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To: Judiciary, Division A

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2037

1 AN ACT TO AMEND SECTION 31-5-17, MISSISSIPPI CODE OF 1972, TO
2 REQUIRE LABOR USED ON PUBLIC WORKS TO BE PERFORMED BY WORKMEN AND
3 LABORERS WHO ARE LEGAL CITIZENS OF THE UNITED STATES OR LEGAL
4 ALIENS; TO AMEND SECTION 31-5-19, MISSISSIPPI CODE OF 1972, TO
5 REQUIRE PUBLIC WORK CONTRACTS TO INCLUDE A PROVISION REQUIRING THE
6 CONTRACTOR TO BE IN COMPLIANCE WITH FEDERAL AND STATE LAWS; TO
7 AMEND SECTION 31-5-21, MISSISSIPPI CODE OF 1972, TO REVISE THE
8 PENALTY FOR VIOLATING SUCH LABOR REQUIREMENTS ON PUBLIC WORKS; TO
9 CREATE A NEW CODE SECTION TO REQUIRE LABOR USED UNDER PUBLIC
10 CONTRACTS OF ANY KIND TO BE PERFORMED BY WORKMEN AND LABORERS WHO
11 ARE LEGAL CITIZENS OF THE UNITED STATES OR LEGAL ALIENS; TO
12 PROVIDE FOR MANDATORY EMPLOYMENT AUTHORIZATION VERIFICATION IN
13 REGARD TO PUBLIC CONTRACTS; TO ENACT DEFINITIONS; TO PROVIDE FOR
14 ENFORCEMENT, EXEMPTIONS AND PENALTIES; TO AMEND SECTIONS 31-7-9,
15 25-9-120 AND 25-53-5, MISSISSIPPI CODE OF 1972, TO REQUIRE CERTAIN
16 AGENCIES TO ADOPT RULES AND REGULATIONS TO CARRY OUT THE PURPOSES
17 OF THIS ACT; AND FOR RELATED PURPOSES.

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

19 **SECTION 1.** Section 31-5-17, Mississippi Code of 1972, is
20 amended as follows:

21 31-5-17. Every public officer, contractor, superintendent or
22 agent engaged in or in charge of the construction of any state or
23 public building or public work of any kind for the State of
24 Mississippi or for any board, city commission, governmental agency
25 or municipality of the State of Mississippi shall employ only
26 workmen and laborers who are legal citizens of the United States
27 of America or are legal aliens. For purposes of this section, a
28 legal alien is an individual who was lawfully admitted at the time
29 such services were performed, was lawfully present for purposes of
30 performing such services, or was permanently residing in the
31 United States under color of law at the time such services were
32 performed (including an alien who was lawfully present in the
33 United States as a result of the application of Section 207, 208



34 or 212(d) (5) of the Immigration and Nationality Act). In cases
35 where the work is being lawfully conducted outside the United
36 States of America, the utilization of workmen and laborers shall
37 be in strict compliance with the laws of the country in which the
38 work is conducted.

39 **SECTION 2.** Section 31-5-19, Mississippi Code of 1972, is
40 amended as follows:

41 31-5-19. All contracts entered into by agencies and
42 institutions of the State of Mississippi, or any of its political
43 subdivisions, shall include a provision requiring the contractor
44 to be in compliance during the term of the contract with all
45 federal and state laws, including, but not limited to, Section
46 31-5-17. A knowing or willing failure to comply with such
47 provision shall be grounds for cancellation by the agencies and
48 institutions of the State of Mississippi, or any of its political
49 subdivisions, of all contracts held with the contractor. In
50 addition to the cancellation of the contract, the contractor shall
51 be liable for any additional costs incurred by the agencies and
52 institutions of the State of Mississippi, or any of its political
53 subdivisions, because of the cancellation.

54 **SECTION 3.** Section 31-5-21, Mississippi Code of 1972, is
55 amended as follows:

56 31-5-21. Any contractor, public officer, superintendent,
57 agent, or person in charge of such work, who shall violate any of
58 the provisions of Section 31-5-17, shall be liable upon conviction
59 before a court of competent jurisdiction to a fine of not more
60 than One Hundred Dollars (\$100.00) or to imprisonment of not more
61 than sixty (60) days, or both, at the discretion of the court; and
62 every day's employment of each workman or laborer in such
63 violation shall constitute a separate offense.

