

By: Senator(s) Canon, Dearing, Chaney, Hewes

To: Fees, Salaries and
Administration;
Appropriations

SENATE BILL NO. 2977

1 AN ACT TO AMEND SECTION 25-53-111, MISSISSIPPI CODE OF 1972,
2 TO REQUIRE THE DEPARTMENT OF INFORMATION TECHNOLOGY SERVICES TO
3 PROMULGATE A MODEL POLICY FOR ALL STATE AGENCIES WHICH RESTRICTS
4 PERSONAL USE OF STATE-OWNED CELLULAR TELEPHONES OR OTHER WIRELESS
5 COMMUNICATION DEVICES; TO REQUIRE THE DEPARTMENT OF INFORMATION
6 TECHNOLOGY SERVICES TO ADOPT GENERAL POLICIES WHICH MAY ASSIST
7 EACH AGENCY IN ASSESSING THE NEED FOR CELLULAR TELEPHONES OR OTHER
8 WIRELESS COMMUNICATIONS DEVICES; TO AMEND SECTION 25-53-121,
9 MISSISSIPPI CODE OF 1972, TO REQUIRE THE DEPARTMENT OF INFORMATION
10 TECHNOLOGY SERVICES TO DEVELOP A LIST OF APPROVED VENDORS FOR THE
11 DELIVERY OF WIRELESS OR CELLULAR TELEPHONE SERVICES AND TO
12 PROHIBIT ANY AGENCY FROM CONTRACTING FOR SUCH SERVICES WITH ANY
13 VENDOR UNLESS THE VENDOR HAS BEEN APPROVED BY THE DEPARTMENT; AND
14 FOR RELATED PURPOSES.

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

16 **SECTION 1.** Section 25-53-111, Mississippi Code of 1972, is
17 amended as follows:

18 25-53-111. The Department of Information Technology Services
19 shall have the following additional duties:

20 (a) To establish and coordinate through either state
21 ownership or commercial leasing, all telecommunications systems
22 and services affecting the management and operations of the state.

23 (b) To act as the sole centralized customer for the
24 acquisition, billing and record keeping of all telecommunications
25 systems or services provided to state agencies whether obtained
26 through lease or purchase.

27 (c) To charge respective user agencies for their
28 proportionate cost of the installation, maintenance and operation
29 of the telecommunications systems and services, including the
30 operation of the department.

31 (d) To offer or provide transmission, switch and
32 network services on a reimbursable basis to agencies financed



33 entirely by federal funds, to governing authorities and to other
34 governmental agencies.

35 (e) To approve or provide state telephone services on a
36 reimbursable basis to full-time students at state institutions of
37 higher learning and junior colleges, including where such services
38 are provided by the state or the institution.

39 (f) To develop coordinated telecommunications systems
40 or services within and among all state agencies and require, where
41 appropriate, cooperative utilization of telecommunications
42 equipment and services by aggregating users. Where such
43 cooperative utilization of telecommunications system or service
44 would affect an agency authorized to receive information from the
45 National Crime Information Center of the Federal Bureau of
46 Investigation, such plans for cooperative utilization shall first
47 be approved by the National Crime Information Center before
48 implementation of such telecommunications systems or service can
49 proceed.

50 (g) To review, coordinate, approve or disapprove all
51 requests by state agencies for the procurement, through purchase
52 or contract for lease of telecommunications systems or services
53 including telecommunication proposals, studies and consultation
54 contracts and intra-LATA and inter-LATA transmission channels.

55 (h) To establish and define telecommunications systems
56 and services specifications and designs so as to assure
57 compatibility of telecommunications systems and services within
58 state government and governing authorities.

59 (i) To provide a continuous, comprehensive analysis and
60 inventory of telecommunications costs, facilities and systems
61 within state government.

62 (j) To promote, coordinate or assist in the design and
63 engineering of emergency telecommunications systems, including but
64 not limited to "911" service, emergency medical services and other
65 emergency telecommunications services.



66 (k) To advise and provide consultation to agencies and
67 governing authorities with respect to telecommunications
68 management planning and related matters and to provide training to
69 users within state government in telecommunications technology and
70 system use.

71 (l) To develop policies, procedures and long-range
72 plans, consistent with the protection of citizens' rights to
73 privacy and access to information, for the acquisition and use of
74 telecommunications systems, and to base such policies on current
75 information about state telecommunications activities in relation
76 to the full range of emerging technologies.

