

**SENATE COMMITTEE AMENDMENTS**

2018 Regular Session

Amendments proposed by Senate Committee on Commerce, Consumer Protection and International Affairs to Reengrossed House Bill No. 754 by Representative Foil

1 AMENDMENT NO. 1

2 On page 1, delete line 2 and insert: "To amend and reenact R.S. 39:2002(3) and (7), 2005(2),  
3 (5), and (6), 2007(D)(1), 2171(B), 2172(3) and (7), 2173, 2175(2), (5), and (6), 2176(A)(4),  
4 and 2177(D), relative to"

5 AMENDMENT NO. 2

6 On page 1, line 6, after "Index;" insert "to provide relative to competitive source selection;  
7 to provide for definitions;"

8 AMENDMENT NO. 3

9 On page 1, delete line 9 and insert: "Section 1. R.S. 39:2002(3) and (7), 2005(2), (5), and  
10 (6), 2007(D)(1), 2171(B), 2172(3) and (7), 2173, 2175(2), (5), and (6), 2176(A)(4), and  
11 2177(D) are hereby"

12 AMENDMENT NO. 4

13 On page 1 delete lines 11 through 20 and on page 2 delete lines 1 though 6 and insert:

14 §2002. Definitions

15 As used in this Chapter, the following words and phrases shall have the  
16 meanings ascribed to them in this Section, unless the context clearly indicates  
17 otherwise:

18 \* \* \*

19 (3) "Contract" or "public contract" means all types of state agreements,  
20 regardless of what they may be called, for personal services, professional services,  
21 consulting services, or social services, or the purchase of materials, supplies,  
22 services, or major repairs, or forthe making of any public works. It includes awards  
23 and notices of award; contracts of a fixed-price, cost, cost-plus-a-fixed-fee, or  
24 incentive type; contracts providing for the issuance of job or task orders; leases;  
25 letter contracts; and purchase orders. It also includes supplemental agreements with  
26 respect to any of the foregoing.

27 \* \* \*

28 (7) "Procurement" means the buying, purchasing, renting, leasing, or  
29 otherwise obtaining any materials, supplies, services, or major repairs, personal  
30 services, professional services, consulting services, or social services. It also includes  
31 all functions that pertain to the obtaining of any public procurement, including  
32 description of requirements, selection and solicitation of sources, preparation and  
33 award of contract, and all phases of contract administration.

34 \* \* \*

35 §2005. Competitive source selection

36 Methods of source selection which may be utilized by an agency to satisfy  
37 a state goal for contracting with small entrepreneurship shall include but not be  
38 limited to:

39 \* \* \*

40 (2) The purchase of goods, operating services, major repairs, ~~personnel~~  
41 personal services, professional services, consulting services, social services, and  
42 public works ~~directly~~ from a certified small entrepreneurship ~~under an agency's~~  
43 ~~discretionary purchasing authority.~~

44 \* \* \*

1 (5) ~~An allowance for at least~~ No more than ten percent of the total evaluation  
2 points in a request for proposal shall be awarded to an offeror demonstrating a good  
3 faith effort to use small entrepreneurships as subcontractors.

4 (6) ~~An allowance for ten~~ Ten percent of the total evaluation points in a  
5 request for proposal shall be awarded to an offeror who is a certified small business  
6 entrepreneurship.

7 \* \* \*

8 §2007. Responsibilities of the commissioner of administration; training; reporting

9 \* \* \*

10 D.(1) The commissioner shall conduct a training program at least  
11 semiannually to acquaint small entrepreneurships with state procurement and public  
12 contract proposal and bidding practices. This shall include all state procurements  
13 which are governed by Chapter 10 of Title 38, ~~Chapters 16 and~~ Chapter 17 of this  
14 Title, and Parts XIII and XIII-A of Chapter 1 of Title 48 of the Louisiana Revised  
15 Statutes of 1950. The commissioner shall also secure the assistance of staff from  
16 either the Department of Transportation and Development, Department of Natural  
17 Resources, or Department of Environmental Quality who are knowledgeable about  
18 state procurements undertaken pursuant to Chapter 10 of Title 38 and Parts XIII and  
19 XIII-A of Chapter 1 of Title 48 of the Louisiana Revised Statutes of 1950, for the  
20 purpose of providing practical advice to small entrepreneurships relative to  
21 procurements and public contracts governed by such law.

