

## REPORT OF CONFERENCE COMMITTEE

**MR. SPEAKER AND MR. PRESIDENT:**

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

H. B. No. 297: Mississippi Department of Information Technology Services; bring forward code sections related to.

We, therefore, respectfully submit the following report and recommendation:

1. That the Senate recede from its Amendment No. 1.
2. That the House and Senate adopt the following amendment:

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

10           **SECTION 1.** Section 31-7-13, Mississippi Code of 1972, is  
11 brought forward as follows:

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

17           (a) **Bidding procedure for purchases not over \$5,000.00.**

18 Purchases which do not involve an expenditure of more than Five  
19 Thousand Dollars (\$5,000.00), exclusive of freight or shipping  
20 charges, may be made without advertising or otherwise requesting  
21 competitive bids. However, nothing contained in this paragraph

22 (a) shall be construed to prohibit any agency or governing

23 authority from establishing procedures which require competitive  
24 bids on purchases of Five Thousand Dollars (\$5,000.00) or less.

25 (b) **Bidding procedure for purchases over \$5,000.00 but**  
26 **not over \$75,000.00.** Purchases which involve an expenditure of  
27 more than Five Thousand Dollars (\$5,000.00) but not more than  
28 Seventy-five Thousand Dollars (\$75,000.00), exclusive of freight  
29 and shipping charges, may be made from the lowest and best bidder  
30 without publishing or posting advertisement for bids, provided at  
31 least two (2) competitive written bids have been obtained. Any  
32 state agency or community or junior college purchasing commodities  
33 or procuring construction pursuant to this paragraph (b) may  
34 authorize its purchasing agent, or his designee, to accept the  
35 lowest competitive written bid under Seventy-five Thousand Dollars  
36 (\$75,000.00). Any governing authority purchasing commodities  
37 pursuant to this paragraph (b) may authorize its purchasing agent,  
38 or his designee, with regard to governing authorities other than  
39 counties, or its purchase clerk, or his designee, with regard to  
40 counties, to accept the lowest and best competitive written bid.  
41 Such authorization shall be made in writing by the governing  
42 authority and shall be maintained on file in the primary office of  
43 the agency and recorded in the official minutes of the governing  
44 authority, as appropriate. The purchasing agent or the purchase  
45 clerk, or his designee, as the case may be, and not the governing  
46 authority, shall be liable for any penalties and/or damages as may  
47 be imposed by law for any act or omission of the purchasing agent

48 or purchase clerk, or his designee, constituting a violation of  
49 law in accepting any bid without approval by the governing  
50 authority. The term "competitive written bid" shall mean a bid  
51 submitted on a bid form furnished by the buying agency or  
52 governing authority and signed by authorized personnel  
53 representing the vendor, or a bid submitted on a vendor's  
54 letterhead or identifiable bid form and signed by authorized  
55 personnel representing the vendor. "Competitive" shall mean that  
56 the bids are developed based upon comparable identification of the  
57 needs and are developed independently and without knowledge of  
58 other bids or prospective bids. Any bid item for construction in  
59 excess of Five Thousand Dollars (\$5,000.00) shall be broken down  
60 by components to provide detail of component description and  
61 pricing. These details shall be submitted with the written bids  
62 and become part of the bid evaluation criteria. Bids may be  
63 submitted by facsimile, electronic mail or other generally  
64 accepted method of information distribution. Bids submitted by  
65 electronic transmission shall not require the signature of the  
66 vendor's representative unless required by agencies or governing  
67 authorities.

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

69 (i) **Publication requirement.**

70 1. Purchases which involve an expenditure of  
71 more than Seventy-five Thousand Dollars (\$75,000.00), exclusive of  
72 freight and shipping charges, may be made from the lowest and best

73 bidder after advertising for competitive bids once each week for  
74 two (2) consecutive weeks in a regular newspaper published in the  
75 county or municipality in which such agency or governing authority  
76 is located. However, all American Recovery and Reinvestment Act  
77 projects in excess of Twenty-five Thousand Dollars (\$25,000.00)  
78 shall be bid. All references to American Recovery and  
79 Reinvestment Act projects in this section shall not apply to  
80 programs identified in Division B of the American Recovery and  
81 Reinvestment Act.

