

By: Representatives Turner, Hughes

To: Accountability,  
Efficiency, Transparency

HOUSE BILL NO. 1106  
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 31-7-13, MISSISSIPPI CODE OF 1972, AS  
2 AMENDED BY HOUSE BILL NO. 926, 2017 REGULAR SESSION, AND HOUSE  
3 BILL NO. 1109, 2017 REGULAR SESSION, TO REQUIRE STATE AGENCIES AND  
4 GOVERNING AUTHORITIES TO PROVIDE, AS AN ADDITIONAL BIDDING OPTION,  
5 A SECURE ELECTRONIC INTERACTIVE SYSTEM FOR THE SUBMITTAL OF BIDS  
6 FOR CERTAIN PURCHASES REQUIRING COMPETITIVE BIDDING; TO AMEND  
7 SECTION 9, HOUSE BILL NO. 1109, 2017 REGULAR SESSION, TO REMOVE  
8 THE ONE THOUSAND DOLLAR FINE ASSESSED TO AND REMOVAL FROM OFFICE  
9 OF THOSE PERSONS WHO REVEAL THE NAMES OF THE OFFERERS AND THE  
10 CORRESPONDING IDENTIFYING INFORMATION BEFORE THE APPROPRIATE  
11 TIME; AND FOR RELATED PURPOSES.

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

13 **SECTION 1.** Section 31-7-13, Mississippi Code of 1972, as  
14 amended by House Bill No. 926, 2017 Regular Session, and House  
15 Bill No. 1109, 2017 Regular Session, is amended as follows:

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

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

22 Purchases which do not involve an expenditure of more than Five



23 Thousand Dollars (\$5,000.00), exclusive of freight or shipping  
24 charges, may be made without advertising or otherwise requesting  
25 competitive bids. However, nothing contained in this paragraph  
26 (a) shall be construed to prohibit any agency or governing  
27 authority from establishing procedures which require competitive  
28 bids on purchases of Five Thousand Dollars (\$5,000.00) or less.

29 (b) **Bidding procedure for purchases over \$5,000.00 but**  
30 **not over \$50,000.00.** Purchases which involve an expenditure of  
31 more than Five Thousand Dollars (\$5,000.00) but not more than  
32 Fifty Thousand Dollars (\$50,000.00), exclusive of freight and  
33 shipping charges, may be made from the lowest and best bidder  
34 without publishing or posting advertisement for bids, provided at  
35 least two (2) competitive written bids have been obtained. Any  
36 state agency or community/junior college purchasing commodities or  
37 procuring construction pursuant to this paragraph (b) may  
38 authorize its purchasing agent, or his designee, to accept the  
39 lowest competitive written bid under Fifty Thousand Dollars  
40 (\$50,000.00). Any governing authority purchasing commodities  
41 pursuant to this paragraph (b) may authorize its purchasing agent,  
42 or his designee, with regard to governing authorities other than  
43 counties, or its purchase clerk, or his designee, with regard to  
44 counties, to accept the lowest and best competitive written bid.  
45 Such authorization shall be made in writing by the governing  
46 authority and shall be maintained on file in the primary office of  
47 the agency and recorded in the official minutes of the governing



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

72 (c) **Bidding procedure for purchases over \$50,000.00.**



73 (i) **Publication requirement.**

74 1. Purchases which involve an expenditure of  
75 more than Fifty Thousand Dollars (\$50,000.00), exclusive of  
76 freight and shipping charges, may be made from the lowest and best  
77 bidder after advertising for competitive bids once each week for  
78 two (2) consecutive weeks in a regular newspaper published in the  
79 county or municipality in which such agency or governing authority  
80 is located. However, all American Recovery and Reinvestment Act  
81 projects in excess of Twenty-five Thousand Dollars (\$25,000.00)  
82 shall be bid. All references to American Recovery and  
83 Reinvestment Act projects in this section shall not apply to  
84 programs identified in Division B of the American Recovery and  
85 Reinvestment Act.

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



98 not limited to, bids sealed in an envelope, bids received  
99 electronically in a secure system, \* \* \*~~bids received via a~~  
100 ~~reverse auction~~, or bids received by any other method that  
101 promotes open competition and has been approved by the Office of  
102 Purchasing and Travel. However, reverse auction shall not be used  
103 for any public contract for design or construction of public  
104 facilities, including buildings, roads and bridges. The Public  
105 Procurement Review Board must approve any contract entered into by  
106 alternative process. The provisions of this item 2 shall not  
107 apply to the individual state institutions of higher learning.

108 3. The date as published for the bid opening  
109 shall not be less than seven (7) working days after the last  
110 published notice; however, if the purchase involves a construction  
111 project in which the estimated cost is in excess of Fifty Thousand  
112 Dollars (\$50,000.00), such bids shall not be opened in less than  
113 fifteen (15) working days after the last notice is published and  
114 the notice for the purchase of such construction shall be  
115 published once each week for two (2) consecutive weeks. However,  
116 all American Recovery and Reinvestment Act projects in excess of  
117 Twenty-five Thousand Dollars (\$25,000.00) shall be bid. For any  
118 projects in excess of Twenty-five Thousand Dollars (\$25,000.00)  
119 under the American Recovery and Reinvestment Act, publication  
120 shall be made one (1) time and the bid opening for construction  
121 projects shall not be less than ten (10) working days after the  
122 date of the published notice. The notice of intention to let