22 \* \* \*

23 §2171. Louisiana Initiative for Veteran and Service-Connected Disabled Veteran-  
24 Owned Small Entrepreneurships; intent

25 \* \* \*

26 B. The provisions of this Chapter are intended to encourage business  
27 opportunities for veteran and service-connected disabled veteran-owned small  
28 entrepreneurships. The criteria for certification as a veteran and service-connected  
29 disabled veteran-owned small entrepreneurship for the purposes of the initiative shall  
30 be as established in R.S. ~~39:2006~~ 39:2176, and as may be additionally refined by  
31 administrative rule.

32 \* \* \*

33 §2172. Definitions

34 As used in this Chapter, the following words and phrases shall have the  
35 meanings ascribed to them in this Section, unless the context clearly indicates  
36 otherwise:

37 \* \* \*

38 (3) "Contract" or "public contract" means all types of state agreements,  
39 regardless of what they may be called, for personal services, professional services,  
40 consulting services, or social services, or the purchase of materials, supplies,  
41 services, or major repairs, or for the making of any public works. It includes awards  
42 and notices of award; contracts of a fixed-price, cost, cost-plus a fixed-fee, or  
43 incentive type; contracts providing for the issuance of job or task orders; leases;  
44 letter contracts; and purchase orders. It also includes supplemental agreements with  
45 respect to any of the foregoing.

46 \* \* \*

47 (7) "Procurement" means the buying, purchasing, renting, leasing, or  
48 otherwise obtaining any materials, supplies, services, or major repairs, or personal  
49 services, professional services, consulting services, or social services. It also includes  
50 all functions that pertain to the obtaining of any public procurement, including  
51 description of requirements, selection and solicitation of sources, preparation and  
52 award of contract, and all phases of contract administration.

53 \* \* \*

54 §2173. Application of Chapter

55 Notwithstanding any other provision of law to the contrary, the provisions of  
56 this Chapter apply to procurements and public contracts which are governed by  
57 Chapter 10 of Title 38, ~~Chapters 16 and~~ Chapter 17 of this Title, and Parts XIII and  
58 XIII-A of Chapter 1 of Title 48 of the Louisiana Revised Statutes of 1950. This  
59 Chapter shall not apply to agency expenditures for amortization of debt, debt service,  
60 depreciation, employee benefits, per diem, relocation expenses, salaries, postage, and  
61 transfers of charges. This Chapter shall not apply to contracts for sole-source items,

1 contracts with other governmental entities, and those contracts that are prohibited by  
2 federal law from inclusion in this Chapter.  
3 \* \* \*

4 AMENDMENT NO. 5

5 On page 2, between lines 11 and 12 insert:

6 "(2) The purchase of goods, operating services, major repairs, ~~personnel~~  
7 personal services, professional services, consulting services, social services, and  
8 public works ~~directly~~ from a certified veteran and service-connected disabled  
9 veteran-owned small entrepreneurship ~~under an agency's discretionary purchasing~~  
10 authority.  
11 \* \* \*

12 AMENDMENT NO. 6

13 On page 2, delete lines 12 and 13 and insert:

14 "(5) ~~An allowance for at least ten~~ No more than twelve percent of the total  
15 evaluation points in a request for proposal shall be awarded to an offeror  
16 demonstrating a good faith effort"

17 AMENDMENT NO. 7

18 On page 2, line 17 change "and" to "and or"

19 AMENDMENT NO. 8

20 On page 3, line 14, change "five" to "~~five~~ six"

21 AMENDMENT NO. 9

22 On page 3, delete lines 16 through 18

23 AMENDMENT NO. 10

24 On page 3, between lines 19 and 20 insert:

25 "§2177. Responsibilities of the commissioner of administration; training;  
26 reporting

27 \* \* \*

28 D. The commissioner shall conduct a training program at least semiannually  
29 to acquaint veteran and service-connected disabled veteran-owned small  
30 entrepreneurships with state procurement and public contract proposal and bidding  
31 practices. This shall include all state procurements which are governed by Chapter  
32 10 of Title 38, ~~Chapters 16 and~~ Chapter 17 of this Title, and Parts XIII and XIII-A  
33 of Chapter 1 of Title 48 of the Louisiana Revised Statutes of 1950. The  
34 commissioner shall also secure the assistance of staff from the Louisiana Department  
35 of Veterans Affairs for veteran-specific information and data, and either the  
36 Department of Transportation and Development, Department of Natural Resources,  
37 or Department of Environmental Quality who are knowledgeable about state  
38 procurements undertaken pursuant to Chapter 10 of Title 38 and Parts XIII and XIII-  
39 A of Chapter 1 of Title 48 of the Louisiana Revised Statutes of 1950, for the purpose  
40 of providing practical advice to veteran and service-connected disabled veteran-  
41 owned small entrepreneurships relative to procurements and public contracts  
42 governed by such law.  
43 \* \* \*