

4/17 4:40p

Chapter No. 902  
12/HR12/R1369  
JP / CST

***HOUSE BILL NO. 1529***

Originated in House  Clerk

HOUSE BILL NO. 1529

AN ACT TO AUTHORIZE THE CITY OF HATTIESBURG, MISSISSIPPI, TO ENTER INTO CONTRACTS FOR THE COLLECTION, STORAGE, TRANSPORTATION, TREATMENT AND/OR DISPOSAL OF WASTEWATER; TO AUTHORIZE THE CITY TO ENTER INTO OPERATING AGREEMENTS FOR THE OPERATION OF ALL OR ANY PORTIONS OF THE CITY'S WASTEWATER COLLECTION, STORAGE, TRANSPORTATION, TREATMENT OR OTHER SYSTEMS; TO AUTHORIZE THE CITY TO LEASE TO OR FROM ANY PERSON ALL OR ANY PORTIONS OF THE CITY'S WASTEWATER COLLECTION, STORAGE, TRANSPORTATION, TREATMENT OR OTHER SYSTEMS; TO AUTHORIZE SUCH CONTRACTS, AGREEMENTS OR LEASES TO BE FOR A TERM NOT TO EXCEED 30 YEARS; TO PROVIDE THE MANNER OF AWARDING SUCH CONTRACTS, OPERATING AGREEMENTS OR LEASES THAT INVOLVE THE EXPENDITURE BY THE CITY OF MORE THAN \$50,000.00; AND FOR RELATED PURPOSES.

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

**SECTION 1.** As used in this act:

(a) "City" means the City of Hattiesburg, Mississippi.

(b) "Person" means an individual, corporation, limited liability company, unincorporated association, partnership or other form of business association.

(c) "System" or "systems" means any plants, equipment, structures, facilities and other real and personal property, used or useful in the collection, storage, transportation, treatment or disposal of wastewater and storm water.

(d) "Wastewater" means water and/or storm water being disposed of by any person and which is contaminated with waste or sewage, including industrial, municipal and any other wastewater that may cause impairment of the quality of the waters in the state.

(e) "Water" means potable water, service water and groundwater.

**SECTION 2.** The city shall have, in addition to any other powers granted under any other provisions of law, the following powers:

(a) To enter into contracts with any person for a term not to exceed thirty (30) years, and upon such other terms and conditions as may be deemed desirable, for the collection, storage, transportation, treatment and/or disposal of wastewater;

(b) To enter into operating agreements with any person, for a term not to exceed thirty (30) years, and upon such other terms and conditions as may be deemed desirable, for the operation of all or any portions of the city's wastewater collection, storage, transportation, treatment or other systems; and

(c) To lease to or from any person, for a term not to exceed thirty (30) years, and upon such other terms and conditions as may be deemed desirable, all or any portions of the city's wastewater collection, storage, transportation, treatment or other systems.

**SECTION 3.** Before entering into any contract operating agreement or lease authorized by Section 2 of this act which involves an expenditure by the city of more than Fifty Thousand Dollars (\$50,000.00), the city shall issue publicly a request for proposals concerning the specifications for such contractual services and/or equipment which shall be advertised for in the same manner as provided for seeking bids under Section 31-7-13(c), Mississippi Code of 1972. Any request for proposals when issued shall contain terms and conditions relating to price, financial responsibility, technology, legal responsibilities and other relevant factors as are determined by the city to be appropriate for inclusion; all factors determined relevant by the city shall be duly included in the advertisement to elicit proposals. After responses to the request for proposals have been duly received, the city shall select the most qualified proposal or proposals on the basis of price, technology and other relevant factors and from

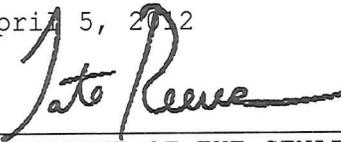
such proposals, but not limited to the terms thereof, negotiate and enter into contracts with one or more of the persons submitting proposals. If the city deems none of the proposals to be qualified or otherwise acceptable, the request for proposals process may be reinitiated.

**SECTION 4.** This act shall take effect and be in force from and after its passage.

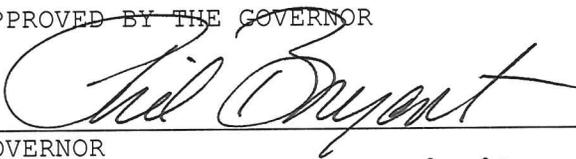
PASSED BY THE HOUSE OF REPRESENTATIVES  
March 22, 2012

  
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SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE  
April 5, 2012

  
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PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR

  
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GOVERNOR

4:40 pm