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

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

117                   3. The date as published for the bid opening  
118 shall not be less than seven (7) working days after the last  
119 published notice; however, if the purchase involves a construction  
120 project in which the estimated cost is in excess of Seventy-five  
121 Thousand Dollars (\$75,000.00), such bids shall not be opened in  
122 less than fifteen (15) working days after the last notice is

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

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

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

183           (ii) **Bidding process amendment procedure.** If all  
184 plans and/or specifications are published in the notification,  
185 then the plans and/or specifications may not be amended. If all  
186 plans and/or specifications are not published in the notification,  
187 then amendments to the plans/specifications, bid opening date, bid  
188 opening time and place may be made, provided that the agency or  
189 governing authority maintains a list of all prospective bidders  
190 who are known to have received a copy of the bid documents and all  
191 such prospective bidders are sent copies of all amendments. This  
192 notification of amendments may be made via mail, facsimile,  
193 electronic mail or other generally accepted method of information  
194 distribution. No addendum to bid specifications may be issued  
195 within two (2) working days of the time established for the  
196 receipt of bids unless such addendum also amends the bid opening



197 to a date not less than five (5) working days after the date of  
198 the addendum.

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

208 (iv) **Specification restrictions.**

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

222 all pertinent regulations of the State Board of Education,  
223 including prior approval of such bid by the State Department of  
224 Education.

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

233                   (v) **Electronic bids.** Agencies and governing  
234 authorities shall provide a secure electronic interactive system  
235 for the submittal of bids requiring competitive bidding that shall  
236 be an additional bidding option for those bidders who choose to  
237 submit their bids electronically. The Department of Finance and  
238 Administration shall provide, by regulation, the standards that  
239 agencies must follow when receiving electronic bids. Agencies and  
240 governing authorities shall make the appropriate provisions  
241 necessary to accept electronic bids from those bidders who choose  
242 to submit their bids electronically for all purchases requiring  
243 competitive bidding under this section. Any special condition or  
244 requirement for the electronic bid submission shall be specified  
245 in the advertisement for bids required by this section. Agencies  
246 or governing authorities that are currently without available high

247 speed Internet access shall be exempt from the requirement of this  
248 subparagraph (v) until such time that high speed Internet access  
249 becomes available. Any county having a population of less than  
250 twenty thousand (20,000) shall be exempt from the provisions of  
251 this subparagraph (v). Any municipality having a population of  
252 less than ten thousand (10,000) shall be exempt from the  
253 provisions of this subparagraph (v). The provisions of this  
254 subparagraph (v) shall not require any bidder to submit bids  
255 electronically. When construction bids are submitted  
256 electronically, the requirement for including a certificate of  
257 responsibility, or a statement that the bid enclosed does not  
258 exceed Fifty Thousand Dollars (\$50,000.00), on the exterior of the  
259 bid envelope as indicated in Section 31-3-21(1) and (2) shall be  
260 deemed in compliance with by including same as an attachment with  
261 the electronic bid submittal.

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

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

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

278 (ii) **Decision procedure for Certified Purchasing**  
279 **Offices.** In addition to the decision procedure set forth in  
280 subparagraph (i) of this paragraph (d), Certified Purchasing  
281 Offices may also use the following procedure: Purchases may be  
282 made from the bidder offering the best value. In determining the  
283 best value bid, freight and shipping charges shall be included.  
284 Life-cycle costing, total cost bids, warranties, guaranteed  
285 buy-back provisions, documented previous experience, training  
286 costs and other relevant provisions, including, but not limited  
287 to, a bidder having a local office and inventory located within  
288 the jurisdiction of the governing authority, may be included in  
289 the best value calculation. This provision shall authorize  
290 Certified Purchasing Offices to utilize a Request For Proposals  
291 (RFP) process when purchasing commodities. All best value  
292 procedures for state agencies must be in compliance with  
293 regulations established by the Department of Finance and  
294 Administration. No agency or governing authority shall accept a  
295 bid based on items or criteria not included in the specifications.

