HOUSE COMMITTEE AMENDMENTS
2023 Regular Session
Amendments proposed by House Committee on Appropriations to Original House Bill No. 431 by Representative Deshotel

1   AMENDMENT NO. 1

2   On page 1, line 2, after "R.S. 24:673(A) and (C) and" delete "R.S. 39:198(B)(1),"
3   insert "R.S. 39:198(A), (B)(1),"

4   AMENDMENT NO. 2

5   On page 1, line 3, after "(E)(introductory paragraph) and (4)," delete "and (M) and 199(A)"
6   and insert "(G)(introductory paragraph) and (1)(a), (c), and (d), and (M)"

7   AMENDMENT NO. 3

8   On page 1, line 4, after "R.S. 39:197(20)," and before "relative to" insert "(21), and (22),
9   1556(63), 1953(6)(f), and 1600(F), and to repeal R.S. 39:198(G)(4),"

10 AMENDMENT NO. 4

11 On page 1, line 12, after "A." delete the remainder of the line and delete line 13 in its entirety
12 and insert the following:

13   "The committee may review, and shall review if provided by law or if requested by
14   the Joint Legislative Committee on the Budget, any budget request, expenditure
15   request, or procurement"

16 AMENDMENT NO. 5

17 On page 1, line 15, after "recommendations" delete "regarding the request"

18 AMENDMENT NO. 6

19 On page 1, line 19, after "technology" and before "from" insert "and cybersecurity"

20 AMENDMENT NO. 7

21 On page 2, delete lines 1 through 3 in their entirety and insert the following:

22   "Section 2. R.S. 39:198(A), (B)(1), (C)(1), D(1) and (2), (E)(introductory paragraph)
23   and (4), (G)(introductory paragraph) and (1)(a), (c), and (d), and (M) are hereby
24   amended and reenacted and R.S. 39:197(20), (21) and (22), 1556(63), 1593(6)(f),
25   and 1600(F) are hereby enacted to read as follows:"
26
27 AMENDMENT NO. 8

28 On page 2, line 8, after "(20)" and before "Invitation" insert the following:

29   ""Consulting service" shall have the same meaning as in R.S. 39:1556.
30   (21)"

31 AMENDMENT NO. 9

32 On page 2, between lines 11 and 12 insert the following:

1   "(22) "Professional service" shall have the same meaning as in R.S. 39:1556."

2   AMENDMENT NO. 10

3   On page 2, delete line 13 and insert the following:

4   "A. The types of contracts permitted in the procurement of information technology
5   systems, information technology services, and software, and professional services
6   contracts and consulting services contracts related to information technology, are
7   defined in this Part, and the provisions of this Part supersede, with respect to such
8   procurements, any existing conflicting statutory provisions and supplement the
9   provisions of R.S. 39:1551 through 1736."

10   AMENDMENT NO. 11

11   On page 2, delete line 16 in its entirety and insert in lieu thereof:

12   "contracts, as well as professional services contracts and consulting services contracts
13   related to information technology, in accordance with the following provisions:"

14   AMENDMENT NO. 12

15   On page 2, line 17, after "into" delete the remainder of the line, and on line 18, delete
16   "methods provided in R.S. 39:199." and insert "using one of the methods of source selection
17   provided in R.S. 39:1593."

18   AMENDMENT NO. 13

19   On page 2, line 24, after "into" delete the remainder of the line, and on line 25, delete
20   "methods provided in R.S. 39:199." and insert "using one of the methods of source selection
21   provided in R.S. 39:1593."

22   AMENDMENT NO. 14

23   On page 3, line 3, after "into" delete the remainder of the line, and on line 4, delete "methods
24   provided in R.S. 39:199." and insert "using one of the methods of source selection provided
25   in R.S. 39:1593."

26   AMENDMENT NO. 15

27   On page 3, delete lines 11 through 13 and insert the following:

28   "use of a multi-year contract for information technology systems, and information
29   technology services, and professional services and consulting services related to
30   information technology, shall be in accordance with rules and regulations and under
31   the following conditions:"

32   AMENDMENT NO. 16

33   On page 3, between lines 19 and 20 insert the following:

34   "G. Multiyear contracts other than direct order contracts and contracts for fiscal
35   intermediary services. The office of technology services, through the state purchasing office,
36   may on behalf of any state agency State agencies may enter into contracts for the lease or
37   purchase of information technology systems, information technology services, or software,
38   and professional services and consulting services contracts related to information
39   technology, when the term of such lease or purchase is greater than twelve months or
40   involves more than one fiscal year in accordance with the following provisions:

1   (1) General terms and conditions for multiyear contracts shall be as follows:

2   (a) All contracts of this type shall be entered into ~~through competitive sealed bidding~~
3   using one of the methods of source selection provided in R.S. 39:1593.

4   *   *   *

5   (c)(i) The term of such contract shall ~~not exceed sixty months~~ be in accordance with
6   Subsections B, C, and D of this Section.

7   (ii) Notwithstanding Item (i) of this Subparagraph, contracts for electronic benefits
8   issuance system services as required under R.S. 46:450.1 may be entered into for periods of
9   up to ten years. The contracts shall be for an initial contract period of six years with the state
10   having two options for two-year extensions up to a maximum of ten years.

