

ACT No. 230

2023 Regular Session

HOUSE BILL NO. 224

BY REPRESENTATIVES BOYD AND KNOX

1 AN ACT

2 To enact R.S. 38:2233.5, relative to the city of New Orleans; to provide relative to the
3 procurement of goods and services; to provide relative to contracts awarded to
4 socially and economically disadvantaged businesses; to authorize certain entities to
5 set-aside a certain percentage of contracts to be awarded to such businesses; to
6 provide relative to rules and regulations regarding the certification of socially and
7 economically disadvantaged businesses; and to provide for related matters.

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

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 38:2233.5 is hereby enacted to read as follows:

13 §2233.5. City of New Orleans; socially and economically disadvantaged businesses;
14 procurement set-asides

15 A. Notwithstanding any other provision of law to the contrary, the governing
16 authority of the city of New Orleans, referred to in this Section as the "city", and any
17 board, agency, or commission of the city, through its respective fiscal officer or
18 director of finance, may for each fiscal year designate and set aside, for awarding to
19 socially and economically disadvantaged businesses, an amount not less than ten
20 percent of the value of anticipated local procurement of goods and services,
21 including construction or doing of any public work, including alteration or repair.

22 However, should the governing authority of the city, or any board, agency, or

1 commission of the city choose to set aside a greater amount, then nothing in this
2 Section shall be construed to prohibit such set-aside levels above ten percent, but not
3 to exceed twenty-five percent.

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

15 C.(1)(a) The governing authority of the city shall adopt rules and regulations
16 to implement the provisions of this Section. Such rules and regulations shall include
17 procedures regarding the certification of socially and economically disadvantaged
18 businesses.

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

22 (2) The rules and regulations adopted by the governing authority shall also
23 provide for the establishment of a contract procedure for the awarding of contracts
24 pursuant to this Section. In addition, the rules and regulations shall require that
25 schedules to publicize requests for proposals, requests for qualifications, and bid
26 solicitations shall adhere to current federal guidelines. The governing authority shall
27 adopt a requirement that the prime contractor award a certain percentage, not to
28 exceed thirty-five percent, of the total dollar bid to socially and economically
29 disadvantaged subcontractors. This requirement may be waived if the prime
30 contractor, after a good faith effort, is unable to comply with the requirement.

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

7 E. All laws and rules pertaining to solicitations, bid evaluations, contract
 8 awards, and other procurement matters shall apply to procurements set-aside for
 9 socially and economically disadvantaged businesses as provided in this Section,
 10 including penalties for noncompliance. If a conflict exists with the provisions of this
 11 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: _____