

By: Senator(s) DeLano

To: Technology

SENATE BILL NO. 2728  
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 25-53-5, MISSISSIPPI CODE OF 1972, TO  
2 AUTHORIZE STATEWIDE MASTER AGREEMENTS; TO AUTHORIZE UTILIZATION OF  
3 INFORMATION TECHNOLOGY ACQUISITIONS MADE BY OTHER ENTITIES; AND  
4 FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 25-53-5, Mississippi Code of 1972, is  
7 amended as follows:

8 25-53-5. The authority shall have the following powers,  
9 duties, and responsibilities:

10 (a) (i) The authority shall provide for the  
11 development of plans for the efficient acquisition and utilization  
12 of computer equipment and services by all agencies of state  
13 government, and provide for their implementation. In so doing,  
14 the authority may use the MDITS' staff, at the discretion of the  
15 executive director of the authority, or the authority may contract  
16 for the services of qualified consulting firms in the field of  
17 information technology and utilize the service of such consultants  
18 as may be necessary for such purposes. Pursuant to Section  
19 25-53-1, the provisions of this section shall not apply to the



20 Department of Human Services for a period of three (3) years  
21 beginning on July 1, 2017. Pursuant to Section 25-53-1, the  
22 provisions of this section shall not apply to the Department of  
23 Child Protection Services for a period of three (3) years  
24 beginning July 1, 2017.

25 (ii) [Repealed]

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

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



44           (d) The authority shall adopt rules, regulations, and  
45 procedures governing the acquisition of computer and  
46 telecommunications equipment and services which shall, to the  
47 fullest extent practicable, insure the maximum of competition  
48 between all manufacturers of supplies or equipment or services.  
49 In the writing of specifications, in the making of contracts  
50 relating to the acquisition of such equipment and services, and in  
51 the performance of its other duties the authority shall provide  
52 for the maximum compatibility of all information systems hereafter  
53 installed or utilized by all state agencies and may require the  
54 use of common computer languages where necessary to accomplish the  
55 purposes of this chapter. The authority may establish by  
56 regulation and charge reasonable fees on a nondiscriminatory basis  
57 for the furnishing to bidders of copies of bid specifications and  
58 other documents issued by the authority.

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



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

79           (g) The authority may provide for the development and  
80 require the adoption of standardized computer programs and may  
81 provide for the dissemination of information to and the  
82 establishment of training programs for the personnel of the  
83 various information technology centers of state agencies and  
84 personnel of the agencies utilizing the services thereof.

85           (h) The authority shall adopt reasonable rules and  
86 regulations requiring the reporting to the authority through the  
87 office of executive director of such information as may be  
88 required for carrying out the purposes of this chapter and may  
89 also establish such reasonable procedures to be followed in the  
90 presentation of bills for payment under the terms of all contracts  
91 for the acquisition of computer equipment and services now or



92 hereafter in force as may be required by the authority or by the  
93 executive director in the execution of their powers and duties.

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

100 (j) The authority may adopt such further reasonable  
101 rules and regulations as may be necessary to fully implement the  
102 purposes of this chapter. All rules and regulations adopted by  
103 the authority shall be published and disseminated in readily  
104 accessible form to all affected state agencies, and to all current  
105 suppliers of computer equipment and services to the state, and to  
106 all prospective suppliers requesting the same. Such rules and  
107 regulations shall be kept current, be periodically revised, and  
108 copies thereof shall be available at all times for inspection by  
109 the public at reasonable hours in the offices of the authority.  
110 Whenever possible no rule, regulation or any proposed amendment to  
111 such rules and regulations shall be finally adopted or enforced  
112 until copies of the proposed rules and regulations have been  
113 furnished to all interested parties for their comment and  
114 suggestions.

115 (k) The authority shall establish rules and regulations  
116 which shall provide for the submission of all contracts proposed



117 to be executed by the executive director for computer equipment  
118 and/or telecommunications or services, including cloud computing,  
119 to the authority for approval before final execution, and the  
120 authority may provide that such contracts involving the  
121 expenditure of less than such specified amount as may be  
122 established by the authority may be finally executed by the  
123 executive director without first obtaining such approval by the  
124 authority.

