

By: Representative Byrd

To: Accountability,
Efficiency, Transparency

HOUSE BILL NO. 1321

1 AN ACT TO AMEND SECTION 31-7-13, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE PUBLIC PURCHASING LAW TO PROVIDE THAT PURCHASES OF LESS
3 THAN TEN THOUSAND DOLLARS MAY BE MADE WITHOUT ADVERTISING OR
4 OTHERWISE REQUESTING COMPETITIVE BIDS; TO AMEND SECTIONS 31-7-103
5 AND 31-7-119, MISSISSIPPI CODE OF 1972, TO INCREASE THE
6 COMPETITIVE PURCHASING THRESHOLD FOR CERTAIN COUNTY PURCHASES; AND
7 FOR RELATED PURPOSES.

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

9 **SECTION 1.** Section 31-7-13, Mississippi Code of 1972, is
10 amended as follows:

11 31-7-13. All agencies and governing authorities shall
12 purchase their commodities and printing; contract for garbage
13 collection or disposal; contract for solid waste collection or
14 disposal; contract for sewage collection or disposal; contract for
15 public construction; and contract for rentals as herein provided.

16 (a) **Bidding procedure for purchases not over * * ***
17 **\$10,000.00.** Purchases which do not involve an expenditure of more
18 than * * * Ten Thousand Dollars (\$10,000.00), exclusive of freight
19 or shipping charges, may be made without advertising or otherwise
20 requesting competitive bids. However, nothing contained in this



21 paragraph (a) shall be construed to prohibit any agency or
22 governing authority from establishing procedures which require
23 competitive bids on purchases of * * * Ten Thousand Dollars
24 (\$10,000.00) or less.

25 (b) **Bidding procedure for purchases over * * ***
26 **\$10,000.00 but not over \$75,000.00.** Purchases which involve an
27 expenditure of more than * * * Ten Thousand Dollars (\$10,000.00)
28 but not more than Seventy-five Thousand Dollars (\$75,000.00),
29 exclusive of freight and shipping charges, may be made from the
30 lowest and best bidder without publishing or posting advertisement
31 for bids, provided at least two (2) competitive written bids have
32 been obtained. Any state agency or community or junior college
33 purchasing commodities or procuring construction pursuant to this
34 paragraph (b) may authorize its purchasing agent, or his designee,
35 to accept the lowest competitive written bid under Seventy-five
36 Thousand Dollars (\$75,000.00). Any governing authority purchasing
37 commodities pursuant to this paragraph (b) may authorize its
38 purchasing agent, or his designee, with regard to governing
39 authorities other than counties, or its purchase clerk, or his
40 designee, with regard to counties, to accept the lowest and best
41 competitive written bid. Such authorization shall be made in
42 writing by the governing authority and shall be maintained on file
43 in the primary office of the agency and recorded in the official
44 minutes of the governing authority, as appropriate. The
45 purchasing agent or the purchase clerk, or his designee, as the



46 case may be, and not the governing authority, shall be liable for
47 any penalties and/or damages as may be imposed by law for any act
48 or omission of the purchasing agent or purchase clerk, or his
49 designee, constituting a violation of law in accepting any bid
50 without approval by the governing authority. The term
51 "competitive written bid" shall mean a bid submitted on a bid form
52 furnished by the buying agency or governing authority and signed
53 by authorized personnel representing the vendor, or a bid
54 submitted on a vendor's letterhead or identifiable bid form and
55 signed by authorized personnel representing the vendor.
56 "Competitive" shall mean that the bids are developed based upon
57 comparable identification of the needs and are developed
58 independently and without knowledge of other bids or prospective
59 bids. Any bid item for construction in excess of * * * Ten
60 Thousand Dollars (\$10,000.00) shall be broken down by components
61 to provide detail of component description and pricing. These
62 details shall be submitted with the written bids and become part
63 of the bid evaluation criteria. Bids may be submitted by
64 facsimile, electronic mail or other generally accepted method of
65 information distribution. Bids submitted by electronic
66 transmission shall not require the signature of the vendor's
67 representative unless required by agencies or governing
68 authorities.

69 (c) **Bidding procedure for purchases over \$75,000.00.**

70 (i) **Publication requirement.**



71 1. Purchases which involve an expenditure of
72 more than Seventy-five Thousand Dollars (\$75,000.00), exclusive of
73 freight and shipping charges, may be made from the lowest and best
74 bidder after advertising for competitive bids once each week for
75 two (2) consecutive weeks in a regular newspaper published in the
76 county or municipality in which such agency or governing authority
77 is located. However, all American Recovery and Reinvestment Act
78 projects in excess of Twenty-five Thousand Dollars (\$25,000.00)
79 shall be bid. All references to American Recovery and
80 Reinvestment Act projects in this section shall not apply to
81 programs identified in Division B of the American Recovery and
82 Reinvestment Act.

83 2. Reverse auctions shall be the primary
84 method for receiving bids during the bidding process. If a
85 purchasing entity determines that a reverse auction is not in the
86 best interest of the state, then that determination must be
87 approved by the Public Procurement Review Board. The purchasing
88 entity shall submit a detailed explanation of why a reverse
89 auction would not be in the best interest of the state and present
90 an alternative process to be approved by the Public Procurement
91 Review Board. If the Public Procurement Review Board authorizes
92 the purchasing entity to solicit bids with a method other than
93 reverse auction, then the purchasing entity may designate the
94 other methods by which the bids will be received, including, but
95 not limited to, bids sealed in an envelope, bids received



96 electronically in a secure system, or bids received by any other
97 method that promotes open competition and has been approved by the
98 Office of Purchasing and Travel. However, reverse auction shall
99 not be used for any public contract for design, construction,
100 improvement, repair or remodeling of any public facilities,
101 including the purchase of materials, supplies, equipment or goods
102 for same and including buildings, roads and bridges. The Public
103 Procurement Review Board must approve any contract entered into by
104 alternative process. The provisions of this item 2 shall not
105 apply to the individual state institutions of higher learning.
106 The provisions of this item 2 requiring reverse auction as the
107 primary method of receiving bids shall not apply to term contract
108 purchases as provided in paragraph (n) of this section; however, a
109 purchasing entity may, in its discretion, utilize reverse auction
110 for such purchases. The provisions of this item 2 shall not apply
111 to individual public schools, including public charter schools and
112 public school districts, only when purchasing copyrighted
113 educational supplemental materials and software as a service
114 product. For such purchases, a local school board may authorize a
115 purchasing entity in its jurisdiction to use a Request for
116 Qualifications which promotes open competition and meets the
117 requirements of the Office of Purchasing and Travel.