123 contracts or purchase equipment shall state the time and place at  
124 which bids shall be received, list the contracts to be made or  
125 types of equipment or supplies to be purchased, and, if all plans  
126 and/or specifications are not published, refer to the plans and/or  
127 specifications on file. If there is no newspaper published in the  
128 county or municipality, then such notice shall be given by posting  
129 same at the courthouse, or for municipalities at the city hall,  
130 and at two (2) other public places in the county or municipality,  
131 and also by publication once each week for two (2) consecutive  
132 weeks in some newspaper having a general circulation in the county  
133 or municipality in the above-provided manner. On the same date  
134 that the notice is submitted to the newspaper for publication, the  
135 agency or governing authority involved shall mail written notice  
136 to, or provide electronic notification to the main office of the  
137 Mississippi Procurement Technical Assistance Program under the  
138 Mississippi Development Authority that contains the same  
139 information as that in the published notice. Submissions received  
140 by the Mississippi Procurement Technical Assistance Program for  
141 projects funded by the American Recovery and Reinvestment Act  
142 shall be displayed on a separate and unique Internet web page  
143 accessible to the public and maintained by the Mississippi  
144 Development Authority for the Mississippi Procurement Technical  
145 Assistance Program. Those American Recovery and Reinvestment Act  
146 related submissions shall be publicly posted within twenty-four  
147 (24) hours of receipt by the Mississippi Development Authority and



148 the bid opening shall not occur until the submission has been  
149 posted for ten (10) consecutive days. The Department of Finance  
150 and Administration shall maintain information regarding contracts  
151 and other expenditures from the American Recovery and Reinvestment  
152 Act, on a unique Internet web page accessible to the public. The  
153 Department of Finance and Administration shall promulgate rules  
154 regarding format, content and deadlines, unless otherwise  
155 specified by law, of the posting of award notices, contract  
156 execution and subsequent amendments, links to the contract  
157 documents, expenditures against the awarded contracts and general  
158 expenditures of funds from the American Recovery and Reinvestment  
159 Act. Within one (1) working day of the contract award, the agency  
160 or governing authority shall post to the designated web page  
161 maintained by the Department of Finance and Administration, notice  
162 of the award, including the award recipient, the contract amount,  
163 and a brief summary of the contract in accordance with rules  
164 promulgated by the department. Within one (1) working day of the  
165 contract execution, the agency or governing authority shall post  
166 to the designated web page maintained by the Department of Finance  
167 and Administration a summary of the executed contract and make a  
168 copy of the appropriately redacted contract documents available  
169 for linking to the designated web page in accordance with the  
170 rules promulgated by the department. The information provided by  
171 the agency or governing authority shall be posted to the web page



172 for the duration of the American Recovery and Reinvestment Act  
173 funding or until the project is completed, whichever is longer.

174 (ii) **Bidding process amendment procedure.** If all  
175 plans and/or specifications are published in the notification,  
176 then the plans and/or specifications may not be amended. If all  
177 plans and/or specifications are not published in the notification,  
178 then amendments to the plans/specifications, bid opening date, bid  
179 opening time and place may be made, provided that the agency or  
180 governing authority maintains a list of all prospective bidders  
181 who are known to have received a copy of the bid documents and all  
182 such prospective bidders are sent copies of all amendments. This  
183 notification of amendments may be made via mail, facsimile,  
184 electronic mail or other generally accepted method of information  
185 distribution. No addendum to bid specifications may be issued  
186 within two (2) working days of the time established for the  
187 receipt of bids unless such addendum also amends the bid opening  
188 to a date not less than five (5) working days after the date of  
189 the addendum.

190 (iii) **Filing requirement.** In all cases involving  
191 governing authorities, before the notice shall be published or  
192 posted, the plans or specifications for the construction or  
193 equipment being sought shall be filed with the clerk of the board  
194 of the governing authority. In addition to these requirements, a  
195 bid file shall be established which shall indicate those vendors  
196 to whom such solicitations and specifications were issued, and





197 such file shall also contain such information as is pertinent to  
198 the bid.

199 (iv) **Specification restrictions.**

200 1. Specifications pertinent to such bidding  
201 shall be written so as not to exclude comparable equipment of  
202 domestic manufacture. However, if valid justification is  
203 presented, the Department of Finance and Administration or the  
204 board of a governing authority may approve a request for specific  
205 equipment necessary to perform a specific job. Further, such  
206 justification, when placed on the minutes of the board of a  
207 governing authority, may serve as authority for that governing  
208 authority to write specifications to require a specific item of  
209 equipment needed to perform a specific job. In addition to these  
210 requirements, from and after July 1, 1990, vendors of relocatable  
211 classrooms and the specifications for the purchase of such  
212 relocatable classrooms published by local school boards shall meet  
213 all pertinent regulations of the State Board of Education,  
214 including prior approval of such bid by the State Department of  
215 Education.

216 2. Specifications for construction projects  
217 may include an allowance for commodities, equipment, furniture,  
218 construction materials or systems in which prospective bidders are  
219 instructed to include in their bids specified amounts for such  
220 items so long as the allowance items are acquired by the vendor in  
221 a commercially reasonable manner and approved by the



222 agency/governing authority. Such acquisitions shall not be made  
223 to circumvent the public purchasing laws.