64 However, if the contract for such work includes the provision
65 required by Section 31-5-19 and the public officer makes a



reasonable effort to ensure compliance with that provision, the public officer shall not be subject to the fine or imprisonment.

SECTION 4. (1) For the purposes of this section, the following words shall have the meanings ascribed herein unless the content clearly states otherwise:

(a) "Employer" means any person or entity, including an agent or anyone acting directly or indirectly in the interest of the person or entity, who engages the services or labor of any employee to be performed for wages or other remuneration. In the case of an independent contractor or contract labor or services, the term "employer" means the independent contractor or contractor and not the person or entity using the contract labor.

(b) "Employee" means an individual who provides services or labor for an employer for wages or other remuneration, but does not mean independent contractors or those engaged in casual domestic employment.

(c) "Status verification system" means the electronic verification of work authorization program of the Illegal Immigration Reform and Immigration Responsibility Act of 1996, Public Law 104-208, Division C, Section 403(a); 8 USC, Section 1324a, and operated by the United States Department of Homeland Security, known as the E-Verify Program.

(d) "Unauthorized alien" means an alien as defined in Section 1324a(h) (3) of Title 8 of the United States Code.

(e) "Legal alien" means an individual who was lawfully present in the United States at the time of employment and for the duration of employment, or was permanently residing in the United States under color of law at the time of employment and for the duration of employment.

(f) "Public employer" means every department, agency or instrumentality of the state or a political subdivision of the state.



(g) "Subcontractor" means a subcontractor, contract employee, staffing agency or any contractor regardless of its tier.

(2) (a) State of Mississippi agencies, political subdivisions thereof, public contractors and public subcontractors shall only hire employees who are legal citizens of the United States of America or are legal aliens and shall meet the verification requirements of this section as provided in this section.

(b) All employers in the State of Mississippi that are covered under this section shall register with and utilize a status verification system to verify the federal employment authorization status of all newly hired employees and shall meet verification requirements as follows:

(i) A public contractor or public subcontractor with two hundred fifty (250) or more employees, or a State of Mississippi agency or political subdivision, shall meet verification requirements not later than July 1, 2008.

(ii) A public contractor or public subcontractor with at least one hundred (100), but less than two hundred fifty (250), employees shall meet verification requirements not later than July 1, 2009.

(iii) A public contractor or public subcontractor with at least thirty (30), but less than one hundred (100), employees shall meet verification requirements not later than July 1, 2010.

(iv) All public contractors and public subcontractors shall meet verification requirements not later than July 1, 2011.

(c) (i) Every employer covered under this section shall register with and utilize a status verification system to verify the federal employment authorization status of all newly hired employees.



(ii) No contractor or subcontractor covered under this subsection shall hire any employee for the physical performance of services within this state unless the contractor or subcontractor registers and participates in the status verification system to verify the work eligibility status of all newly hired employees.

(iii) No contractor or subcontractor who enters into a contract with a public employer shall enter into such a contract or subcontract in connection with the physical performance of services within the state unless the contractor or subcontractor registers and participates in the status verification system to verify information of all newly hired employees.

(3) (a) It shall be a discriminatory practice for an employer to discharge an employee working in Mississippi who is a United States citizen or permanent resident alien while retaining an employee whom the employer knows, or reasonably should have known, is an unauthorized alien hired after July 1, 2008, and who is working in Mississippi in a job category that requires equal skill, effort and responsibility that is performed under similar working conditions, as defined by 29 USC, Section 206(d)(1), as the job category held by the discharged employee.

(b) An employer that, on the date of the discharge in question, was enrolled in and used a status verification system to verify the employment eligibility of its employees in Mississippi hired after the date on which the employer becomes subject to the requirements of this section shall be exempt from liability, investigation or suit arising from any action under this section.

(c) No cause of action for a violation of this subsection shall lie under any other Mississippi law but shall arise solely from the provisions of this subsection.

