

By: Representative Shanks

To: Drug Policy

HOUSE BILL NO. 678

1 AN ACT TO AMEND SECTIONS 25-53-1 AND 25-53-5, MISSISSIPPI
2 CODE OF 1972, TO EXTEND THE DATE OF THE EXEMPTION FROM THE BID AND
3 CONTRACT REQUIREMENTS OF THE MISSISSIPPI DEPARTMENT OF INFORMATION
4 TECHNOLOGY SERVICES FOR THE STATE DEPARTMENT OF HEALTH AND THE
5 DEPARTMENT OF REVENUE FOR PURPOSES RELATED TO THE MISSISSIPPI
6 MEDICAL CANNABIS ACT; AND FOR RELATED PURPOSES.

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

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

10 25-53-1. The Legislature recognizes that in order for the
11 State of Mississippi to receive the maximum use and benefit from
12 information technology and services now in operation or which will
13 in the future be placed in operation, there should be full
14 cooperation and cohesive planning and effort by and between the
15 several state agencies and that it is the responsibility of the
16 Legislature to provide statutory authority therefor. The
17 Legislature, therefore, declares and determines that for these and
18 other related purposes there is hereby established an agency of
19 state government to be known as the Mississippi Department of
20 Information Technology Services (MDITS). The Legislature further



21 declares that the Mississippi Department of Information Technology
22 Services (MDITS) shall provide statewide services that facilitate
23 cost-effective information processing and telecommunication
24 solutions. State agencies shall work in full cooperation with the
25 board of MDITS to identify opportunities to minimize duplication,
26 reduce costs and improve the efficiency of providing common
27 technology services across agency boundaries. The provisions of
28 this chapter shall not apply to the Department of Human Services
29 for a period of three (3) years beginning July 1, 2017. The
30 provisions of this chapter shall not apply to the Department of
31 Child Protection Services for a period of three (3) years
32 beginning July 1, 2017. Through June 30, * * * 2027, the
33 provisions of this chapter shall not apply to the Department of
34 Health and the Department of Revenue for the purposes of
35 implementing, administering and enforcing the provisions of the
36 Mississippi Medical Cannabis Act.

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

39 25-53-5. The authority shall have the following powers,
40 duties, and responsibilities:

41 (a) (i) The authority shall provide for the
42 development of plans for the efficient acquisition and utilization
43 of computer equipment and services by all agencies of state
44 government, and provide for their implementation. In so doing,
45 the authority may use the MDITS' staff, at the discretion of the



46 executive director of the authority, or the authority may contract
47 for the services of qualified consulting firms in the field of
48 information technology and utilize the service of such consultants
49 as may be necessary for such purposes. Pursuant to Section
50 25-53-1, the provisions of this section shall not apply to the
51 Department of Human Services for a period of three (3) years
52 beginning on July 1, 2017. Pursuant to Section 25-53-1, the
53 provisions of this section shall not apply to the Department of
54 Child Protection Services for a period of three (3) years
55 beginning July 1, 2017.

56 (ii) [Repealed]

57 (b) The authority shall immediately institute
58 procedures for carrying out the purposes of this chapter and
59 supervise the efficient execution of the powers and duties of the
60 office of executive director of the authority. In the execution
61 of its functions under this chapter, the authority shall maintain
62 as a paramount consideration the successful internal organization
63 and operation of the several agencies so that efficiency existing
64 therein shall not be adversely affected or impaired. In executing
65 its functions in relation to the institutions of higher learning
66 and junior colleges in the state, the authority shall take into
67 consideration the special needs of such institutions in relation
68 to the fields of teaching and scientific research.

69 (c) Title of whatever nature of all computer equipment
70 now vested in any agency of the State of Mississippi is hereby



71 vested in the authority, and no such equipment shall be disposed
72 of in any manner except in accordance with the direction of the
73 authority or under the provisions of such rules and regulations as
74 may hereafter be adopted by the authority in relation thereto.

75 (d) The authority shall adopt rules, regulations, and
76 procedures governing the acquisition of computer and
77 telecommunications equipment and services which shall, to the
78 fullest extent practicable, ensure the maximum of competition
79 between all manufacturers of supplies or equipment or services.
80 In the writing of specifications, in the making of contracts
81 relating to the acquisition of such equipment and services, and in
82 the performance of its other duties the authority shall provide
83 for the maximum compatibility of all information systems hereafter
84 installed or utilized by all state agencies and may require the
85 use of common computer languages where necessary to accomplish the
86 purposes of this chapter. The authority may establish by
87 regulation and charge reasonable fees on a nondiscriminatory basis
88 for the furnishing to bidders of copies of bid specifications and
89 other documents issued by the authority.

