



Lynn Fitch
ATTORNEY GENERAL
OPINIONS AND POLICY

May 7, 2024

John H. McWilliams, Esq.
Attorney, Sunflower County Board of Supervisors
Post Office Box 107
Indianola, Mississippi 38751-0107

Re: Mississippi Code Annotated Section 31-7-13(c)(i)(2)

Dear Mr. McWilliams:

The Office of the Attorney General has received your request for an official opinion.

Question Presented

Is the county required to use the reverse auction procedure in Mississippi Code Annotated Section 31-7-13(c)(i)(2) to purchase equipment, including a bulldozer, water truck, and front-end loader for use by the County Road Department in construction, improvement, and repair of public roads and bridges within the county?

Brief Response

No. Pursuant to Section 31-7-13(c)(i)(2), any “purchase of materials, supplies, equipment or goods for same and including buildings, roads and bridges” shall not use the reverse auction procedure.

Applicable Law and Discussion

Pursuant to Section 31-7-13(c)(i)(2), for purchases over \$75,000.00, “reverse auctions shall be the primary method for receiving bids during the bidding process.” This section was amended in 2022 and now further provides: “[h]owever, reverse auction shall not be used for any public contract for design, construction, improvement, repair or remodeling of any public facilities, including the purchase of materials, supplies, equipment or goods for same and including buildings, roads and bridges.” *Id.*

You ask whether the county is required to use reverse auctions to purchase equipment for use in the construction, improvement, and repair of public roads and bridges within the county. Based on the plain language of Section 31-7-13(c)(i)(2), the reverse auction method shall not be used for the

John H. McWilliams, Esq.

May 7, 2024

Page 2

“purchase of materials, supplies, equipment or goods for same and including buildings, roads and bridges.”

If this office may be of any further assistance to you, please do not hesitate to contact us.

Sincerely,

LYNN FITCH, ATTORNEY GENERAL

By: */s/ Beebe Garrard*

Beebe Garrard
Special Assistant Attorney General

OFFICIAL OPINION