118 3. The date as published for the bid opening
119 shall not be less than seven (7) working days after the last
120 published notice; however, if the purchase involves a construction



121 project in which the estimated cost is in excess of Seventy-five
122 Thousand Dollars (\$75,000.00), such bids shall not be opened in
123 less than fifteen (15) working days after the last notice is
124 published and the notice for the purchase of such construction
125 shall be published once each week for two (2) consecutive weeks.
126 However, all American Recovery and Reinvestment Act projects in
127 excess of Twenty-five Thousand Dollars (\$25,000.00) shall be bid.
128 For any projects in excess of Twenty-five Thousand Dollars
129 (\$25,000.00) under the American Recovery and Reinvestment Act,
130 publication shall be made one (1) time and the bid opening for
131 construction projects shall not be less than ten (10) working days
132 after the date of the published notice. The notice of intention
133 to let contracts or purchase equipment shall state the time and
134 place at which bids shall be received, list the contracts to be
135 made or types of equipment or supplies to be purchased, and, if
136 all plans and/or specifications are not published, refer to the
137 plans and/or specifications on file. If there is no newspaper
138 published in the county or municipality, then such notice shall be
139 given by posting same at the courthouse, or for municipalities at
140 the city hall, and at two (2) other public places in the county or
141 municipality, and also by publication once each week for two (2)
142 consecutive weeks in some newspaper having a general circulation
143 in the county or municipality in the above-provided manner. On
144 the same date that the notice is submitted to the newspaper for
145 publication, the agency or governing authority involved shall mail



146 written notice to, or provide electronic notification to the main
147 office of the Mississippi Procurement Technical Assistance Program
148 under the Mississippi Development Authority that contains the same
149 information as that in the published notice. Submissions received
150 by the Mississippi Procurement Technical Assistance Program for
151 projects funded by the American Recovery and Reinvestment Act
152 shall be displayed on a separate and unique Internet web page
153 accessible to the public and maintained by the Mississippi
154 Development Authority for the Mississippi Procurement Technical
155 Assistance Program. Those American Recovery and Reinvestment Act
156 related submissions shall be publicly posted within twenty-four
157 (24) hours of receipt by the Mississippi Development Authority and
158 the bid opening shall not occur until the submission has been
159 posted for ten (10) consecutive days. The Department of Finance
160 and Administration shall maintain information regarding contracts
161 and other expenditures from the American Recovery and Reinvestment
162 Act, on a unique Internet web page accessible to the public. The
163 Department of Finance and Administration shall promulgate rules
164 regarding format, content and deadlines, unless otherwise
165 specified by law, of the posting of award notices, contract
166 execution and subsequent amendments, links to the contract
167 documents, expenditures against the awarded contracts and general
168 expenditures of funds from the American Recovery and Reinvestment
169 Act. Within one (1) working day of the contract award, the agency
170 or governing authority shall post to the designated web page



171 maintained by the Department of Finance and Administration, notice
172 of the award, including the award recipient, the contract amount,
173 and a brief summary of the contract in accordance with rules
174 promulgated by the department. Within one (1) working day of the
175 contract execution, the agency or governing authority shall post
176 to the designated web page maintained by the Department of Finance
177 and Administration a summary of the executed contract and make a
178 copy of the appropriately redacted contract documents available
179 for linking to the designated web page in accordance with the
180 rules promulgated by the department. The information provided by
181 the agency or governing authority shall be posted to the web page
182 for the duration of the American Recovery and Reinvestment Act
183 funding or until the project is completed, whichever is longer.

184 (ii) **Bidding process amendment procedure.** If all
185 plans and/or specifications are published in the notification,
186 then the plans and/or specifications may not be amended. If all
187 plans and/or specifications are not published in the notification,
188 then amendments to the plans/specifications, bid opening date, bid
189 opening time and place may be made, provided that the agency or
190 governing authority maintains a list of all prospective bidders
191 who are known to have received a copy of the bid documents and all
192 such prospective bidders are sent copies of all amendments. This
193 notification of amendments may be made via mail, facsimile,
194 electronic mail or other generally accepted method of information
195 distribution. No addendum to bid specifications may be issued



196 within two (2) working days of the time established for the
197 receipt of bids unless such addendum also amends the bid opening
198 to a date not less than five (5) working days after the date of
199 the addendum.

200 (iii) **Filing requirement.** In all cases involving
201 governing authorities, before the notice shall be published or
202 posted, the plans or specifications for the construction or
203 equipment being sought shall be filed with the clerk of the board
204 of the governing authority. In addition to these requirements, a
205 bid file shall be established which shall indicate those vendors
206 to whom such solicitations and specifications were issued, and
207 such file shall also contain such information as is pertinent to
208 the bid.

209 (iv) **Specification restrictions.**

210 1. Specifications pertinent to such bidding
211 shall be written so as not to exclude comparable equipment of
212 domestic manufacture. However, if valid justification is
213 presented, the Department of Finance and Administration or the
214 board of a governing authority may approve a request for specific
215 equipment necessary to perform a specific job. Further, such
216 justification, when placed on the minutes of the board of a
217 governing authority, may serve as authority for that governing
218 authority to write specifications to require a specific item of
219 equipment needed to perform a specific job. In addition to these
220 requirements, from and after July 1, 1990, vendors of relocatable



221 classrooms and the specifications for the purchase of such
222 relocatable classrooms published by local school boards shall meet
223 all pertinent regulations of the State Board of Education,
224 including prior approval of such bid by the State Department of
225 Education.

226 2. Specifications for construction projects
227 may include an allowance for commodities, equipment, furniture,
228 construction materials or systems in which prospective bidders are
229 instructed to include in their bids specified amounts for such
230 items so long as the allowance items are acquired by the vendor in
231 a commercially reasonable manner and approved by the
232 agency/governing authority. Such acquisitions shall not be made
233 to circumvent the public purchasing laws.

234 (v) **Electronic bids.** Agencies and governing
235 authorities shall provide a secure electronic interactive system
236 for the submittal of bids requiring competitive bidding that shall
237 be an additional bidding option for those bidders who choose to
238 submit their bids electronically. The Department of Finance and
239 Administration shall provide, by regulation, the standards that
240 agencies must follow when receiving electronic bids. Agencies and
241 governing authorities shall make the appropriate provisions
242 necessary to accept electronic bids from those bidders who choose
243 to submit their bids electronically for all purchases requiring
244 competitive bidding under this section. Any special condition or
245 requirement for the electronic bid submission shall be specified



246 in the advertisement for bids required by this section. Agencies
247 or governing authorities that are currently without available high
248 speed Internet access shall be exempt from the requirement of this
249 subparagraph (v) until such time that high speed Internet access
250 becomes available. Any county having a population of less than
251 twenty thousand (20,000) shall be exempt from the provisions of
252 this subparagraph (v). Any municipality having a population of
253 less than ten thousand (10,000) shall be exempt from the
254 provisions of this subparagraph (v). The provisions of this
255 subparagraph (v) shall not require any bidder to submit bids
256 electronically. When construction bids are submitted
257 electronically, the requirement for including a certificate of
258 responsibility, or a statement that the bid enclosed does not
259 exceed Fifty Thousand Dollars (\$50,000.00), on the exterior of the
260 bid envelope as indicated in Section 31-3-21(1) and (2) shall be
261 deemed in compliance with by including same as an attachment with
262 the electronic bid submittal.