224 (v) **Electronic bids.** Agencies and governing  
225 authorities \* \* \*~~may establish secure procedures by which bids~~  
226 ~~may be submitted via electronic means.~~ shall provide a secure  
227 electronic interactive system for the submittal of bids requiring  
228 competitive bidding that shall be an additional bidding option for  
229 those bidders who choose to submit their bids electronically. The  
230 Department of Finance and Administration shall provide, by  
231 regulation, the standards that agencies must follow when receiving  
232 electronic bids. Agencies and governing authorities shall make  
233 the appropriate provisions necessary to accept electronic bids  
234 from those bidders who choose to submit their bids electronically  
235 for all purchases requiring competitive bidding under this  
236 section. Any special condition or requirement for the electronic  
237 bid submission shall be specified in the advertisement for bids  
238 required by this section. Agencies or governing authorities that  
239 are currently without available high speed Internet access shall  
240 be exempt from the requirement of this subparagraph (v) until such  
241 time that high speed Internet access becomes available. Any  
242 county having a population of less than twenty thousand (20,000)  
243 shall be exempt from the provisions of this subparagraph (v). Any  
244 municipality having a population of less than ten thousand  
245 (10,000) shall be exempt from the provisions of this subparagraph  
246 (v). The provisions of this subparagraph (v) shall not require



247 any bidder to submit bids electronically. When construction bids  
248 are submitted electronically, the requirement for including a  
249 certificate of responsibility, or a statement that the bid  
250 enclosed does not exceed Fifty Thousand Dollars (\$50,000.00), on  
251 the exterior of the bid envelope as indicated in Section  
252 31-3-21(1) and (2) shall be deemed in compliance with by including  
253 same as an attachment with the electronic bid submittal.

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

255 (i) **Decision procedure.** Purchases may be made  
256 from the lowest and best bidder. In determining the lowest and  
257 best bid, freight and shipping charges shall be included.  
258 Life-cycle costing, total cost bids, warranties, guaranteed  
259 buy-back provisions and other relevant provisions may be included  
260 in the best bid calculation. All best bid procedures for state  
261 agencies must be in compliance with regulations established by the  
262 Department of Finance and Administration. If any governing  
263 authority accepts a bid other than the lowest bid actually  
264 submitted, it shall place on its minutes detailed calculations and  
265 narrative summary showing that the accepted bid was determined to  
266 be the lowest and best bid, including the dollar amount of the  
267 accepted bid and the dollar amount of the lowest bid. No agency  
268 or governing authority shall accept a bid based on items not  
269 included in the specifications.

270 (ii) **Decision procedure for Certified Purchasing**

271 **Offices.** In addition to the decision procedure set forth in \* \* \*



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

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

289 **Landmarks.** In addition to the decision procedure set forth  
290 in \* \* \* ~~paragraph (d)(i)~~ subparagraph (i) of this paragraph (d),  
291 where purchase involves renovation, restoration, or both, of the  
292 State Capitol Building or any other historical building designated  
293 for at least five (5) years as a Mississippi Landmark by the Board  
294 of Trustees of the Department of Archives and History under the  
295 authority of Sections 39-7-7 and 39-7-11, the agency or governing  
296 authority may use the following procedure: Purchases may be made



297 from the lowest and best prequalified bidder. Prequalification of  
298 bidders shall be determined not less than fifteen (15) working  
299 days before the first published notice of bid opening.  
300 Prequalification criteria shall be limited to bidder's knowledge  
301 and experience in historical restoration, preservation and  
302 renovation. In determining the lowest and best bid, freight and  
303 shipping charges shall be included. Life-cycle costing, total  
304 cost bids, warranties, guaranteed buy-back provisions and other  
305 relevant provisions may be included in the best bid calculation.  
306 All best bid and prequalification procedures for state agencies  
307 must be in compliance with regulations established by the  
308 Department of Finance and Administration. If any governing  
309 authority accepts a bid other than the lowest bid actually  
310 submitted, it shall place on its minutes detailed calculations and  
311 narrative summary showing that the accepted bid was determined to  
312 be the lowest and best bid, including the dollar amount of the  
313 accepted bid and the dollar amount of the lowest bid. No agency  
314 or governing authority shall accept a bid based on items not  
315 included in the specifications.

316 (iv) **Construction project negotiations authority.**  
317 If the lowest and best bid is not more than ten percent (10%)  
318 above the amount of funds allocated for a public construction or  
319 renovation project, then the agency or governing authority shall  
320 be permitted to negotiate with the lowest bidder in order to enter  
321 into a contract for an amount not to exceed the funds allocated.



322           (e) **Lease-purchase authorization.** For the purposes of  
323 this section, the term "equipment" shall mean equipment, furniture  
324 and, if applicable, associated software and other applicable  
325 direct costs associated with the acquisition. Any lease-purchase  
326 of equipment which an agency is not required to lease-purchase  
327 under the master lease-purchase program pursuant to Section  
328 31-7-10 and any lease-purchase of equipment which a governing  
329 authority elects to lease-purchase may be acquired by a  
330 lease-purchase agreement under this paragraph (e). Lease-purchase  
331 financing may also be obtained from the vendor or from a  
332 third-party source after having solicited and obtained at least  
333 two (2) written competitive bids, as defined in paragraph (b) of  
334 this section, for such financing without advertising for such  
335 bids. Solicitation for the bids for financing may occur before or  
336 after acceptance of bids for the purchase of such equipment or,  
337 where no such bids for purchase are required, at any time before  
338 the purchase thereof. No such lease-purchase agreement shall be  
339 for an annual rate of interest which is greater than the overall  
340 maximum interest rate to maturity on general obligation  
341 indebtedness permitted under Section 75-17-101, and the term of  
342 such lease-purchase agreement shall not exceed the useful life of  
343 equipment covered thereby as determined according to the upper  
344 limit of the asset depreciation range (ADR) guidelines for the  
345 Class Life Asset Depreciation Range System established by the  
346 Internal Revenue Service pursuant to the United States Internal



347 Revenue Code and regulations thereunder as in effect on December  
348 31, 1980, or comparable depreciation guidelines with respect to  
349 any equipment not covered by ADR guidelines. Any lease-purchase  
350 agreement entered into pursuant to this paragraph (e) may contain  
351 any of the terms and conditions which a master lease-purchase  
352 agreement may contain under the provisions of Section 31-7-10(5),  
353 and shall contain an annual allocation dependency clause  
354 substantially similar to that set forth in Section 31-7-10(8).  
355 Each agency or governing authority entering into a lease-purchase  
356 transaction pursuant to this paragraph (e) shall maintain with  
357 respect to each such lease-purchase transaction the same  
358 information as required to be maintained by the Department of  
359 Finance and Administration pursuant to Section 31-7-10(13).  
360 However, nothing contained in this section shall be construed to  
361 permit agencies to acquire items of equipment with a total  
362 acquisition cost in the aggregate of less than Ten Thousand  
363 Dollars (\$10,000.00) by a single lease-purchase transaction. All  
364 equipment, and the purchase thereof by any lessor, acquired by  
365 lease-purchase under this paragraph and all lease-purchase  
366 payments with respect thereto shall be exempt from all Mississippi  
367 sales, use and ad valorem taxes. Interest paid on any  
368 lease-purchase agreement under this section shall be exempt from  
369 State of Mississippi income taxation.

