulations
103 governing the sharing with, or the sale or lease of information
104 technology services to any nonstate agency or person. Such
105 regulations shall provide that any such sharing, sale, or lease
106 shall be restricted in that same shall be accomplished only where
107 such services are not readily available otherwise within the
108 state, and then only at a charge to the user not less than the
109 prevailing rate of charge for similar services by private
110 enterprise within this state.

111 (f) The authority may, in its discretion, establish a
112 special technical advisory committee or committees to study and
113 make recommendations on technology matters within the competence
114 of the authority as the authority may see fit. Persons serving on
115 the Information Resource Council, its task forces, or any such
116 technical advisory committees shall be entitled to receive their
117 actual and necessary expenses actually incurred in the performance
118 of such duties, together with mileage as provided by law for state
119 employees, provided the same has been authorized by a resolution
120 duly adopted by the authority and entered on its minutes prior to
121 the performance of such duties.

122 (g) The authority may provide for the development and
123 require the adoption of standardized computer programs and may
124 provide for the dissemination of information to and the
125 establishment of training programs for the personnel of the
126 various information technology centers of state agencies and
127 personnel of the agencies utilizing the services thereof.

128 (h) The authority shall adopt reasonable rules and
129 regulations requiring the reporting to the authority through the
130 office of executive director of such information as may be



131 required for carrying out the purposes of this chapter and may
132 also establish such reasonable procedures to be followed in the
133 presentation of bills for payment under the terms of all contracts
134 for the acquisition of computer equipment and services now or
135 hereafter in force as may be required by the authority or by the
136 executive director in the execution of their powers and duties.

137 (i) The authority shall require such adequate
138 documentation of information technology procedures utilized by the
139 various state agencies and may require the establishment of such
140 organizational structures within state agencies relating to
141 information technology operations as may be necessary to
142 effectuate the purposes of this chapter.

143 (j) The authority may adopt such further reasonable
144 rules and regulations as may be necessary to fully implement the
145 purposes of this chapter. All rules and regulations adopted by
146 the authority shall be published and disseminated in readily
147 accessible form to all affected state agencies, and to all current
148 suppliers of computer equipment and services to the state, and to
149 all prospective suppliers requesting the same. Such rules and
150 regulations shall be kept current, be periodically revised, and
151 copies thereof shall be available at all times for inspection by
152 the public at reasonable hours in the offices of the authority.
153 Whenever possible no rule, regulation or any proposed amendment to
154 such rules and regulations shall be finally adopted or enforced
155 until copies of said proposed rules and regulations have been
156 furnished to all interested parties for their comment and
157 suggestions.

158 (k) The authority shall establish rules and regulations
159 which shall provide for the submission of all contracts proposed
160 to be executed by the executive director for computer equipment or
161 services to the authority for approval before final execution, and
162 the authority may provide that such contracts involving the
163 expenditure of less than such specified amount as may be



164 established by the authority may be finally executed by the
165 executive director without first obtaining such approval by the
166 authority.

167 (l) The authority is authorized to purchase, lease, or
168 rent computer equipment or services and to operate said equipment
169 and utilize said services in providing services to one or more
170 state agencies when in its opinion such operation will provide
171 maximum efficiency and economy in the functions of any such agency
172 or agencies.

173 (m) The authority shall assist political subdivisions
174 and instrumentalities in their development of plans for the
175 efficient acquisition and utilization of computer equipment and
176 services. An appropriate fee shall be charged the political
177 subdivision by the authority for such assistance.

178 (n) The authority shall adopt rules and regulations
179 governing the protest procedures to be followed by any actual or
180 prospective bidder, offerer or contractor who is aggrieved in
181 connection with the solicitation or award of a contract for the
182 acquisition of computer equipment or services. Such rules and
183 regulations shall prescribe the manner, time and procedure for
184 making protests and may provide that a protest not timely filed
185 shall be summarily denied. The authority may require the
186 protesting party, at the time of filing the protest, to post a
187 bond, payable to the state, in an amount that the authority
188 determines sufficient to cover any expense or loss incurred by the
189 state, the authority or any state agency as a result of the
190 protest if the protest subsequently is determined by a court of
191 competent jurisdiction to have been filed without any substantial
192 basis or reasonable expectation to believe that the protest was
193 meritorious; however, in no event may the amount of the bond
194 required exceed a reasonable estimate of the total project cost.
195 The authority, in its discretion, also may prohibit any
196 prospective bidder, offerer or contractor who is a party to any



197 litigation involving any such contract with the state, the
198 authority or any agency of the state to participate in any other
199 such bid, offer or contract, or to be awarded any such contract,
200 during the pendency of the litigation.

201 (o) The authority shall make a report in writing to the
202 Legislature each year in the month of January. Such report shall
203 contain a full and detailed account of the work of the authority
204 for the preceding year as specified in Section 25-53-29(3).

205 All acquisitions of computer equipment and services involving
206 the expenditure of funds in excess of the dollar amount
207 established in Section 31-7-13(c), or rentals or leases in excess
208 of the dollar amount established in Section 31-7-13(c) for the
209 term of the contract, shall be based upon competitive and open
210 specifications, and contracts therefor shall be entered into only
211 after advertisements for bids are published in one or more daily
212 newspapers having a general circulation in the state not less than
213 fourteen (14) days prior to receiving sealed bids therefor. The
214 authority may reserve the right to reject any or all bids, and if
215 all bids are rejected, the authority may negotiate a contract
216 within the limitations of the specifications so long as the terms
217 of any such negotiated contract are equal to or better than the
218 comparable terms submitted by the lowest and best bidder, and so
219 long as the total cost to the State of Mississippi does not exceed
220 the lowest bid. If the authority accepts one (1) of such bids, it
221 shall be that which is the lowest and best.