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

264 (i) **Decision procedure.** Purchases may be made
265 from the lowest and best bidder. In determining the lowest and
266 best bid, freight and shipping charges shall be included.
267 Life-cycle costing, total cost bids, warranties, guaranteed
268 buy-back provisions and other relevant provisions may be included
269 in the best bid calculation. All best bid procedures for state
270 agencies must be in compliance with regulations established by the



271 Department of Finance and Administration. If any governing
272 authority accepts a bid other than the lowest bid actually
273 submitted, it shall place on its minutes detailed calculations and
274 narrative summary showing that the accepted bid was determined to
275 be the lowest and best bid, including the dollar amount of the
276 accepted bid and the dollar amount of the lowest bid. No agency
277 or governing authority shall accept a bid based on items not
278 included in the specifications.

279 (ii) **Decision procedure for Certified Purchasing**
280 **Offices.** In addition to the decision procedure set forth in
281 subparagraph (i) of this paragraph (d), Certified Purchasing
282 Offices may also use the following procedure: Purchases may be
283 made from the bidder offering the best value. In determining the
284 best value bid, freight and shipping charges shall be included.
285 Life-cycle costing, total cost bids, warranties, guaranteed
286 buy-back provisions, documented previous experience, training
287 costs and other relevant provisions, including, but not limited
288 to, a bidder having a local office and inventory located within
289 the jurisdiction of the governing authority, may be included in
290 the best value calculation. This provision shall authorize
291 Certified Purchasing Offices to utilize a Request For Proposals
292 (RFP) process when purchasing commodities. All best value
293 procedures for state agencies must be in compliance with
294 regulations established by the Department of Finance and



295 Administration. No agency or governing authority shall accept a
296 bid based on items or criteria not included in the specifications.

297 (iii) **Decision procedure for Mississippi**

298 **Landmarks.** In addition to the decision procedure set forth in
299 subparagraph (i) of this paragraph (d), where purchase involves
300 renovation, restoration, or both, of the State Capitol Building or
301 any other historical building designated for at least five (5)
302 years as a Mississippi Landmark by the Board of Trustees of the
303 Department of Archives and History under the authority of Sections
304 39-7-7 and 39-7-11, the agency or governing authority may use the
305 following procedure: Purchases may be made from the lowest and
306 best prequalified bidder. Prequalification of bidders shall be
307 determined not less than fifteen (15) working days before the
308 first published notice of bid opening. Prequalification criteria
309 shall be limited to bidder's knowledge and experience in
310 historical restoration, preservation and renovation. In
311 determining the lowest and best bid, freight and shipping charges
312 shall be included. Life-cycle costing, total cost bids,
313 warranties, guaranteed buy-back provisions and other relevant
314 provisions may be included in the best bid calculation. All best
315 bid and prequalification procedures for state agencies must be in
316 compliance with regulations established by the Department of
317 Finance and Administration. If any governing authority accepts a
318 bid other than the lowest bid actually submitted, it shall place
319 on its minutes detailed calculations and narrative summary showing



320 that the accepted bid was determined to be the lowest and best
321 bid, including the dollar amount of the accepted bid and the
322 dollar amount of the lowest bid. No agency or governing authority
323 shall accept a bid based on items not included in the
324 specifications.

325 (iv) **Construction project negotiations authority.**

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

331 (e) **Lease-purchase authorization.** For the purposes of
332 this section, the term "equipment" shall mean equipment, furniture
333 and, if applicable, associated software and other applicable
334 direct costs associated with the acquisition. Any lease-purchase
335 of equipment which an agency is not required to lease-purchase
336 under the master lease-purchase program pursuant to Section
337 31-7-10 and any lease-purchase of equipment which a governing
338 authority elects to lease-purchase may be acquired by a
339 lease-purchase agreement under this paragraph (e). Lease-purchase
340 financing may also be obtained from the vendor or from a
341 third-party source after having solicited and obtained at least
342 two (2) written competitive bids, as defined in paragraph (b) of
343 this section, for such financing without advertising for such
344 bids. Solicitation for the bids for financing may occur before or



345 after acceptance of bids for the purchase of such equipment or,
346 where no such bids for purchase are required, at any time before
347 the purchase thereof. No such lease-purchase agreement shall be
348 for an annual rate of interest which is greater than the overall
349 maximum interest rate to maturity on general obligation
350 indebtedness permitted under Section 75-17-101, and the term of
351 such lease-purchase agreement shall not exceed the useful life of
352 equipment covered thereby as determined according to the upper
353 limit of the asset depreciation range (ADR) guidelines for the
354 Class Life Asset Depreciation Range System established by the
355 Internal Revenue Service pursuant to the United States Internal
356 Revenue Code and regulations thereunder as in effect on December
357 31, 1980, or comparable depreciation guidelines with respect to
358 any equipment not covered by ADR guidelines. Any lease-purchase
359 agreement entered into pursuant to this paragraph (e) may contain
360 any of the terms and conditions which a master lease-purchase
361 agreement may contain under the provisions of Section 31-7-10(5),
362 and shall contain an annual allocation dependency clause
363 substantially similar to that set forth in Section 31-7-10(8).
364 Each agency or governing authority entering into a lease-purchase
365 transaction pursuant to this paragraph (e) shall maintain with
366 respect to each such lease-purchase transaction the same
367 information as required to be maintained by the Department of
368 Finance and Administration pursuant to Section 31-7-10(13).
369 However, nothing contained in this section shall be construed to



370 permit agencies to acquire items of equipment with a total
371 acquisition cost in the aggregate of less than Ten Thousand
372 Dollars (\$10,000.00) by a single lease-purchase transaction. All
373 equipment, and the purchase thereof by any lessor, acquired by
374 lease-purchase under this paragraph and all lease-purchase
375 payments with respect thereto shall be exempt from all Mississippi
376 sales, use and ad valorem taxes. Interest paid on any
377 lease-purchase agreement under this section shall be exempt from
378 State of Mississippi income taxation.