90 (e) The authority shall adopt rules and regulations
91 governing the sharing with, or the sale or lease of information
92 technology services to any nonstate agency or person. Such
93 regulations shall provide that any such sharing, sale or lease
94 shall be restricted in that same shall be accomplished only where
95 such services are not readily available otherwise within the



96 state, and then only at a charge to the user not less than the
97 prevailing rate of charge for similar services by private
98 enterprise within this state.

99 (f) The authority may, in its discretion, establish a
100 special technical advisory committee or committees to study and
101 make recommendations on technology matters within the competence
102 of the authority as the authority may see fit. Persons serving on
103 the Information Resource Council, its task forces, or any such
104 technical advisory committees shall be entitled to receive their
105 actual and necessary expenses actually incurred in the performance
106 of such duties, together with mileage as provided by law for state
107 employees, provided the same has been authorized by a resolution
108 duly adopted by the authority and entered on its minutes prior to
109 the performance of such duties.

110 (g) The authority may provide for the development and
111 require the adoption of standardized computer programs and may
112 provide for the dissemination of information to and the
113 establishment of training programs for the personnel of the
114 various information technology centers of state agencies and
115 personnel of the agencies utilizing the services thereof.

116 (h) The authority shall adopt reasonable rules and
117 regulations requiring the reporting to the authority through the
118 office of executive director of such information as may be
119 required for carrying out the purposes of this chapter and may
120 also establish such reasonable procedures to be followed in the



121 presentation of bills for payment under the terms of all contracts
122 for the acquisition of computer equipment and services now or
123 hereafter in force as may be required by the authority or by the
124 executive director in the execution of their powers and duties.

125 (i) The authority shall require such adequate
126 documentation of information technology procedures utilized by the
127 various state agencies and may require the establishment of such
128 organizational structures within state agencies relating to
129 information technology operations as may be necessary to
130 effectuate the purposes of this chapter.

131 (j) The authority may adopt such further reasonable
132 rules and regulations as may be necessary to fully implement the
133 purposes of this chapter. All rules and regulations adopted by
134 the authority shall be published and disseminated in readily
135 accessible form to all affected state agencies, and to all current
136 suppliers of computer equipment and services to the state, and to
137 all prospective suppliers requesting the same. Such rules and
138 regulations shall be kept current, be periodically revised, and
139 copies thereof shall be available at all times for inspection by
140 the public at reasonable hours in the offices of the authority.
141 Whenever possible no rule, regulation or any proposed amendment to
142 such rules and regulations shall be finally adopted or enforced
143 until copies of the proposed rules and regulations have been
144 furnished to all interested parties for their comment and
145 suggestions.



146 (k) The authority shall establish rules and regulations
147 which shall provide for the submission of all contracts proposed
148 to be executed by the executive director for computer equipment
149 and/or telecommunications or services, including cloud computing,
150 to the authority for approval before final execution, and the
151 authority may provide that such contracts involving the
152 expenditure of less than such specified amount as may be
153 established by the authority may be finally executed by the
154 executive director without first obtaining such approval by the
155 authority.

156 (l) The authority is authorized to consider new
157 technologies, such as cloud computing, to purchase, lease, or rent
158 computer equipment or services and to operate that equipment and
159 use those services in providing services to one or more state
160 agencies when in its opinion such operation will provide maximum
161 efficiency and economy in the functions of any such agency or
162 agencies.

163 (m) Upon the request of the governing body of a
164 political subdivision or instrumentality, the authority shall
165 assist the political subdivision or instrumentality in its
166 development of plans for the efficient acquisition and utilization
167 of computer equipment and services. An appropriate fee shall be
168 charged the political subdivision by the authority for such
169 assistance.



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

193 (o) The authority shall make a report in writing to the
194 Legislature each year in the month of January. Such report shall



195 contain a full and detailed account of the work of the authority
196 for the preceding year as specified in Section 25-53-29(3).

197 All acquisitions of computer equipment and services involving
198 the expenditure of funds in excess of the dollar amount
199 established in Section 31-7-13(c), or rentals or leases in excess
200 of the dollar amount established in Section 31-7-13(c) for the
201 term of the contract, shall be based upon competitive and open
202 specifications, and contracts therefor shall be entered into only
203 after advertisements for bids are published in one or more daily
204 newspapers having a general circulation in the state not less than
205 fourteen (14) days prior to receiving sealed bids therefor. The
206 authority may reserve the right to reject any or all bids, and if
207 all bids are rejected, the authority may negotiate a contract
208 within the limitations of the specifications so long as the terms
209 of any such negotiated contract are equal to or better than the
210 comparable terms submitted by the lowest and best bidder, and so
211 long as the total cost to the State of Mississippi does not exceed
212 the lowest bid. If the authority accepts one (1) of such bids, it
213 shall be that which is the lowest and best. Through June
214 30, * * * 2027, the provisions of this paragraph shall not apply
215 to acquisitions of information technology equipment and services
216 made by the Mississippi Department of Health and the Mississippi
217 Department of Revenue for the purposes of implementing,
218 administering and enforcing the provisions of the Mississippi
219 Medical Cannabis Act.



