

MISSISSIPPI CODE OF 1972

As Amended

SEC. 31-7-1. Definitions.

The following terms are defined for the purposes of this chapter to have the following meanings:

(a) "Agency" shall mean any state board, commission, committee, council, university, department or unit thereof created by the Constitution or statutes if such board, commission, committee, council, university, department, unit or the head thereof is authorized to appoint subordinate staff by the Constitution or statute, except a legislative or judicial board, commission, committee, council, department or unit thereof.

(b) "Governing authority" shall mean boards of supervisors, governing boards of all school districts, all boards of directors of public water supply districts, boards of directors of master public water supply districts, municipal public utility commissions, governing authorities of all municipalities, port authorities, commissioners and boards of trustees of any public hospitals, boards of trustees of public library systems, district attorneys, school attendance officers and any political subdivision of the state supported wholly or in part by public funds of the state or political subdivisions thereof, including commissions, boards and agencies created or operated under the authority of any county or municipality of this state. The term "governing authority" shall not include economic development authorities supported in part by private funds, or commissions appointed to hold title to and oversee the development and management of lands and buildings which are donated by private individuals to the public for the use and benefit of the community and which are supported in part by private funds.

(c) "Purchasing agent" shall mean any administrator, superintendent, purchase clerk or other chief officer so designated having general or special authority to negotiate for and make private contract for or purchase for any governing authority or agency.

(d) "Public funds" shall mean and include any appropriated funds, special funds, fees or any other emoluments received by an agency or governing authority.

(e) "Commodities" shall mean and include the various commodities, goods, merchandise, furniture, equipment, automotive equipment of every kind, and other personal property purchased by the agencies of the state and governing authorities, but not commodities purchased for resale or raw materials converted into products for resale.

(i) "Equipment" shall be construed to include: automobiles, trucks, tractors, office appliances and all other equipment of every kind and description.

(ii) "Furniture" shall be construed to include: desks, chairs, tables, seats, filing cabinets, bookcases and all other items of a similar nature as well as dormitory furniture,

appliances, carpets and all other items of personal property generally referred to as home, office or school furniture.

(f) "Emergency" shall mean any circumstances caused by fire, flood, explosion, storm, earthquake, epidemic, riot, insurrection or caused by any inherent defect due to defective construction, or when the immediate preservation of order or of public health is necessary by reason of unforeseen emergency, or when the immediate restoration of a condition of usefulness of any public building, equipment, road or bridge appears advisable, or in the case of a public utility when there is a failure of any machine or other thing used and useful in the generation, production or distribution of electricity, water or natural gas, or in the transportation or treatment of sewage; or when the delay incident to obtaining competitive bids could cause adverse impact upon the governing authorities or agency, its employees or its citizens; or in the case of a public airport, when the delay incident to publishing an advertisement for competitive bids would endanger public safety in a specific (not general) manner, result in or perpetuate a specific breach of airport security, or prevent the airport from providing specific air transportation services.

(g) "Construction" shall mean the process of building, altering, improving, renovating or demolishing a public structure, public building, or other public real property. It does not include routine operation, routine repair or regularly scheduled maintenance of existing public structures, public buildings or other public real property.

(h) "Purchase" shall mean buying, renting, leasing or otherwise acquiring.

(i) "Certified purchasing office" shall mean any purchasing office wherein fifty percent (50%) or more of the purchasing agents hold a certification from the Universal Public Purchasing Certification Council or other nationally recognized purchasing certification.

SOURCES: Codes, 1942, Secs. 9024-01, 9024-10, 9024.5; Laws 1958, ch. 480, Secs. 1-4; 1962, ch. 497, Secs. 1, 13; 1968, ch. 506, Sec. 21; 1980, ch. 440, Sec. 1; 1981, ch. 306, Sec. 1; 1984, ch. 488, Sec. 152; 1985, ch. 525, Sec. 13; 1988, ch. 589, Sec. 22; 1988 Ex Sess, ch. 14, Sec. 63; 1990, ch. 585, Sec. 1. Laws, 1993, ch. 556, Sec. 1; 1996, ch. 404, Sec. 2, eff from and after July 1, 1996; Amended by Laws 1999, Ch. 335, Sec. 1, SB2538, eff. July 1, 1994. Laws 2000, Ch. 593, Sec. 2, SB2900; Laws, 2003, ch. 539, § 3, SB 2344; Laws, 2004, ch. 390, § 1, SB 2100, eff from and after passage (approved Apr. 20, 2004).

PREVIOUS VERSIONS: [Pre-2004](#)
