

STATE OF MISSISSIPPI



JIM HOOD
ATTORNEY GENERAL

OPINIONS
DIVISION

May 24, 2019

Daniel M. Martin, Esq.
Attorney, City of Water Valley
203 Wagner Street
Water Valley, Mississippi 38965

Re: Renovations and upgrades to municipal buildings

Dear Mr. Martin:

Attorney General Jim Hood has received your request for an opinion and has assigned it to me for research and response.

Issues Presented

You inquire as to whether a municipality may perform renovations and upgrades to municipal buildings by utilizing municipal employees to perform said work. Specifically, you provide the following:

I represent the Board of Aldermen of the City of Water Valley, Mississippi, who has asked that I write you for an opinion on the following matter. The City is in need of a new Fire Department and Police Department. The City owns a building that did house the Mississippi National Guard operations for our area. This building is suitable for the location of the Fire Department and Police Department but needs substantial internal renovation and upgrades.

The City is desirous of performing the renovations and upgrades itself using City employees from its various departments, including, but not limited to, employees from the Fire Department, Police Department and Street Department. The City is aware that it may not bypass the bidding process by using its own employees, and that any employee compensation must stay within each department's budget if it should undertake this project.

1. May the employees of the City perform the renovations and upgrades to the existing City building?

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Response

We have consistently recognized a municipality's authority to utilize its own employees to perform necessary construction work, which includes, but is not limited to, renovations and upgrades on public works projects. MS AG Op., Tyner (October 13, 2006); MS AG Op., Hatcher (February 18, 2005). See also MS AG Op., Twiford (May 24, 1995). While the provisions of Section 31-7-13 of the Mississippi Code would not apply to construction performed by municipal employees, said provisions would apply to any purchases of equipment or commodities unless such purchases are otherwise exempt. MS AG Op., Hatcher (February 18, 2005); MS AG Op., Twiford (May 24, 1995). Thus, the employees of the City of Water Valley may perform renovations and upgrades to municipal buildings provided that the municipality complies with the competitive bidding requirements when procuring equipment and/or supplies.

If we may be of further assistance, please do not hesitate to contact us.

Sincerely,

JIM HOOD, ATTORNEY GENERAL

OFFICIAL

By:



Leigh Triche Janous
Special Assistant Attorney General