77 Any state agency requesting an increase in expenditure of
78 funds for new telecommunications equipment systems or services
79 shall submit to the Legislative Budget Office with its budget
80 request preceding the fiscal year for which funding is requested
81 detailed justification for such request. The justification shall
82 be provided on forms developed by the department in accordance
83 with the Administrative Procedure Act. In addition, all state
84 agencies shall submit to the department, when requested, a
85 long-range plan for use of telecommunications equipment, systems
86 and services.

87 (m) To promulgate a model policy for all state agencies
88 which restricts personal use of state-owned cellular telephones or
89 other wireless communication devices and further requires all
90 state agency personnel to maintain a log of all cellular or
91 wireless calls made on the state-owned devices. The log should
92 contain the name of the person called, the purpose of the call and
93 the time of the call. All state agencies shall adopt the model
94 policy or adopt a policy that is at minimum as stringent as the
95 model policy. The department may exempt state agency law
96 enforcement activities or other activities essential to the
97 protection of the public health and safety from the requirements
98 of this paragraph.



99 (n) To adopt general policies which may assist each
100 agency in assessing the need for cellular telephones or other
101 wireless communications devices. These general policies should,
102 at minimum, address the following:

103 (i) Whether a less expensive telecommunications
104 alternative is suitable and available;

105 (ii) Whether a cell phone or other wireless
106 communications device issued to an employee would improve job
107 performance and productivity through better communicative ability
108 and mobility;

109 (iii) Whether the agency's needs can be met with
110 its present forms and levels of services;

111 (iv) Whether the agency's needs could be best met
112 by a limited number of cell phones or other wireless
113 communications devices that can be checked out by employees on a
114 daily basis;

115 (v) Whether quantifiable benefits are associated
116 with the procurement of cellular service or other wireless
117 communications devices and whether cellular service provides more
118 efficient or effective service delivery; and

119 (vi) Whether quantifiable savings associated with
120 the use of cellular telephones or wireless communication devices
121 result in a reduction in other costs.

122 Each agency may establish specific guidelines for procurement of
123 cellular telephone or wireless communications devices which are in
124 conformity with the general policies promulgated by the
125 department. Each state agency shall report the quantifiable
126 benefits and savings that it realizes from the use of cellular
127 telephones or wireless communications devices in its annual report
128 to the Legislature.

129 **SECTION 2.** Section 25-53-121, Mississippi Code of 1972, is
130 amended as follows:



131 25-53-121. (1) The types of contracts permitted in the
132 procurement of telecommunications equipment, systems and related
133 services are defined herein, and the provision in Sections
134 25-53-101 through 25-53-125 supplement the provisions of Chapter
135 7, Title 31, Mississippi Code of 1972.

136 (2) The Mississippi Department of Information
137 Technology Services may, on behalf of any state agency, enter into
138 an equipment support contract with a vendor of telecommunications
139 equipment or services for the purchase or lease of such equipment
140 or services in accordance with the following provisions:

141 (a) Specifications for equipment support contracts
142 shall be developed in advance and shall conform to the following
143 requirements:

144 (i) Specifications for equipment support contracts
145 shall cover a specific class or classes of equipment and service
146 and may include all features associated with that class or
147 classes.

148 (ii) Specifications in the request for proposals
149 for equipment support contracts shall be developed by the
150 Mississippi Department of Information Technology Services.

151 (iii) Specifications shall be based on the
152 projected needs of user agencies.

153 (iv) Specifications for equipment support
154 contracts for purchase or lease of telecommunications equipment
155 may include specifications for the maintenance of the equipment
156 desired.

157 (b) The initial procurement of an equipment support
158 contract, and procurement of equipment and services to be utilized
159 by agencies under an equipment support contract, shall be as
160 follows:

161 (i) Equipment support contracts shall be awarded
162 by competitive sealed bidding.



163 (ii) A using agency may procure required
164 telecommunications equipment and service available under an
165 equipment support contract through release of a purchase order for
166 the required equipment and service to the vendor holding an
167 equipment support contract. However, such procurement by purchase
168 order shall be accomplished in accordance with the procedures and
169 regulations prescribed by the Mississippi Department of
170 Information Technology Services, and shall be subject to all other
171 statutory requirements including approval by the bureau.