370 (f) **Alternate bid authorization.** When necessary to  
371 ensure ready availability of commodities for public works and the



372 timely completion of public projects, no more than two (2)  
373 alternate bids may be accepted by a governing authority for  
374 commodities. No purchases may be made through use of such  
375 alternate bids procedure unless the lowest and best bidder cannot  
376 deliver the commodities contained in his bid. In that event,  
377 purchases of such commodities may be made from one (1) of the  
378 bidders whose bid was accepted as an alternate.

379 (g) **Construction contract change authorization.** In the  
380 event a determination is made by an agency or governing authority  
381 after a construction contract is let that changes or modifications  
382 to the original contract are necessary or would better serve the  
383 purpose of the agency or the governing authority, such agency or  
384 governing authority may, in its discretion, order such changes  
385 pertaining to the construction that are necessary under the  
386 circumstances without the necessity of further public bids;  
387 provided that such change shall be made in a commercially  
388 reasonable manner and shall not be made to circumvent the public  
389 purchasing statutes. In addition to any other authorized person,  
390 the architect or engineer hired by an agency or governing  
391 authority with respect to any public construction contract shall  
392 have the authority, when granted by an agency or governing  
393 authority, to authorize changes or modifications to the original  
394 contract without the necessity of prior approval of the agency or  
395 governing authority when any such change or modification is less  
396 than one percent (1%) of the total contract amount. The agency or





397 governing authority may limit the number, manner or frequency of  
398 such emergency changes or modifications.

399           (h) **Petroleum purchase alternative.** In addition to  
400 other methods of purchasing authorized in this chapter, when any  
401 agency or governing authority shall have a need for gas, diesel  
402 fuel, oils and/or other petroleum products in excess of the amount  
403 set forth in paragraph (a) of this section, such agency or  
404 governing authority may purchase the commodity after having  
405 solicited and obtained at least two (2) competitive written bids,  
406 as defined in paragraph (b) of this section. If two (2)  
407 competitive written bids are not obtained, the entity shall comply  
408 with the procedures set forth in paragraph (c) of this section.  
409 In the event any agency or governing authority shall have  
410 advertised for bids for the purchase of gas, diesel fuel, oils and  
411 other petroleum products and coal and no acceptable bids can be  
412 obtained, such agency or governing authority is authorized and  
413 directed to enter into any negotiations necessary to secure the  
414 lowest and best contract available for the purchase of such  
415 commodities.

416           (i) **Road construction petroleum products price**  
417 **adjustment clause authorization.** Any agency or governing  
418 authority authorized to enter into contracts for the construction,  
419 maintenance, surfacing or repair of highways, roads or streets,  
420 may include in its bid proposal and contract documents a price  
421 adjustment clause with relation to the cost to the contractor,



422 including taxes, based upon an industry-wide cost index, of  
423 petroleum products including asphalt used in the performance or  
424 execution of the contract or in the production or manufacture of  
425 materials for use in such performance. Such industry-wide index  
426 shall be established and published monthly by the Mississippi  
427 Department of Transportation with a copy thereof to be mailed,  
428 upon request, to the clerks of the governing authority of each  
429 municipality and the clerks of each board of supervisors  
430 throughout the state. The price adjustment clause shall be based  
431 on the cost of such petroleum products only and shall not include  
432 any additional profit or overhead as part of the adjustment. The  
433 bid proposals or document contract shall contain the basis and  
434 methods of adjusting unit prices for the change in the cost of  
435 such petroleum products.

436 (j) **State agency emergency purchase procedure.** If the  
437 governing board or the executive head, or his designees, of any  
438 agency of the state shall determine that an emergency exists in  
439 regard to the purchase of any commodities or repair contracts, so  
440 that the delay incident to giving opportunity for competitive  
441 bidding would be detrimental to the interests of the state, then  
442 the head of such agency, or his designees, shall file with the  
443 Department of Finance and Administration (i) a statement  
444 explaining the conditions and circumstances of the emergency,  
445 which shall include a detailed description of the events leading  
446 up to the situation and the negative impact to the entity if the



447 purchase is made following the statutory requirements set forth in  
448 paragraph (a), (b) or (c) of this section, and (ii) a certified  
449 copy of the appropriate minutes of the board of such agency  
450 requesting the emergency purchase, if applicable. Upon receipt of  
451 the statement and applicable board certification, the State Fiscal  
452 Officer, or his designees, may, in writing, authorize the purchase  
453 or repair without having to comply with competitive bidding  
454 requirements.

455         If the governing board or the executive head, or his  
456 designees, of any agency determines that an emergency exists in  
457 regard to the purchase of any commodities or repair contracts, so  
458 that the delay incident to giving opportunity for competitive  
459 bidding would threaten the health or safety of any person, or the  
460 preservation or protection of property, then the provisions in  
461 this section for competitive bidding shall not apply, and any  
462 officer or agent of the agency having general or specific  
463 authority for making the purchase or repair contract shall approve  
464 the bill presented for payment, and he shall certify in writing  
465 from whom the purchase was made, or with whom the repair contract  
466 was made.

