Lynn Fitch
ATTORNEY GENERAL
OPINIONS AND POLICY

November 10, 2026

The Honorable Johnny L. DuPree
Mississippi Senator
Post Office Box 1018
Jackson, Mississippi 39215

Re: Procurement Requirements for Technology Platforms

Dear Senator DuPree:

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

OFFICIAL OPINION

Background

In your opinion request, you describe the following scenario: "nationally recognized cooperative purchasing organizations conduct full competitive bid processes that meet or exceed public procurement standards. The winning vendor contracts are made available on technology platforms, where governing authorities can then purchase those contracts using the cooperative contract as the legal basis for the purchase." You then ask three questions regarding local governments' authority to contract with out-of-state cooperative organizations through certain technology platforms.

Questions Presented

1. Under Mississippi Code Annotated Section 31-7-13(m)(xxix), may a governing authority as defined by Section 31-7-1(b), utilize cooperative purchasing agreements accessed through a technology platform, provided the underlying cooperative contracts were awarded by a qualifying governmental or intergovernmental cooperative entity and previously approved by the Office of Purchasing and Travel?

2. Does the Interlocal Cooperation Act of 1974, Miss. Code Ann. §§ 17-13-1, *et seq.*, provide independent authority for local governments, as defined by Section 17-13-5, to enter into agreements with out of state cooperative organizations whose contracts are accessible through a multistate procurement form?

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3. Is a technology intermediary that facilitates access to but does not itself award or hold cooperative purchasing contracts, subject to any independent registration, licensure, or approval requirement under state law?

Brief Response

1. There is no specific state law addressing whether governing authorities may utilize cooperative purchasing agreements accessed through a technology platform. However, whether a specific agreement is permissible is a fact specific question and would depend upon the terms of the agreement or contract, which is outside the scope of an official Attorney General's Opinion.

2. The Interlocal Cooperation Act of 1974 does not provide authority for local governments to contract with out of state cooperative organizations.

3. Whether a company is subject to independent registration, licensure or approval requirements under state law depends on the specific facts and the terms of the referenced contracts. Pursuant to Section 7-5-25, we cannot by official opinion make factual determinations or opine on the terms or validity of contracts.

Applicable Law and Discussion

Section 31-7-13(m)(xxix) exempts certain purchases by governing agencies and authorities from bidding requirements, including:

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> Purchases made by certified purchasing offices of state agencies or governing authorities under cooperative purchasing agreements previously approved by the Office of Purchasing and Travel and established by or for any municipality, county, parish or state government or the federal government, provided that the notification to potential contractors includes a clause that sets forth the availability of the cooperative purchasing agreement to other governmental entities. Such purchases shall only be made if the use of the cooperative purchasing agreements is determined to be in the best interest of the governmental entity.

We understand your first question to be essentially whether a third-party technology company can provide governmental entities with access to these cooperative agreements, assuming that the underlying agreements meet the statutory requirements. Section 31-7-13(m)(xxix) does not address whether third party technology companies can provide a service as described in your request. However, we note that the Mississippi Department of Information Technology Services ("ITS") has the following power:

> (q) To promote the maximum use and benefit from technology and services now in operation or which will in the future be placed in operation and to identify opportunities, minimize duplication, reduce costs and improve the efficiency of providing common technology services [ITS] is authorized to:

> (i) Enter into master agreements for information technology, including cloud computing, available for shared use by state agencies, institutions of higher learning and governing authorities; and
>
> (ii) Enter into contracts for the acquisition of information technology, including cloud computing, that have been acquired by other entities, located within or outside of the State of Mississippi, so long as it is determined by the authority to be in the best interest of the state. The acquisitions provided in this paragraph (q) shall be exempt from the advertising and bidding requirements of Sections 25-53-1 et seq. and 31-7-1 et seq.

Miss. Code Ann. § 25-53-5(q). Because your question is outside the scope of an official Attorney General's Opinion, we refer you to both the Department of Finance and Administration Office of Purchasing and Travel, and ITS for further guidance on this question.

Your second question asks whether the Interlocal Cooperation Act of 1974, Sections 17-13-1, *et seq.*, provides independent authority for local governments to enter into agreements with out-of-state cooperative organizations whose contracts are accessible through a multistate procurement form. The Interlocal Cooperation Act "permit[s] local governmental units . . . to cooperate and to contract with other local governmental units. . . ." Miss. Code Ann. §17-3-3. It does not provide authority for local governments to contract with out-of-state cooperative organizations.

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Thirdly, you ask whether a technology intermediary that facilitates access to but does not itself award or hold cooperative purchasing contracts, is subject to any independent registration, licensure, or approval requirement under state law. The answer to this question depends on the specific facts and contractual terms of the agreement between the technology intermediary and any governmental entity that receives its services. Pursuant to Section 7-5-25, we cannot by official opinion make factual determinations or opine on the terms or validity of contracts. You may wish to contact the Department of Finance and Administration Office of Purchasing and Travel and the ITS regarding this question.

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