379 (f) **Alternate bid authorization.** When necessary to
380 ensure ready availability of commodities for public works and the
381 timely completion of public projects, no more than two (2)
382 alternate bids may be accepted by a governing authority for
383 commodities. No purchases may be made through use of such
384 alternate bids procedure unless the lowest and best bidder cannot
385 deliver the commodities contained in his bid. In that event,
386 purchases of such commodities may be made from one (1) of the
387 bidders whose bid was accepted as an alternate.

388 (g) **Construction contract change authorization.** In the
389 event a determination is made by an agency or governing authority
390 after a construction contract is let that changes or modifications
391 to the original contract are necessary or would better serve the
392 purpose of the agency or the governing authority, such agency or
393 governing authority may, in its discretion, order such changes
394 pertaining to the construction that are necessary under the



395 circumstances without the necessity of further public bids;
396 provided that such change shall be made in a commercially
397 reasonable manner and shall not be made to circumvent the public
398 purchasing statutes. In addition to any other authorized person,
399 the architect or engineer hired by an agency or governing
400 authority with respect to any public construction contract shall
401 have the authority, when granted by an agency or governing
402 authority, to authorize changes or modifications to the original
403 contract without the necessity of prior approval of the agency or
404 governing authority when any such change or modification is less
405 than one percent (1%) of the total contract amount. The agency or
406 governing authority may limit the number, manner or frequency of
407 such emergency changes or modifications.

408 (h) **Petroleum purchase alternative.** In addition to
409 other methods of purchasing authorized in this chapter, when any
410 agency or governing authority shall have a need for gas, diesel
411 fuel, oils and/or other petroleum products in excess of the amount
412 set forth in paragraph (a) of this section, such agency or
413 governing authority may purchase the commodity after having
414 solicited and obtained at least two (2) competitive written bids,
415 as defined in paragraph (b) of this section. If two (2)
416 competitive written bids are not obtained, the entity shall comply
417 with the procedures set forth in paragraph (c) of this section.
418 In the event any agency or governing authority shall have
419 advertised for bids for the purchase of gas, diesel fuel, oils and



420 other petroleum products and coal and no acceptable bids can be
421 obtained, such agency or governing authority is authorized and
422 directed to enter into any negotiations necessary to secure the
423 lowest and best contract available for the purchase of such
424 commodities.

425 (i) **Road construction petroleum products price**
426 **adjustment clause authorization.** Any agency or governing
427 authority authorized to enter into contracts for the construction,
428 maintenance, surfacing or repair of highways, roads or streets,
429 may include in its bid proposal and contract documents a price
430 adjustment clause with relation to the cost to the contractor,
431 including taxes, based upon an industry-wide cost index, of
432 petroleum products including asphalt used in the performance or
433 execution of the contract or in the production or manufacture of
434 materials for use in such performance. Such industry-wide index
435 shall be established and published monthly by the Mississippi
436 Department of Transportation with a copy thereof to be mailed,
437 upon request, to the clerks of the governing authority of each
438 municipality and the clerks of each board of supervisors
439 throughout the state. The price adjustment clause shall be based
440 on the cost of such petroleum products only and shall not include
441 any additional profit or overhead as part of the adjustment. The
442 bid proposals or document contract shall contain the basis and
443 methods of adjusting unit prices for the change in the cost of
444 such petroleum products.



445 (j) **State agency emergency purchase procedure.** If the
446 governing board or the executive head, or his designees, of any
447 agency of the state shall determine that an emergency exists in
448 regard to the purchase of any commodities or repair contracts, so
449 that the delay incident to giving opportunity for competitive
450 bidding would be detrimental to the interests of the state, then
451 the head of such agency, or his designees, shall file with the
452 Department of Finance and Administration (i) a statement
453 explaining the conditions and circumstances of the emergency,
454 which shall include a detailed description of the events leading
455 up to the situation and the negative impact to the entity if the
456 purchase is made following the statutory requirements set forth in
457 paragraph (a), (b) or (c) of this section, and (ii) a certified
458 copy of the appropriate minutes of the board of such agency
459 requesting the emergency purchase, if applicable. Upon receipt of
460 the statement and applicable board certification, the State Fiscal
461 Officer, or his designees, may, in writing, authorize the purchase
462 or repair without having to comply with competitive bidding
463 requirements.

464 If the governing board or the executive head, or his
465 designees, of any agency determines that an emergency exists in
466 regard to the purchase of any commodities or repair contracts, so
467 that the delay incident to giving opportunity for competitive
468 bidding would threaten the health or safety of any person, or the
469 preservation or protection of property, then the provisions in



470 this section for competitive bidding shall not apply, and any
471 officer or agent of the agency having general or specific
472 authority for making the purchase or repair contract shall approve
473 the bill presented for payment, and he shall certify in writing
474 from whom the purchase was made, or with whom the repair contract
475 was made.

476 Total purchases made under this paragraph (j) shall only be
477 for the purpose of meeting needs created by the emergency
478 situation. Following the emergency purchase, documentation of the
479 purchase, including a description of the commodity purchased, the
480 purchase price thereof and the nature of the emergency shall be
481 filed with the Department of Finance and Administration. Any
482 contract awarded pursuant to this paragraph (j) shall not exceed a
483 term of one (1) year.

484 Purchases under the grant program established under Section
485 37-68-7 in response to COVID-19 and the directive that school
486 districts create a distance learning plan and fulfill technology
487 needs expeditiously shall be deemed an emergency purchase for
488 purposes of this paragraph (j).

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

490 If the governing authority, or the governing authority acting
491 through its designee, shall determine that an emergency exists in
492 regard to the purchase of any commodities or repair contracts, so
493 that the delay incident to giving opportunity for competitive
494 bidding would be detrimental to the interest of the governing



495 authority, then the provisions herein for competitive bidding
496 shall not apply and any officer or agent of such governing
497 authority having general or special authority therefor in making
498 such purchase or repair shall approve the bill presented therefor,
499 and he shall certify in writing thereon from whom such purchase
500 was made, or with whom such a repair contract was made. At the
501 board meeting next following the emergency purchase or repair
502 contract, documentation of the purchase or repair contract,
503 including a description of the commodity purchased, the price
504 thereof and the nature of the emergency shall be presented to the
505 board and shall be placed on the minutes of the board of such
506 governing authority. Purchases under the grant program
507 established under Section 37-68-7 in response to COVID-19 and the
508 directive that school districts create a distance learning plan
509 and fulfill technology needs expeditiously shall be deemed an
510 emergency purchase for purposes of this paragraph (k).