125 (l) The authority is authorized to consider new  
126 technologies, such as cloud computing, to purchase, lease, or rent  
127 computer equipment or services and to operate that equipment and  
128 use those services in providing services to one or more state  
129 agencies when in its opinion such operation will provide maximum  
130 efficiency and economy in the functions of any such agency or  
131 agencies.

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

139 (n) The authority shall adopt rules and regulations  
140 governing the protest procedures to be followed by any actual or  
141 prospective bidder, offerer or contractor who is aggrieved in



142 connection with the solicitation or award of a contract for the  
143 acquisition of computer equipment or services. Such rules and  
144 regulations shall prescribe the manner, time and procedure for  
145 making protests and may provide that a protest not timely filed  
146 shall be summarily denied. The authority may require the  
147 protesting party, at the time of filing the protest, to post a  
148 bond, payable to the state, in an amount that the authority  
149 determines sufficient to cover any expense or loss incurred by the  
150 state, the authority or any state agency as a result of the  
151 protest if the protest subsequently is determined by a court of  
152 competent jurisdiction to have been filed without any substantial  
153 basis or reasonable expectation to believe that the protest was  
154 meritorious; however, in no event may the amount of the bond  
155 required exceed a reasonable estimate of the total project cost.  
156 The authority, in its discretion, also may prohibit any  
157 prospective bidder, offerer or contractor who is a party to any  
158 litigation involving any such contract with the state, the  
159 authority or any agency of the state to participate in any other  
160 such bid, offer or contract, or to be awarded any such contract,  
161 during the pendency of the litigation.

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



166 All acquisitions of computer equipment and services involving  
167 the expenditure of funds in excess of the dollar amount  
168 established in Section 31-7-13(c), or rentals or leases in excess  
169 of the dollar amount established in Section 31-7-13(c) for the  
170 term of the contract, shall be based upon competitive and open  
171 specifications, and contracts therefor shall be entered into only  
172 after advertisements for bids are published in one or more daily  
173 newspapers having a general circulation in the state not less than  
174 fourteen (14) days prior to receiving sealed bids therefor. The  
175 authority may reserve the right to reject any or all bids, and if  
176 all bids are rejected, the authority may negotiate a contract  
177 within the limitations of the specifications so long as the terms  
178 of any such negotiated contract are equal to or better than the  
179 comparable terms submitted by the lowest and best bidder, and so  
180 long as the total cost to the State of Mississippi does not exceed  
181 the lowest bid. If the authority accepts one (1) of such bids, it  
182 shall be that which is the lowest and best. Through June 30,  
183 2023, the provisions of this paragraph shall not apply to  
184 acquisitions of information technology equipment and services made  
185 by the Mississippi Department of Health and/or the Mississippi  
186 Department of Revenue for the purposes of implementing,  
187 administering and/or enforcing the provisions of the Mississippi  
188 Medical Cannabis Act.

189 (p) When applicable, the authority may procure  
190 equipment, systems and related services in accordance with the law





191 or regulations, or both, which govern the Bureau of Purchasing of  
192 the Office of General Services or which govern the Mississippi  
193 Department of Information Technology Services procurement of  
194 telecommunications equipment, software and services.

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

202 (r) To promote the maximum use and benefit from  
203 technology and services now in operation or which will in the  
204 future be placed in operation and to identify opportunities,  
205 minimize duplication, reduce costs and improve the efficiency of  
206 providing common technology services the authority is authorized  
207 to:

208 (i) Enter into master agreements for computer or  
209 telecommunications equipment or services, including cloud  
210 computing, available for shared use by state agencies, institutes  
211 of higher learning and governing authorities; and

212 (ii) Enter into contracts for the acquisition of  
213 computer or telecommunications equipment or services, including  
214 cloud computing, that have been acquired by other entities,  
215 located within or outside of the State of Mississippi, so long as



216 it is determined by the authority to be in the best interest of  
217 the State. The acquisitions provided in this subsection (r) shall  
218 be exempt from the advertising and bidding requirements of Section  
219 25-53-1 et seq.