467         Total purchases made under this paragraph (j) shall only be  
468 for the purpose of meeting needs created by the emergency  
469 situation. Following the emergency purchase, documentation of the  
470 purchase, including a description of the commodity purchased, the  
471 purchase price thereof and the nature of the emergency shall be



472 filed with the Department of Finance and Administration. Any  
473 contract awarded pursuant to this paragraph (j) shall not exceed a  
474 term of one (1) year.

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

476 If the governing authority, or the governing authority acting  
477 through its designee, shall determine that an emergency exists in  
478 regard to the purchase of any commodities or repair contracts, so  
479 that the delay incident to giving opportunity for competitive  
480 bidding would be detrimental to the interest of the governing  
481 authority, then the provisions herein for competitive bidding  
482 shall not apply and any officer or agent of such governing  
483 authority having general or special authority therefor in making  
484 such purchase or repair shall approve the bill presented therefor,  
485 and he shall certify in writing thereon from whom such purchase  
486 was made, or with whom such a repair contract was made. At the  
487 board meeting next following the emergency purchase or repair  
488 contract, documentation of the purchase or repair contract,  
489 including a description of the commodity purchased, the price  
490 thereof and the nature of the emergency shall be presented to the  
491 board and shall be placed on the minutes of the board of such  
492 governing authority.

493 (l) **Hospital purchase, lease-purchase and lease**  
494 **authorization.**

495 (i) The commissioners or board of trustees of any  
496 public hospital may contract with such lowest and best bidder for



497 the purchase or lease-purchase of any commodity under a contract  
498 of purchase or lease-purchase agreement whose obligatory payment  
499 terms do not exceed five (5) years.

500 (ii) In addition to the authority granted in  
501 subparagraph (i) of this paragraph (1), the commissioners or board  
502 of trustees is authorized to enter into contracts for the lease of  
503 equipment or services, or both, which it considers necessary for  
504 the proper care of patients if, in its opinion, it is not  
505 financially feasible to purchase the necessary equipment or  
506 services. Any such contract for the lease of equipment or  
507 services executed by the commissioners or board shall not exceed a  
508 maximum of five (5) years' duration and shall include a  
509 cancellation clause based on unavailability of funds. If such  
510 cancellation clause is exercised, there shall be no further  
511 liability on the part of the lessee. Any such contract for the  
512 lease of equipment or services executed on behalf of the  
513 commissioners or board that complies with the provisions of this  
514 subparagraph (ii) shall be excepted from the bid requirements set  
515 forth in this section.

516 (m) **Exceptions from bidding requirements.** Excepted  
517 from bid requirements are:

518 (i) **Purchasing agreements approved by department.**  
519 Purchasing agreements, contracts and maximum price regulations  
520 executed or approved by the Department of Finance and  
521 Administration.



522                   (ii) **Outside equipment repairs.** Repairs to  
523 equipment, when such repairs are made by repair facilities in the  
524 private sector; however, engines, transmissions, rear axles and/or  
525 other such components shall not be included in this exemption when  
526 replaced as a complete unit instead of being repaired and the need  
527 for such total component replacement is known before disassembly  
528 of the component; however, invoices identifying the equipment,  
529 specific repairs made, parts identified by number and name,  
530 supplies used in such repairs, and the number of hours of labor  
531 and costs therefor shall be required for the payment for such  
532 repairs.

533                   (iii) **In-house equipment repairs.** Purchases of  
534 parts for repairs to equipment, when such repairs are made by  
535 personnel of the agency or governing authority; however, entire  
536 assemblies, such as engines or transmissions, shall not be  
537 included in this exemption when the entire assembly is being  
538 replaced instead of being repaired.

539                   (iv) **Raw gravel or dirt.** Raw unprocessed deposits  
540 of gravel or fill dirt which are to be removed and transported by  
541 the purchaser.

542                   (v) **Governmental equipment auctions.** Motor  
543 vehicles or other equipment purchased from a federal agency or  
544 authority, another governing authority or state agency of the  
545 State of Mississippi, or any governing authority or state agency  
546 of another state at a public auction held for the purpose of



547 disposing of such vehicles or other equipment. Any purchase by a  
548 governing authority under the exemption authorized by this  
549 subparagraph (v) shall require advance authorization spread upon  
550 the minutes of the governing authority to include the listing of  
551 the item or items authorized to be purchased and the maximum bid  
552 authorized to be paid for each item or items.

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

554 Purchases, sales, transfers or trades by governing authorities or  
555 state agencies when such purchases, sales, transfers or trades are  
556 made by a private treaty agreement or through means of  
557 negotiation, from any federal agency or authority, another  
558 governing authority or state agency of the State of Mississippi,  
559 or any state agency or governing authority of another state.

560 Nothing in this section shall permit such purchases through public  
561 auction except as provided for in subparagraph (v) of this \* \* \*  
562 ~~section~~ paragraph (m). It is the intent of this section to allow  
563 governmental entities to dispose of and/or purchase commodities  
564 from other governmental entities at a price that is agreed to by  
565 both parties. This shall allow for purchases and/or sales at  
566 prices which may be determined to be below the market value if the  
567 selling entity determines that the sale at below market value is  
568 in the best interest of the taxpayers of the state. Governing  
569 authorities shall place the terms of the agreement and any  
570 justification on the minutes, and state agencies shall obtain



571 approval from the Department of Finance and Administration, prior  
572 to releasing or taking possession of the commodities.

573 (vii) **Perishable supplies or food.** Perishable  
574 supplies or food purchased for use in connection with hospitals,  
575 the school lunch programs, homemaking programs and for the feeding  
576 of county or municipal prisoners.