(4) The provisions of this section shall not apply to:



163 (a) An employer who hires an employee through a state
164 or federal work program that requires verification of the
165 employee's social security number or provides for verification of
166 the employee's lawful presence in the United States in an
167 employment-authorized immigration status;

168 (b) Any candidate for employment referred by the
169 Mississippi Department of Employment Security, if the Mississippi
170 Department of Employment Security has verified the social security
171 number or provides for verification of the candidate's lawful
172 presence in the United States in an employment-authorized
173 immigration status;

174 (c) Individual home owners who hire workers on their
175 private property for noncommercial purposes, unless required by
176 federal law to do so.

177 (d) To qualify for exemption under this subsection, the
178 employer must retain written or electronic proof of the employee's
179 lawful presence in an employment-authorized immigration status for
180 the duration of the employee's employment.

181 (5) (a) Compliance with this section shall not exempt the
182 employer from regulations and requirements related to any federal
183 laws or procedures related to employers.

184 (b) This section shall not be construed as an attempt
185 to preempt federal law.

186 (6) (a) Any employer violating the provisions of this
187 section shall be subject to the cancellation of any state or
188 public contract, resulting in ineligibility for any state or
189 public contract for up to three (3) years, the loss of any
190 license, permit, certificate, or other document granted to the
191 employer by any agency, department or government entity in the
192 State of Mississippi for the right to do business in Mississippi
193 for up to one (1) year, or any of these.

194 (b) The contractor or employer shall be liable for any
195 additional costs incurred by the agencies and institutions of the



State of Mississippi or any of its political subdivisions because of the cancellation of the contract or the loss of any license or permit to do business in the state.

(c) Any person or entity penalized under this section shall have the right to appeal to the appropriate entity bringing charges or to the circuit court of competent jurisdiction.

(7) (a) The Department of Employment Security, State Tax Commission, Secretary of State, Department of Human Services and the Attorney General shall have the authority to seek penalties under this section and to bring charges for noncompliance against any employer or employee.

(b) Any employer that complies with the requirements of this section shall be held harmless by state enforcement entities if the employer is not directly involved in the creation of any false documents, and if the employer did not knowingly and willfully accept false documents from the employee.

(8) (a) Any person who accepts or performs employment for compensation, knowing or in reckless disregard that the person is an unauthorized alien with respect to employment during the period which the unauthorized employment occurred, shall be guilty of a felony. Upon conviction, a violator shall be subject to imprisonment in the custody of the Department of Corrections for not less than one (1) year nor more than five (5) years.

(b) For purposes of determining bail for persons who are charged under this subsection, it shall be a rebuttable presumption that a defendant who has entered and remains in the United States unlawfully is deemed at risk of flight for purposes of bail determination.

(9) The provision of this section shall not apply to any contracts entered into on or before July 1, 2008.

SECTION 5. Section 31-7-9, Mississippi Code of 1972, is amended as follows:



31-7-9. (1) (a) The Office of Purchasing, Travel and Fleet Management shall adopt purchasing regulations governing the purchase by any agency of any commodity or commodities and establishing standards and specifications for a commodity or commodities and the maximum fair prices of a commodity or commodities, subject to the approval of the Public Procurement Review Board. It shall have the power to amend, add to or eliminate purchasing regulations. The adoption of, amendment, addition to or elimination of purchasing regulations shall be based upon a determination by the Office of Purchasing, Travel and Fleet Management with the approval of the Public Procurement Review Board, that such action is reasonable and practicable and advantageous to promote efficiency and economy in the purchase of commodities by the agencies of the state. Upon the adoption of any purchasing regulation, or an amendment, addition or elimination therein, copies of same shall be furnished to the State Auditor and to all agencies affected thereby. Thereafter, and except as otherwise may be provided in subsection (2) of this section, no agency of the state shall purchase any commodities covered by existing purchasing regulations unless such commodities be in conformity with the standards and specifications set forth in the purchasing regulations and unless the price thereof does not exceed the maximum fair price established by such purchasing regulations. The said Office of Purchasing, Travel and Fleet Management shall furnish to any county or municipality or other local public agency of the state requesting same, copies of purchasing regulations adopted by the Office of Purchasing, Travel and Fleet Management and any amendments, changes or eliminations of same that may be made from time to time.