222 Contracts for the acquisition of computer equipment and
223 services shall be subject to the provisions of Section 1 of this
224 act.

225 (p) When applicable, the authority may procure
226 equipment, systems and related services in accordance with the law
227 or regulations, or both, which govern the Bureau of Purchasing of
228 the Office of General Services or which govern the Mississippi



229 Department of Information Technology Services procurement of
230 telecommunications equipment, software and services.

231 (q) The authority is authorized to purchase, lease, or
232 rent information technology and services for the purpose of
233 establishing pilot projects to investigate emerging technologies.
234 These acquisitions shall be limited to new technologies and shall
235 be limited to an amount set by annual appropriation of the
236 Legislature. These acquisitions shall be exempt from the
237 advertising and bidding requirement.

238 (r) All fees collected by the Mississippi Department of
239 Information Technology Services shall be deposited into the
240 Mississippi Department of Information Technology Services
241 Revolving Fund unless otherwise specified by the Legislature.

242 **SECTION 3.** Section 25-53-125, Mississippi Code of 1972, is
243 amended as follows:

244 25-53-125. The following general provisions shall apply to
245 all procurements under Sections 25-53-101 through 25-53-125:

246 (a) No contracts entered into hereunder shall have an
247 initial effective date earlier than the date on which such
248 contract receives approval as required herein.

249 (b) All changes, modifications and amendments to any
250 contract hereunder shall be approved in advance by the bureau, in
251 addition to any other approvals required by law.

252 (c) The bureau shall promulgate rules and regulations
253 in accordance with the Administrative Procedure Act, Section
254 25-43-1 et seq. for the establishment of contract format.

255 (d) Where written proposals or bids are submitted by
256 vendors, the proposal or bid of the successful vendor shall be
257 incorporated into the final contract consummated with that vendor.

258 (e) The provisions of Sections 25-53-101 through
259 25-53-125 shall, with respect to the procurement of
260 telecommunications equipment, systems or related services,
261 supersede specifications of any contradictory or conflicting



262 provisions of Chapter 7, Title 31, Mississippi Code of 1972, and
263 other laws with respect to awarding public contracts.

264 (f) Contracts for the procurement of telecommunications
265 equipment, systems or related services shall be subject to the
266 provisions of Section 1 of this act.

267 **SECTION 4.** Section 31-7-12, Mississippi Code of 1972, is
268 amended as follows:

269 31-7-12. (1) Except in regard to purchases of unmarked
270 vehicles made in accordance with purchasing regulations adopted by
271 the Department of Finance and Administration pursuant to Section
272 31-7-9(2), all agencies shall purchase commodities at the state
273 contract price from the approved source, unless approval is
274 granted by the Department of Finance and Administration to solicit
275 purchases outside the terms of the contracts. However, prices
276 accepted by an agency shall be less than the prices set by the
277 state contract. Prices accepted by an agency shall be obtained in
278 compliance with paragraph (a), (b) or (c) of Section 31-7-13. It
279 shall be the responsibility of the Department of Finance and
280 Administration to ascertain that the resulting prices shall
281 provide a cost effective alternative to the established state
282 contract.

283 (2) Governing authorities may purchase commodities approved
284 by the Department of Finance and Administration from the state
285 contract vendor, or from any source offering the identical
286 commodity, at a price not exceeding the state contract price
287 established by the Department of Finance and Administration for
288 such commodity, without obtaining or advertising for competitive
289 bids. Governing authorities that do not exercise the option to
290 purchase such commodities from the state contract vendor or from
291 another source offering the identical commodity at a price not
292 exceeding the state contract price established by the Department
293 of Finance and Administration shall make such purchases pursuant
294 to the provisions of Section 31-7-13 without regard to state



295 contract prices established by the Department of Finance and
296 Administration, unless such purchases are authorized to be made
297 under subsection (5) of this section.

298 (3) Nothing in this section shall prohibit governing
299 authorities from purchasing, pursuant to subsection (2) of this
300 section, commodities approved by the Department of Finance and
301 Administration at a price not exceeding the state contract price
302 established by the Department of Finance and Administration.

303 (4) The Department of Finance and Administration shall
304 ensure that the prices of all commodities on the state contract
305 are the lowest and best prices available from any source offering
306 that commodity at the same level of quality or service, utilizing
307 the reasonable standards established therefor by the Department of
308 Finance and Administration. If the Department of Finance and
309 Administration does not list an approved price for the particular
310 item involved, purchase shall be made according to statutory
311 bidding and licensing requirements. To encourage prudent
312 purchasing practices, the Department of Finance and Administration
313 shall be authorized and empowered to exempt certain commodities
314 from the requirement that the lowest and best price be approved by
315 order placed on its minutes. Contracts between the Department of
316 Finance and Administration and state contract vendors shall be
317 subject to the provisions of Section 1 of this act.

318 (5) Any school district may purchase commodities from
319 vendors with which any levying authority of the school district,
320 as defined in Section 37-57-1, has contracted through competitive
321 bidding procedures pursuant to Section 31-7-13 for purchases of
322 the same commodities. Purchases authorized by this subsection may
323 be made by a school district without obtaining or advertising for
324 competitive bids, and such purchases shall be made at the same
325 prices and under the same conditions as purchases of the same
326 commodities are to be made by the levying authority of the school
327 district under the contract with the vendor.