511 (1) **Hospital purchase, lease-purchase and lease**
512 **authorization.**

513 (i) The commissioners or board of trustees of any
514 public hospital may contract with such lowest and best bidder for
515 the purchase or lease-purchase of any commodity under a contract
516 of purchase or lease-purchase agreement whose obligatory payment
517 terms do not exceed five (5) years.

518 (ii) In addition to the authority granted in
519 subparagraph (i) of this paragraph (1), the commissioners or board



520 of trustees is authorized to enter into contracts for the lease of
521 equipment or services, or both, which it considers necessary for
522 the proper care of patients if, in its opinion, it is not
523 financially feasible to purchase the necessary equipment or
524 services. Any such contract for the lease of equipment or
525 services executed by the commissioners or board shall not exceed a
526 maximum of five (5) years' duration and shall include a
527 cancellation clause based on unavailability of funds. If such
528 cancellation clause is exercised, there shall be no further
529 liability on the part of the lessee. Any such contract for the
530 lease of equipment or services executed on behalf of the
531 commissioners or board that complies with the provisions of this
532 subparagraph (ii) shall be excepted from the bid requirements set
533 forth in this section.

534 (m) **Exceptions from bidding requirements.** Excepted
535 from bid requirements are:

536 (i) **Purchasing agreements approved by department.**
537 Purchasing agreements, contracts and maximum price regulations
538 executed or approved by the Department of Finance and
539 Administration.

540 (ii) **Outside equipment repairs.** Repairs to
541 equipment, when such repairs are made by repair facilities in the
542 private sector; however, engines, transmissions, rear axles and/or
543 other such components shall not be included in this exemption when
544 replaced as a complete unit instead of being repaired and the need



545 for such total component replacement is known before disassembly
546 of the component; however, invoices identifying the equipment,
547 specific repairs made, parts identified by number and name,
548 supplies used in such repairs, and the number of hours of labor
549 and costs therefor shall be required for the payment for such
550 repairs.

551 (iii) **In-house equipment repairs.** Purchases of
552 parts for repairs to equipment, when such repairs are made by
553 personnel of the agency or governing authority; however, entire
554 assemblies, such as engines or transmissions, shall not be
555 included in this exemption when the entire assembly is being
556 replaced instead of being repaired.

557 (iv) **Raw gravel or dirt.** Raw unprocessed deposits
558 of gravel or fill dirt which are to be removed and transported by
559 the purchaser.

560 (v) **Governmental equipment auctions.** Motor
561 vehicles or other equipment purchased from a federal agency or
562 authority, another governing authority or state agency of the
563 State of Mississippi, or any governing authority or state agency
564 of another state at a public auction held for the purpose of
565 disposing of such vehicles or other equipment. Any purchase by a
566 governing authority under the exemption authorized by this
567 subparagraph (v) shall require advance authorization spread upon
568 the minutes of the governing authority to include the listing of



569 the item or items authorized to be purchased and the maximum bid
570 authorized to be paid for each item or items.

571 (vi) **Intergovernmental sales and transfers.**

572 Purchases, sales, transfers or trades by governing authorities or
573 state agencies when such purchases, sales, transfers or trades are
574 made by a private treaty agreement or through means of
575 negotiation, from any federal agency or authority, another
576 governing authority or state agency of the State of Mississippi,
577 or any state agency or governing authority of another state.

578 Nothing in this section shall permit such purchases through public
579 auction except as provided for in subparagraph (v) of this
580 paragraph (m). It is the intent of this section to allow
581 governmental entities to dispose of and/or purchase commodities
582 from other governmental entities at a price that is agreed to by
583 both parties. This shall allow for purchases and/or sales at
584 prices which may be determined to be below the market value if the
585 selling entity determines that the sale at below market value is
586 in the best interest of the taxpayers of the state. Governing
587 authorities shall place the terms of the agreement and any
588 justification on the minutes, and state agencies shall obtain
589 approval from the Department of Finance and Administration, prior
590 to releasing or taking possession of the commodities.

591 (vii) **Perishable supplies or food.** Perishable
592 supplies or food purchased for use in connection with hospitals,



593 the school lunch programs, homemaking programs and for the feeding
594 of county or municipal prisoners.

595 (viii) **Single-source items.** Noncompetitive items
596 available from one (1) source only. In connection with the
597 purchase of noncompetitive items only available from one (1)
598 source, a certification of the conditions and circumstances
599 requiring the purchase shall be filed by the agency with the
600 Department of Finance and Administration and by the governing
601 authority with the board of the governing authority. Upon receipt
602 of that certification the Department of Finance and Administration
603 or the board of the governing authority, as the case may be, may,
604 in writing, authorize the purchase, which authority shall be noted
605 on the minutes of the body at the next regular meeting thereafter.
606 In those situations, a governing authority is not required to
607 obtain the approval of the Department of Finance and
608 Administration. Following the purchase, the executive head of the
609 state agency, or his designees, shall file with the Department of
610 Finance and Administration, documentation of the purchase,
611 including a description of the commodity purchased, the purchase
612 price thereof and the source from whom it was purchased.

613 (ix) **Waste disposal facility construction**
614 **contracts.** Construction of incinerators and other facilities for
615 disposal of solid wastes in which products either generated
616 therein, such as steam, or recovered therefrom, such as materials
617 for recycling, are to be sold or otherwise disposed of; however,



618 in constructing such facilities, a governing authority or agency
619 shall publicly issue requests for proposals, advertised for in the
620 same manner as provided herein for seeking bids for public
621 construction projects, concerning the design, construction,
622 ownership, operation and/or maintenance of such facilities,
623 wherein such requests for proposals when issued shall contain
624 terms and conditions relating to price, financial responsibility,
625 technology, environmental compatibility, legal responsibilities
626 and such other matters as are determined by the governing
627 authority or agency to be appropriate for inclusion; and after
628 responses to the request for proposals have been duly received,
629 the governing authority or agency may select the most qualified
630 proposal or proposals on the basis of price, technology and other
631 relevant factors and from such proposals, but not limited to the
632 terms thereof, negotiate and enter contracts with one or more of
633 the persons or firms submitting proposals.

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

637 (xi) **Information technology products.** Purchases
638 of information technology products made by governing authorities
639 under the provisions of purchase schedules, or contracts executed
640 or approved by the Mississippi Department of Information
641 Technology Services and designated for use by governing
642 authorities.



643 (xii) **Energy efficiency services and equipment.**
644 Energy efficiency services and equipment acquired by school
645 districts, community and junior colleges, institutions of higher
646 learning and state agencies or other applicable governmental
647 entities on a shared-savings, lease or lease-purchase basis
648 pursuant to Section 31-7-14.

