

MISSISSIPPI STATE BOARD OF CONTRACTORS

Proposed Amendment to Miss. Admin. Code 30-9-2:

Rule 2. Rules and Regulations – Commercial

Pursuant to the powers and responsibilities of the State Board of Contractors conferred by ~~Section 8(1), Chapter 527, General Laws of Mississippi—1988 (Section 31-3-13(f) Mississippi Code of 1972, as amended)~~; Miss. Code Ann. §§ 31-3-13(f) (1972), as amended, and in accordance with ~~Sections 25-43-1 through 25-43-49, Mississippi Code of 1972, as amended~~; Miss. Code Ann. §§ 25-43-3.101 – 25-43-3.115 (1972), known as the Mississippi Administrative Procedures Law, the Board hereby adopts, establishes and promulgates the following rules and regulations and directs that same be entered upon its minutes and made available to all applicants for initial or renewed Certificates of Responsibility issued by the Board and all other persons.

Rule 2(1)(a) ~~No certificate~~ Certificates or any ~~renewal~~ renewals thereof shall may be issued ~~until an application has been on file with the Board for at least thirty (30) days.~~ at any time during the course of a calendar year by the Executive Director after his determination that the applicant has satisfied all statutory and other requirements prerequisite to the issuance of a certificate or a renewal thereof.

Rule 2(1)(i) An applicant for a new certificate shall furnish the Board with at a minimum a reviewed financial statement completed within the prior twelve (12) months on a form prescribed by the Board, prepared and signed by a certified public accountant, stating the assets, liabilities and net worth of the person, firm, partnership, co-partnership, or corporation. Such statement will be used by the Board to determine the financial responsibility of the applicant to perform work in the amount of Fifty Thousand Dollars (\$50,000.00) or more with respect to public and private projects ~~or One Hundred Thousand Dollars (\$100,000.00) or more with respect to private projects.~~ Assets of applicants for major classifications must include a net worth of at least Fifty Thousand Dollars (50,000.00). Assets of all other applicants must include a net worth of at least Twenty Thousand Dollars (\$20,000.00). The financial statement and any information contained therein, as well as any other financial information required to be submitted by an applicant, shall be confidential. All applicants for renewal certificates shall meet the same requirements set forth above except the following applies regarding financial statements: Certificate holders performing work that is equal to or in excess of Two Million Dollars (\$2,000,000.00) per year shall furnish a reviewed financial statement. Certificate holders performing work that is less than Two Million Dollars (\$2,000,000.00) per year shall furnish a balance sheet prepared in accordance with generally accepted accounting principles.

Rule 2(1)(m) An applicant for renewal of a certificate that has been expired for at least one hundred eighty (180) days shall submit all information required for a new certificate.

Rule 2(12) It shall be unlawful and illegal for a Primary Contractor, Contractor, Owner, Awarding Authority, Sub-contractor, or any other person to contract, or subcontract, all of any portion of a public or private construction project regulated by Chapter 527, General Laws of Mississippi – 1988 (Sections 31-3-1 – 31-3-23, Miss. Code Ann. (1972, as amended)), exceeding Fifty Thousand Dollars (\$50,000.00) with respect to public and private projects ~~and exceeding One Hundred Thousand Dollars (\$100,000.00) with respect to private projects~~, to any other Contractor, or Sub-Contractor, unless the Contractor, or Subcontractor was duly licensed by this Board as of the date of submission of bids on the work. It is further provided that the Prime Contractor, on or before the date of being awarded the prime contract, shall submit to the awarding agency a list of all subcontracts, exceeding Fifty Thousand Dollars (\$50,000.00) with respect to public and private projects ~~and One Hundred Thousand Dollars (\$100,000.00) with respect to private projects~~.

Rule 2(29) The passing score for the examination requirement provided in Miss. Code Ann. § 31-3-13(a) (1972, as amended) is a grade of at least 70%. Any applicant for a Certificate of Responsibility must furnish proof of having taken an objective, standardized examination. The Board may administer an oral examination to an applicant, upon request, if such applicant is unable to take a written exam.

MISSISSIPPI STATE BOARD OF CONTRACTORS

Proposed Amendments to Rules and Regulations – Residential Builders and Remodelers – Miss. Admin. Code 30-9-3:1

Rule 3(1)(a) ~~No license or any renewal thereof shall be issued until an application has been on file with the Board for at least thirty (30) days. Licenses or any renewals thereof shall~~ may be issued at any time during the course of a calendar year by the Executive Director after his determination that the applicant has satisfied all statutory and other requirements prerequisite to the issuance of a license or a renewal thereof.

Rule 3(1)(l) ~~An applicant for a residential builder's license shall provide a copy of the certificate of insurance evidencing current minimum of \$300,000 per occurrence and \$500,000 aggregate for general liability purposes. An applicant for remodeler's license shall provide a copy of the certificate of insurance evidencing current minimum coverage of \$100,000 per occurrence and \$200,000 aggregate for general liability purposes.~~

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Rule 2(1)(i) An applicant for a new certificate shall furnish the Board with at a minimum a reviewed financial statement completed within the prior twelve (12) months on a form prescribed by the Board, prepared and signed by a certified public accountant, stating the assets, liabilities and net worth of the person, firm, partnership, co-partnership, or corporation. Such statement will be used by the Board to determine the financial responsibility of the applicant to perform work in the amount of Fifty Thousand Dollars (\$50,000.00) or more with respect to public and private projects. Assets of applicants for major classifications must include a net worth of at least Fifty Thousand Dollars (50,000.00). Assets of all other applicants must include a net worth of at least Twenty Thousand Dollars (\$20,000.00). The financial statement and any information contained therein, as well as any other financial information required to be submitted by an applicant, shall be confidential. All applicants for renewal certificates shall meet the same requirements set forth above except the following applies regarding financial statements: Certificate holders performing work that is equal to or in excess of Two Million Dollars (\$2,000,000.00) per year shall furnish a reviewed financial statement. Certificate holders performing work that is less than Two Million Dollars (\$2,000,000.00) per year shall furnish a balance sheet prepared in accordance with generally accepted accounting principles.

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