

**ACT No. 273**

2020 Regular Session

HOUSE BILL NO. 477

BY REPRESENTATIVE IVEY

1 AN ACT

2 To amend and reenact R.S. 39:199(E), 200(I), 1600(E), 1621(A), (B), and (C)(1), and  
3 1679(B), and to enact R.S. 39:199.1, relative to technology procurement; to authorize  
4 alternative procedures for procurement of certain technology; to provide limitations  
5 and requirements; to provide relative to procurement transaction threshold values;  
6 to adjust threshold values for price inflation; to provide relative to penalties for  
7 intentional violations of the procurement code; to provide relative to the duties and  
8 authority of the Joint Legislative Committee on Technology and Cybersecurity and  
9 the Joint Legislative Committee on the Budget; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 39:199.1 is hereby enacted to read as follows:

12 §199.1. Alternative procedures

13 Notwithstanding any provision of law to the contrary, an agency shall not be  
14 required to follow the procedures provided in this Part or the Louisiana Procurement  
15 Code for procurement of software and the hardware used to support the software if  
16 the alternative procedures to be used by the agency are approved by the Joint  
17 Legislative Committee on Technology and Cybersecurity and the specific  
18 procurement is approved by the Joint Legislative Committee on the Budget.

19 Section 2. R.S. 39:199(E), 200(I), 1600(E), 1621(A), (B), and (C)(1), and 1679(B)  
20 are hereby amended and reenacted to read as follows:

21 §199. Methods of procurement

22 \* \* \*

23 E. Method for procuring information technology equipment, software, and  
24 maintenance services for public colleges and universities. Notwithstanding any other

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 provisions of this Part, any public college or university may procure, through its  
2 purchasing officer, information technology equipment, software, and maintenance  
3 services without the advance approval of the office of state procurement when a  
4 single expenditure for such materials or combined materials and services does not  
5 exceed one hundred fifty thousand dollars.

6 \* \* \*

7 §200. General provisions

8 The following general provisions shall apply to all procurements under this  
9 Part:

10 \* \* \*

11 I. Procurement support. All contracts covered under the provisions of this  
12 Chapter, in an amount greater than ~~one hundred~~ two hundred twenty-five thousand  
13 dollars, whether for purchase or rental payments or fiscal intermediary services in  
14 processing claims of health care providers, or master agreements, but excluding  
15 taxes, transportation, and other related services, shall be entered into with the  
16 assistance of a procurement support team as provided in Paragraph (2) of this  
17 Subsection and in accordance with guidelines to be published by the state central  
18 purchasing agency.

19 \* \* \*

20 §1600. Other procurement methods

21 \* \* \*

22 E. Negotiation of noncompetitive contracts.

23 The head of the using agency or the agency procurement officer shall  
24 negotiate with the highest qualified persons for sole source or emergency  
25 procurements or for professional, personal, or those consulting services ~~for less than~~  
26 ~~fifty thousand dollars~~ qualifying under R.S. 39:1621(A), or those social services  
27 qualifying under R.S. 39:1619(B) at compensation which the head of the using  
28 agency determines in writing to be fair and reasonable to the state. In making this  
29 determination, the head of the using agency shall take into account, in the following  
30 order of importance, the professional or technical competence of proposers, the

1 technical merits of proposals, and the compensation for which the services are to be  
 2 rendered, including fee. Negotiation of consulting services ~~for fifty thousand dollars~~  
 3 ~~or more~~ not qualifying under R.S. 39:1621(A) or social services not qualifying under  
 4 R.S. 39:1619(B) shall be conducted in accordance with R.S. 39:1595(B) hereof.

5 \* \* \*

6 §1621. Consulting service contracts

7 A. Contracts for consulting services which have a total maximum amount  
 8 of compensation less than ~~fifty~~ seventy-five thousand dollars for a twelve-month  
 9 period may be awarded without the necessity of competitive bidding or competitive  
 10 negotiation.

11 B. Contracts for consulting services which have a total maximum amount of  
 12 compensation of ~~fifty~~ seventy-five thousand dollars or more for a twelve-month  
 13 period shall be awarded through a request for proposal process under rules and  
 14 regulations issued by the office of state procurement. Service requirements shall not  
 15 be artificially divided so as to exempt contracts from the request for proposal  
 16 process.

17 C.(1) All contracts for consulting services which have a total maximum  
 18 amount of compensation of ~~one hundred forty~~ two hundred twenty-five thousand  
 19 dollars or more may be entered into with the assistance of a procurement support  
 20 team as provided herein, and in accordance with guidelines promulgated and  
 21 published by the office of state procurement.

22 \* \* \*

23 §1679. Violations; penalties

24 \* \* \*

25 B. Any person who intentionally violates such law, rule or regulation shall  
 26 be fined not more than ~~five hundred~~ one thousand dollars, or imprisoned for not  
 27 more than six months, or both.

28 Section 3. Section 1 of this Act shall take effect and become operative if and when  
 29 the Act which originated as House Bill No. 636 of this 2020 Regular Session of the  
 30 Legislature is enacted and becomes effective.

1           Section 4. Sections 2 through 4 of this Act shall become effective upon signature of  
2 the governor or, if not signed by the governor, upon expiration of the time for bills to  
3 become law without signature by the governor, as provided by Article III, Section 18 of the  
4 Constitution of Louisiana. If vetoed by the governor and subsequently approved by the  
5 legislature, Sections 2 through 4 of this Act shall become effective on the day following such  
6 approval.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_