(b) The Office of Purchasing, Travel and Fleet Management may adopt purchasing regulations governing the use of credit cards, procurement cards and purchasing club membership cards to be used by state agencies, governing authorities of



counties and municipalities and the Chickasawhay Natural Gas District. Use of the cards shall be in strict compliance with the regulations promulgated by the office. Any amounts due on the cards shall incur interest charges as set forth in Section 31-7-305 and shall not be considered debt.

(2) The Office of Purchasing, Travel and Fleet Management shall adopt, subject to the approval of the Public Procurement Review Board, purchasing regulations governing the purchase of unmarked vehicles to be used by the Bureau of Narcotics and Department of Public Safety in official investigations pursuant to Section 25-1-87. Such regulations shall ensure that purchases of such vehicles shall be at a fair price and shall take into consideration the peculiar needs of the Bureau of Narcotics and Department of Public Safety in undercover operations.

(3) The Office of Purchasing, Travel and Fleet Management shall adopt, subject to the approval of the Public Procurement Review Board, regulations governing the certification process for certified purchasing offices. Such regulations shall require entities desiring to be classified as certified purchasing offices to submit applications and applicable documents on an annual basis, at which time the Office of Purchasing, Travel and Fleet Management may provide the governing entity with a certification valid for one (1) year from the date of issuance.

(4) The Office of Purchasing, Travel and Fleet Management shall adopt rules and regulations to carry out the purposes of Section 4 of Senate Bill No. 2037, 2008 Regular Session.

SECTION 6. Section 25-9-120, Mississippi Code of 1972, is amended as follows:

25-9-120. (1) Contract personnel, whether classified as contract workers or independent contractors shall not be deemed state service or nonstate service employees of the State of Mississippi, and shall not be eligible to participate in the Public Employees' Retirement System, or the state employee health



plan, nor be allowed credit for personal and sick leave and other leave benefits as employees of the State of Mississippi, notwithstanding Sections 25-3-91 through 25-3-101; 25-9-101 through 25-9-151; 25-11-1 through 25-11-126; 25-11-128 through 25-11-131; 25-15-1 through 25-15-23 and for the purpose set forth herein. Contract workers, i.e., contract personnel who do not meet the criteria of independent contractors, shall be subject to the provisions of Section 25-11-127.

(2) There is hereby created the Personal Service Contract Review Board, which shall be composed of the State Personnel Director, the Executive Director of the Department of Finance and Administration, or his designee, the Commissioner of Corrections, or his designee, the Executive Director of the Mississippi Department of Wildlife and Fisheries, or his designee, and the Executive Director of the Department of Environmental Quality, or his designee. The State Personnel Director shall be chairman and shall preside over the meetings of the board. The board shall annually elect a vice chairman, who shall serve in the absence of the chairman. No business shall be transacted, including adoption of rules of procedure, without the presence of a quorum of the board. Three (3) members shall be a quorum. No action shall be valid unless approved by the chairman and two (2) other of those members present and voting, entered upon the minutes of the board and signed by the chairman. Necessary clerical and administrative support for the board shall be provided by the State Personnel Board. Minutes shall be kept of the proceedings of each meeting, copies of which shall be filed on a monthly basis with the Legislative Budget Office.

(3) The Personal Service Contract Review Board shall have the following powers and responsibilities:

(a) Promulgate rules and regulations governing the solicitation and selection of contractual services personnel including personal and professional services contracts for any



form of consulting, policy analysis, public relations, marketing, public affairs, legislative advocacy services or any other contract that the board deems appropriate for oversight, with the exception of any personal service contracts entered into for computer or information technology-related services governed by the Mississippi Department of Information Technology Services, any personal service contracts entered into by the Mississippi Department of Transportation, and any contract for attorney, accountant, auditor, physician, dentist, architect, engineer, veterinarian and utility rate expert services. Any such rules and regulations shall provide for maintaining continuous internal audit covering the activities of such agency affecting its revenue and expenditures as required under Section 7-7-3(6)(d), Mississippi Code of 1972;

