

2020 Second Extraordinary Session

SENATE BILL NO. 30

BY SENATORS MILLIGAN, ABRAHAM, CLOUD, FESI, HARRIS, JOHNS, WHITE
AND WOMACK AND REPRESENTATIVE WHITE

SCHOOLS. Provides regarding purchase of telecommunications and video equipment by certain educational entities. (1/1/21) (Item #42)

1 AN ACT

2 To amend and reenact R.S. 39:1755(5) and to enact R.S. 38:2237.1 and R.S. 39:1753.1,

3 relative to purchases of certain telecommunications and video equipment by certain

4 educational entities; to require certain items purchased comply with federal

5 guidelines under Section 889 of the Fiscal Year 2019 National Defense

6 Authorization Act; to provide for violations; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 38:2237.1 is hereby enacted to read as follows:

9 §2237.1. Purchase of approved telecommunications equipment by certain

10 education entities

11 A. No telecommunications or video surveillance equipment shall be

12 purchased by public elementary, secondary, and postsecondary education

13 schools, institutions, and governing authorities; nonpublic elementary,

14 secondary, and postsecondary schools, institutions, and governing authorities

15 that receive state funds; and proprietary schools that receive state funds unless

16 the equipment is from a manufacturer who is in compliance with Section 889

17 of the Fiscal Year 2019 National Defense Authorization Act as provided in this

1 Section.

2 B. Prior to the purchase of equipment, the vendor shall provide
3 documentation by affidavit that the telecommunications and video surveillance
4 equipment to be purchased is from a manufacturer that is in compliance with
5 Section 889 of the Fiscal Year 2019 National Defense Authorization Act.

6 C. No award of any bid from a contractor or purchase from a
7 manufacturer who fails to provide the documentation required in Subsection
8 B of this Section. Any award of a bid to a contractor or purchase or contract to
9 purchase in violation of this Section shall be null and void.

10 Section 2. R.S. 39:1755(5) is hereby amended and reenacted and R.S. 39:1753.1 is
11 hereby enacted to read as follows:

12 §1753.1. Purchase of approved telecommunications equipment by certain
13 education entities

14 A. No telecommunications or video surveillance equipment shall be
15 purchased by public elementary, secondary, and postsecondary education
16 schools, institutions, and governing authorities; nonpublic elementary,
17 secondary, and postsecondary schools, institutions, and governing authorities
18 that receive state funds; and proprietary schools that receive state funds unless
19 the equipment is from a manufacturer who is in compliance with Section 889
20 of the Fiscal Year 2019 National Defense Authorization Act as provided in this
21 Section.

22 B. Prior to the purchase of equipment, the vendor shall provide
23 documentation by affidavit that the telecommunications and video surveillance
24 equipment to be purchased is from a manufacturer that is in compliance with
25 Section 889 of the Fiscal Year 2019 National Defense Authorization Act.

26 C. No award of any bid from a contractor or purchase from a
27 manufacturer who fails to provide the documentation required in Subsection
28 B of this Section. Any award of a bid to a contractor or purchase or contract to
29 purchase in violation of this Section shall be null and void.

1 * * *

2 §1755. General provisions

3 The following general provisions shall apply to all procurements under this
4 Part:

5 * * *

6 (5) The provisions of this Part, **R.S. 38:2237.1 and R.S. 39:1753.1** shall,
7 with respect to the procurement of telecommunications systems or
8 telecommunications services, supersede specifications of any contradictory or
9 conflicting provisions of the following statutes: R.S. 38:2211 et seq. with respect to
10 awarding of public contracts, and R.S. 39:1551 through 1736.

11 Section 3. This Act shall become effective on January 1, 2021.

The original instrument was prepared by Thomas L. Tyler. The following digest, which does not constitute a part of the legislative instrument, was prepared by Martha Hess.

DIGEST

SB 30 Engrossed

2020 Second Extraordinary Session

Milligan

Proposed law prohibits the purchase of telecommunications or video surveillance equipment by public elementary, secondary, and postsecondary education schools, institutions, and governing authorities; nonpublic elementary, secondary, and postsecondary schools, institutions, and governing authorities that receive state funds; and proprietary schools that receive state funds unless the equipment is purchased from a manufacturer who is determined to be in compliance with Section 889 of the Fiscal Year 2019 National Defense Authorization Act.

Requires the vendor to provide documentation by affidavit of compliance with proposed law.

Provides that any award of any bid or purchase in violation of proposed law is null and void.

Proposed law supercedes provisions regarding conflicting specifications in procurement of telecommunications systems or telecommunications services under the Louisiana Procurement Code.

Effective January 1, 2021.

(Amends R.S. 39:1755(5); adds R.S. 38:2237.1 and R.S. 39:1753.1)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Finance to the original bill

1. Clarifies that pertinent federal provision is Section 889 of the Fiscal Year 2019 National Defense Authorization Act.

2. Deletes requirement for manufacturer to be listed on a federal General Services Administration Schedule.
3. Adds provision that bid cannot be awarded to a contractor who fails to provide required documentation.