

**Adopted
AMENDMENT NO 1 PROPOSED TO**

Senate Bill No. 2518

BY: Representative Scoggin

1 **AMEND** by striking lines 66 through 68 and inserting in lieu
2 thereof the following:

3 **"SECTION 5.** Section 31-11-3, Mississippi Code of 1972, is
4 amended as follows:

5 31-11-3. (1) The Department of Finance and Administration,
6 for the purposes of carrying out the provisions of this chapter,
7 in addition to all other rights and powers granted by law, shall
8 have full power and authority to employ and compensate architects
9 or other employees necessary for the purpose of making
10 inspections, preparing plans and specifications, supervising the
11 erection of any buildings, and making any repairs or additions as
12 may be determined by the Department of Finance and Administration
13 to be necessary, pursuant to the rules and regulations of the



14 State Personnel Board. The department shall have entire control
15 and supervision of, and determine what, if any, buildings,
16 additions, repairs, demolitions or improvements are to be made
17 under the provisions of this chapter, subject to the regulations
18 adopted by the Public Procurement Review Board.

19 (2) The department shall have full power to erect buildings,
20 make repairs, additions or improvements, demolitions, to grant or
21 acquire easements or rights-of-way, and to buy materials, supplies
22 and equipment for any of the institutions or departments of the
23 state subject to the regulations adopted by the Public Procurement
24 Review Board. In addition to other powers conferred, the
25 department shall have full power and authority, as directed by the
26 Legislature, or when funds have been appropriated for its use for
27 these purposes, to:

28 (a) Build a state office building;

29 (b) Build suitable plants or buildings for the use and
30 housing of any state schools or institutions, including the
31 building of plants or buildings for new state schools or
32 institutions, as provided for by the Legislature;

33 (c) Provide state aid for the construction of school
34 buildings;

35 (d) Promote and develop the training of returned
36 veterans of the United States in all sorts of educational and
37 vocational learning to be supplied by the proper educational
38 institution of the State of Mississippi, and in so doing allocate



39 monies appropriated to it for these purposes to the Governor for
40 use by him in setting up, maintaining and operating an office and
41 employing a state director of on-the-job training for veterans and
42 the personnel necessary in carrying out Public Law No. 346 of the
43 United States;

44 (e) Build and equip a hospital and administration
45 building at the Mississippi State Penitentiary;

46 (f) Build and equip additional buildings and wards at
47 the Boswell Retardation Center;

48 (g) Construct a sewage disposal and treatment plant at
49 the Mississippi State Hospital, and in so doing acquire additional
50 land as may be necessary, and to exercise the right of eminent
51 domain in the acquisition of this land;

52 (h) Build and equip the Mississippi central market and
53 purchase or acquire by eminent domain, if necessary, any lands
54 needed for this purpose;

55 (i) Build and equip suitable facilities for a training
56 and employing center for the blind;

57 (j) Build and equip a gymnasium at Columbia Training
58 School;

59 (k) Approve or disapprove the expenditure of any money
60 appropriated by the Legislature when authorized by the bill making
61 the appropriation;

62 (l) Expend monies appropriated to it in paying the
63 state's part of the cost of any street paving;



64 (m) Sell and convey state lands when authorized by the
65 Legislature, cause said lands to be properly surveyed and platted,
66 execute all deeds or other legal instruments, and do any and all
67 other things required to effectively carry out the purpose and
68 intent of the Legislature. Any transaction which involves state
69 lands under the provisions of this paragraph shall be done in a
70 manner consistent with the provisions of Section 29-1-1;

71 (n) Collect and receive from educational institutions
72 of the State of Mississippi monies required to be paid by these
73 institutions to the state in carrying out any veterans'
74 educational programs;

75 (o) Purchase lands for building sites, or as additions
76 to building sites, for the erection of buildings and other
77 facilities which the department is authorized to erect, and
78 demolish and dispose of old buildings, when necessary for the
79 proper construction of new buildings. Any transaction which
80 involves state lands under the provisions of this paragraph shall
81 be done in a manner consistent with the provisions of Section
82 29-1-1;

