

FILED
APR 06 2009
SECRETARY OF STATE

**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
501 North West Street, Suite 1401B
Jackson, Mississippi 39201 Hand Delivered
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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Reference to Rules repealed, amended or suspended by the Proposed Rule: none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:

- 1 Adopt the AIA 2007 General Conditions in Section 00700 and Amend the Bureau of Building's Supplementary Conditions Section 00800 (the American Institute of Architects' Gen. Conds are protected by U.S. Copyright Law; however, Bureau of Building, et al, Supp. Conds. are attached) (May 31st is last date to get previous AIA Gen. Conds. From the AIA - State must adhere thereto.)
- 2 Change the requirement for the Contractor's legal name to be shown as required in Division 00100 Instructions to Bidders Sections 2.07, 3.01 envelope, and 5.01 to agree with Proposal Form from "appearing in the current Mississippi State Board of Contractors Roster" to "Complete spelling of bidder's name and address - exact as recorded at the Secretary of State [<http://www.sos.state.ms.us/busserv/corp/soskb/csearch.asp>] which should be the same as you applied for at the Mississippi State Board of Contractors [<http://www.msbc.us/Search2.CFM>]"
- 3 Add a reason in the Instructions to Bidders 1.04 for disqualification of bidder to agree with Procedure Manual Section 600.53.
 - A Failure to comply with the bid requirements. (in 600.53 but missing in 1.04)
 - B Bidder is in arrears on existing Contracts with the Bureau or another state agency.
 - C Bidder is, or anticipates being, in litigation or arbitration with the Bureau or another state agency.
 - D Bidder has defaulted on a previous Contract.
- 4 Rearrange the wording on the Proposal Form Addenda Acknowledgment and Mechanical/Electrical Contractors in hopes of obtaining better contractor response on the bid proposals.
- 5 Change notification of Asbestos from Richard Scruggs, et al, to the Attorney General's Office - State of Mississippi, as requested by Hon. Geoffrey Morgan, Chief of Staff for the Attorney General's Office, in Section 400.4
- 6 Change the requirement for a Request for Proposal for Professional from \$1,000,000.00 to \$2,000,000.00 in Section 400.6.
- 7 Change the requirement for a plaque from "Facilities" to "New buildings and major building renovation projects" in Section 600.30 to comply with Code 29-5-151 that requires plaques on "buildings" ... *paid for with public funds*.... (to clarify that plaques do not go on i.e. roofs, sewer projects, etc)

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 due to some industry changes (AIA documents), and/or 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: April 6, 2009

Proposed Effective Date of Rule: May 6, 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