11   (d)(i) All such contracts ~~must~~ shall contain the following annual appropriation
12   dependency clause:
13   "The continuation of this contract is contingent upon the continuation of an
14   appropriation of funds by the legislature to fulfill the requirements of the contract. If the
15   legislature fails to appropriate sufficient monies to provide for the continuation of a contract
16   or if such appropriation is reduced by the veto of the governor or by any means provided in
17   the Appropriation Act or Title 39 of the Louisiana Revised Statutes of 1950 to prevent the
18   total appropriations for the year from exceeding revenues for that year or for any other
19   lawful purpose and the effect of such reduction is to provide insufficient monies for the
20   continuation of the contract, the contract shall terminate on the date of the beginning of the
21   first fiscal year for which funds are not appropriated."

22   (ii) When funds are not appropriated or otherwise made available to support
23   continuation of performance in the following fiscal year of a multiyear contract for
24   professional or consulting services, the contract for the remaining term shall be cancelled
25   and the contractor shall be reimbursed in accordance with the terms of the contract for the
26   reasonable value of any nonrecurring costs incurred but not amortized in the price of services
27   delivered pursuant to the contract. The cost of cancellation may be paid from appropriations
28   made specifically for the payment of such cancellation costs or from unobligated funds of
29   the using agency.

30   (iii)With respect to all multiyear contracts under this Subsection, there shall be no
31   provisions for a penalty to the state for cancellation or early payment of the contract.

32   *   *   *"

33   AMENDMENT NO. 17

34   On page 3, delete lines 20 through 29 in their entirety, delete page 4 in its entirety, and on
35   page 5 delete lines 1 through 16 in their entirety and insert the following:

36   "M. ~~Any contract entered into for a period of more than three years as authorized~~
37   ~~by this Section shall be subject to prior approval of the Joint Legislative Committee on the~~
38   ~~Budget.~~ (1)(a) No award of any contract procured for a period of more than three years,
39   inclusive of contract extensions, and with a cost of more than two million dollars shall be
40   made until reviewed by the Joint Legislative Committee on Technology and Cybersecurity
41   and approved by the Joint Legislative Committee on the Budget.

42   (b) No award of any contract procured through an invitation to negotiate shall be
43   made until reviewed by the Joint Legislative Committee on Technology and Cybersecurity.

44   (2) The issuing agency shall submit the award for review by the Joint Legislative
45   Committee on Technology and Cybersecurity and approval by the Joint Legislative
46   Committee on the Budget no later than sixty-five days prior to issuance. The Joint
47   Legislative Committee on Technology and Cybersecurity shall conduct a public hearing to

1 review the award and shall make recommendations to the Joint Legislative Committee on
2 the Budget. Upon receiving the recommendations of the Joint Legislative Committee on
3 Technology and Cybersecurity, the Joint Legislative Committee on the Budget shall conduct
4 a public hearing to consider approval of the award.

5 §1556. Definitions

6 As used in this Chapter, the words defined in this Section shall have the meanings
7 set forth below, unless the context in which they are used clearly requires a different
8 meaning or a different definition is prescribed for a particular Part or provision:

9 * * *

10 (63) "Invitation to negotiate" means a written or electronically posted solicitation for
11 competitive sealed replies to select one or more vendors with which to commence
12 negotiations for the procurement of commodities or contractual services.

13 * * *

14 §1593. Methods of source selection

15 Unless otherwise authorized by law, all state contracts shall be awarded by one of
16 the following methods:

17 * * *

18 (6) R.S. 39:1600, other procurement methods:

19 * * *
20 (f) Invitation to negotiate.

21 * * *

22 §1600. Other procurement methods

23 * * *

24 (F) Invitation to negotiate. (1) Notwithstanding any other provision of this Section
25 to the contrary, with the written determination by the state chief procurement officer that the
26 best interest of the state would be served, an invitation to negotiate may be utilized for the
27 acquisition of materials, supplies, services of any type, products, equipment, or consulting
28 services of any monetary amount, including small purchases.

29 (2) Before issuing an invitation to negotiate, the head of an agency shall determine
30 and specify in writing the reasons that procurement by an invitation to bid or a request for
31 proposal is not practicable.

32 (3) The invitation to negotiate shall describe the questions being explored, the facts
33 being sought, and the specific goals or problems that are the subject of the solicitation.

34 (4) The criteria that will be used for determining the acceptability of the reply and
35 guiding the selection of the vendors with which the agency will negotiate shall be specified.
36 The evaluation criteria shall include consideration of prior relevant experience of the vendor.

37 (5) The agency shall evaluate replies against all evaluation criteria set forth in the
38 invitation to negotiate in order to establish a competitive range of replies reasonably
39 susceptible of award. The agency may select one or more vendors within the competitive
40 range with which to commence negotiations. After negotiations are conducted, the agency

1   shall award the contract to the responsible and responsive vendor that the agency determines
2   will provide the best value to the state, based on the selection criteria.

3   (6) The contract file for a vendor selected through an invitation to negotiate shall
4   contain a short plain statement that explains the basis for the selection of the vendor and that
5   sets forth the vendor's deliverables and price, pursuant to the contract, along with an
6   explanation of how the deliverables and price provide the best value to the state.

7   (7) In accordance with the Administrative Procedure Act, the division of
8   administration, office of state procurement, is hereby authorized and directed to adopt and
9   promulgate rules necessary for the administration of the provisions of this Subsection."

10 AMENDMENT NO. 18

11 On page 5, between lines 16 and 17, insert the following:

12   "Section 3. R.S. 39:198(G)(4) is hereby repealed in its entirety."

13 AMENDMENT NO. 19

14 On page 5, line 17, delete "Section 3." and insert "Section 4."