220 ( \* \* \* s) All fees collected by the Mississippi  
221 Department of Information Technology Services shall be deposited  
222 into the Mississippi Department of Information Technology Services  
223 Revolving Fund unless otherwise specified by the Legislature.

224 ( \* \* \* t) The authority shall work closely with the  
225 council to bring about effective coordination of policies,  
226 standards and procedures relating to procurement of remote sensing  
227 and geographic information systems (GIS) resources. In addition,  
228 the authority is responsible for development, operation and  
229 maintenance of a delivery system infrastructure for geographic  
230 information systems data. The authority shall provide a warehouse  
231 for Mississippi's geographic information systems data.

232 ( \* \* \* u) The authority shall manage one or more State  
233 Data Centers to provide information technology services on a  
234 cost-sharing basis. In determining the appropriate services to be  
235 provided through the State Data Center, the authority should  
236 consider those services that:

- 237 (i) Result in savings to the state as a whole;  
238 (ii) Improve and enhance the security and  
239 reliability of the state's information and business systems; and



240 (iii) Optimize the efficient use of the state's  
241 information technology assets, including, but not limited to,  
242 promoting partnerships with the state institutions of higher  
243 learning and community colleges to capitalize on advanced  
244 information technology resources.

245 ( \* \* \*y) The authority shall increase federal  
246 participation in the cost of the State Data Center to the extent  
247 provided by law and its shared technology infrastructure through  
248 providing such shared services to agencies that receive federal  
249 funds. With regard to state institutions of higher learning and  
250 community colleges, the authority may provide shared services when  
251 mutually agreeable, following a determination by both the  
252 authority and the Board of Trustees of State Institutions of  
253 Higher Learning or the Mississippi Community College Board, as the  
254 case may be, that the sharing of services is mutually beneficial.

255 ( \* \* \*w) The authority, in its discretion, may require  
256 new or replacement agency business applications to be hosted at  
257 the State Data Center. With regard to state institutions of  
258 higher learning and community colleges, the authority and the  
259 Board of Trustees of State Institutions of Higher Learning or the  
260 Mississippi Community College Board, as the case may be, may agree  
261 that institutions of higher learning or community colleges may  
262 utilize business applications that are hosted at the State Data  
263 Center, following a determination by both the authority and the  
264 applicable board that the hosting of those applications is



265 mutually beneficial. In addition, the authority may establish  
266 partnerships to capitalize on the advanced technology resources of  
267 the Board of Trustees of State Institutions of Higher Learning or  
268 the Mississippi Community College Board, following a determination  
269 by both the authority and the applicable board that such a  
270 partnership is mutually beneficial.

271 ( \* \* \*x) The authority shall provide a periodic update  
272 regarding reform-based information technology initiatives to the  
273 Chairmen of the House and Senate Accountability, Efficiency and  
274 Transparency Committees.

275 From and after July 1, 2018, the expenses of this agency  
276 shall be defrayed by appropriation from the State General Fund.  
277 In addition, in order to receive the maximum use and benefit from  
278 information technology and services, expenses for the provision of  
279 statewide shared services that facilitate cost-effective  
280 information processing and telecommunication solutions shall be  
281 defrayed by pass-through funding and shall be deposited into the  
282 Mississippi Department of Information Technology Services  
283 Revolving Fund unless otherwise specified by the Legislature.  
284 These funds shall only be utilized to pay the actual costs  
285 incurred by the Mississippi Department of Information Technology  
286 Services for providing these shared services to state agencies.  
287 Furthermore, state agencies shall work in full cooperation with  
288 the Board of the Mississippi Department of Information Technology  
289 Services to identify computer equipment or services to minimize



290 duplication, reduce costs, and improve the efficiency of providing  
291 common technology services across agency boundaries.

292           **SECTION 2.** This act shall take effect and be in force from  
293 and after July 1, 2023.