649 (xiii) **Municipal electrical utility system fuel.**
650 Purchases of coal and/or natural gas by municipally owned electric
651 power generating systems that have the capacity to use both coal
652 and natural gas for the generation of electric power.

653 (xiv) **Library books and other reference materials.**
654 Purchases by libraries or for libraries of books and periodicals;
655 processed film, videocassette tapes, filmstrips and slides;
656 recorded audiotapes, cassettes and diskettes; and any such items
657 as would be used for teaching, research or other information
658 distribution; however, equipment such as projectors, recorders,
659 audio or video equipment, and monitor televisions are not exempt
660 under this subparagraph.

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

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



667 (xvii) **Multichannel interactive video systems.**
668 From and after July 1, 1990, contracts by Mississippi Authority
669 for Educational Television with any private educational
670 institution or private nonprofit organization whose purposes are
671 educational in regard to the construction, purchase, lease or
672 lease-purchase of facilities and equipment and the employment of
673 personnel for providing multichannel interactive video systems
674 (ITSF) in the school districts of this state.

675 (xviii) **Purchases of prison industry products by**
676 **the Department of Corrections, regional correctional facilities or**
677 **privately owned prisons.** Purchases made by the Mississippi
678 Department of Corrections, regional correctional facilities or
679 privately owned prisons involving any item that is manufactured,
680 processed, grown or produced from the state's prison industries.

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

686 (xx) **Junior college books for rent.** Purchases by
687 community or junior colleges of textbooks which are obtained for
688 the purpose of renting such books to students as part of a book
689 service system.

690 (xxi) **Certain school district purchases.**
691 Purchases of commodities made by school districts from vendors



692 with which any levying authority of the school district, as
693 defined in Section 37-57-1, has contracted through competitive
694 bidding procedures for purchases of the same commodities.

695 (xxii) **Garbage, solid waste and sewage contracts.**
696 Contracts for garbage collection or disposal, contracts for solid
697 waste collection or disposal and contracts for sewage collection
698 or disposal.

699 (xxiii) **Municipal water tank maintenance**
700 **contracts.** Professional maintenance program contracts for the
701 repair or maintenance of municipal water tanks, which provide
702 professional services needed to maintain municipal water storage
703 tanks for a fixed annual fee for a duration of two (2) or more
704 years.

705 (xxiv) **Purchases of Mississippi Industries for the**
706 **Blind products or services.** Purchases made by state agencies or
707 governing authorities involving any item that is manufactured,
708 processed or produced by, or any services provided by, the
709 Mississippi Industries for the Blind.

710 (xxv) **Purchases of state-adopted textbooks.**
711 Purchases of state-adopted textbooks by public school districts.

712 (xxvi) **Certain purchases under the Mississippi**
713 **Major Economic Impact Act.** Contracts entered into pursuant to the
714 provisions of Section 57-75-9(2), (3) and (4).

715 (xxvii) **Used heavy or specialized machinery or**
716 **equipment for installation of soil and water conservation**



717 **practices purchased at auction.** Used heavy or specialized
718 machinery or equipment used for the installation and
719 implementation of soil and water conservation practices or
720 measures purchased subject to the restrictions provided in
721 Sections 69-27-331 through 69-27-341. Any purchase by the State
722 Soil and Water Conservation Commission under the exemption
723 authorized by this subparagraph shall require advance
724 authorization spread upon the minutes of the commission to include
725 the listing of the item or items authorized to be purchased and
726 the maximum bid authorized to be paid for each item or items.

727 (xxviii) **Hospital lease of equipment or services.**
728 Leases by hospitals of equipment or services if the leases are in
729 compliance with paragraph (1)(ii).

730 (xxix) **Purchases made pursuant to qualified**
731 **cooperative purchasing agreements.** Purchases made by certified
732 purchasing offices of state agencies or governing authorities
733 under cooperative purchasing agreements previously approved by the
734 Office of Purchasing and Travel and established by or for any
735 municipality, county, parish or state government or the federal
736 government, provided that the notification to potential
737 contractors includes a clause that sets forth the availability of
738 the cooperative purchasing agreement to other governmental
739 entities. Such purchases shall only be made if the use of the
740 cooperative purchasing agreements is determined to be in the best
741 interest of the governmental entity.



742 (xxx) **School yearbooks.** Purchases of school
743 yearbooks by state agencies or governing authorities; however,
744 state agencies and governing authorities shall use for these
745 purchases the RFP process as set forth in the Mississippi
746 Procurement Manual adopted by the Office of Purchasing and Travel.

747 (xxxii) **Design-build method of contracting and**
748 **certain other contracts.** Contracts entered into under the
749 provisions of Section 31-7-13.1, 37-101-44 or 65-1-85.

750 (xxxiii) **Toll roads and bridge construction**
751 **projects.** Contracts entered into under the provisions of Section
752 65-43-1 or 65-43-3.

753 (xxxiiii) **Certain purchases under Section 57-1-221.**
754 Contracts entered into pursuant to the provisions of Section
755 57-1-221.

756 (xxxiv) **Certain transfers made pursuant to the**
757 **provisions of Section 57-105-1(7).** Transfers of public property
758 or facilities under Section 57-105-1(7) and construction related
759 to such public property or facilities.

760 (xxxv) **Certain purchases or transfers entered into**
761 **with local electrical power associations.** Contracts or agreements
762 entered into under the provisions of Section 55-3-33.

763 (xxxvi) **Certain purchases by an academic medical**
764 **center or health sciences school.** Purchases by an academic
765 medical center or health sciences school, as defined in Section
766 37-115-50, of commodities that are used for clinical purposes and



767 1. intended for use in the diagnosis of disease or other
768 conditions or in the cure, mitigation, treatment or prevention of
769 disease, and 2. medical devices, biological, drugs and
770 radiation-emitting devices as defined by the United States Food
771 and Drug Administration.

772 (xxxvii) **Certain purchases made under the Alyce G.**
773 **Clarke Mississippi Lottery Law.** Contracts made by the Mississippi
774 Lottery Corporation pursuant to the Alyce G. Clarke Mississippi
775 Lottery Law.

776 (xxxviii) **Certain purchases made by the Department**
777 **of Health and the Department of Revenue.** Purchases made by the
778 Department of Health and the Department of Revenue solely for the
779 purpose of fulfilling their respective responsibilities under the
780 Mississippi Medical Cannabis Act. This subparagraph shall stand
781 repealed on June 30, 2026.