328 **SECTION 5.** Section 31-7-13, Mississippi Code of 1972, is
329 amended as follows:

330 31-7-13. All agencies and governing authorities shall
331 purchase their commodities and printing; contract for garbage
332 collection or disposal; contract for solid waste collection or
333 disposal; contract for sewage collection or disposal; contract for
334 public construction; and contract for rentals as herein provided.

335 (a) **Bidding procedure for purchases not over \$1,500.00.**
336 Purchases which do not involve an expenditure of more than One
337 Thousand Five Hundred Dollars (\$1,500.00), exclusive of freight or
338 shipping charges, may be made without advertising or otherwise
339 requesting competitive bids. Provided, however, that nothing
340 contained in this paragraph (a) shall be construed to prohibit any
341 agency or governing authority from establishing procedures which
342 require competitive bids on purchases of One Thousand Five Hundred
343 Dollars (\$1,500.00) or less.

344 (b) **Bidding procedure for purchases over \$1,500.00 but**
345 **not over \$10,000.00.** Purchases which involve an expenditure of
346 more than One Thousand Five Hundred Dollars (\$1,500.00) but not
347 more than Ten Thousand Dollars (\$10,000.00), exclusive of freight
348 and shipping charges may be made from the lowest and best bidder
349 without publishing or posting advertisement for bids, provided at
350 least two (2) competitive written bids have been obtained. Any
351 governing authority purchasing commodities pursuant to this
352 paragraph (b) may authorize its purchasing agent, or his designee,
353 with regard to governing authorities other than counties, or its
354 purchase clerk, or his designee, with regard to counties, to
355 accept the lowest and best competitive written bid. Such
356 authorization shall be made in writing by the governing authority
357 and shall be maintained on file in the primary office of the
358 agency and recorded in the official minutes of the governing
359 authority, as appropriate. The purchasing agent or the purchase
360 clerk, or their designee, as the case may be, and not the



361 governing authority, shall be liable for any penalties and/or
362 damages as may be imposed by law for any act or omission of the
363 purchasing agent or purchase clerk, or their designee,
364 constituting a violation of law in accepting any bid without
365 approval by the governing authority. The term "competitive
366 written bid" shall mean a bid submitted on a bid form furnished by
367 the buying agency or governing authority and signed by authorized
368 personnel representing the vendor, or a bid submitted on a
369 vendor's letterhead or identifiable bid form and signed by
370 authorized personnel representing the vendor. Bids may be
371 submitted by facsimile, electronic mail or other generally
372 accepted method of information distribution. Bids submitted by
373 electronic transmission shall not require the signature of the
374 vendor's representative unless required by agencies or governing
375 authorities.

376 (c) **Bidding procedure for purchases over \$10,000.00.**

377 (i) **Publication requirement.** Purchases which
378 involve an expenditure of more than Ten Thousand Dollars
379 (\$10,000.00), exclusive of freight and shipping charges may be
380 made from the lowest and best bidder after advertising for
381 competitive sealed bids once each week for two (2) consecutive
382 weeks in a regular newspaper published in the county or
383 municipality in which such agency or governing authority is
384 located. The date as published for the bid opening shall not be
385 less than seven (7) working days after the last published notice;
386 however, if the purchase involves a construction project in which
387 the estimated cost is in excess of Fifteen Thousand Dollars
388 (\$15,000.00), such bids shall not be opened in less than fifteen
389 (15) working days after the last notice is published and the
390 notice for the purchase of such construction shall be published
391 once each week for two (2) consecutive weeks. The notice of
392 intention to let contracts or purchase equipment shall state the
393 time and place at which bids shall be received, list the contracts



394 to be made or types of equipment or supplies to be purchased, and,
395 if all plans and/or specifications are not published, refer to the
396 plans and/or specifications on file. If there is no newspaper
397 published in the county or municipality, then such notice shall be
398 given by posting same at the courthouse, or for municipalities at
399 the city hall, and at two (2) other public places in the county or
400 municipality, and also by publication once each week for two (2)
401 consecutive weeks in some newspaper having a general circulation
402 in the county or municipality in the above provided manner. On
403 the same date that the notice is submitted to the newspaper for
404 publication, the agency or governing authority involved shall mail
405 written notice to, or provide electronic notification to the main
406 office of the Mississippi Contract Procurement Center that
407 contains the same information as that in the published notice.

408 (ii) **Bidding process amendment procedure.** If all
409 plans and/or specifications are published in the notification,
410 then the plans and/or specifications may not be amended. If all
411 plans and/or specifications are not published in the notification,
412 then amendments to the plans/specifications, bid opening date, bid
413 opening time and place may be made, provided that the agency or
414 governing authority maintains a list of all prospective bidders
415 who are known to have received a copy of the bid documents and all
416 such prospective bidders are sent copies of all amendments. This
417 notification of amendments may be made via mail, facsimile,
418 electronic mail or other generally accepted method of information
419 distribution. No addendum to bid specifications may be issued
420 within forty-eight (48) working hours of the time established for
421 the receipt of bids unless such addendum also amends the bid
422 opening to a date not less than five (5) working days after the
423 date of the addendum.

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



427 equipment being sought shall be filed with the clerk of the board
428 of the governing authority. In addition to these requirements, a
429 bid file shall be established which shall indicate those vendors
430 to whom such solicitations and specifications were issued, and
431 such file shall also contain such information as is pertinent to
432 the bid.