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

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

321 dollar amount of the lowest bid. No agency or governing authority  
322 shall accept a bid based on items not included in the  
323 specifications.

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

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

330 (e) **Lease-purchase authorization.** For the purposes of  
331 this section, the term "equipment" shall mean equipment, furniture  
332 and, if applicable, associated software and other applicable  
333 direct costs associated with the acquisition. Any lease-purchase  
334 of equipment which an agency is not required to lease-purchase  
335 under the master lease-purchase program pursuant to Section  
336 31-7-10 and any lease-purchase of equipment which a governing  
337 authority elects to lease-purchase may be acquired by a  
338 lease-purchase agreement under this paragraph (e). Lease-purchase  
339 financing may also be obtained from the vendor or from a  
340 third-party source after having solicited and obtained at least  
341 two (2) written competitive bids, as defined in paragraph (b) of  
342 this section, for such financing without advertising for such  
343 bids. Solicitation for the bids for financing may occur before or  
344 after acceptance of bids for the purchase of such equipment or,  
345 where no such bids for purchase are required, at any time before

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

371 Dollars (\$10,000.00) by a single lease-purchase transaction. All  
372 equipment, and the purchase thereof by any lessor, acquired by  
373 lease-purchase under this paragraph and all lease-purchase  
374 payments with respect thereto shall be exempt from all Mississippi  
375 sales, use and ad valorem taxes. Interest paid on any  
376 lease-purchase agreement under this section shall be exempt from  
377 State of Mississippi income taxation.

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

387 (g) **Construction contract change authorization.** In the  
388 event a determination is made by an agency or governing authority  
389 after a construction contract is let that changes or modifications  
390 to the original contract are necessary or would better serve the  
391 purpose of the agency or the governing authority, such agency or  
392 governing authority may, in its discretion, order such changes  
393 pertaining to the construction that are necessary under the  
394 circumstances without the necessity of further public bids;  
395 provided that such change shall be made in a commercially



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

407           (h) **Petroleum purchase alternative.** In addition to  
408 other methods of purchasing authorized in this chapter, when any  
409 agency or governing authority shall have a need for gas, diesel  
410 fuel, oils and/or other petroleum products in excess of the amount  
411 set forth in paragraph (a) of this section, such agency or  
412 governing authority may purchase the commodity after having  
413 solicited and obtained at least two (2) competitive written bids,  
414 as defined in paragraph (b) of this section. If two (2)  
415 competitive written bids are not obtained, the entity shall comply  
416 with the procedures set forth in paragraph (c) of this section.  
417 In the event any agency or governing authority shall have  
418 advertised for bids for the purchase of gas, diesel fuel, oils and  
419 other petroleum products and coal and no acceptable bids can be  
420 obtained, such agency or governing authority is authorized and

421 directed to enter into any negotiations necessary to secure the  
422 lowest and best contract available for the purchase of such  
423 commodities.

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

444           (j) **State agency emergency purchase procedure.** If the  
445 governing board or the executive head, or his designees, of any

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

463         If the governing board or the executive head, or his  
464 designees, of any agency determines that an emergency exists in  
465 regard to the purchase of any commodities or repair contracts, so  
466 that the delay incident to giving opportunity for competitive  
467 bidding would threaten the health or safety of any person, or the  
468 preservation or protection of property, then the provisions in  
469 this section for competitive bidding shall not apply, and any  
470 officer or agent of the agency having general or specific

471 authority for making the purchase or repair contract shall approve  
472 the bill presented for payment, and he shall certify in writing  
473 from whom the purchase was made, or with whom the repair contract  
474 was made.

