

DECLARATION OF EMERGENCY

**Office of the Governor
Division of Administration
Office of State Procurement**

2014), amended by the by the Office of the Governor, Division of Administration, Office of State Procurement, LR 41:

Kristy Nichols
Commissioner

1503#012

Procurement—Right to Protest (LAC 34:V.2545)

The Division of Administration, Office of State Procurement, has exercised the emergency provisions of R.S. 49:953(B), the Administrative Procedure Act, to adopt LAC 34:V.2545.A.4 under the authority of R.S. 39:1581. This action is taken to ensure the continuity of the right to protest and to appeal requests for proposals and contract awards in regard to professional, personal, consulting and social services contracts after the effective date of Act 864 of 2014.

Said Act combined *Revised Statutes* title 39, chapter 16 (Professional, Personal, Consulting, and Social Services Procurement) into *Revised Statutes* title 39, chapter 17 (Louisiana Procurement Code) and became effective on January 1, 2015. This Emergency Rule will clarify that protests arising under the request for proposals provisions for professional, personal, consulting, social services, and energy efficiency contracts are governed by RS 39:1671, 1681, 1683, 1691, and 1692, as are all other protests and appeals under *Revised Statutes* title 39, chapter 17. This Emergency Rule shall be effective as of March 4, 2015, pursuant to the provisions of the Administrative Procedure Act (R.S. 49:950) and shall remain in effect for the maximum period allowed by said act (120 days), or adoption of a permanent Rule under the same LAC Chapter, whichever occurs first.

Title 34

GOVERNMENT CONTRACTS, PROCUREMENT AND PROPERTY CONTROL

Part V. Procurement

Chapter 25. Procurement of Professional, Personal, Consulting, Social Services, and Energy Efficiency Contracts

Subchapter B. Contracts Let Via a Request for Proposals Process

§2545. Request for Proposals [Formerly LAC 34:V.145]

A. ...

1. - 3. Repealed.

4. Right to Protest. Any person who is aggrieved in connection with the request for proposal or award, including a proposal or award for professional, personal, consulting or social services, may protest and appeal pursuant to the provisions of R.S. 39: 1671, 1681, 1683, 1691, and 1692. This Emergency Rule shall apply to any request for proposal issued after its effective date and any subsequent award arising therefrom.

5. - 5.c. Repealed.

6. - 7.c....

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1490(B).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Contractual Review, LR 4:495 (December 1978), amended LR 7:180 (April 1981), LR 8:594 (November 1982), LR 10:459 (June 1984), LR 11:1072 (November 1985), repromulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 40:2567 (December 2014), amended LR 40:2545 (December