

By: Representative Mayo

To: Appropriations

HOUSE BILL NO. 1499

1 AN ACT TO AMEND SECTION 25-53-5, MISSISSIPPI CODE OF 1972, TO  
2 PROVIDE THAT UPON REQUEST OF THE GOVERNING BODY, THE MISSISSIPPI  
3 DEPARTMENT OF INFORMATION TECHNOLOGY SERVICES SHALL ASSIST  
4 POLITICAL SUBDIVISIONS AND INSTRUMENTALITIES IN THEIR DEVELOPMENT  
5 OF PLANS FOR THE EFFICIENT ACQUISITION AND UTILIZATION OF COMPUTER  
6 EQUIPMENT AND SERVICES; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 25-53-5, Mississippi Code of 1972, is  
9 amended as follows:

10 25-53-5. The authority shall have the following powers,  
11 duties, and responsibilities:

12 (a) The authority shall provide for the development of  
13 plans for the efficient acquisition and utilization of computer  
14 equipment and services by all agencies of state government, and  
15 provide for their implementation. In so doing, the authority may  
16 use the MDITS staff, at the discretion of the executive director  
17 of the authority, or the authority may contract for the services  
18 of qualified consulting firms in the field of information  
19 technology and utilize the service of such consultants as may be  
20 necessary for such purposes.

21 (b) The authority shall immediately institute  
22 procedures for carrying out the purposes of this chapter and  
23 supervise the efficient execution of the powers and duties of the  
24 office of executive director of the authority. In the execution  
25 of its functions under this chapter, the authority shall maintain  
26 as a paramount consideration the successful internal organization  
27 and operation of the several agencies so that efficiency existing  
28 therein shall not be adversely affected or impaired. In executing  
29 its functions in relation to the institutions of higher learning

30 and junior colleges in the state, the authority shall take into  
31 consideration the special needs of such institutions in relation  
32 to the fields of teaching and scientific research.

33 (c) Title of whatever nature of all computer equipment  
34 now vested in any agency of the State of Mississippi is hereby  
35 vested in the authority, and no such equipment shall be disposed  
36 of in any manner except in accordance with the direction of the  
37 authority or under the provisions of such rules and regulations as  
38 may hereafter be adopted by the authority in relation thereto.

39 (d) The authority shall adopt rules, regulations, and  
40 procedures governing the acquisition of computer and  
41 telecommunications equipment and services which shall, to the  
42 fullest extent practicable, insure the maximum of competition  
43 between all manufacturers of supplies or equipment or services.  
44 In the writing of specifications, in the making of contracts  
45 relating to the acquisition of such equipment and services, and in  
46 the performance of its other duties the authority shall provide  
47 for the maximum compatibility of all information systems hereafter  
48 installed or utilized by all state agencies and may require the  
49 use of common computer languages where necessary to accomplish the  
50 purposes of this chapter. The authority may establish by  
51 regulation and charge reasonable fees on a nondiscriminatory basis  
52 for the furnishing to bidders of copies of bid specifications and  
53 other documents issued by the authority.

54 (e) The authority shall adopt rules and regulations  
55 governing the sharing with, or the sale or lease of information  
56 technology services to any nonstate agency or person. Such  
57 regulations shall provide that any such sharing, sale, or lease  
58 shall be restricted in that same shall be accomplished only where  
59 such services are not readily available otherwise within the  
60 state, and then only at a charge to the user not less than the  
61 prevailing rate of charge for similar services by private  
62 enterprise within this state.

63           (f) The authority may, in its discretion, establish a  
64 special technical advisory committee or committees to study and  
65 make recommendations on technology matters within the competence  
66 of the authority as the authority may see fit. Persons serving on  
67 the Information Resource Council, its task forces, or any such  
68 technical advisory committees shall be entitled to receive their  
69 actual and necessary expenses actually incurred in the performance  
70 of such duties, together with mileage as provided by law for state  
71 employees, provided the same has been authorized by a resolution  
72 duly adopted by the authority and entered on its minutes prior to  
73 the performance of such duties.

74           (g) The authority may provide for the development and  
75 require the adoption of standardized computer programs and may  
76 provide for the dissemination of information to and the  
77 establishment of training programs for the personnel of the  
78 various information technology centers of state agencies and  
79 personnel of the agencies utilizing the services thereof.

80           (h) The authority shall adopt reasonable rules and  
81 regulations requiring the reporting to the authority through the  
82 office of executive director of such information as may be  
83 required for carrying out the purposes of this chapter and may  
84 also establish such reasonable procedures to be followed in the  
85 presentation of bills for payment under the terms of all contracts  
86 for the acquisition of computer equipment and services now or  
87 hereafter in force as may be required by the authority or by the  
88 executive director in the execution of their powers and duties.

89           (i) The authority shall require such adequate  
90 documentation of information technology procedures utilized by the  
91 various state agencies and may require the establishment of such  
92 organizational structures within state agencies relating to  
93 information technology operations as may be necessary to  
94 effectuate the purposes of this chapter.