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

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

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

489 If the governing authority, or the governing authority acting  
490 through its designee, shall determine that an emergency exists in  
491 regard to the purchase of any commodities or repair contracts, so  
492 that the delay incident to giving opportunity for competitive  
493 bidding would be detrimental to the interest of the governing  
494 authority, then the provisions herein for competitive bidding  
495 shall not apply and any officer or agent of such governing

496 authority having general or special authority therefor in making  
497 such purchase or repair shall approve the bill presented therefor,  
498 and he shall certify in writing thereon from whom such purchase  
499 was made, or with whom such a repair contract was made. At the  
500 board meeting next following the emergency purchase or repair  
501 contract, documentation of the purchase or repair contract,  
502 including a description of the commodity purchased, the price  
503 thereof and the nature of the emergency shall be presented to the  
504 board and shall be placed on the minutes of the board of such  
505 governing authority. Purchases under the grant program  
506 established under Section 37-68-7 in response to COVID-19 and the  
507 directive that school districts create a distance learning plan  
508 and fulfill technology needs expeditiously shall be deemed an  
509 emergency purchase for purposes of this paragraph (k).

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

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

517 (ii) In addition to the authority granted in  
518 subparagraph (i) of this paragraph (1), the commissioners or board  
519 of trustees is authorized to enter into contracts for the lease of  
520 equipment or services, or both, which it considers necessary for

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

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

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

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

546 specific repairs made, parts identified by number and name,  
547 supplies used in such repairs, and the number of hours of labor  
548 and costs therefor shall be required for the payment for such  
549 repairs.

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

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

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

570                           (vi)   **Intergovernmental sales and transfers.**  
571 Purchases, sales, transfers or trades by governing authorities or  
572 state agencies when such purchases, sales, transfers or trades are  
573 made by a private treaty agreement or through means of  
574 negotiation, from any federal agency or authority, another  
575 governing authority or state agency of the State of Mississippi,  
576 or any state agency or governing authority of another state.  
577 Nothing in this section shall permit such purchases through public  
578 auction except as provided for in subparagraph (v) of this  
579 paragraph (m). It is the intent of this section to allow  
580 governmental entities to dispose of and/or purchase commodities  
581 from other governmental entities at a price that is agreed to by  
582 both parties. This shall allow for purchases and/or sales at  
583 prices which may be determined to be below the market value if the  
584 selling entity determines that the sale at below market value is  
585 in the best interest of the taxpayers of the state. Governing  
586 authorities shall place the terms of the agreement and any  
587 justification on the minutes, and state agencies shall obtain  
588 approval from the Department of Finance and Administration, prior  
589 to releasing or taking possession of the commodities.

590                           (vii)   **Perishable supplies or food.** Perishable  
591 supplies or food purchased for use in connection with hospitals,  
592 the school lunch programs, homemaking programs and for the feeding  
593 of county or municipal prisoners.



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

612 (ix) **Waste disposal facility construction**  
613 **contracts.** Construction of incinerators and other facilities for  
614 disposal of solid wastes in which products either generated  
615 therein, such as steam, or recovered therefrom, such as materials  
616 for recycling, are to be sold or otherwise disposed of; however,  
617 in constructing such facilities, a governing authority or agency  
618 shall publicly issue requests for proposals, advertised for in the

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

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

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

642           (xii) **Energy efficiency services and equipment.**  
643 Energy efficiency services and equipment acquired by school

644 districts, community and junior colleges, institutions of higher  
645 learning and state agencies or other applicable governmental  
646 entities on a shared-savings, lease or lease-purchase basis  
647 pursuant to Section 31-7-14.

648 (xiii) **Municipal electrical utility system fuel.**

649 Purchases of coal and/or natural gas by municipally owned electric  
650 power generating systems that have the capacity to use both coal  
651 and natural gas for the generation of electric power.

652 (xiv) **Library books and other reference materials.**

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

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

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

666 (xvii) **Multichannel interactive video systems.**

667 From and after July 1, 1990, contracts by Mississippi Authority  
668 for Educational Television with any private educational

669 institution or private nonprofit organization whose purposes are  
670 educational in regard to the construction, purchase, lease or  
671 lease-purchase of facilities and equipment and the employment of  
672 personnel for providing multichannel interactive video systems  
673 (ITSF) in the school districts of this state.

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

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

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

689 (xxi) **Certain school district purchases.**  
690 Purchases of commodities made by school districts from vendors  
691 with which any levying authority of the school district, as  
692 defined in Section 37-57-1, has contracted through competitive  
693 bidding procedures for purchases of the same commodities.

