MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Representative Banks To: Corrections

HOUSE BILL NO. 708

AN ACT TO AMEND SECTION 47-5-109.1, MISSISSIPPI CODE OF 1972, TO EXPAND THE CRITERIA THAT THE DEPARTMENT OF CORRECTIONS UTILIZES WHEN EVALUATING REQUESTS FOR PROPOSALS FROM INTERESTED THIRD PARTIES FOR INMATE CANTEEN SERVICES; TO REQUIRE THAT SUCH CRITERIA INCLUDE PRICING THAT IS FAIR AND REASONABLE AS WELL AS COMPARABLE TO OTHER STATES; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 47-5-109.1, Mississippi Code of 1972, is amended as follows:

47-5-109.1. (1) The Department of Corrections shall contract for the administration of inmate canteen services to a third party. Such contract shall comply with the procedures set forth in this section:

(a) The Department of Corrections shall cause to be prepared a request for proposals. This request for proposals shall be prepared for distribution to any interested third party. Notice of the department's intention to seek proposals shall be published in a newspaper of general circulation at least one time per week for three (3) weeks before closing the period for interested parties to respond. Additional forms of notice may

also be used. The newspaper notice shall inform the interested parties of the service to be contracted, existence of a request for proposals, how it can be obtained, when a proposal must be submitted, and to whom the proposal must be submitted. All requests for proposals shall describe clearly what service is to be contracted, and shall fully explain the criteria upon which an evaluation of proposals shall be based. The criteria to be used for evaluations shall, at a minimum, include:

(i) Require interested third parties to describe their qualifications to provide inmate canteen services to correctional facilities in widely dispersed geographical regions; and

(ii) Describe the department's expectations with regard to commissions, pricing and quality assurance for inmate canteen services and require that prices charged by the canteens are reasonable and fair to those purchasing through the canteen system and that the prices are comparable with other states.

(b) All proposals submitted by interested parties shall be evaluated by the Inmate Welfare Fund Committee, as established in Section 47-5-158, which shall apply the same criteria to all proposals when conducting an evaluation. The results and recommendations of the evaluation shall be presented to the Department of Corrections for review. All evaluations presented to the department shall be retained by the department for at least three (3) years. The department may accept or reject any

recommendation of the committee, or it may conduct further inquiry into the proposals. Any further inquiry shall be clearly documented and all methods and recommendations shall be retained by the department and shall spread upon its minutes its choice of the administrator for inmate canteen services and its reasons for making the choice.

(c) (i) The department shall be responsible for preparing a contract that shall be in accordance with all provisions of this section and all other provisions of law. The contract shall also include a requirement that the contractor shall consent to an evaluation of its performance. Such evaluation shall occur after the first six (6) months of the contract, and shall be reviewed at times the department determines to be necessary. The contract shall clearly describe the standards upon which the contractor shall be evaluated.

(ii) The PEER Committee, at the request of the House or Senate Corrections Committee and with funds specifically appropriated by the Legislature for such purpose, shall contract with an accounting firm or with other professionals to conduct a compliance audit of the services provided by the contractor. Such audit shall review the compliance with the performance standards required for inclusion in the administrator's contract. Such audit shall be delivered to the Legislature no later than January 1.

(2) Contracts for the administration of inmate canteen services shall commence at the beginning of the calendar year and shall end on the last day of a calendar year. This shall not apply to contracts provided for in subsection (3) of this section.

(3) If the Department of Corrections determines that it is necessary to not renew the contract of an administrator, or finds it necessary to terminate a contract with or without cause as provided for in the contract of the administrator of inmate canteen services, the department is authorized to select an administrator for inmate canteen services without complying with the bid requirements in subsections (1) and (2) of this section. Such contracts shall be for the balance of the calendar year in which the nonrenewal or termination occurred, and may be for an additional calendar year if the department determines that the best interests of the inmates are served by such. Any contract negotiated on an interim basis shall include a detailed transition plan which shall ensure the orderly transfer of responsibilities between contractors.

(4) Except for contracts executed under the authority of subsection (3) of this section, the department shall select administrators of inmate canteen services at least six (6) months before the expiration of the current administrator's contract. The period between the selection of the new administrator of inmate canteen services and the effective date of the new contract shall be known as the transition period. The Department of

Corrections shall furnish the Legislature and Governor with copies of all transition plans and keep them informed of progression on such plans.

SECTION 2. This act shall take effect and be in force from and after July 1, 2022.

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ST: DOC's evaluation of requests for proposals for canteen services; require interested third parties to have reasonable prices for services.