433 (iv) **Specification restrictions.** Specifications
434 pertinent to such bidding shall be written so as not to exclude
435 comparable equipment of domestic manufacture. Provided, however,
436 that should valid justification be presented, the Department of
437 Finance and Administration or the board of a governing authority
438 may approve a request for specific equipment necessary to perform
439 a specific job. Further, such justification, when placed on the
440 minutes of the board of a governing authority, may serve as
441 authority for that governing authority to write specifications to
442 require a specific item of equipment needed to perform a specific
443 job. In addition to these requirements, from and after July 1,
444 1990, vendors of relocatable classrooms and the specifications for
445 the purchase of such relocatable classrooms published by local
446 school boards shall meet all pertinent regulations of the State
447 Board of Education, including prior approval of such bid by the
448 State Department of Education.

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

450 (i) **Decision procedure.** Purchases may be made
451 from the lowest and best bidder. In determining the lowest and
452 best bid, freight and shipping charges shall be included.
453 Life-cycle costing, total cost bids, warranties, guaranteed
454 buy-back provisions and other relevant provisions may be included
455 in the best bid calculation. All best bid procedures for state
456 agencies must be in compliance with regulations established by the
457 Department of Finance and Administration. If any governing
458 authority accepts a bid other than the lowest bid actually
459 submitted, it shall place on its minutes detailed calculations and



460 narrative summary showing that the accepted bid was determined to
461 be the lowest and best bid, including the dollar amount of the
462 accepted bid and the dollar amount of the lowest bid. No agency
463 or governing authority shall accept a bid based on items not
464 included in the specifications.

465 (ii) **Construction project negotiations authority.**

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

471 (e) **Lease-purchase authorization.** For the purposes of
472 this section, the term "equipment" shall mean equipment, furniture
473 and, if applicable, associated software and other applicable
474 direct costs associated with the acquisition. Any lease-purchase
475 of equipment which an agency is not required to lease-purchase
476 under the master lease-purchase program pursuant to Section
477 31-7-10 and any lease-purchase of equipment which a governing
478 authority elects to lease-purchase may be acquired by a
479 lease-purchase agreement under this paragraph (e). Lease-purchase
480 financing may also be obtained from the vendor or from a
481 third-party source after having solicited and obtained at least
482 two (2) written competitive bids, as defined in paragraph (b) of
483 this section, for such financing without advertising for such
484 bids. Solicitation for the bids for financing may occur before or
485 after acceptance of bids for the purchase of such equipment or,
486 where no such bids for purchase are required, at any time before
487 the purchase thereof. No such lease-purchase agreement shall be
488 for an annual rate of interest which is greater than the overall
489 maximum interest rate to maturity on general obligation
490 indebtedness permitted under Section 75-17-101, and the term of
491 such lease-purchase agreement shall not exceed the useful life of
492 equipment covered thereby as determined according to the upper



493 limit of the asset depreciation range (ADR) guidelines for the
494 Class Life Asset Depreciation Range System established by the
495 Internal Revenue Service pursuant to the United States Internal
496 Revenue Code and regulations thereunder as in effect on December
497 31, 1980, or comparable depreciation guidelines with respect to
498 any equipment not covered by ADR guidelines. Any lease-purchase
499 agreement entered into pursuant to this paragraph (e) may contain
500 any of the terms and conditions which a master lease-purchase
501 agreement may contain under the provisions of Section 31-7-10(5),
502 and shall contain an annual allocation dependency clause
503 substantially similar to that set forth in Section 31-7-10(8).
504 Each agency or governing authority entering into a lease-purchase
505 transaction pursuant to this paragraph (e) shall maintain with
506 respect to each such lease-purchase transaction the same
507 information as required to be maintained by the Department of
508 Finance and Administration pursuant to Section 31-7-10(13).
509 However, nothing contained in this section shall be construed to
510 permit agencies to acquire items of equipment with a total
511 acquisition cost in the aggregate of less than Ten Thousand
512 Dollars (\$10,000.00) by a single lease-purchase transaction. All
513 equipment, and the purchase thereof by any lessor, acquired by
514 lease-purchase under this paragraph and all lease-purchase
515 payments with respect thereto shall be exempt from all Mississippi
516 sales, use and ad valorem taxes. Interest paid on any
517 lease-purchase agreement under this section shall be exempt from
518 State of Mississippi income taxation.

519 (f) **Alternate bid authorization.** When necessary to
520 ensure ready availability of commodities for public works and the
521 timely completion of public projects, no more than two (2)
522 alternate bids may be accepted by a governing authority for
523 commodities. No purchases may be made through use of such
524 alternate bids procedure unless the lowest and best bidder, for
525 reasons beyond his control, cannot deliver the commodities



526 contained in his bid. In that event, purchases of such
527 commodities may be made from one (1) of the bidders whose bid was
528 accepted as an alternate.

529 (g) **Construction contract change authorization.** In the
530 event a determination is made by an agency or governing authority
531 after a construction contract is let that changes or modifications
532 to the original contract are necessary or would better serve the
533 purpose of the agency or the governing authority, such agency or
534 governing authority may, in its discretion, order such changes
535 pertaining to the construction that are necessary under the
536 circumstances without the necessity of further public bids;
537 provided that such change shall be made in a commercially
538 reasonable manner and shall not be made to circumvent the public
539 purchasing statutes. In addition to any other authorized person,
540 the architect or engineer hired by an agency or governing
541 authority with respect to any public construction contract shall
542 have the authority, when granted by an agency or governing
543 authority, to authorize changes or modifications to the original
544 contract without the necessity of prior approval of the agency or
545 governing authority when any such change or modification is less
546 than one percent (1%) of the total contract amount. The agency or
547 governing authority may limit the number, manner or frequency of
548 such emergency changes or modifications.

