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**HOUSE COMMITTEE AMENDMENTS**

2024 Regular Session

Amendments proposed by House Committee on Appropriations to Original House Bill No. 845 by Representative Deshotel

AMENDMENT NO. 1

On page 1, at the beginning of line 5, delete "(d), and (M)," and insert "(d), (I), and (M),"

AMENDMENT NO. 2On page 2, line 1, after "review" and before "a budget" insert "and approve"AMENDMENT NO. 3

On page 2, delete line 12 in its entirety, and insert "(G)(introductory paragraph) and (1)(a), (c), and (d), (I), and (M) are hereby amended and"

AMENDMENT NO. 4On page 2, at the end of line 23, delete "commodities or contractual" and delete line 24 in its entirety and insert "information technology systems, information technology services, software, professional services, or consulting services."AMENDMENT NO. 5

On page 5, between lines 11 and 12, insert the following:

"(iii) Notwithstanding Item (i) of this Subparagraph and Subsection I of this Section, contracts of this type may be entered into for periods of up to ten years with approval from the Joint Legislative Committee on Technology and Cybersecurity. The contracts shall be for an initial contract period of no more than six years with the state having two options for two-year extensions up to a maximum of ten years."

AMENDMENT NO. 6

On page 6, between lines 6 and 7, insert the following:

"I. Contracts for fiscal intermediary services. (1) State agencies may enter into contracts for fiscal intermediary services: as follows: ~~The term of the contract shall be one hundred twenty months. If special circumstances, as provided in Paragraph (9) of this Subsection, necessitate, additional one-year extensions of the contract may be granted. The award process and final contract shall include the following:~~

(1) ~~Contracts for fiscal intermediary services shall be awarded by competitive sealed proposals in accordance with R.S. 39:1595 or cooperative purchasing in accordance with R.S. 39:1702.~~

(a) Contracts for fiscal intermediary services with a total contract value of ten million dollars or less, valued over the total period of performance, may be awarded by competitive sealed proposals in accordance with R.S. 39:1595 or cooperative purchasing in accordance with R.S. 39:1702.

(b) Contracts for fiscal intermediary services with a total contract value greater than ten million dollars, valued over the total period of performance, shall be awarded by competitive sealed proposals in accordance with R.S. 39:1595.

(2) Except as otherwise provided in this Section, the award process and final contract shall comply with the following requirements:

1           ~~(2)(a)~~ Justification for the contract shall be submitted to the ~~state central~~  
 2 ~~purchasing agency office of state procurement~~ and shall be submitted to the ~~Joint~~  
 3 ~~Legislative Committee on the Budget~~ at least forty-five days prior to the issuance of  
 4 a solicitation for proposals. Joint Legislative Committee on Technology and  
 5 Cybersecurity. Within thirty days of receipt of the justification by the ~~Joint~~  
 6 ~~Legislative Committee on the Budget~~ Joint Legislative Committee on Technology  
 7 and Cybersecurity, the committee may conduct a public hearing on the justification  
 8 which was submitted. This justification shall include identification and consideration  
 9 of all factors, including costs, ~~relevant to the solicitation for proposals~~ and the final  
 10 ~~proposed~~ contract.

11           ~~(3)(b)~~ The term of the contract shall be one hundred twenty months. The one-  
 12 hundred-twenty-month term of such contract shall be divided into one period of  
 13 between thirty-six months and sixty months, immediately followed by successive  
 14 twelve-month periods. The state shall have an option to renew such contract for each  
 15 of the twelve-month periods. If the state does not exercise its option to renew, the  
 16 contract shall be terminated. In the event special circumstances occur, as provided  
 17 in Paragraph ~~(9)(3)~~ of this Subsection, additional twelve-month extensions of the  
 18 contract may be granted.

19           ~~(4)(c)~~ In addition to other provisions as required by law or in the best  
 20 interests of the state, such contract shall contain provisions setting forth, ~~(a)(i)~~ the  
 21 amount and requirements of the contractor's performance bond, ~~(b)(ii)~~ penalty and  
 22 enforcement provisions for the failure of the contractor to perform in accordance  
 23 with the contract documents, ~~(c)(iii)~~ conditions for optional renewal of the contract  
 24 by the state in accordance with the provisions of this Subsection, and ~~(d)(iv)~~  
 25 requirements for termination of the contract by the state at any time, or for cause, or  
 26 upon the refusal of the state to exercise an option to renew such contract.