83 (p) Obtain business property insurance with a
84 deductible of not less than One Hundred Thousand Dollars
85 (\$100,000.00) on state-owned buildings under the management and
86 control of the department; * * *

87 (q) In consultation with and approval by the Chairmen
88 of the Public Property Committees of the Senate and the House of



89 Representatives, enter into contracts for the purpose of providing
90 parking spaces for state employees who work in the Woolfolk
91 Building, the Carroll Gartin Justice Building or the Walter
92 Sillers Office Building * * *; and

93 (r) The department is hereby authorized to transfer up
94 to * * * Ten Million Dollars (\$10,000,000.00) of available bond
95 funds to each community college requesting to be exempt from
96 department control and supervision relating to the repair,
97 renovation and improvement of existing facilities owned by the
98 community colleges, including utility infrastructure projects;
99 heating and air conditioning systems; and the replacement of
100 furniture and equipment. The community colleges shall abide by
101 all applicable statutes related to the purchase of the repair,
102 renovation and improvement of such existing facilities.

103 (3) The department shall survey state-owned and
104 state-utilized buildings to establish an estimate of the costs of
105 architectural alterations, pursuant to the Americans With
106 Disabilities Act of 1990, 42 USCS, Section 12111 et seq. The
107 department shall establish priorities for making the identified
108 architectural alterations and shall make known to the Legislative
109 Budget Office and to the Legislature the required cost to
110 effectuate such alterations. To meet the requirements of this
111 section, the department shall use standards of accessibility that
112 are at least as stringent as any applicable federal requirements
113 and may consider:



114 (a) Federal minimum guidelines and requirements issued
115 by the United States Architectural and Transportation Barriers
116 Compliance Board and standards issued by other federal agencies;

117 (b) The criteria contained in the American Standard
118 Specifications for Making Buildings Accessible and Usable by the
119 Physically Handicapped and any amendments thereto as approved by
120 the American Standards Association, Incorporated (ANSI Standards);

121 (c) Design manuals;

122 (d) Applicable federal guidelines;

123 (e) Current literature in the field;

124 (f) Applicable safety standards; and

125 (g) Any applicable environmental impact statements.

126 (4) The department shall observe the provisions of Section
127 31-5-23 in letting contracts and shall use Mississippi products,
128 including paint, varnish and lacquer which contain as vehicles
129 tung oil and either ester gum or modified resin (with rosin as the
130 principal base of constituents), and turpentine shall be used as a
131 solvent or thinner, where these products are available at a cost
132 not to exceed the cost of products grown, produced, prepared, made
133 or manufactured outside of the State of Mississippi.

134 (5) The department shall have authority to accept grants,
135 loans or donations from the United States government or from any
136 other sources for the purpose of matching funds in carrying out
137 the provisions of this chapter.



138 (6) The department shall build a wheelchair ramp at the War
139 Memorial Building which complies with all applicable federal laws,
140 regulations and specifications regarding wheelchair ramps.

141 (7) The department shall review and preapprove all
142 architectural or engineering service contracts entered into by any
143 state agency, institution, commission, board or authority,
144 regardless of the source of funding used to defray the costs of
145 the construction or renovation project, for which services are to
146 be obtained to ensure compliance with purchasing regulations and
147 to confirm that the contracts are procured by a competitive
148 qualification-based selection process except where such
149 appointment is for an emergency project or for a continuation of a
150 previous appointment for a directly related project. The
151 provisions of this subsection (7) shall not apply to:

152 (a) Any architectural or engineering contract fully
153 paid for by self-generated funds of any of the state institutions
154 of higher learning;

155 (b) Any architectural or engineering contract that is
156 self-administered at a state institution of higher learning as
157 provided under Section 27-104-7(2)(b) or 37-101-15(m);

158 (c) Community college projects that are fully funded
159 from local funds or other nonstate sources which are outside the
160 Department of Finance and Administration's appropriations or as
161 directed by the Legislature;



162 (d) Any contract for the construction of buildings or
163 other facilities, including contracts for architectural and
164 engineering services, which are funded in whole or in part by
165 general obligation bonds or other state source funds appropriated
166 in lieu of general obligations bonds of the State of Mississippi,
167 at Mississippi public community and junior colleges when the local
168 community or junior college board of trustees determines that it
169 is in the best interest of the community or junior college to
170 procure and administer all such contracts.