549 (h) **Petroleum purchase alternative.** In addition to
550 other methods of purchasing authorized in this chapter, when any
551 agency or governing authority shall have a need for gas, diesel
552 fuel, oils and/or other petroleum products in excess of the amount
553 set forth in paragraph (a) of this section, such agency or
554 governing authority may purchase the commodity after having
555 solicited and obtained at least two (2) competitive written bids,
556 as defined in paragraph (b) of this section. If two (2)
557 competitive written bids are not obtained the entity shall comply
558 with the procedures set forth in paragraph (c) of this section.



559 In the event any agency or governing authority shall have
560 advertised for bids for the purchase of gas, diesel fuel, oils and
561 other petroleum products and coal and no acceptable bids can be
562 obtained, such agency or governing authority is authorized and
563 directed to enter into any negotiations necessary to secure the
564 lowest and best contract available for the purchase of such
565 commodities.

566 (i) **Road construction petroleum products price**
567 **adjustment clause authorization.** Any agency or governing
568 authority authorized to enter into contracts for the construction,
569 maintenance, surfacing or repair of highways, roads or streets,
570 may include in its bid proposal and contract documents a price
571 adjustment clause with relation to the cost to the contractor,
572 including taxes, based upon an industry-wide cost index, of
573 petroleum products including asphalt used in the performance or
574 execution of the contract or in the production or manufacture of
575 materials for use in such performance. Such industry-wide index
576 shall be established and published monthly by the Mississippi
577 Department of Transportation with a copy thereof to be mailed,
578 upon request, to the clerks of the governing authority of each
579 municipality and the clerks of each board of supervisors
580 throughout the state. The price adjustment clause shall be based
581 on the cost of such petroleum products only and shall not include
582 any additional profit or overhead as part of the adjustment. The
583 bid proposals or document contract shall contain the basis and
584 methods of adjusting unit prices for the change in the cost of
585 such petroleum products.

586 (j) **State agency emergency purchase procedure.** If the
587 executive head of any agency of the state shall determine that an
588 emergency exists in regard to the purchase of any commodities or
589 repair contracts, so that the delay incident to giving opportunity
590 for competitive bidding would be detrimental to the interests of
591 the state, then the provisions herein for competitive bidding



592 shall not apply and the head of such agency shall be authorized to
593 make the purchase or repair. Total purchases so made shall only
594 be for the purpose of meeting needs created by the emergency
595 situation. In the event such executive head is responsible to an
596 agency board, at the meeting next following the emergency
597 purchase, documentation of the purchase, including a description
598 of the commodity purchased, the purchase price thereof and the
599 nature of the emergency shall be presented to the board and placed
600 on the minutes of the board of such agency. The head of such
601 agency shall, at the earliest possible date following such
602 emergency purchase, file with the Department of Finance and
603 Administration (i) a statement under oath certifying the
604 conditions and circumstances of the emergency, and (ii) a
605 certified copy of the appropriate minutes of the board of such
606 agency, if applicable.

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

608 If the governing authority, or the governing authority acting
609 through its designee, shall determine that an emergency exists in
610 regard to the purchase of any commodities or repair contracts, so
611 that the delay incident to giving opportunity for competitive
612 bidding would be detrimental to the interest of the governing
613 authority, then the provisions herein for competitive bidding
614 shall not apply and any officer or agent of such governing
615 authority having general or special authority therefor in making
616 such purchase or repair shall approve the bill presented therefor,
617 and he shall certify in writing thereon from whom such purchase
618 was made, or with whom such a repair contract was made. At the
619 board meeting next following the emergency purchase or repair
620 contract, documentation of the purchase or repair contract,
621 including a description of the commodity purchased, the price
622 thereof and the nature of the emergency shall be presented to the
623 board and shall be placed on the minutes of the board of such
624 governing authority.



625 (1) **Hospital purchase or lease authorization.** The
626 commissioners or board of trustees of any hospital owned or owned
627 and operated separately or jointly by one or more counties,
628 cities, towns, supervisors districts or election districts, or
629 combinations thereof, may contract with such lowest and best
630 bidder for the purchase or lease of any commodity under a contract
631 of purchase or lease-purchase agreement whose obligatory terms do
632 not exceed five (5) years. In addition to the authority granted
633 herein, the commissioners or board of trustees are authorized to
634 enter into contracts for the lease of equipment or services, or
635 both, which it considers necessary for the proper care of patients
636 if, in its opinion, it is not financially feasible to purchase the
637 necessary equipment or services. Any such contract for the lease
638 of equipment or services executed by the commissioners or board
639 shall not exceed a maximum of five (5) years' duration and shall
640 include a cancellation clause based on unavailability of funds.
641 If such cancellation clause is exercised, there shall be no
642 further liability on the part of the lessee.

643 (m) **Exceptions from bidding requirements.** Excepted
644 from bid requirements are:

645 (i) **Purchasing agreements approved by department.**
646 Purchasing agreements, contracts and maximum price regulations
647 executed or approved by the Department of Finance and
648 Administration.

