

Regular Session, 2014

HOUSE BILL NO. 985

BY REPRESENTATIVE TIM BURNS

TECHNOLOGY: Provides for a reorganization of the office of information technology and for procurement of information technology systems and services

1 AN ACT

2 To amend and reenact R.S. 36:4(B)(1)(e), Subpart C of Part I of Chapter 1 of Subtitle 1 of
3 Title 39 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 39:15.1
4 through 15.6, and Part V-A of Chapter 1 of Subtitle I of Title 39 of the Louisiana
5 Revised Statutes of 1950, to be comprised of R.S. 39:196 through 200, relative to
6 state technology services and procurement; to provide for the structure of the
7 executive branch of state government; to change the name of the office of
8 information technology to the office of technology services; to provide for the
9 functions and duties of the office of technology services; to provide for information
10 technology procurement; to provide for changes in designations by the Louisiana
11 State Law Institute; and to provide for related matters.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. R.S. 36:4(B)(1)(e) is hereby amended and reenacted to read as follows:

14 §4. Structure of executive branch of state government

15 * * *

16 B. The office of the governor shall be in the executive branch of state
17 government.

18 (1) The following agencies and their powers, duties, functions, and
19 responsibilities are hereby transferred to the office of the governor:

20 * * *

1 (e) The office of ~~information~~ technology services (R.S. 39:15.1 et seq.),
2 including the Louisiana Geographic Information Systems Council (R.S. 49:1051 et
3 seq.), within the division of administration.

4 * * *

5 Section 2. Subpart C of Part I of Chapter 1 of Subtitle 1 of Title 39 of the Louisiana
6 Revised Statutes of 1950, comprised of R.S. 39:15.1 through 15.6, and Part V-A of Chapter
7 1 of Subtitle 1 of Title 39 of the Louisiana Revised Statutes of 1950, comprised of R.S.
8 39:196 through 200, are hereby amended and reenacted to read as follows:

9 SUBPART C. OFFICE OF ~~INFORMATION~~ TECHNOLOGY SERVICES

10 §15.1. ~~Office of information technology~~ Office of technology services; scope

11 The ~~office of information technology~~ office of technology services shall have
12 authority over all information technology systems and services for agencies in the
13 executive branch of state government. The office shall have no authority over the
14 legislative or judicial branches of state government or agencies thereof. However,
15 nothing provided in this Subpart shall be construed to preempt the authorities granted
16 to the higher education boards in Article VIII of the Constitution of Louisiana.

17 §15.2. The ~~Office of information technology~~ office of technology services; state
18 chief information officer

19 A. The ~~office of information technology~~ office of technology services is
20 established within the division of administration. This office shall be headed by the
21 state chief information officer, hereafter referred to in this Part as the "CIO". The
22 CIO will serve as the spokesperson for all matters related to information technology
23 and resources, including Geographic Information Systems (GIS), with regard to
24 policies, standard setting, deployment, strategic and tactical planning, acquisition,
25 management, and operations as necessary and in keeping with the industry trends of
26 the private and public sectors. Rules and regulations shall be promulgated, in
27 accordance with the Administrative Procedure Act, as may be necessary to carry out
28 the provisions of this Subpart.

1 B. The CIO shall be appointed by the governor and serve in the executive
2 department of the division of administration, and shall be in the unclassified service.
3 The CIO shall report to the commissioner of administration concerning his
4 responsibilities to provide direction, stewardship, leadership, operation, and general
5 oversight of information technology and information resources. The salary of the
6 CIO shall be determined by the commissioner of administration. Support staff,
7 office facilities, and operating expenses shall be provided by the division of
8 administration.

9 C. The CIO shall also perform all duties and functions that the commissioner
10 of administration deems necessary for the proper, efficient, and economical
11 administration of information technology.

12 D. The CIO shall be the principal adviser to the governor and the executive
13 cabinet on information technology policy, including policy on the acquisition and
14 management of information technology and resources.

15 E. The CIO may delegate his authority under this Subpart to such designees
16 or to any governmental body as he may deem appropriate within the limitations of
17 state law and regulations.

18 §15.3. ~~Office of information technology~~ Office of technology services; offices and
19 staff; duties

20 A. The ~~office of information technology~~ office of technology services shall
21 consist of executive offices and staff as deemed necessary for effective information
22 technology governance.

