Mississippi Secretary of State
700 North Street P. O. Box 136, Jackson, MS 39205-0136

ADMINISTRATIVE PROCEDURES NOTICE FILING

AGENCY NAME		CONTACT PERSON	TELEPHONE NUMBER	
Department of Information Technology Services		Martha Pemberton	601-359-2743	
ADDRESS		CITY	STATE	ZIP
301 N. Lamar Street, Suite 508		Jackson	MS	39201
EMAIL	SUBMIT DATE	Name or number of rule(s):		
pemberton@its.ms.gov	3/17/10	MS Code Sections 25-53-5 (b) 25-53-5 (n);		

Short explanation of rule/amendment/repeal and reason(s) for proposing rule/amendment/repeal: The current policy is confusing in that the protest grounds and project milestones are presented separately. Grounds for protest are specific to the protested milestone, so the revised version combines the two lists. Delivery options for materials produced by ITS in response to the protest have been updated to include electronic delivery; "Exhausted of Remedies" has been updated to clarify timeframes for filing a petition for judicial review and process for the return to protest bond, as well as circumstances for issuing a payment demand against the bond.

Specific legal authority authorizing the promulgation of rule: MS Code Sections 25-53-5 (b); 25-53-5 (n);

List all rules repealed, amended, or suspended by the proposed rule: Updates to 019-020 ITS Protest Procedures and Policy: Combine protest grounds with milestones; specify timeframe & notice requirements for court appeal; update delivery options to include electronic delivery.

ORAL PROCEEDING:

☐ An oral proceeding is scheduled for this rule on Date: _____ Time: _____ Place: _____

☒ Presently, an oral proceeding is not scheduled on this rule.

If an oral proceeding is not scheduled, an oral proceeding must be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) or more 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, email address, and telephone number of the person(s) making the request; and, if you are an agent or attorney, the name, address, email address, and telephone number of the party or parties you represent. At any time within the twenty-five (25) day public comment period, written submissions including arguments, data, and views on the proposed rule/amendment/repeal may be submitted to the filing agency.

ECONOMIC IMPACT STATEMENT:

☒ Economic impact statement not required for this rule. ☐ Concise summary of economic impact statement attached.

TEMPORARY RULES	PROPOSED ACTION ON RULES	FINAL ACTION ON RULES
_____ Original filing	**Action proposed:**	**Action taken:**
_____ Renewal of effectiveness	_____ New rule(s)	X____ Adopted with no changes in text
To be in effect in _____ days	_____ Amendment to existing rule(s)	_____ Adopted with changes
Effective date:	_____ Repeal of existing rule(s)	_____ Adopted by reference
_____ Immediately on	_____ Adoption by reference	_____ Withdrawn
_____ Other (specify): _____	**Proposed date of adoption:**	_____ Repeal adopted as proposed
	_____ 30 days after filing	**Effective date:**
	_____ Other (specify): _____	X____ 30 days after filing
		_____ Other (specify): _____

Printed name and Title of person authorized to file rules: David L. Litchliter, Executive Director
Signature of person authorized to file rules: David L. Litchliter

OFFICIAL FILING STAMP	DO NOT WRITE BELOW THIS LINE OFFICIAL FILING STAMP	OFFICIAL FILING STAMP
		FILED MAR 17 2010 MISSISSIPPI SECRETARY OF STATE
Accepted for filing by	**Accepted for filing by**	**Accepted for filing by** EM

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