

STATE OF MISSISSIPPI

Office of the Governor



EXECUTIVE ORDER 1362

Promoting Transparency in Public Contracting

WHEREAS, funds entrusted by the taxpayers to their government must be spent to serve the needs of the public, not to perpetuate ineffective contracts, exercise favoritism, or enrich government officials; and

WHEREAS, to help improve practices in public contracting, Governor Phil Bryant established the Task Force on Procurement and Contracting in the Mississippi Department of Corrections ("Task Force") through Executive Order No. 1346 issued November 7, 2014; and

WHEREAS, Governor Bryant charged the Task Force with conducting a comprehensive review of the procurement process within the Mississippi Department of Corrections, as well as with recommending laws, regulations, and policies "to protect the best interests of the taxpayers, to ensure financial and ethical integrity in procuring goods and services, and to amend or eliminate any provisions ... unnecessary for the effective, efficient, and fair award and administration of contracts"; and

WHEREAS, the Mississippi Legislature enacted legislation placing additional safeguards on the public contracting process during its most recent regular session. *See, e.g.*, House Bill 825 (Miss. Reg. Sess. 2015); House Bill 1137 (Miss. Reg. Sess. 2015); and

WHEREAS, in its final recommendations issued in June, the Task Force identified specific recommendations to promote transparency and to encourage state employees to report fraud, waste, and abuse; and

WHEREAS, the executive department must build on recent progress and pursue new ways to ensure open and honest dealings with the public.

NOW, THEREFORE, I, Phil Bryant, Governor of the State of Mississippi, pursuant to the Constitution and laws of the State of Mississippi, and to promote transparency and efficiency in public contracting, do hereby order as follows:

1. After September 1, 2015, each agency awarding, renewing, or amending any professional or personal services contract reported online pursuant to the Mississippi Accountability and Transparency Act of 2008 must also submit by online report an analysis describing the reasons for awarding, renewing, or amending such contract. *See* Miss. Code § 27-104-155(c). The analysis is subject to the restrictions in Miss. Code § 27-104-155(d).
2. Each agency shall at all times display and make available to employees a poster as prescribed and supplied by the Department of Finance and Administration. Such a poster will contain information on the fraud and abuse hotline maintained by the State Auditor, and shall be posted in a conspicuous place on the agency's premises where it may be readily observed. Where an agency finds it inappropriate to post such a notice, this requirement may be satisfied by providing the poster directly to all employees.
3. "Agency" means any state board, commission, committee, council, department or unit thereof created by the constitution or statutes or if such board, commission, committee, council, department, unit or the head thereof is authorized to appoint subordinate staff by the constitution or statute. "Agency" does not mean any legislative or judicial board, commission, committee, council, department or unit thereof, or any officer exercising exclusively legislative or judicial powers. "Agency" includes any governmental entity under the purview of the Personal Services Contract Review Board.

4. This order is effective upon signature and shall remain in effect until modified, terminated or rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Mississippi to be affixed.



DONE at the Capitol, in the City of Jackson, this the 31st day of July in the year of our Lord two thousand and fifteen, and of the two hundred and fortieth year of the United States of America.

A handwritten signature in black ink, which appears to read "Phil Bryant". The signature is fluid and cursive.

PHIL BRYANT
GOVERNOR

BY THE GOVERNOR

A handwritten signature in blue ink, which appears to read "C. Delbert Hosemann, Jr.". The signature is written in a cursive style.

C. DELBERT HOSEMAN, JR.
SECRETARY OF STATE