(b) Approve all personal and professional services contracts involving the expenditures of funds in excess of One Hundred Thousand Dollars (\$100,000.00);

(c) Develop standards with respect to contractual services personnel which require invitations for public bid, requests for proposals, record keeping and financial responsibility of contractors. The Personal Service Contract Review Board may, in its discretion, require the agency involved to advertise such contract for public bid, and may reserve the right to reject any or all bids;

(d) Prescribe certain circumstances whereby agency heads may enter into contracts for personal and professional services without receiving prior approval from the Personal Service Contract Review Board. The Personal Service Contract Review Board may establish a preapproved list of providers of various personal and professional services for set prices with which state agencies may contract without bidding or prior approval from the board;



359 (e) To provide standards for the issuance of requests
360 for proposals, the evaluation of proposals received, consideration
361 of costs and quality of services proposed, contract negotiations,
362 the administrative monitoring of contract performance by the
363 agency and successful steps in terminating a contract;

364 (f) To present recommendations for governmental
365 privatization and to evaluate privatization proposals submitted by
366 any state agency;

367 (g) To authorize personal and professional service
368 contracts to be effective for more than one (1) year provided a
369 funding condition is included in any such multiple year contract,
370 except the State Board of Education, which shall have the
371 authority to enter into contractual agreements for student
372 assessment for a period up to ten (10) years. The State Board of
373 Education shall procure these services in accordance with the
374 Personal Service Contract Review Board procurement regulations;

375 (h) To request the State Auditor to conduct a
376 performance audit on any personal or professional service
377 contract;

378 (i) Prepare an annual report to the Legislature
379 concerning the issuance of personal service contracts during the
380 previous year, collecting any necessary information from state
381 agencies in making such report.

382 (4) No member of the Personal Service Contract Review Board
383 shall use his official authority or influence to coerce, by threat
384 of discharge from employment, or otherwise, the purchase of
385 commodities or the contracting for personal or professional
386 services under this section.

387 (5) The Personal Service Contract Review Board shall adopt
388 rules and regulations to carry out the purposes of Section 4 of
389 Senate Bill No. 2037, 2008 Regular Session.

390 **SECTION 7.** Section 25-53-5, Mississippi Code of 1972, is
391 amended as follows:



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

(a) The authority shall provide for the development of plans for the efficient acquisition and utilization of computer equipment and services by all agencies of state government, and provide for their implementation. In so doing, the authority may use the MDITS' staff, at the discretion of the executive director of the authority, or the authority may contract for the services of qualified consulting firms in the field of information technology and utilize the service of such consultants as may be necessary for such purposes.

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

(c) Title of whatever nature of all computer equipment now vested in any agency of the State of Mississippi is hereby vested in the authority, and no such equipment shall be disposed of in any manner except in accordance with the direction of the authority or under the provisions of such rules and regulations as may hereafter be adopted by the authority in relation thereto.

(d) The authority shall adopt rules, regulations, and procedures governing the acquisition of computer and telecommunications equipment and services which shall, to the fullest extent practicable, insure the maximum of competition



between all manufacturers of supplies or equipment or services. In the writing of specifications, in the making of contracts relating to the acquisition of such equipment and services, and in the performance of its other duties the authority shall provide for the maximum compatibility of all information systems hereafter installed or utilized by all state agencies and may require the use of common computer languages where necessary to accomplish the purposes of this chapter. The authority may establish by regulation and charge reasonable fees on a nondiscriminatory basis for the furnishing to bidders of copies of bid specifications and other documents issued by the authority.

(e) The authority shall adopt rules and regulations governing the sharing with, or the sale or lease of information technology services to any nonstate agency or person. Such regulations shall provide that any such sharing, sale or lease shall be restricted in that same shall be accomplished only where such services are not readily available otherwise within the state, and then only at a charge to the user not less than the prevailing rate of charge for similar services by private enterprise within this state.

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

(g) The authority may provide for the development and require the adoption of standardized computer programs and may



provide for the dissemination of information to and the establishment of training programs for the personnel of the various information technology centers of state agencies and personnel of the agencies utilizing the services thereof.