649 (ii) **Outside equipment repairs.** Repairs to
650 equipment, when such repairs are made by repair facilities in the
651 private sector; however, engines, transmissions, rear axles and/or
652 other such components shall not be included in this exemption when
653 replaced as a complete unit instead of being repaired and the need
654 for such total component replacement is known before disassembly
655 of the component; provided, however, that invoices identifying the
656 equipment, specific repairs made, parts identified by number and
657 name, supplies used in such repairs, and the number of hours of



658 labor and costs therefor shall be required for the payment for
659 such repairs.

660 (iii) **In-house equipment repairs.** Purchases of
661 parts for repairs to equipment, when such repairs are made by
662 personnel of the agency or governing authority; however, entire
663 assemblies, such as engines or transmissions, shall not be
664 included in this exemption when the entire assembly is being
665 replaced instead of being repaired.

666 (iv) **Raw gravel or dirt.** Raw unprocessed deposits
667 of gravel or fill dirt which are to be removed and transported by
668 the purchaser.

669 (v) **Governmental equipment auctions.** Motor
670 vehicles or other equipment purchased from a federal or state
671 agency or a governing authority at a public auction held for the
672 purpose of disposing of such vehicles or other equipment. Any
673 purchase by a governing authority under the exemption authorized
674 by this subparagraph (v) shall require advance authorization
675 spread upon the minutes of the governing authority to include the
676 listing of the item or items authorized to be purchased and the
677 maximum bid authorized to be paid for each item or items.

678 (vi) **Intergovernmental sales and transfers.**
679 Purchases, sales, transfers or trades by governing authorities or
680 state agencies when such purchases, sales, transfers or trades are
681 made by a private treaty agreement or through means of
682 negotiation, from any federal agency or authority, another
683 governing authority or state agency of the State of Mississippi,
684 or any state agency of another state. Nothing in this section
685 shall permit such purchases through public auction except as
686 provided for in subparagraph (v) of this section. It is the
687 intent of this section to allow governmental entities to dispose
688 of and/or purchase commodities from other governmental entities at
689 a price that is agreed to by both parties. This shall allow for
690 purchases and/or sales at prices which may be determined to be



691 below the market value if the selling entity determines that the
692 sale at below market value is in the best interest of the
693 taxpayers of the state. Governing authorities shall place the
694 terms of the agreement and any justification on the minutes, and
695 state agencies shall obtain approval from the Department of
696 Finance and Administration, prior to releasing or taking
697 possession of the commodities.

698 (vii) **Perishable supplies or food.** Perishable
699 supplies or foods purchased for use in connection with hospitals,
700 the school lunch programs, homemaking programs and for the feeding
701 of county or municipal prisoners.

702 (viii) **Single source items.** Noncompetitive items
703 available from one (1) source only. In connection with the
704 purchase of noncompetitive items only available from one (1)
705 source, a certification of the conditions and circumstances
706 requiring the purchase shall be filed by the agency with the
707 Department of Finance and Administration and by the governing
708 authority with the board of the governing authority. Upon receipt
709 of that certification the Department of Finance and Administration
710 or the board of the governing authority, as the case may be, may,
711 in writing, authorize the purchase, which authority shall be noted
712 on the minutes of the body at the next regular meeting thereafter.
713 In those situations, a governing authority is not required to
714 obtain the approval of the Department of Finance and
715 Administration.

716 (ix) **Waste disposal facility construction**
717 **contracts.** Construction of incinerators and other facilities for
718 disposal of solid wastes in which products either generated
719 therein, such as steam, or recovered therefrom, such as materials
720 for recycling, are to be sold or otherwise disposed of; provided,
721 however, in constructing such facilities a governing authority or
722 agency shall publicly issue requests for proposals, advertised for
723 in the same manner as provided herein for seeking bids for public



724 construction projects, concerning the design, construction,
725 ownership, operation and/or maintenance of such facilities,
726 wherein such requests for proposals when issued shall contain
727 terms and conditions relating to price, financial responsibility,
728 technology, environmental compatibility, legal responsibilities
729 and such other matters as are determined by the governing
730 authority or agency to be appropriate for inclusion; and after
731 responses to the request for proposals have been duly received,
732 the governing authority or agency may select the most qualified
733 proposal or proposals on the basis of price, technology and other
734 relevant factors and from such proposals, but not limited to the
735 terms thereof, negotiate and enter contracts with one or more of
736 the persons or firms submitting proposals.

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

740 (xi) **Information technology products.** Purchases
741 of information technology products made by governing authorities
742 under the provisions of purchase schedules, or contracts executed
743 or approved by the Mississippi Department of Information
744 Technology Services and designated for use by governing
745 authorities.

746 (xii) **Energy efficiency services and equipment.**
747 Energy efficiency services and equipment acquired by school
748 districts, community and junior colleges, institutions of higher
749 learning and state agencies or other applicable governmental
750 entities on a shared-savings, lease or lease-purchase basis
751 pursuant to Section 31-7-14.

752 (xiii) **Municipal electrical utility system fuel.**
753 Purchases of coal and/or natural gas by municipally-owned electric
754 power generating systems that have the capacity to use both coal
755 and natural gas for the generation of electric power.



756 (xiv) **Library books and other reference materials.**
757 Purchases by libraries or for libraries of books and periodicals;
758 processed film, video cassette tapes, filmstrips and slides;
759 recorded audio tapes, cassettes and diskettes; and any such items
760 as would be used for teaching, research or other information
761 distribution; however, equipment such as projectors, recorders,
762 audio or video equipment, and monitor televisions are not exempt
763 under this subparagraph.