220 (p) When applicable, the authority may procure
221 equipment, systems and related services in accordance with the law
222 or regulations, or both, which govern the Bureau of Purchasing of
223 the Office of General Services or which govern the Mississippi
224 Department of Information Technology Services procurement of
225 telecommunications equipment, software and services.

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

233 (r) To promote the maximum use and benefit from
234 technology and services now in operation or which will in the
235 future be placed in operation and to identify opportunities,
236 minimize duplication, reduce costs and improve the efficiency of
237 providing common technology services the authority is authorized
238 to:

239 (i) Enter into master agreements for computer or
240 telecommunications equipment or services, including cloud
241 computing, available for shared use by state agencies, * * *
242 institutions of higher learning and governing authorities; and

243 (ii) Enter into contracts for the acquisition of
244 computer or telecommunications equipment or services, including



245 cloud computing, that have been acquired by other entities,
246 located within or outside of the State of Mississippi, so long as
247 it is determined by the authority to be in the best interest of
248 the state. The acquisitions provided in this paragraph (r) shall
249 be exempt from the advertising and bidding requirements of Section
250 25-53-1 et seq.

251 (s) All fees collected by the Mississippi Department of
252 Information Technology Services shall be deposited into the
253 Mississippi Department of Information Technology Services
254 Revolving Fund unless otherwise specified by the Legislature.

255 (t) The authority shall work closely with the council
256 to bring about effective coordination of policies, standards and
257 procedures relating to procurement of remote sensing and
258 geographic information systems (GIS) resources. In addition, the
259 authority is responsible for development, operation and
260 maintenance of a delivery system infrastructure for geographic
261 information systems data. The authority shall provide a warehouse
262 for Mississippi's geographic information systems data.

263 (u) The authority shall manage one or more State Data
264 Centers to provide information technology services on a
265 cost-sharing basis. In determining the appropriate services to be
266 provided through the State Data Center, the authority should
267 consider those services that:

268 (i) Result in savings to the state as a whole;



269 (ii) Improve and enhance the security and
270 reliability of the state's information and business systems; and

271 (iii) Optimize the efficient use of the state's
272 information technology assets, including, but not limited to,
273 promoting partnerships with the state institutions of higher
274 learning and community colleges to capitalize on advanced
275 information technology resources.

276 (v) The authority shall increase federal participation
277 in the cost of the State Data Center to the extent provided by law
278 and its shared technology infrastructure through providing such
279 shared services to agencies that receive federal funds. With
280 regard to state institutions of higher learning and community
281 colleges, the authority may provide shared services when mutually
282 agreeable, following a determination by both the authority and the
283 Board of Trustees of State Institutions of Higher Learning or the
284 Mississippi Community College Board, as the case may be, that the
285 sharing of services is mutually beneficial.

286 (w) The authority, in its discretion, may require new
287 or replacement agency business applications to be hosted at the
288 State Data Center. With regard to state institutions of higher
289 learning and community colleges, the authority and the Board of
290 Trustees of State Institutions of Higher Learning or the
291 Mississippi Community College Board, as the case may be, may agree
292 that institutions of higher learning or community colleges may
293 utilize business applications that are hosted at the State Data



294 Center, following a determination by both the authority and the
295 applicable board that the hosting of those applications is
296 mutually beneficial. In addition, the authority may establish
297 partnerships to capitalize on the advanced technology resources of
298 the Board of Trustees of State Institutions of Higher Learning or
299 the Mississippi Community College Board, following a determination
300 by both the authority and the applicable board that such a
301 partnership is mutually beneficial.

302 (x) The authority shall provide a periodic update
303 regarding reform-based information technology initiatives to the
304 Chairmen of the House and Senate Accountability, Efficiency and
305 Transparency Committees.

306 From and after July 1, 2018, the expenses of this agency
307 shall be defrayed by appropriation from the State General Fund.
308 In addition, in order to receive the maximum use and benefit from
309 information technology and services, expenses for the provision of
310 statewide shared services that facilitate cost-effective
311 information processing and telecommunication solutions shall be
312 defrayed by pass-through funding and shall be deposited into the
313 Mississippi Department of Information Technology Services
314 Revolving Fund unless otherwise specified by the Legislature.
315 These funds shall only be utilized to pay the actual costs
316 incurred by the Mississippi Department of Information Technology
317 Services for providing these shared services to state agencies.
318 Furthermore, state agencies shall work in full cooperation with



319 the Board of the Mississippi Department of Information Technology
320 Services to identify computer equipment or services to minimize
321 duplication, reduce costs, and improve the efficiency of providing
322 common technology services across agency boundaries.

323 **SECTION 3.** This act shall take effect and be in force from
324 and after June 30, 2024.

