

March 15, 2007

TO THE MISSISSIPPI STATE SENATE

GOVERNOR'S VETO MESSAGE FOR SENATE BILL 2572

I am returning Senate Bill Number 2572: "AN ACT TO AMEND SECTION 31-7-13, MISSISSIPPI CODE OF 1972, TO CHANGE THE NAME OF THE OFFICE TO WHICH AN AGENCY OR GOVERNING AUTHORITY MUST PROVIDE NOTICE OF PURCHASES WHICH INVOLVE AN EXPENDITURE OF MORE THAN \$15,000.00 FROM THE MISSISSIPPI CONTRACT PROCUREMENT CENTER TO THE MISSISSIPPI PROCUREMENT TECHNICAL ASSISTANCE PROGRAM; TO AMEND SECTION 3.1-7-14, MISSISSIPPI CODE OF 1972, TO AUTHORIZE PUBLIC ENTITIES TO AMEND OR SUPPLEMENT ENERGY SERVICES CONTRACTS WITHOUT FURTHER ISSUANCE OF REQUESTS FOR PROPOSALS IF ADDITIONAL ENERGY SERVICES WILL RESULT IN ACTUAL COST SAVINGS; AND FOR RELATED PURPOSES." without my approval, and assign the following reasons for my veto.

After full consideration, I am vetoing Senate Bill 2572, which, in addition to providing a technical amendment to Section 31-7-13 of the Mississippi Code, proposes to allow energy services contracts to be amended or supplemented without further issuance of requests for proposals or further review by the contract review board. I agree with what seems to be the goal of this legislation -- that state contracting law should allow for common sense amendments to contracts to promote the taxpayers' interests without undue bureaucratic delay. However, this bill would allow energy service contracts to be amended with virtually no restriction.

For example, if enacted, this bill would allow a state agency to enter into a contract for a single type of energy service at one location through a competitive process and amend the contract to provide for a large number of energy services at multiple locations -all without determining whether another company would provide these services more effectively and at a lower cost to the taxpayers.

I encourage the Legislature to amend Senate Bill 2572 to allow for reasonable amendments and/or supplements to energy efficiency contracts in a manner similar to what is already allowed under state law for construction contract changes.

For these reasons, I urge the members to reject Senate Bill 2572 and sustain the veto.

Respectfully submitted,

Haley Barbour
Governor