(h) The authority shall adopt reasonable rules and regulations requiring the reporting to the authority through the office of executive director of such information as may be required for carrying out the purposes of this chapter and may also establish such reasonable procedures to be followed in the presentation of bills for payment under the terms of all contracts for the acquisition of computer equipment and services now or hereafter in force as may be required by the authority or by the executive director in the execution of their powers and duties.

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

(j) The authority may adopt such further reasonable rules and regulations as may be necessary to fully implement the purposes of this chapter. All rules and regulations adopted by the authority shall be published and disseminated in readily accessible form to all affected state agencies, and to all current suppliers of computer equipment and services to the state, and to all prospective suppliers requesting the same. Such rules and regulations shall be kept current, be periodically revised, and copies thereof shall be available at all times for inspection by the public at reasonable hours in the offices of the authority. Whenever possible no rule, regulation or any proposed amendment to such rules and regulations shall be finally adopted or enforced until copies of said proposed rules and regulations have been



furnished to all interested parties for their comment and suggestions.

(k) The authority shall establish rules and regulations which shall provide for the submission of all contracts proposed to be executed by the executive director for computer equipment or services to the authority for approval before final execution, and the authority may provide that such contracts involving the expenditure of less than such specified amount as may be established by the authority may be finally executed by the executive director without first obtaining such approval by the authority.

(l) The authority is authorized to purchase, lease, or rent computer equipment or services and to operate said equipment and utilize said services in providing services to one or more state agencies when in its opinion such operation will provide maximum efficiency and economy in the functions of any such agency or agencies.

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

(n) The authority shall adopt rules and regulations governing the protest procedures to be followed by any actual or prospective bidder, offerer or contractor who is aggrieved in connection with the solicitation or award of a contract for the acquisition of computer equipment or services. Such rules and regulations shall prescribe the manner, time and procedure for making protests and may provide that a protest not timely filed shall be summarily denied. The authority may require the protesting party, at the time of filing the protest, to post a



bond, payable to the state, in an amount that the authority determines sufficient to cover any expense or loss incurred by the state, the authority or any state agency as a result of the protest if the protest subsequently is determined by a court of competent jurisdiction to have been filed without any substantial basis or reasonable expectation to believe that the protest was meritorious; however, in no event may the amount of the bond required exceed a reasonable estimate of the total project cost. The authority, in its discretion, also may prohibit any prospective bidder, offerer or contractor who is a party to any litigation involving any such contract with the state, the authority or any agency of the state to participate in any other such bid, offer or contract, or to be awarded any such contract, during the pendency of the litigation.

(o) The authority shall make a report in writing to the Legislature each year in the month of January. Such report shall contain a full and detailed account of the work of the authority for the preceding year as specified in Section 25-53-29(3).

All acquisitions of computer equipment and services involving the expenditure of funds in excess of the dollar amount established in Section 31-7-13(c), or rentals or leases in excess of the dollar amount established in Section 31-7-13(c) for the term of the contract, shall be based upon competitive and open specifications, and contracts therefor shall be entered into only after advertisements for bids are published in one or more daily newspapers having a general circulation in the state not less than fourteen (14) days prior to receiving sealed bids therefor. The authority may reserve the right to reject any or all bids, and if all bids are rejected, the authority may negotiate a contract within the limitations of the specifications so long as the terms of any such negotiated contract are equal to or better than the comparable terms submitted by the lowest and best bidder, and so long as the total cost to the State of Mississippi does not exceed



the lowest bid. If the authority accepts one (1) of such bids, it shall be that which is the lowest and best.

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

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

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

(s) The authority shall work closely with the council to bring about effective coordination of policies, standards and procedures relating to procurement of remote sensing and geographic information systems (GIS) resources. In addition, the authority is responsible for development, operation and maintenance of a delivery system infrastructure for geographic information systems data. The authority shall provide a warehouse for Mississippi's geographic information systems data.

(t) The authority shall adopt rules and regulations to carry out the purposes of Section 4 of Senate Bill No. 2037, 2008 Regular Session.

SECTION 8. This act shall take effect and be in force from and after July 1, 2008.