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

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

770 (xvii) **Multichannel interactive video systems.**
771 From and after July 1, 1990, contracts by Mississippi Authority
772 for Educational Television with any private educational
773 institution or private nonprofit organization whose purposes are
774 educational in regard to the construction, purchase, lease or
775 lease-purchase of facilities and equipment and the employment of
776 personnel for providing multichannel interactive video systems
777 (ITSF) in the school districts of this state.

778 (xviii) **Purchases of prison industry products.**
779 From and after January 1, 1991, purchases made by state agencies
780 or governing authorities involving any item that is manufactured,
781 processed, grown or produced from the state's prison industries.

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

787 (xx) **Junior college books for rent.** Purchases by
788 community or junior colleges of textbooks which are obtained for



789 the purpose of renting such books to students as part of a book
790 service system.

791 (xxi) **Certain school district purchases.**

792 Purchases of commodities made by school districts from vendors
793 with which any levying authority of the school district, as
794 defined in Section 37-57-1, has contracted through competitive
795 bidding procedures for purchases of the same commodities.

796 (xxii) **Garbage, solid waste and sewage contracts.**

797 Contracts for garbage collection or disposal, contracts for solid
798 waste collection or disposal and contracts for sewage collection
799 or disposal.

800 (xxiii) **Municipal water tank maintenance**

801 **contracts.** Professional maintenance program contracts for the
802 repair or maintenance of municipal water tanks, which provide
803 professional services needed to maintain municipal water storage
804 tanks for a fixed annual fee for a duration of two (2) or more
805 years.

806 (xxiv) **Purchases of Mississippi Industries for the**

807 **Blind products.** Purchases made by state agencies or governing
808 authorities involving any item that is manufactured, processed or
809 produced by the Mississippi Industries for the Blind.

810 (xxv) **Purchases of state-adopted textbooks.**

811 Purchases of state-adopted textbooks by public school districts.

812 (xxvi) **Certain purchases under the Mississippi**

813 **Major Economic Impact Act.** Contracts entered into pursuant to the
814 provisions of Section 57-75-9(2) and (3).

815 (xxvii) **Used heavy or specialized machinery or**

816 **equipment for installation of soil and water conservation**

817 **practices purchased at auction.** Used heavy or specialized

818 machinery or equipment used for the installation and

819 implementation of soil and water conservation practices or

820 measures purchased subject to the restrictions provided in

821 Sections 69-27-331 through 69-27-341. Any purchase by the State



822 Soil and Water Conservation Commission under the exemption
823 authorized by this subparagraph shall require advance
824 authorization spread upon the minutes of the commission to include
825 the listing of the item or items authorized to be purchased and
826 the maximum bid authorized to be paid for each item or items.

827 (n) **Term contract authorization.** All contracts for the
828 purchase of:

829 (i) All contracts for the purchase of commodities,
830 equipment and public construction (including, but not limited to,
831 repair and maintenance), may be let for periods of not more than
832 sixty (60) months in advance, subject to applicable statutory
833 provisions prohibiting the letting of contracts during specified
834 periods near the end of terms of office. Term contracts for a
835 period exceeding twenty-four (24) months shall also be subject to
836 ratification or cancellation by governing authority boards taking
837 office subsequent to the governing authority board entering the
838 contract.

839 (ii) Bid proposals and contracts may include price
840 adjustment clauses with relation to the cost to the contractor
841 based upon a nationally published industry-wide or nationally
842 published and recognized cost index. The cost index used in a
843 price adjustment clause shall be determined by the Department of
844 Finance and Administration for the state agencies and by the
845 governing board for governing authorities. The bid proposal and
846 contract documents utilizing a price adjustment clause shall
847 contain the basis and method of adjusting unit prices for the
848 change in the cost of such commodities, equipment and public
849 construction.

850 (o) **Purchase law violation prohibition and vendor**
851 **penalty.** No contract or purchase as herein authorized shall be
852 made for the purpose of circumventing the provisions of this
853 section requiring competitive bids, nor shall it be lawful for any
854 person or concern to submit individual invoices for amounts within



855 those authorized for a contract or purchase where the actual value
856 of the contract or commodity purchased exceeds the authorized
857 amount and the invoices therefor are split so as to appear to be
858 authorized as purchases for which competitive bids are not
859 required. Submission of such invoices shall constitute a
860 misdemeanor punishable by a fine of not less than Five Hundred
861 Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00),
862 or by imprisonment for thirty (30) days in the county jail, or
863 both such fine and imprisonment. In addition, the claim or claims
864 submitted shall be forfeited.

865 (p) **Electrical utility petroleum-based equipment**
866 **purchase procedure.** When in response to a proper advertisement
867 therefor, no bid firm as to price is submitted to an electric
868 utility for power transformers, distribution transformers, power
869 breakers, reclosers or other articles containing a petroleum
870 product, the electric utility may accept the lowest and best bid
871 therefor although the price is not firm.