577 (viii) **Single source items.** Noncompetitive items  
578 available from one (1) source only. In connection with the  
579 purchase of noncompetitive items only available from one (1)  
580 source, a certification of the conditions and circumstances  
581 requiring the purchase shall be filed by the agency with the  
582 Department of Finance and Administration and by the governing  
583 authority with the board of the governing authority. Upon receipt  
584 of that certification the Department of Finance and Administration  
585 or the board of the governing authority, as the case may be, may,  
586 in writing, authorize the purchase, which authority shall be noted  
587 on the minutes of the body at the next regular meeting thereafter.  
588 In those situations, a governing authority is not required to  
589 obtain the approval of the Department of Finance and  
590 Administration. Following the purchase, the executive head of the  
591 state agency, or his designees, shall file with the Department of  
592 Finance and Administration, documentation of the purchase,  
593 including a description of the commodity purchased, the purchase  
594 price thereof and the source from whom it was purchased.





595                   (ix)   **Waste disposal facility construction**  
596 **contracts.** Construction of incinerators and other facilities for  
597 disposal of solid wastes in which products either generated  
598 therein, such as steam, or recovered therefrom, such as materials  
599 for recycling, are to be sold or otherwise disposed of; however,  
600 in constructing such facilities, a governing authority or agency  
601 shall publicly issue requests for proposals, advertised for in the  
602 same manner as provided herein for seeking bids for public  
603 construction projects, concerning the design, construction,  
604 ownership, operation and/or maintenance of such facilities,  
605 wherein such requests for proposals when issued shall contain  
606 terms and conditions relating to price, financial responsibility,  
607 technology, environmental compatibility, legal responsibilities  
608 and such other matters as are determined by the governing  
609 authority or agency to be appropriate for inclusion; and after  
610 responses to the request for proposals have been duly received,  
611 the governing authority or agency may select the most qualified  
612 proposal or proposals on the basis of price, technology and other  
613 relevant factors and from such proposals, but not limited to the  
614 terms thereof, negotiate and enter contracts with one or more of  
615 the persons or firms submitting proposals.

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



619                   (xi)   **Information technology products.** Purchases  
620 of information technology products made by governing authorities  
621 under the provisions of purchase schedules, or contracts executed  
622 or approved by the Mississippi Department of Information  
623 Technology Services and designated for use by governing  
624 authorities.

625                   (xii)   **Energy efficiency services and equipment.**  
626 Energy efficiency services and equipment acquired by school  
627 districts, community and junior colleges, institutions of higher  
628 learning and state agencies or other applicable governmental  
629 entities on a shared-savings, lease or lease-purchase basis  
630 pursuant to Section 31-7-14.

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

635                   (xiv)   **Library books and other reference materials.**  
636 Purchases by libraries or for libraries of books and periodicals;  
637 processed film, videocassette tapes, filmstrips and slides;  
638 recorded audiotapes, cassettes and diskettes; and any such items  
639 as would be used for teaching, research or other information  
640 distribution; however, equipment such as projectors, recorders,  
641 audio or video equipment, and monitor televisions are not exempt  
642 under this subparagraph.



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

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

649 (xvii) **Multichannel interactive video systems.**  
650 From and after July 1, 1990, contracts by Mississippi Authority  
651 for Educational Television with any private educational  
652 institution or private nonprofit organization whose purposes are  
653 educational in regard to the construction, purchase, lease or  
654 lease-purchase of facilities and equipment and the employment of  
655 personnel for providing multichannel interactive video systems  
656 (ITSF) in the school districts of this state.

657 (xviii) **Purchases of prison industry products by**  
658 **the Department of Corrections, regional correctional facilities or**  
659 **privately owned prisons.** Purchases made by the Mississippi  
660 Department of Corrections, regional correctional facilities or  
661 privately owned prisons involving any item that is manufactured,  
662 processed, grown or produced from the state's prison industries.

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



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

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

677                   (xxii)   **Garbage, solid waste and sewage contracts.**  
678 Contracts for garbage collection or disposal, contracts for solid  
679 waste collection or disposal and contracts for sewage collection  
680 or disposal.

681                   (xxiii)   **Municipal water tank maintenance**  
682 **contracts.** Professional maintenance program contracts for the  
683 repair or maintenance of municipal water tanks, which provide  
684 professional services needed to maintain municipal water storage  
685 tanks for a fixed annual fee for a duration of two (2) or more  
686 years.

687                   (xxiv)   **Purchases of Mississippi Industries for the**  
688 **Blind products.** Purchases made by state agencies or governing  
689 authorities involving any item that is manufactured, processed or  
690 produced by the Mississippi Industries for the Blind.

691                   (xxv)   **Purchases of state-adopted textbooks.**  
692 Purchases of state-adopted textbooks by public school districts.



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

696                   (xxvii)   **Used heavy or specialized machinery or**  
697 **equipment for installation of soil and water conservation**  
698 **practices purchased at auction.** Used heavy or specialized  
699 machinery or equipment used for the installation and  
700 implementation of soil and water conservation practices or  
701 measures purchased subject to the restrictions provided in  
702 Sections 69-27-331 through 69-27-341. Any purchase by the State  
703 Soil and Water Conservation Commission under the exemption  
704 authorized by this subparagraph shall require advance  
705 authorization spread upon the minutes of the commission to include  
706 the listing of the item or items authorized to be purchased and  
707 the maximum bid authorized to be paid for each item or items.

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

711                   (xxix)   **Purchases made pursuant to qualified**  
712 **cooperative purchasing agreements.** Purchases made by certified  
713 purchasing offices of state agencies or governing authorities  
714 under cooperative purchasing agreements previously approved by the  
715 Office of Purchasing and Travel and established by or for any  
716 municipality, county, parish or state government or the federal  
717 government, provided that the notification to potential



718 contractors includes a clause that sets forth the availability of  
719 the cooperative purchasing agreement to other governmental  
720 entities. Such purchases shall only be made if the use of the  
721 cooperative purchasing agreements is determined to be in the best  
722 interest of the governmental entity.