27           ~~(5)(d)(i)~~ Issuance If procurement is pursuant to competitive sealed proposals  
 28 pursuant to Subparagraph (1)(b) of this Subsection, issuance of specifications for a  
 29 solicitation for proposals on a contract for fiscal intermediary services shall be made  
 30 at least twelve months prior to the termination date of an existing contract, unless the  
 31 contract termination is for cause or due to the refusal of the state to exercise an  
 32 option to renew.

33           ~~(ii)~~ If procurement is pursuant to Subparagraph (1)(b) of this Subsection, any  
 34 award of a contract shall be in compliance with Subsection M of this Section.

35           ~~(6)(e)~~ ~~No~~ If procurement is pursuant to Subparagraph (1)(a) of this  
 36 Subsection, no award of the contract shall be made until the ~~Joint Legislative~~  
 37 ~~Committee on the Budget~~ Joint Legislative Committee on Technology and  
 38 Cybersecurity has conducted a public hearing concerning the award.

39           ~~(7)(f)~~ No award of the contract shall be made later than eight months prior  
 40 to the termination date of an existing contract, unless the contract termination is for  
 41 cause or due to the refusal of the state to exercise an option to renew.

42           ~~(8)(g)~~ No option to renew the contract shall be exercised by the state until  
 43 the following criteria have been satisfied:

44           ~~(a)(i)~~ The Louisiana Department of Health has conducted a public hearing  
 45 concerning such renewal.

46           ~~(b)(ii)~~ The Louisiana Department of Health submits to the ~~Joint Legislative~~  
 47 ~~Committee on the Budget~~ Joint Legislative Committee on Technology and  
 48 Cybersecurity a notice of intention by the Louisiana Department of Health to  
 49 exercise the option to renew the contract and a copy of any public testimony which  
 50 was taken at the public hearing held by the Louisiana Department of Health. The  
 51 Joint Legislative Committee on the Budget may hold a public hearing concerning the  
 52 renewal within thirty days following the receipt of a notice of intention by the  
 53 Louisiana Department of Health to exercise the option to renew the contract.

54           ~~(c)(iii)~~ The ~~Joint Legislative Committee on the Budget~~ Joint Legislative  
 55 Committee on Technology and Cybersecurity has conducted a public hearing  
 56 concerning the renewal or thirty days have elapsed from the date the Louisiana  
 57 Department of Health submitted a notice of intention to renew the contract to the  
 58 ~~Joint Legislative Committee on the Budget~~ Joint Legislative Committee on

1 Technology and Cybersecurity and the committee has not posted a public notice of  
 2 meeting concerning the renewal of the contract.

3 (h) If procurement is pursuant to competitive sealed proposals pursuant to  
 4 Subparagraph (1)(b) of this Subsection and the request for proposals references a  
 5 prior fiscal intermediary services procurement approved by the United States  
 6 Department of Health and Human Services, Centers for Medicare and Medicaid  
 7 Services and the prior procurement resulted in multiple pre-qualified suppliers, the  
 8 publication of any request for proposals required pursuant to this Subsection and R.S.  
 9 39:1595 may be limited to such pre-qualified suppliers, if the agency provides  
 10 written notice of the request for proposals to all pre-qualified suppliers.

11 ~~(9)(3)~~ In the event the Louisiana Department of Health or the United States  
 12 Department of Health and Human Services, Centers for Medicare and Medicaid  
 13 Services proposes substantial changes in the operations of the Medicaid program that  
 14 would materially impact the services performed by the fiscal intermediary, the  
 15 Louisiana Department of Health may, subject to the approval of the ~~Joint Legislative~~  
 16 ~~Committee on the Budget~~ Joint Legislative Committee on Technology and  
 17 Cybersecurity, approve additional extensions of the contract until it is practical to  
 18 prepare a solicitation for proposals describing the revised services that would be  
 19 performed by the fiscal intermediary. During the time frame covered by any  
 20 extension beyond the original one-hundred-twenty-month period, the fiscal  
 21 intermediary may be required to perform additional functions to assist in preparing  
 22 the Louisiana Department of Health in the transition to the new program. These  
 23 functions may include existing fiscal intermediary services as well as efforts to  
 24 control fraud and abuse, program reports, beneficiary enrollment and program  
 25 information services, encounter data, and annual managed care negotiation data.