172 (c) The final authority for entering into equipment
173 support contracts shall rest with the bureau, and such contracts
174 shall be executed by the Mississippi Department of Information
175 Technology Services in accordance with the procedures and
176 regulations defined by said authority.

177 (d) Equipment support contracts shall include the
178 following terms and conditions:

179 (i) Equipment support contracts shall be valid for
180 not more than one (1) fiscal year with the Mississippi Department
181 of Information Technology Services having an option to renew for
182 two (2) additional fiscal years. The vendor may vary lease or
183 purchase prices for the optional renewal period(s) by an amount
184 equal to the lesser of the lease or purchase price permitted by
185 that vendor's contract with the General Services Administration of
186 the United States government for such equipment and services, or
187 any variance in that vendor's published list prices for such
188 equipment and services during that fiscal year, provided that any
189 increase may not exceed five percent (5%) and the variance must
190 have been authorized by the initial equipment and service order
191 contract.

192 (ii) The prices stated in such contract shall not
193 change for the period of the contract.

194 (iii) Individual items of telecommunications
195 equipment and service which may be included under an equipment



196 support contract may not have a purchase price greater than Fifty
197 Thousand Dollars (\$50,000.00) or a monthly lease price greater
198 than Three Thousand Dollars (\$3,000.00). Such price shall not
199 include costs of maintenance, taxes or transportation.

200 (iv) Equipment support contracts shall include the
201 following annual appropriation dependency clause:

202 "The continuation of this contract is contingent upon the
203 appropriation of funds to fulfill the requirements of the contract
204 by the Legislature. If the Legislature fails to appropriate
205 sufficient monies to provide for the continuance of the contract,
206 the contract shall terminate on the date of the beginning of the
207 first fiscal year for which funds are not appropriated."

208 (3) The Mississippi Department of Information Technology
209 Services may on behalf of any state agency enter into contracts
210 for the lease or purchase of telecommunications equipment systems
211 or services in accordance with the following provisions:

212 (a) The bureau may directly contract for or approve
213 contracts for regulated or tariffed telecommunications services
214 upon determination by the bureau that the application of such
215 service is in the best interests of the State of Mississippi.

216 (b) All other contracts of this type shall be entered
217 into through request for proposals as defined in Sections
218 25-53-101 through 25-53-125.

219 (c) The justification of such contracts must be
220 presented to the bureau prior to issuance of a request for
221 proposals. Such justification shall identify and consider all
222 cost factors relevant to that contract.

223 (d) The term of a lease contract shall not exceed sixty
224 (60) months for a system lease valued less than One Million
225 Dollars (\$1,000,000.00) and shall not exceed one hundred twenty
226 (120) months for a system lease valued One Million Dollars
227 (\$1,000,000.00) or more.



228 (e) All lease contracts must contain the following
229 annual appropriation dependency clause:

230 "The continuation of this contract is contingent upon the
231 appropriation of funds to fulfill the requirements of the contract
232 by the Legislature. If the Legislature fails to appropriate
233 sufficient monies to provide for the continuation of a contract,
234 the contract shall terminate on the date of the beginning of the
235 first fiscal year for which funds are not appropriated."

236 (f) The Mississippi Department of Information
237 Technology Services shall maintain a list of all such contracts.
238 This list shall show as a minimum the name of the vendor, the
239 annual cost of each contract and the term of the contract or the
240 purchase cost.

241 (g) Upon the advance written approval of the bureau,
242 state agencies may extend contracts for the lease of
243 telecommunications equipment, systems and related services on a
244 month-to-month basis for a period not to extend more than one (1)
245 calendar year for the stated lease prices.

246 (4) With respect to the procurement of wireless or cellular
247 telephone services, the Department of Information Technology
248 Services shall develop a list of approved vendors for the delivery
249 of the service to state agencies. The department may exercise the
250 option of selecting one (1) vendor to provide the services, or if
251 it deems most advantageous to the state, it may select multiple
252 vendors. If the department chooses to utilize multiple vendors,
253 it may select vendors on the basis of lowest and best bid
254 proposals or may establish a state contract per minute price and
255 allow any vendor who agrees to provide service at the contract
256 price to be added to the list of vendors. No agency shall
257 contract for wireless telephone or cellular telephone services
258 with any vendor unless the vendor has been approved by the
259 Department of Information Technology Services.



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