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

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

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

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

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

714                   (xxvii)   **Used heavy or specialized machinery or**  
715   **equipment for installation of soil and water conservation**  
716   **practices purchased at auction.** Used heavy or specialized  
717   machinery or equipment used for the installation and  
718   implementation of soil and water conservation practices or

719 measures purchased subject to the restrictions provided in  
720 Sections 69-27-331 through 69-27-341. Any purchase by the State  
721 Soil and Water Conservation Commission under the exemption  
722 authorized by this subparagraph shall require advance  
723 authorization spread upon the minutes of the commission to include  
724 the listing of the item or items authorized to be purchased and  
725 the maximum bid authorized to be paid for each item or items.

726 (xxviii) **Hospital lease of equipment or services.**

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

729 (xxix) **Purchases made pursuant to qualified**

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

741 (xxx) **School yearbooks.** Purchases of school

742 yearbooks by state agencies or governing authorities; however,  
743 state agencies and governing authorities shall use for these

744 purchases the RFP process as set forth in the Mississippi  
745 Procurement Manual adopted by the Office of Purchasing and Travel.

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

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

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

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

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

762 (xxxvi) **Certain purchases by an academic medical**  
763 **center or health sciences school.** Purchases by an academic  
764 medical center or health sciences school, as defined in Section  
765 37-115-50, of commodities that are used for clinical purposes and  
766 1. intended for use in the diagnosis of disease or other  
767 conditions or in the cure, mitigation, treatment or prevention of  
768 disease, and 2. medical devices, biological, drugs and

769 radiation-emitting devices as defined by the United States Food  
770 and Drug Administration.

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

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

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

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



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

804                   (o) **Purchase law violation prohibition and vendor**  
805 **penalty.** No contract or purchase as herein authorized shall be  
806 made for the purpose of circumventing the provisions of this  
807 section requiring competitive bids, nor shall it be lawful for any  
808 person or concern to submit individual invoices for amounts within  
809 those authorized for a contract or purchase where the actual value  
810 of the contract or commodity purchased exceeds the authorized  
811 amount and the invoices therefor are split so as to appear to be  
812 authorized as purchases for which competitive bids are not  
813 required. Submission of such invoices shall constitute a  
814 misdemeanor punishable by a fine of not less than Five Hundred  
815 Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00),  
816 or by imprisonment for thirty (30) days in the county jail, or

817 both such fine and imprisonment. In addition, the claim or claims  
818 submitted shall be forfeited.

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

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

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

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

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

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

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

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

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

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

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

911 (t) **Construction punch list restriction.** The  
912 architect, engineer or other representative designated by the  
913 agency or governing authority that is contracting for public  
914 construction or renovation may prepare and submit to the  
915 contractor only one (1) preliminary punch list of items that do  
916 not meet the contract requirements at the time of substantial

917 completion and one (1) final list immediately before final  
918 completion and final payment.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



990 Department of Finance and Administration shall develop and  
991 implement a process that creates a preferred vendor list for both  
992 disaster debris removal and monitoring.

993 (ii) Any board of supervisors of any county or any  
994 governing authority of any municipality may opt in to the benefits  
995 and services provided under the appropriate and relevant contract  
996 established in subparagraph (i) of this paragraph at the time of a  
997 disaster event in that county or municipality. At the time of opt  
998 in, the county or municipality shall assume responsibility for  
999 payment in full to the contractor for the disaster-related solid  
1000 waste collection, disposal or monitoring services provided.

1001 Nothing in this subparagraph (ii) shall be construed as requiring  
1002 a county or municipality to opt in to any such contract  
1003 established in subparagraph (i) of this paragraph.

1004 **SECTION 2.** Section 31-7-67, Mississippi Code of 1972, is  
1005 amended as follows:

1006 31-7-67. (1) For the purposes of this section, the  
1007 following words and phrases shall have the meanings ascribed in  
1008 this section unless the context clearly indicates otherwise:

1009 (a) "sUAS" means a small unmanned aircraft system, also  
1010 called a drone, including the unmanned aircraft itself and any  
1011 additional support equipment, control stations, data links,  
1012 telemetry, communications and navigation equipment or any other  
1013 equipment necessary to operate the unmanned aircraft.

