2022 Regular Session

HOUSE BILL NO. 457

BY REPRESENTATIVES CARPENTER, FREIBERG, GLOVER, LYONS, MARCELLE,
AND STAGNI AND SENATOR BARROW

AN ACT

To enact R.S. 38:2233.4, relative to the city of Baton Rouge and the parish of East Baton
Rouge; to provide relative to the procurement of goods and services; to provide
relative to contracts awarded to socially and economically disadvantaged businesses;
to authorize certain entities to set-aside a certain percentage of contracts to be
awarded to such businesses; to provide relative to rules and regulations regarding the
certification of socially and economically disadvantaged businesses; and to provide
for related matters.

Notice of intention to introduce this Act has been published
as provided by Article III, Section 13 of the Constitution of
Louisiana.

Be it enacted by the Legislature of Louisiana:

Section 1.  R.S. 38:2233.4 is hereby enacted to read as follows:

§2233.4. City of Baton Rouge/parish of East Baton Rouge; socially and
economically disadvantaged businesses; procurement set-asides

A. Notwithstanding any other provision of law to the contrary, the governing
authority of the city of Baton Rouge and parish of East Baton Rouge, referred to in
this Section as the "city-parish", and any board, agency, or commission of the city-
parish, through its respective fiscal officer or director of finance, may for each fiscal
year designate and set aside for awarding to socially and economically disadvantaged
businesses an amount not less than ten percent of the value of anticipated local
procurement of goods and services, including construction or doing of any public
work, including alteration or repair. However, should the governing authority of the
city-parish or any board, agency, or commission of the city-parish choose to set aside
a greater amount, then nothing in this Section shall be construed to prohibit such
set-aside levels above ten percent, but not to exceed twenty-five percent.

B. The procurement set-aside as provided by Subsection A of this Section
may be divided into contract award units of economically feasible production runs
in order to facilitate offers or bids from socially and economically disadvantaged
businesses. In making the annual designation of procurement set-asides, an attempt
may be made to vary the included procurements so that a variety of goods and
services, including construction or doing of any public work, including alteration or
repair, produced by different socially and economically disadvantaged businesses
may be set aside each year. The failure to set aside particular procurements shall not
be considered to prohibit or discourage socially and economically disadvantaged
businesses from seeking the procurement award through the normal solicitation and
bidding processes.

C.(1)(a) The governing authority of the city-parish shall adopt rules and
regulations to implement the provisions of this Section. Such rules and regulations
shall include procedures regarding the certification of socially and economically
disadvantaged businesses. The procedure for determination of eligibility may
include self-certification by a business if the governing authority retains the ability
to verify a self-certification.

(b) No business shall be awarded a contract pursuant to the provisions of this
Section unless it has met the certification requirements established by the governing
authority of the city-parish.

(2) The rules and regulations adopted by the governing authority may also
provide for the establishment of a contract procedure for the awarding of contracts
pursuant to this Section. The governing authority may adopt a requirement that the
prime contractor award a certain percentage, not to exceed twenty-five percent, of
the total dollar bid to socially and economically disadvantaged subcontractors. This

CODING: Words in struck through type are deletions from existing law; words underscored
are additions.
requirement may be waived if the prime contractor, after a good faith effort, is unable to comply with the requirement.

D. If the governing authority of the city-parish, or any board, agency, or commission of the city-parish, is unable to award all of its procurement set-asides to socially and economically disadvantaged businesses, then the balance of the procurement set-asides shall be awarded to other businesses in accordance with existing solicitation, bid evaluations, and contract award provisions otherwise provided by law.

E. All laws and rules pertaining to solicitations, bid evaluations, contract awards, and other procurement matters shall apply to procurements set-aside for socially and economically disadvantaged businesses as provided in this Section. If a conflict exists with the provisions of this Section, the provisions of this Section shall govern.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: ___________________