782 (n) **Term contract authorization.** All contracts for the
783 purchase of:

784 (i) All contracts for the purchase of commodities,
785 equipment and public construction (including, but not limited to,
786 repair and maintenance), may be let for periods of not more than
787 sixty (60) months in advance, subject to applicable statutory
788 provisions prohibiting the letting of contracts during specified
789 periods near the end of terms of office. Term contracts for a
790 period exceeding twenty-four (24) months shall also be subject to
791 ratification or cancellation by governing authority boards taking



792 office subsequent to the governing authority board entering the
793 contract.

794 (ii) Bid proposals and contracts may include price
795 adjustment clauses with relation to the cost to the contractor
796 based upon a nationally published industry-wide or nationally
797 published and recognized cost index. The cost index used in a
798 price adjustment clause shall be determined by the Department of
799 Finance and Administration for the state agencies and by the
800 governing board for governing authorities. The bid proposal and
801 contract documents utilizing a price adjustment clause shall
802 contain the basis and method of adjusting unit prices for the
803 change in the cost of such commodities, equipment and public
804 construction.

805 (o) **Purchase law violation prohibition and vendor**
806 **penalty.** No contract or purchase as herein authorized shall be
807 made for the purpose of circumventing the provisions of this
808 section requiring competitive bids, nor shall it be lawful for any
809 person or concern to submit individual invoices for amounts within
810 those authorized for a contract or purchase where the actual value
811 of the contract or commodity purchased exceeds the authorized
812 amount and the invoices therefor are split so as to appear to be
813 authorized as purchases for which competitive bids are not
814 required. Submission of such invoices shall constitute a
815 misdemeanor punishable by a fine of not less than Five Hundred
816 Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00),



817 or by imprisonment for thirty (30) days in the county jail, or
818 both such fine and imprisonment. In addition, the claim or claims
819 submitted shall be forfeited.

820 (p) **Electrical utility petroleum-based equipment**
821 **purchase procedure.** When in response to a proper advertisement
822 therefor, no bid firm as to price is submitted to an electric
823 utility for power transformers, distribution transformers, power
824 breakers, reclosers or other articles containing a petroleum
825 product, the electric utility may accept the lowest and best bid
826 therefor although the price is not firm.

827 (q) **Fuel management system bidding procedure.** Any
828 governing authority or agency of the state shall, before
829 contracting for the services and products of a fuel management or
830 fuel access system, enter into negotiations with not fewer than
831 two (2) sellers of fuel management or fuel access systems for
832 competitive written bids to provide the services and products for
833 the systems. In the event that the governing authority or agency
834 cannot locate two (2) sellers of such systems or cannot obtain
835 bids from two (2) sellers of such systems, it shall show proof
836 that it made a diligent, good-faith effort to locate and negotiate
837 with two (2) sellers of such systems. Such proof shall include,
838 but not be limited to, publications of a request for proposals and
839 letters soliciting negotiations and bids. For purposes of this
840 paragraph (q), a fuel management or fuel access system is an
841 automated system of acquiring fuel for vehicles as well as



842 management reports detailing fuel use by vehicles and drivers, and
843 the term "competitive written bid" shall have the meaning as
844 defined in paragraph (b) of this section. Governing authorities
845 and agencies shall be exempt from this process when contracting
846 for the services and products of fuel management or fuel access
847 systems under the terms of a state contract established by the
848 Office of Purchasing and Travel.

849 (r) **Solid waste contract proposal procedure.** Before
850 entering into any contract for garbage collection or disposal,
851 contract for solid waste collection or disposal or contract for
852 sewage collection or disposal, which involves an expenditure of
853 more than Seventy-five Thousand Dollars (\$75,000.00), a governing
854 authority or agency shall issue publicly a request for proposals
855 concerning the specifications for such services which shall be
856 advertised for in the same manner as provided in this section for
857 seeking bids for purchases which involve an expenditure of more
858 than the amount provided in paragraph (c) of this section. Any
859 request for proposals when issued shall contain terms and
860 conditions relating to price, financial responsibility,
861 technology, legal responsibilities and other relevant factors as
862 are determined by the governing authority or agency to be
863 appropriate for inclusion; all factors determined relevant by the
864 governing authority or agency or required by this paragraph (r)
865 shall be duly included in the advertisement to elicit proposals.
866 After responses to the request for proposals have been duly



867 received, the governing authority or agency shall select the most
868 qualified proposal or proposals on the basis of price, technology
869 and other relevant factors and from such proposals, but not
870 limited to the terms thereof, negotiate and enter into contracts
871 with one or more of the persons or firms submitting proposals. If
872 the governing authority or agency deems none of the proposals to
873 be qualified or otherwise acceptable, the request for proposals
874 process may be reinitiated. Notwithstanding any other provisions
875 of this paragraph, where a county with at least thirty-five
876 thousand (35,000) nor more than forty thousand (40,000)
877 population, according to the 1990 federal decennial census, owns
878 or operates a solid waste landfill, the governing authorities of
879 any other county or municipality may contract with the governing
880 authorities of the county owning or operating the landfill,
881 pursuant to a resolution duly adopted and spread upon the minutes
882 of each governing authority involved, for garbage or solid waste
883 collection or disposal services through contract negotiations.

884 (s) **Minority set-aside authorization.** Notwithstanding
885 any provision of this section to the contrary, any agency or
886 governing authority, by order placed on its minutes, may, in its
887 discretion, set aside not more than twenty percent (20%) of its
888 anticipated annual expenditures for the purchase of commodities
889 from minority businesses; however, all such set-aside purchases
890 shall comply with all purchasing regulations promulgated by the
891 Department of Finance and Administration and shall be subject to



892 bid requirements under this section. Set-aside purchases for
893 which competitive bids are required shall be made from the lowest
894 and best minority business bidder. For the purposes of this
895 paragraph, the term "minority business" means a business which is
896 owned by a majority of persons who are United States citizens or
897 permanent resident aliens (as defined by the Immigration and
898 Naturalization Service) of the United States, and who are Asian,
899 Black, Hispanic or Native American, according to the following
900 definitions:

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

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

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

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

912 (t) **Construction punch list restriction.** The
913 architect, engineer or other representative designated by the
914 agency or governing authority that is contracting for public
915 construction or renovation may prepare and submit to the
916 contractor only one (1) preliminary punch list of items that do



917 not meet the contract requirements at the time of substantial
918 completion and one (1) final list immediately before final
919 completion and final payment.

920 (u) **Procurement of construction services by state**
921 **institutions of higher learning.** Contracts for privately financed
922 construction of auxiliary facilities on the campus of a state
923 institution of higher learning may be awarded by the Board of
924 Trustees of State Institutions of Higher Learning to the lowest
925 and best bidder, where sealed bids are solicited, or to the
926 offeror whose proposal is determined to represent the best value
927 to the citizens of the State of Mississippi, where requests for
928 proposals are solicited.