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27 AMENDMENT NO. 7

28 On page 6, line 10, after "options," and before "with" delete "and" and insert "or"

29 AMENDMENT NO. 8

30 On page 6, delete line 11 in its entirety and insert "ten million dollars shall be made until the  
 31 contract is reviewed and approved by the Joint"

32 AMENDMENT NO. 9

33 On page 6, at the end of line 12, delete "and approved by the Joint" and delete lines 13 and  
 34 14 in their entirety and insert a period "."

35 AMENDMENT NO. 10

36 On page 6, delete lines 15 through 25 in their entirety and insert the following:

37 "(b)The issuing agency shall submit the contract for review and approval by  
 38 the Joint Legislative Committee on Technology and Cybersecurity. The Joint  
 39 Legislative Committee on Technology and Cybersecurity shall conduct a public  
 40 hearing to consider approval of the award no later than thirty days after the contract  
 41 is submitted by the issuing agency. Any request not approved within thirty days after  
 42 the contract is submitted by the issuing agency shall automatically be referred by the  
 43 chairman of the Joint Legislative Committee on Technology and Cybersecurity to  
 44 the Joint Legislative Committee on the Budget for review and approval.

45 (c) Any contract approved by the Joint Legislative Committee on Technology  
 46 and Cybersecurity pursuant to this Subsection shall be reported to the Joint  
 47 Legislative Committee on the Budget.

1                    (d) The chairman of the Joint Legislative Committee on Technology and  
2                    Cybersecurity may, at his discretion, refer any request for review and approval  
3                    directly to the Joint Legislative Committee on the Budget."  
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5                    AMENDMENT NO. 11

6                    On page 6, at the end of line 28, delete "The report shall include" and on page 7, delete lines  
7                    1 and 2 in their entirety.

8                    AMENDMENT NO. 12

9                    On page 7, line 3, after "negotiate" and before "shall" insert "pursuant to this Part"

10                  AMENDMENT NO. 13

11                  On page 7, line 4, after "until after" and before "has been" delete "it" and insert "the  
12                  contract"

13                  AMENDMENT NO. 14

14                  On page 7, at the end of line 15, delete "commodities or contractual" and delete line 16 in  
15                  its entirety and insert "information technology systems, information technology services,  
16                  software, professional services, or consulting services."

17                  AMENDMENT NO. 15

18                  On page 8, at the end of line 1, delete "the acquisition of materials," and delete lines 2 and  
19                  3 in their entirety and insert "procurements of any monetary amount, including small  
20                  purchases."

21                  AMENDMENT NO. 16

22                  On page 8, line 4, after "negotiate, the" and before "shall" delete "head of the agency" and  
23                  insert "state chief procurement officer"

24                  AMENDMENT NO. 17

25                  On page 8, delete lines 13 and 14 in their entirety and at the beginning of line 15, delete "(3)"  
26                  and insert "(2)"

27                  AMENDMENT NO. 18

28                  On page 8, delete lines 18 through 20 in their entirety and insert "(3) Negotiations shall be  
29                  conducted with all acceptable candidates in accordance with the terms of the solicitation."

30                  AMENDMENT NO. 19

31                  On page 8, at the beginning of line 21, delete "(5)" and insert "(4)"

32                  AMENDMENT NO. 20

33                  On page 8, at the end of line 22, delete the period "." and insert "while negotiations are  
34                  underway."

35                  AMENDMENT NO. 21

36                  On page 8, at the beginning of line 23, delete "(6)" and insert "(5)"

1 AMENDMENT NO. 22

2 On page 8, delete lines 25 through 27 in their entirety.

3 AMENDMENT NO. 23

4 On page 8, at the beginning of line 28, delete "(8)" and insert "(6)"