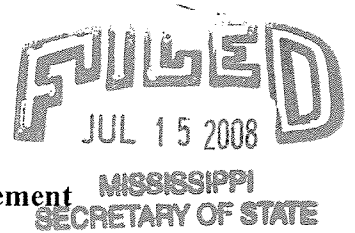


NOTICE OF RULE ADOPTION—FINAL RULE



STATE OF MISSISSIPPI  
Bureau of Building, Grounds and Real Property Management

Bureau of Building, Grounds and Real Property Management  
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Specific Legal Authority authorizing the promulgation of Rule: AG Opinion 2001-0434

Reference to Rules repealed, amended or suspended by the Proposed Rule: General Guidelines #7 (on page 2) of the Real Property Management Procedure Manual for leasing relocatable buildings and trailers for office space

Date Rule Proposed: June 6, 2008

**Explanation of the Purpose of the Proposed Rule and the reason(s) for proposing the rule:**

Amendment to General Guidelines #7 on Page 2 in the Real Property Management Policy and Procedure Manual for the Bureau of Building, Grounds and Real Property Management, that *Relocatable buildings, trailers, and/or modular units used and occupied by State Agencies as leased space fall under the procedures established for "equipment" and should follow the guidelines in the Office of Purchasing, Travel and Fleet Management Procedure Manual for leasing equipment.*

The Agency Rule Making Record for this rule including any written comments received during the comment period and the record of any oral proceeding is available for public inspection by contacting the Agency at the above address.

An oral proceeding was held on this rule:

Date: {Insert Date}  
Time: {Insert Time}  
Place: {Insert Place}

An oral proceeding was not held on this rule.

The Agency has considered the written comments and the presentations made in any oral proceedings, and

This rule as adopted is without variance from the proposed rule.

This rule as adopted differs from the proposed rule as there are minor editorial changes which affect the form rather than the substance of the rule.

The rule as adopted differs from the proposed rule. The differences however are:  
Within the scope of the matters in the Notice of Proposed Rule Adoption, the logical outgrowth of the contents of the Notice of Proposed Rule Adoption and the comments submitted in response thereto, and  
The Notice of Proposed Rule Adoption provided fair warning that the outcome of the proposed rule adoption could be the rule in question.

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

Effective Date of Rule: July 7, 2008

Charles R. Snowden, Director  
Bureau of Building, Grounds and Real Property Management

General Guidelines to be followed are:

1. Request for space should be made NO LATER than sixty (60) days prior to need. They should be received by RPM at least three (3) weeks before the first Wednesday of each month. Proposals received by the Bureau of Building, Grounds and Real Property Management after this day may not be placed on the next month's Public Procurement Review Board Agenda. It is the responsibility of each Agency to follow a procedure that will insure the necessary forms are received by the Division of Real Property Management far enough in advance of the commencement date of their new lease as to provide for the timely preparation of lease proposals to be submitted to the Public Procurement Review Board.
2. Each Agency may receive a reminder notice from the Division of Real Property Management six (6) months before their lease is scheduled to expire. It is the responsibility of each agency to set a deadline for submitting proposals for that lease. Each Agency is to notify the Division of Real Property Management, in writing, of that deadline within thirty (30) days of receiving the expiration notice.
3. Except for special circumstances, space allocation will be made on the basis of existing positions, not future expectations. All space requested must be accompanied by a narrative report which provides justification for all the space requested.
4. Wherever possible, agencies will be housed in State-owned buildings. However, at all times, moves will be kept to a minimum. It is suggested that each Agency submit more than one lease proposal for space that is acceptable for their use in the order of their preference. In the event the first choice becomes unavailable or is ruled to be unacceptable, the second or another choice can be submitted without repeating the submission process.
5. When examining rental rates, the State will not exceed the rental rate prevailing in the community for comparable facilities. Square foot price limits will be based on current market conditions in a locality and rental rates will vary from city to city within the State.
6. Net usable area will be computed on the basis of the attached criteria.
7. ~~Relocatable buildings and trailers used and occupied by State Agencies are considered leased space. Requests for this type of space should be handled in the same manner as requests for new or additional space.~~  
  
Relocatable buildings, trailers, and/or modular units used and occupied by State Agencies as leased space fall under the procedures established for "equipment" and should follow the guidelines in the Office of Purchasing, Travel and Fleet Management Procedure Manual for leasing equipment.
8. Information concerning existing leases is public information and may be released to any person making inquiry. However, information concerning a lease under negotiation is confidential and shall not be released to the public until negotiations become final. Release of rental information requires approval of the Executive Director of the Agency.
9. In computing square footage to accommodate an Agency's needs, square footage should be no more than fifteen percent (15%) greater than the space determination shown as "Net Usable Area Required" on RPM-3. The "Allowable Space" as shown on RPM-3 includes this 15% and is the maximum space allowed the agency.
10. Building condition, location, and adaptability will all be factors in determining the most suitable Agency location. The cost of utilities, janitorial services, parking, remodeling, moving expenses, telephone hook-ups, etc., will all be considered in determining the TOTAL COST of the lease.
11. Decisions of the Division of Real Property Management may be contested in the manner described in the Mississippi State Agency Leasing Procedure Manual. Proposals under contest may not receive special consideration for Public Procurement Review Board agenda deadlines and could be delayed from appearing on a Public Procurement Review Board agenda until determined appropriate by the Director of the Office of General Services.