872 (q) **Fuel management system bidding procedure.** Any
873 governing authority or agency of the state shall, before
874 contracting for the services and products of a fuel management or
875 fuel access system, enter into negotiations with not fewer than
876 two (2) sellers of fuel management or fuel access systems for
877 competitive written bids to provide the services and products for
878 the systems. In the event that the governing authority or agency
879 cannot locate two (2) sellers of such systems or cannot obtain
880 bids from two (2) sellers of such systems, it shall show proof
881 that it made a diligent, good-faith effort to locate and negotiate
882 with two (2) sellers of such systems. Such proof shall include,
883 but not be limited to, publications of a request for proposals and
884 letters soliciting negotiations and bids. For purposes of this
885 paragraph (q), a fuel management or fuel access system is an
886 automated system of acquiring fuel for vehicles as well as
887 management reports detailing fuel use by vehicles and drivers, and



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

894 (r) **Solid waste contract proposal procedure.** Before
895 entering into any contract for garbage collection or disposal,
896 contract for solid waste collection or disposal or contract for
897 sewage collection or disposal, which involves an expenditure of
898 more than Fifty Thousand Dollars (\$50,000.00), a governing
899 authority or agency shall issue publicly a request for proposals
900 concerning the specifications for such services which shall be
901 advertised for in the same manner as provided in this section for
902 seeking bids for purchases which involve an expenditure of more
903 than Ten Thousand Dollars (\$10,000.00). Any request for proposals
904 when issued shall contain terms and conditions relating to price,
905 financial responsibility, technology, legal responsibilities and
906 other relevant factors as are determined by the governing
907 authority or agency to be appropriate for inclusion; all factors
908 determined relevant by the governing authority or agency or
909 required by this paragraph (r) shall be duly included in the
910 advertisement to elicit proposals. After responses to the request
911 for proposals have been duly received, the governing authority or
912 agency shall select the most qualified proposal or proposals on
913 the basis of price, technology and other relevant factors and from
914 such proposals, but not limited to the terms thereof, negotiate
915 and enter contracts with one or more of the persons or firms
916 submitting proposals. If the governing authority or agency deems
917 none of the proposals to be qualified or otherwise acceptable, the
918 request for proposals process may be reinitiated. Notwithstanding
919 any other provisions of this paragraph, where a county with at
920 least thirty-five thousand (35,000) nor more than forty thousand



921 (40,000) population, according to the 1990 federal decennial
922 census, owns or operates a solid waste landfill, the governing
923 authorities of any other county or municipality may contract with
924 the governing authorities of the county owning or operating the
925 landfill, pursuant to a resolution duly adopted and spread upon
926 the minutes of each governing authority involved, for garbage or
927 solid waste collection or disposal services through contract
928 negotiations.

929 (s) **Minority set aside authorization.** Notwithstanding
930 any provision of this section to the contrary, any agency or
931 governing authority, by order placed on its minutes, may, in its
932 discretion, set aside not more than twenty percent (20%) of its
933 anticipated annual expenditures for the purchase of commodities
934 from minority businesses; however, all such set-aside purchases
935 shall comply with all purchasing regulations promulgated by the
936 Department of Finance and Administration and shall be subject to
937 bid requirements under this section. Set-aside purchases for
938 which competitive bids are required shall be made from the lowest
939 and best minority business bidder. For the purposes of this
940 paragraph, the term "minority business" means a business which is
941 owned by a majority of persons who are United States citizens or
942 permanent resident aliens (as defined by the Immigration and
943 Naturalization Service) of the United States, and who are Asian,
944 Black, Hispanic or Native American, according to the following
945 definitions:

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

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

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



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

957 (t) **Construction punch list restriction.** The
958 architect, engineer or other representative designated by the
959 agency or governing authority that is contracting for public
960 construction or renovation may prepare and submit to the
961 contractor only one (1) preliminary punch list of items that do
962 not meet the contract requirements at the time of substantial
963 completion and one (1) final list immediately before final
964 completion and final payment.

965 (u) **Contracts subject to Section 1 of this act.**
966 Contracts by agencies and governing authorities under this chapter
967 shall be subject to the provisions of Section 1 of this act.

968 (v) **Purchase authorization clarification.** Nothing in
969 this section shall be construed as authorizing any purchase not
970 authorized by law.

971 **SECTION 6.** Section 31-7-38, Mississippi Code of 1972, is
972 amended as follows:

973 31-7-38. The board of trustees or governing board of any
974 hospital or regional mental health center owned or owned and
975 operated separately or jointly by the State of Mississippi or any
976 of its branches, agencies, departments or subdivisions, or by one
977 or more counties, cities, towns, supervisors districts or election
978 districts, or combinations thereof, may authorize by resolution
979 the organization and operation of, or the participation in, a
980 group purchasing program with other hospitals or regional mental
981 health centers, for the purchase of supplies, commodities and
982 equipment when it appears to the board of trustees or governing
983 board that such a group purchasing program could or would affect
984 economy or efficiency in their operations. Purchases by hospitals
985 or regional mental health centers participating in group
986 purchasing programs of supplies, commodities and equipment through



987 such programs shall be exempt from the provisions of Sections
988 31-7-9, 31-7-10, 31-7-11, 31-7-12 and 31-7-13. However, group
989 purchase program contracts shall be subject to the provisions of
990 Section 1 of this act. The Mississippi Department of Mental
991 health shall develop and submit to the Chairmen of the Senate and
992 House Appropriations Committees a report analyzing the savings and
993 economic benefits of the group purchasing program authorized under
994 this section for state hospitals or regional mental health centers
995 compared to the purchasing procedures authorized prior to passage
996 of Laws, 2001, Chapter 473. This section shall stand repealed on
997 July 1, 2005.

998 **SECTION 7.** This act shall take effect and be in force from
999 and after July 1, 2002.