929 (v) **Insurability of bidders for public construction or**
930 **other public contracts.** In any solicitation for bids to perform
931 public construction or other public contracts to which this
932 section applies, including, but not limited to, contracts for
933 repair and maintenance, for which the contract will require
934 insurance coverage in an amount of not less than One Million
935 Dollars (\$1,000,000.00), bidders shall be permitted to either
936 submit proof of current insurance coverage in the specified amount
937 or demonstrate ability to obtain the required coverage amount of
938 insurance if the contract is awarded to the bidder. Proof of
939 insurance coverage shall be submitted within five (5) business
940 days from bid acceptance.



941 (w) **Purchase authorization clarification.** Nothing in
942 this section shall be construed as authorizing any purchase not
943 authorized by law.

944 (x) **Mississippi Regional Pre-Need Disaster Clean Up**

945 **Act.** (i) The Department of Finance and Administration shall
946 enter into nine (9) contracts for the pre-need purchase of labor,
947 services, work, materials, equipment, supplies or other personal
948 property for disaster-related solid waste collection, disposal or
949 monitoring. One (1) contract shall be entered into for each of
950 the nine (9) Mississippi Emergency Management Association
951 districts:

952 1. Coahoma, DeSoto, Grenada, Panola, Quitman,
953 Tallahatchie, Tate, Tunica and Yalobusha Counties;

954 2. Alcorn, Benton, Itawamba, Lafayette, Lee,
955 Marshall, Pontotoc, Prentiss, Tippah, Tishomingo and Union
956 Counties;

957 3. Attala, Bolivar, Carroll, Holmes,
958 Humphreys, Leflore, Montgomery, Sunflower and Washington Counties;

959 4. Calhoun, Chickasaw, Choctaw, Clay,
960 Lowndes, Monroe, Noxubee, Oktibbeha, Webster and Winston Counties;

961 5. Claiborne, Copiah, Hinds, Issaquena,
962 Madison, Rankin, Sharkey, Simpson, Warren and Yazoo Counties;

963 6. Clarke, Jasper, Kemper, Lauderdale, Leake,
964 Neshoba, Newton, Scott, and Smith Counties and the Mississippi
965 Band of Choctaw Indians;



966 7. Adams, Amite, Franklin, Jefferson,
967 Lawrence, Lincoln, Pike, Walthall and Wilkinson Counties;

968 8. Covington, Forrest, Greene, Jefferson
969 Davis, Jones, Lamar, Marion, Perry and Wayne Counties; and

970 9. George, Hancock, Harrison, Jackson, Pearl
971 River and Stone Counties.

972 Any such contract shall set forth the manner of awarding such
973 a contract, the method of payment, and any other matter deemed
974 necessary to carry out the purposes of the agreement. Such
975 contract may be entered into only for a term of one (1) year, with
976 an option for an additional one-year extension after the
977 conclusion of the first year of the contract, and only after
978 having solicited bids or proposals, as appropriate, which shall be
979 publicly advertised by posting on a web page maintained by the
980 Department of Finance and Administration through submission of
981 such advertisement to the Mississippi Procurement Technical
982 Assistance Program under the Mississippi Development Authority.
983 The bid opening shall not occur until after the submission has
984 been posted for at least ten (10) consecutive days. The state's
985 share of expenditures for solid waste collection, disposal or
986 monitoring under any contract shall be appropriated and paid in
987 the manner set forth in the contract and in the same manner as for
988 other solid waste collection, disposal, or monitoring expenses of
989 the state. Any contract entered into under this paragraph shall
990 not be subject to the provisions of Section 17-13-11.



991 (ii) Any board of supervisors of any county or any
992 governing authority of any municipality may opt in to the benefits
993 and services provided under the appropriate and relevant contract
994 established in subparagraph (i) of this paragraph at the time of a
995 disaster event in that county or municipality. At the time of opt
996 in, the county or municipality shall assume responsibility for
997 payment in full to the contractor for the disaster-related solid
998 waste collection, disposal or monitoring services provided.
999 Nothing in this subparagraph (ii) shall be construed as requiring
1000 a county or municipality to opt in to any such contract
1001 established in subparagraph (i) of this paragraph.

1002 **SECTION 2.** Section 31-7-103, Mississippi Code of 1972, is
1003 amended as follows:

1004 31-7-103. The purchase clerk shall be responsible as
1005 hereinafter provided for the purchase and acquisition of all
1006 equipment, heavy equipment, machinery, supplies, commodities,
1007 materials and services to be acquired for the county from
1008 successful bidders or other vendors, as authorized by law. The
1009 central purchase system shall comply with the requirements
1010 prescribed by the State Department of Audit under the authority of
1011 Section 7-7-211 and in accordance with Section 31-7-113, and the
1012 purchase clerk shall be responsible for the maintenance of such
1013 system. No requisition to purchase, purchase order or receiving
1014 report shall be required for the purchase of any item or services
1015 with an acquisition cost of not more than * * * Five Thousand



1016 Dollars (\$5,000.00) in the aggregate; however, the invoice for
1017 every such purchase shall be signed by the department head or his
1018 or her designee, or a receipt signed by the person making the
1019 purchase shall be attached to the invoice and forwarded to the
1020 purchase clerk. No claim based on any such purchase shall be
1021 approved except after compliance with the provisions of this
1022 section.

1023 **SECTION 3.** Section 31-7-119, Mississippi Code of 1972, is
1024 amended as follows:

1025 31-7-119. (1) Except as provided in subsection (2) of this
1026 section, neither the board of supervisors nor any member thereof
1027 shall individually purchase, order or receive any equipment, heavy
1028 equipment, machinery, supplies, commodities, materials or services
1029 for the use or benefit of the county.

1030 (2) In any county in which the board of supervisors is not
1031 required to operate on a countywide system of road administration,
1032 the prohibition as provided in subsection (1) of this section
1033 shall not apply (a) to purchases of not more than * * * Five
1034 Thousand Dollars (\$5,000.00) in the aggregate; or (b) to the
1035 purchase of parts or repair services in emergency situations,
1036 which purchases are exempt from bid requirements pursuant to
1037 Section 31-7-13(m) (ii) and (iii). Any supervisor who purchases
1038 any item or services in accordance with this subsection (2) shall
1039 sign the invoice or receipt and forward it to the purchase clerk
1040 in the manner provided by Section 31-7-103. No claim based on any



1041 such purchase shall be approved unless the purchase was made in
1042 compliance with the provisions of this subsection.

1043 **SECTION 4.** This act shall take effect and be in force from
1044 and after July 1, 2024.