171 (* * *e) Any construction or design projects of the
172 State Military Department that are fully or partially funded from
173 federal funds or other nonstate sources; and

174 (* * *f) Any project of the State Department of
175 Transportation.

176 (8) (a) The department shall have the authority to obtain
177 annually from the state institutions of higher learning, the state
178 community colleges and junior colleges, the Department of Mental
179 Health, the Department of Corrections and the Department of
180 Wildlife, Fisheries and Parks information on all renovation and
181 repair expenditures for buildings under their operation and
182 control, including duties, responsibilities and costs of any
183 architect or engineer hired by any such institutions, and shall
184 annually report the same to the Legislative Budget Office, the
185 Chairman of the House Public Property Committee and the Chairman
186 of the Senate Public Property Committee before September 1.



187 (b) All state agencies, departments and institutions
188 are required to cooperate with the Department of Finance and
189 Administration in carrying out the provisions of this subsection.

190 (c) Expenditures shall not include those amounts
191 expended for janitorial, landscaping or administrative support,
192 but shall include expenditures from both state and nonstate
193 sources.

194 (d) Expenditures shall not include amounts expended by
195 the department on behalf of state agencies, departments and
196 institutions through the Department of Finance and Administration
197 administered contracts, but shall include amounts transferred to
198 the Department of Finance and Administration for support of such
199 contracts.

200 (9) As an alternative to other methods of awarding contracts
201 as prescribed by law, the department may elect to use the method
202 of contracting for construction projects set out in Sections
203 31-7-13.1 and 31-7-13.2; however, the design-build method of
204 construction contracting authorized under Section 31-7-13.1 may be
205 used only when the Legislature has specifically required or
206 authorized the use of this method in the legislation authorizing a
207 project.

208 (10) The department shall have the authority, for the
209 purposes of carrying out the provisions of this chapter, and in
210 addition to all other rights and powers granted by law, to create
211 and maintain a list of suspended and debarred contractors and



212 subcontractors. Consistent with this authority, the department
213 may adopt regulations governing the suspension or debarment of
214 contractors and subcontractors, which regulations shall be subject
215 to the approval of the Public Procurement Review Board. A
216 suspended or debarred contractor or subcontractor shall be
217 disqualified from consideration for contracts with the department
218 during the suspension or debarment period in accordance with the
219 department's regulations.

220 (11) This section shall not apply to the Mississippi State
221 Port Authority.

222 **SECTION 6.** This act shall take effect and be in force from
223 and after July 1, 2025."

224 **AMEND further the title after the semicolon on line 12 by**
225 **inserting the following:**

226 "TO AMEND SECTION 31-11-3, MISSISSIPPI CODE OF 1972, TO INCREASE
227 THE AMOUNT OF AVAILABLE BOND FUNDS THAT DFA IS AUTHORIZED TO
228 TRANSFER TO EACH COMMUNITY COLLEGE REQUESTING TO BE EXEMPT DFA
229 CONTROL AND SUPERVISION FOR REPAIR, RENOVATION AND IMPROVEMENT OF
230 EXISTING FACILITIES OWNED BY THE COMMUNITY COLLEGES UP TO
231 \$10,000,000.00; TO EXEMPT CONTRACTS FOR THE CONSTRUCTION AND
232 MAINTENANCE OF BUILDING AND OTHER FACILITIES ON THE CAMPUSES OF
233 PUBLIC COMMUNITY AND JUNIOR COLLEGES, WHICH ARE FUNDED IN WHOLE OR
234 IN PART BY GENERAL OBLIGATION BONDS OR OTHER STATE SOURCE FUNDS,
235 FROM THE REQUIREMENT FOR PREAPPROVAL BY THE DEPARTMENT OF FINANCE
236 AND ADMINISTRATION FOR ARCHITECTURAL AND ENGINEERING SERVICE
237 CONTRACTS;"