723 (xxx) **School yearbooks.** Purchases of school  
724 yearbooks by state agencies or governing authorities; provided,  
725 however, that state agencies and governing authorities shall use  
726 for these purchases the RFP process as set forth in the  
727 Mississippi Procurement Manual adopted by the Office of Purchasing  
728 and Travel.

729 (xxxii) **Design-build method and dual-phase**  
730 **design-build method of contracting.** Contracts entered into under  
731 the provisions of Section 31-7-13.1, 37-101-44 or 65-1-85.

732 (xxxiii) **Toll roads and bridge construction**  
733 **projects.** Contracts entered into under the provisions of Section  
734 65-43-1 or 65-43-3.

735 (xxxiiii) **Certain purchases under Section 57-1-221.**  
736 Contracts entered into pursuant to the provisions of Section  
737 57-1-221.

738 (xxxv) **Certain transfers made pursuant to the**  
739 **provisions of Section 57-105-1(7).** Transfers of public property  
740 or facilities under Section 57-105-1(7) and construction related  
741 to such public property or facilities.



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

745 (xxxvi) **Certain purchases by an academic medical**  
746 **center or health sciences school.** Purchases by an academic  
747 medical center or health sciences school, as defined in Section 1  
748 of House Bill No. 926, 2017 Regular Session, of commodities that  
749 are used for clinical purposes and 1. intended for use in the  
750 diagnosis of disease or other conditions or in the cure,  
751 mitigation, treatment or prevention of disease, and 2. medical  
752 devices, biological, drugs and radiation-emitting devices as  
753 defined by the United States Food and Drug Administration.

754  
755 (n) **Term contract authorization.** All contracts for the  
756 purchase of:

757 (i) All contracts for the purchase of commodities,  
758 equipment and public construction (including, but not limited to,  
759 repair and maintenance), may be let for periods of not more than  
760 sixty (60) months in advance, subject to applicable statutory  
761 provisions prohibiting the letting of contracts during specified  
762 periods near the end of terms of office. Term contracts for a  
763 period exceeding twenty-four (24) months shall also be subject to  
764 ratification or cancellation by governing authority boards taking  
765 office subsequent to the governing authority board entering the  
766 contract.



767 (ii) Bid proposals and contracts may include price  
768 adjustment clauses with relation to the cost to the contractor  
769 based upon a nationally published industry-wide or nationally  
770 published and recognized cost index. The cost index used in a  
771 price adjustment clause shall be determined by the Department of  
772 Finance and Administration for the state agencies and by the  
773 governing board for governing authorities. The bid proposal and  
774 contract documents utilizing a price adjustment clause shall  
775 contain the basis and method of adjusting unit prices for the  
776 change in the cost of such commodities, equipment and public  
777 construction.

778 (o) **Purchase law violation prohibition and vendor**  
779 **penalty.** No contract or purchase as herein authorized shall be  
780 made for the purpose of circumventing the provisions of this  
781 section requiring competitive bids, nor shall it be lawful for any  
782 person or concern to submit individual invoices for amounts within  
783 those authorized for a contract or purchase where the actual value  
784 of the contract or commodity purchased exceeds the authorized  
785 amount and the invoices therefor are split so as to appear to be  
786 authorized as purchases for which competitive bids are not  
787 required. Submission of such invoices shall constitute a  
788 misdemeanor punishable by a fine of not less than Five Hundred  
789 Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00),  
790 or by imprisonment for thirty (30) days in the county jail, or





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

793 (p) **Electrical utility petroleum-based equipment**  
794 **purchase procedure.** When in response to a proper advertisement  
795 therefor, no bid firm as to price is submitted to an electric  
796 utility for power transformers, distribution transformers, power  
797 breakers, reclosers or other articles containing a petroleum  
798 product, the electric utility may accept the lowest and best bid  
799 therefor although the price is not firm.

800 (q) **Fuel management system bidding procedure.** Any  
801 governing authority or agency of the state shall, before  
802 contracting for the services and products of a fuel management or  
803 fuel access system, enter into negotiations with not fewer than  
804 two (2) sellers of fuel management or fuel access systems for  
805 competitive written bids to provide the services and products for  
806 the systems. In the event that the governing authority or agency  
807 cannot locate two (2) sellers of such systems or cannot obtain  
808 bids from two (2) sellers of such systems, it shall show proof  
809 that it made a diligent, good-faith effort to locate and negotiate  
810 with two (2) sellers of such systems. Such proof shall include,  
811 but not be limited to, publications of a request for proposals and  
812 letters soliciting negotiations and bids. For purposes of this  
813 paragraph (q), a fuel management or fuel access system is an  
814 automated system of acquiring fuel for vehicles as well as  
815 management reports detailing fuel use by vehicles and drivers, and



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

822 (r) **Solid waste contract proposal procedure.** Before  
823 entering into any contract for garbage collection or disposal,  
824 contract for solid waste collection or disposal or contract for  
825 sewage collection or disposal, which involves an expenditure of  
826 more than Fifty Thousand Dollars (\$50,000.00), a governing  
827 authority or agency shall issue publicly a request for proposals  
828 concerning the specifications for such services which shall be  
829 advertised for in the same manner as provided in this section for  
830 seeking bids for purchases which involve an expenditure of more  
831 than the amount provided in paragraph (c) of this section. Any  
832 request for proposals when issued shall contain terms and  
833 conditions relating to price, financial responsibility,  
834 technology, legal responsibilities and other relevant factors as  
835 are determined by the governing authority or agency to be  
836 appropriate for inclusion; all factors determined relevant by the  
837 governing authority or agency or required by this paragraph (r)  
838 shall be duly included in the advertisement to elicit proposals.  
839 After responses to the request for proposals have been duly  
840 received, the governing authority or agency shall select the most