1014           (b) "Domestic manufacturer" means a manufacturing  
1015 company incorporated and headquartered in the United States of  
1016 America and whose majority ownership is comprised of American  
1017 citizens and which manufactures drones at a facility in the United  
1018 States of America. If such company is owned by another entity,  
1019 that entity must also be an American company.

1020           (c) "Domestic sUAS company" means a company which  
1021 provides maintenance, repair, and other technical services for  
1022 small unmanned aircraft systems, including drones, which is  
1023 incorporated, headquartered and primarily provides such services  
1024 in the United States of America.

1025           (d) "Collision avoidance system" means a system of  
1026 hardware or software designed to mitigate collision risk for  
1027 drones.

1028           (2) Beginning January 1, 2025, all small unmanned aircraft  
1029 systems and drones purchased by the State of Mississippi or any  
1030 agency or political subdivision thereof shall be purchased  
1031 exclusively from a domestic manufacturer and shall possess  
1032 collision avoidance systems. All maintenance, repair and other  
1033 technical services on drones owned by the State of Mississippi or  
1034 any agency or political subdivision thereof shall be performed by  
1035 a domestic sUAS company. All infrastructure inspection services  
1036 requiring the use of sUAS and contracted for on behalf of the  
1037 State shall be performed using domestically manufactured sUAS.

1038 (3) In public procurement under Title 31, Chapter 7,  
1039 domestic manufacturers operating within the State of Mississippi  
1040 shall be granted a ten percent (10%) bid preference over  
1041 non-Mississippi manufacturers and domestic sUAS companies shall be  
1042 granted a ten percent (10%) bid preference over non-Mississippi  
1043 companies. Additionally, all agencies and public entities may  
1044 solicit a minimum of one (1) bid from a Mississippi-based small  
1045 unmanned aircraft system manufacturer.

1046 (4) Except as provided in subsection (6), an agency may not  
1047 purchase or operate a small unmanned aircraft system manufactured  
1048 in the People's Republic of China. For purposes of this section,  
1049 the term "manufactured" includes a small unmanned aircraft system  
1050 that is assembled in a country other than the People's Republic of  
1051 China but which is comprised of more than a negligible amount of  
1052 parts, software, components or raw materials originating in the  
1053 People's Republic of China.

1054 (5) The provisions of this section shall not apply to a  
1055 state institution of higher learning with a federally designated  
1056 research center when such institution is conducting research  
1057 regarding sUAS and related matters.

1058 (6) The provisions of this section shall not apply to small  
1059 unmanned aircraft systems manufactured in the People's Republic of  
1060 China and purchased prior to January 1, 2025.

1061 **SECTION 3.** This act shall take effect and be in force from  
1062 and after July 1, 2024.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTION 31-7-13, MISSISSIPPI CODE OF 1972, TO  
2 REQUIRE THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO DEVELOP  
3 AND IMPLEMENT A PROCESS THAT CREATES A PREFERRED VENDOR LIST FOR  
4 DISASTER DEBRIS REMOVAL AND MONITORING; TO AMEND SECTION 31-7-67,  
5 MISSISSIPPI CODE OF 1972, TO STIPULATE THAT THE PROVISIONS OF THIS  
6 SECTION SHALL NOT APPLY TO SMALL UNMANNED AIRCRAFT SYSTEMS  
7 MANUFACTURED IN THE PEOPLE'S REPUBLIC OF CHINA AND PURCHASED PRIOR  
8 TO JANUARY 1, 2025; AND FOR RELATED PURPOSES.

CONFEREES FOR THE HOUSE

CONFEREES FOR THE SENATE

X (SIGNED)  
Zuber

X (SIGNED)  
Williams

X (SIGNED)  
Shanks

X (SIGNED)  
DeLano

X (SIGNED)  
Ford (73rd)

X (SIGNED)  
Parker