

2022 Regular Session

SENATE BILL NO. 347

BY SENATOR MILLIGAN

PROCUREMENT CODE. Authorizes the audit of certain vendor documentation in procurement of surveillance equipment by the office of legislature auditor. (8/1/22)

1 AN ACT

2 To amend and reenact R.S. 38:2237.1(D) and R.S. 39:1672(C)(2) and 1753(A)(1) and (E),
3 and to enact R.S. 39:1672(C)(7), relative to procurement of certain
4 telecommunications equipment; to provide for audits of documentation submitted by
5 certain vendors; to provide for definitions; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 38:2237.1(D) is hereby amended and reenacted to read as follows:
8 §2237.1. Procurement of telecommunications or video surveillance equipment or
9 services by ~~state~~ agencies and certain educational entities

10 * * *

11 ~~D. This Section shall apply only to procurements initiated on or after August~~
12 ~~1, 2021, by state agencies, certain educational entities, and their service providers.~~

13 **Any vendor or other entity who provides the documentation required in**
14 **Subsection B of this Section found to supply telecommunications or video**
15 **surveillance equipment or services as defined to the procuring agency, certain**
16 **educational entity or their service provider that were prohibited at the time of**
17 **procurement shall, at its own expense, replace the prohibited**

telecommunications or video surveillance equipment or services with nonprohibited equipment or services of at least equal quality and performance.

Compliance with this Section by a procuring agency and certain educational entities is subject to audit by the Louisiana Legislative Auditor.

Section 2. R.S. 39:1672(C)(2) and R.S. 39:1753.1(A)(1) and (E) are hereby amended and reenacted and R. S. 39:1672(C)(7) is hereby enacted to read as follows:

§1672. Authority to debar or suspend

* * *

(C) * * *

(2) Conviction under state or federal statutes of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or any other offense indicating a lack of business integrity or business honesty which currently, seriously, and directly affects responsibility as a ~~state~~ contractor.

* * *

(7) Violation of the procurement of telecommunications or video surveillance equipment or services by agencies and certain educational entities set forth in R.S. 39:1753.1.

* * *

§1753.1. Procurement of telecommunications or video surveillance equipment or services by ~~state~~ agencies and certain educational entities

A. * * *

(1) "Agency" ~~shall have the same meaning as provided in R.S. 36:3~~ **means any department, office, division, commission, council, board, bureau, committee, institution, agency, government corporation, or other establishment or official of the executive branch of state government or any parish, city, town, governmental body, and any other subdivision of the state or public agency thereof, public authority, public educational, health, or other institution, and to the extent provided by law, any other entity which expends public funds for the acquisition or leasing of supplies, services, major repairs, and construction.**

* * *

E. ~~This Section shall apply only to procurements initiated on or after August 1, 2021, by state agencies, certain educational entities, and their service providers.~~

Any vendor or other entity who provides the documentation required in Subsection C of this Section found to supply telecommunications or video surveillance equipment or services as defined to the procuring agency, certain educational entity or their service provider that were prohibited at the time of procurement shall, at its own expense, replace the prohibited telecommunications or video surveillance equipment or services with nonprohibited equipment or services of at least equal quality and performance. Compliance with this Section by a procuring agency and certain educational entities is subject to audit by the Louisiana Legislative Auditor.

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 Archana Cadge.

DIGEST

SB 347 Engrossed

2022 Regular Session

Milligan

Present law prohibits certain entities from procuring prohibited telecommunications or video surveillance equipment or services.

Present law requires vendors, prior to procurement of certain telecommunications or video surveillance equipment or services, to provide documentation by affidavit that the equipment or services to be procured are not prohibited telecommunications or video surveillance equipment or services.

Proposed law requires vendors who supply prohibited equipment to replace the equipment with nonprohibited equipment at their own expense that is of at least equal quality.

Proposed law requires that vendor documentation required in present law be subject to audit by the office of the legislative auditor.

Proposed law provides that violation of the provisions of present law relative to procurement of telecommunication or video surveillance equipment can result in debarment or suspension.

Present law defines "agency" as the boards, commissions, departments, agencies, offices, officers, and other instrumentalities, or any or all of these, within the executive branch of state government which are abolished by this Title or which are transferred and placed within departments of the state government created and established or continued by this Title or transferred to and placed within the office of the governor as provided by this Title.

Proposed law defines "agency" as any department, office, division, commission, council, board, bureau, committee, institution, agency, government corporation, or other

establishment or official of the executive branch of state government or any parish, city, town, governmental body, and any other subdivision of the state or public agency thereof, public authority, public educational, health, or other institution, and to the extent provided by law, any other entity which expends public funds for the acquisition or leasing of supplies, services, major repairs, and construction.

Effective August 1, 2022.

(Amends R.S. 38:2237.1(D), R.S. 39:1672(C)(2), 1753(A)(1) and (E); adds R.S. 39:1672(C)(7))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Transportation,
Highways, and Public Works to the original bill

1. Provides that debarment or suspension may result from violation present law.
2. Changes the definition of "agency".
3. Makes technical changes.