841 qualified proposal or proposals on the basis of price, technology  
842 and other relevant factors and from such proposals, but not  
843 limited to the terms thereof, negotiate and enter into contracts  
844 with one or more of the persons or firms submitting proposals. If  
845 the governing authority or agency deems none of the proposals to  
846 be qualified or otherwise acceptable, the request for proposals  
847 process may be reinitiated. Notwithstanding any other provisions  
848 of this paragraph, where a county with at least thirty-five  
849 thousand (35,000) nor more than forty thousand (40,000)  
850 population, according to the 1990 federal decennial census, owns  
851 or operates a solid waste landfill, the governing authorities of  
852 any other county or municipality may contract with the governing  
853 authorities of the county owning or operating the landfill,  
854 pursuant to a resolution duly adopted and spread upon the minutes  
855 of each governing authority involved, for garbage or solid waste  
856 collection or disposal services through contract negotiations.

857 (s) **Minority set-aside authorization.** Notwithstanding  
858 any provision of this section to the contrary, any agency or  
859 governing authority, by order placed on its minutes, may, in its  
860 discretion, set aside not more than twenty percent (20%) of its  
861 anticipated annual expenditures for the purchase of commodities  
862 from minority businesses; however, all such set-aside purchases  
863 shall comply with all purchasing regulations promulgated by the  
864 Department of Finance and Administration and shall be subject to  
865 bid requirements under this section. Set-aside purchases for



866 which competitive bids are required shall be made from the lowest  
867 and best minority business bidder. For the purposes of this  
868 paragraph, the term "minority business" means a business which is  
869 owned by a majority of persons who are United States citizens or  
870 permanent resident aliens (as defined by the Immigration and  
871 Naturalization Service) of the United States, and who are Asian,  
872 Black, Hispanic or Native American, according to the following  
873 definitions:

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

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

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

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

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



891 completion and one (1) final list immediately before final  
892 completion and final payment.

893           (u) **Procurement of construction services by state**  
894 **institutions of higher learning.** Contracts for privately financed  
895 construction of auxiliary facilities on the campus of a state  
896 institution of higher learning may be awarded by the Board of  
897 Trustees of State Institutions of Higher Learning to the lowest  
898 and best bidder, where sealed bids are solicited, or to the  
899 offeror whose proposal is determined to represent the best value  
900 to the citizens of the State of Mississippi, where requests for  
901 proposals are solicited.

902           (v) **Insurability of bidders for public construction or**  
903 **other public contracts.** In any solicitation for bids to perform  
904 public construction or other public contracts to which this  
905 section applies including, but not limited to, contracts for  
906 repair and maintenance, for which the contract will require  
907 insurance coverage in an amount of not less than One Million  
908 Dollars (\$1,000,000.00), bidders shall be permitted to either  
909 submit proof of current insurance coverage in the specified amount  
910 or demonstrate ability to obtain the required coverage amount of  
911 insurance if the contract is awarded to the bidder. Proof of  
912 insurance coverage shall be submitted within five (5) business  
913 days from bid acceptance.



914 (w) **Purchase authorization clarification.** Nothing in  
915 this section shall be construed as authorizing any purchase not  
916 authorized by law.

917 **SECTION 2.** Section 9, House Bill No. 1109, 2017 Regular  
918 Session, is amended as follows:

919 Section 9. **Receipt and registration of proposals or**  
920 **qualifications.** (1) Submitted proposals or qualifications shall  
921 be opened at the time designated for opening in the request for  
922 proposals or request for qualifications. Proposals or  
923 qualifications and modifications shall be date-stamped or time and  
924 date-stamped upon receipt and held in a secure place until the  
925 established due date. Electronic proposals or qualifications  
926 received will be stored in an electronic lockbox until the time  
927 designated for the opening of the proposal or qualification.

928 (2) As each proposal or qualification is submitted but  
929 before those proposals or qualifications are opened, the chief  
930 procurement officer shall designate a person to prepare a register  
931 of proposals or qualifications, which shall include the number of  
932 modifications received, if any, and a description sufficient to  
933 identify the supply, service, commodity or other item offered.  
934 The designated person shall assign each submitted proposal or  
935 qualification an identifying letter, number, or combination  
936 thereof, without revealing the name of the offerer who submitted  
937 each proposal or qualification to the chief procurement officer or  
938 any person named to the evaluation committee for that proposal or



939 qualification. The designated person shall keep the names of the  
940 offerers and their identifying numbers or letters, or combination  
941 thereof, in a sealed envelope or other secure location until  
942 factors not requiring knowledge of the name of the offerer have  
943 been evaluated and scored. If the designated person reveals the  
944 names of the offerers and the corresponding identifying  
945 information before such time, the procurement process shall be  
946 terminated and the proposal or qualifications resolicited \* \* \*and  
947 ~~the Public Procurement Review Board shall assess that person a~~  
948 ~~fine of not less than One Thousand Dollars (\$1,000.00) and the~~  
949 ~~chief procurement officer who designated that person to establish~~  
950 ~~the register of proposals or qualifications shall be removed from~~  
951 ~~his or her office and assessed a fine of not less than One~~  
952 ~~Thousand Dollars (\$1,000.00).~~ The register of proposals or  
953 qualifications shall be made part of the report required under  
954 Section 12(1) of House Bill 1109, 2017 Regular Session.

955       **SECTION 3.** This act shall take effect and be in force from  
956 and after January 1, 2018.

