

**NOTICE OF PROPOSED RULE ADOPTION
STATE OF MISSISSIPPI
Bureau of Building, Grounds and Real Property Management**

**Bureau of Building, Grounds and RPM
c/o Tricia Weir, Contract Analyst Senior
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Specific Legal Authority authorizing the Promulgation of Rule: none
Reference to Rules repealed, amended or suspended by the Proposed Rule: none

Explanation of the Purpose of the Proposed Rule and the reason(s) for proposing the rule: see attached

1. Added lines for phone, fax, and email plus landscape license number (if applicable) on the bid proposal in Division 0.
 2. This is a change to the Proposal Form in Division 0 of the manual.
Mississippi Department of Agriculture & Commerce Bureau of Plant Industry
Landscape License Number _____ (for prime landscaping projects) MS Code 69-19-1 - 69-19-15
Change is: "(for prime landscaping projects)" changed from "(as applicable)"
 3. This is a change mainly to the Proposal Form in Division 0 of the manual.
 - a. second page of proposal form - clarified mechanical and electrical Contractors (with notes and changing sub-contractor to contractor)
 - b. this change in #1 slightly affects 5.05 of bid checklist (sub-contractor to contractor)
 - c. added wording on the second page of the proposal form by Addendum 1 indicating that Addendum 1 (the Bureau's Memo) is included in the bid documents - Professional will need to add the date since it varies from project to project
 - d. this change in #3 slightly affects 1.2.3 on page 10 of the contract
 4. Added "LLC" as one of the choices on page 9 of Division 0 in the incorporation section for Contractor.
 5.
 - a. changed 3.01 of Instructions to Bidders deleting the requirement for a duplicate proposal form at bid opening
 - b. amended 2.04 of Instructions to Bidders adding (1) a line regarding base bid being written out in words and figures; and (2) that "written out carries" for base bid and all alternates
 - c. 5.01 of Instructions to Bidders Check List about written out carries and no duplicate copy of proposal form is necessary
 - d. added the words on the proposal form "Write in the amount of the base bid in words and numbers. The written word shall govern" and "Write in the amount of all of the alternates in words and numbers. The written word shall govern" on the proposal form.
6. Section 400.11 regarding Energy and Sustainability was added to the Manual and approved by SOS on 7/15/08. The following sections are amended to agree with Section 400.11:
- a. Added Sections 400.10 and 400.11 to Manual **Index**. (400.10 was added to Manual on 1/25/2001 but not to the Index; and 400.11 was added to Manual on 7/15/08 but not to the Index)
 - b. Manual Section 500.5.7. Energy: Energy **and sustainability** considerations (**400.11**) (added the words in bold)
 - c. Manual Section 600.5.7. Energy: Energy **and sustainability** considerations (**400.11**) (added the words in bold)

This rule is proposed as a Final Rule, and/or a Temporary Rule (Check one or both boxers as applicable.)

Persons may present their views on the proposed rule by addressing written comments to the agency at the above address. Persons making comments should include their name and address, as well as other contact information, and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

Oral Proceeding: Check one box below:

An oral proceeding is scheduled on this rule on Date: {Insert Date} Time: {Insert Time}
Place: {Insert Place}

If you wish to be heard and present evidence at the oral proceeding you must make a written request to the agency at the above address at least _____ day(s) prior to the proceeding to be placed on the agenda. The request should include your name, address, telephone number as well as other contact information; and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

An oral proceeding is not scheduled on this rule. Where an oral proceeding is not scheduled, an oral proceeding will be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address and telephone number of the person(s) making the request; and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

Economic Impact Statement: Check one box below:

The agency has determined that an economic impact statement is not required for this rule because amendments are insignificant, clerical, and involve no money and are intended to ensure uniformity in all forms and documents used in connection with construction projects under the Bureau's jurisdiction.

The concise summary of the economic impact statement required is attached.

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.

Date Rule Proposed: January 9, 2009

Proposed Effective Date of Rule: February 9, 2009

Signature and Title of Person Submitting Rule for Filing

Charles R. Snowden, Director, Bureau of Building, Grounds and Real Property Management SOS FORM APA 001
Effective Date 07/29/2005