95           (j) The authority may adopt such further reasonable  
96 rules and regulations as may be necessary to fully implement the  
97 purposes of this chapter. All rules and regulations adopted by  
98 the authority shall be published and disseminated in readily  
99 accessible form to all affected state agencies, and to all current  
100 suppliers of computer equipment and services to the state, and to  
101 all prospective suppliers requesting the same. Such rules and  
102 regulations shall be kept current, be periodically revised, and  
103 copies thereof shall be available at all times for inspection by  
104 the public at reasonable hours in the offices of the authority.  
105 Whenever possible no rule, regulation or any proposed amendment to  
106 such rules and regulations shall be finally adopted or enforced  
107 until copies of said proposed rules and regulations have been  
108 furnished to all interested parties for their comment and  
109 suggestions.

110           (k) The authority shall establish rules and regulations  
111 which shall provide for the submission of all contracts proposed  
112 to be executed by the executive director for computer equipment or  
113 services to the authority for approval before final execution, and  
114 the authority may provide that such contracts involving the  
115 expenditure of less than such specified amount as may be  
116 established by the authority may be finally executed by the  
117 executive director without first obtaining such approval by the  
118 authority.

119           (l) The authority is authorized to purchase, lease, or  
120 rent computer equipment or services and to operate said equipment  
121 and utilize said services in providing services to one or more  
122 state agencies when in its opinion such operation will provide  
123 maximum efficiency and economy in the functions of any such agency  
124 or agencies.

125           (m) Upon request of the governing body, the authority  
126 shall assist political subdivisions and instrumentalities in their  
127 development of plans for the efficient acquisition and utilization

128 of computer equipment and services. An appropriate fee shall be  
129 charged the political subdivision by the authority for such  
130 assistance.

131 (n) The authority shall adopt rules and regulations  
132 governing the protest procedures to be followed by any actual or  
133 prospective bidder, offerer or contractor who is aggrieved in  
134 connection with the solicitation or award of a contract for the  
135 acquisition of computer equipment or services. Such rules and  
136 regulations shall prescribe the manner, time and procedure for  
137 making protests and may provide that a protest not timely filed  
138 shall be summarily denied. The authority may require the  
139 protesting party, at the time of filing the protest, to post a  
140 bond, payable to the state, in an amount that the authority  
141 determines sufficient to cover any expense or loss incurred by the  
142 state, the authority or any state agency as a result of the  
143 protest if the protest subsequently is determined by a court of  
144 competent jurisdiction to have been filed without any substantial  
145 basis or reasonable expectation to believe that the protest was  
146 meritorious; however, in no event may the amount of the bond  
147 required exceed a reasonable estimate of the total project cost.  
148 The authority, in its discretion, also may prohibit any  
149 prospective bidder, offerer or contractor who is a party to any  
150 litigation involving any such contract with the state, the  
151 authority or any agency of the state to participate in any other  
152 such bid, offer or contract, or to be awarded any such contract,  
153 during the pendency of the litigation.

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

158 All acquisitions of computer equipment and services involving  
159 the expenditure of funds in excess of the dollar amount  
160 established in Section 31-7-13(c), or rentals or leases in excess

161 of the dollar amount established in Section 31-7-13(c) for the  
162 term of the contract, shall be based upon competitive and open  
163 specifications, and contracts therefor shall be entered into only  
164 after advertisements for bids are published in one or more daily  
165 newspapers having a general circulation in the state not less than  
166 fourteen (14) days prior to receiving sealed bids therefor. The  
167 authority may reserve the right to reject any or all bids, and if  
168 all bids are rejected, the authority may negotiate a contract  
169 within the limitations of the specifications so long as the terms  
170 of any such negotiated contract are equal to or better than the  
171 comparable terms submitted by the lowest and best bidder, and so  
172 long as the total cost to the State of Mississippi does not exceed  
173 the lowest bid. If the authority accepts one (1) of such bids, it  
174 shall be that which is the lowest and best.

175 (p) When applicable, the authority may procure  
176 equipment, systems and related services in accordance with the law  
177 or regulations, or both, which govern the Bureau of Purchasing of  
178 the Office of General Services or which govern the Mississippi  
179 Department of Information Technology Services procurement of  
180 telecommunications equipment, software and services.

181 (q) The authority is authorized to purchase, lease, or  
182 rent information technology and services for the purpose of  
183 establishing pilot projects to investigate emerging technologies.  
184 These acquisitions shall be limited to new technologies and shall  
185 be limited to an amount set by annual appropriation of the  
186 Legislature. These acquisitions shall be exempt from the  
187 advertising and bidding requirement.

188 (r) All fees collected by the Mississippi Department of  
189 Information Technology Services shall be deposited into the  
190 Mississippi Department of Information Technology Services  
191 Revolving Fund unless otherwise specified by the Legislature.

192 (s) The authority shall work closely with the council  
193 to bring about effective coordination of policies, standards and

194 procedures relating to procurement of remote sensing and  
195 geographic information systems (GIS) resources. In addition, the  
196 authority is responsible for development, operation and  
197 maintenance of a delivery system infrastructure for geographic  
198 information systems data. The authority shall provide a warehouse  
199 for Mississippi's geographic information systems data.

200         **SECTION 2.** This act shall take effect and be in force from  
201 and after July 1, 2004.