23 B. The state chief information officer shall manage and direct the ~~office of~~
24 ~~information technology~~ office of technology services, with roles, duties, and
25 activities including but not limited to the following:

26 (1) Establishing and coordinating all information technology systems and
27 information technology services affecting the management and operations of the
28 executive branch of state government. The office of technology services shall,
29 subject to the provisions of this Subpart, have sole authority and responsibility for

1 defining the specific information technology systems and information technology
2 services to which the provisions of this Subpart shall be applicable. Information
3 technology systems, including equipment and related services, and information
4 technology services shall mean the equipment, services, and means necessary to
5 provide, including but not limited to, the following:

6 (a) Telecommunications systems and services.

7 (b) Network systems and services.

8 (c) Server systems and services.

9 (d) Storage systems and services.

10 (e) Information technology security systems and services.

11 (f) Related peripheral systems and services.

12 (g) Software and software application services.

13 (h) Infrastructure and platform systems services.

14 (i) Desktop computing systems and services.

15 (j) Geographic information systems and services.

16 (k) Video systems and services, except those video systems and services.

17 specifically reserved to the Louisiana Educational Television Authority pursuant to
18 R.S. 17:2501.

19 (l) Radio systems, to include but not be limited to two-way radio systems;
20 however, the operational abilities and priorities of two-way communications of the
21 departments in the executive branch shall not be impeded.

22 (m) Any and all systems and services based on emerging and future
23 information technologies relating to Subparagraphs (a) through (l) of this Paragraph.

24 ~~(1)~~ (2) Overseeing and implementing a state master information technology
25 plan on an annual basis.

26 ~~(2)~~ (3) Establishing and directing the implementation of information
27 technology standards, architecture, and guidelines suitable for statewide application
28 for hardware, software, services, contractual arrangements, consolidation of systems
29 and management of systems.

1 ~~(3)~~ (4) Reviewing, coordinating, and standardizing information technology
2 strategic business technology planning, information technology procurement,
3 information technology budgeting (both executive and capital outlay), and
4 information technology personnel and training.

5 ~~(4)~~ (5) Implementing strategic information technology planning, including
6 the review and approval of the planning, initiation, design, acquisition, and operation
7 of information technology systems.

8 ~~(5)~~ (6) Assessing the performance of information technology systems and
9 technology operations and personnel including establishing accountability,
10 performance measurement, and benchmarking policies and procedures.

11 ~~(6)~~ (7) Overseeing and coordinating the centralization of the technology
12 systems and data processing systems, including consolidation, outsourcing, and
13 sharing statewide government information technology resources and services.

14 ~~(7)~~ (8) Overseeing all telecommunication systems.

15 ~~(8)~~ (9) Assuring compatibility and connectivity of Louisiana's information
16 systems.

17 ~~(9)~~ (10) Facilitating and fostering innovative applications of emerging
18 technologies that provide cost-effective solutions for improving government
19 operations and services.

20 ~~(10)~~ (11) Reviewing and overseeing information technology projects and
21 systems for compliance with statewide strategies, policies, and standards, including
22 alignment with state government's business goals, investment, and other risk
23 management policies.

24 ~~(11)~~ (12) Providing support and technical assistance to the office of state
25 purchasing, the office of contractual review, the office of facility planning and
26 control, and the office of planning and budget, ~~and the Louisiana Technology~~
27 ~~Innovations Council.~~

28 ~~(12)~~ (13) Overseeing and coordinating access to state information that is
29 electronically available online from agency websites.

1 ~~(13)~~ (14) Facilitating a process among state agencies to identify services that
2 are favorable for electronic delivery, and maintaining an electronic directory of state
3 services.

4 ~~(14) Providing direction to the Louisiana Geographic Information Systems~~
5 ~~Council and the Louisiana Geographic Information Center (LAGIC) for coordination~~
6 ~~of geographic data, geographic technology, and geographic standards of the state.~~

7 (15) Identifying information technology applications that should be
8 statewide in scope, and ensuring that these applications are not developed
9 independently or duplicated by individual state agencies of the executive branch.

10 (16) Reviewing and approving the receipt by executive agencies of
11 information technology goods and services and telecommunication systems and
12 services from non-appropriated sources, including but not limited to grants,
13 donations, and gifts.

14 (17) Preparing annual reports and plans concerning the status and result of
15 the state's specific information technology plans and submitting these annual reports
16 and plans to the governor and the legislature.

17 (18) Facilitating and fostering the identification of the policy and planning
18 data needs of the state.

19 (19) Charging respective user agencies for the cost of the information
20 technology ~~services provided by the office of information technology systems and~~
21 information technology services provided by the office of technology services and
22 may include all or part of the cost of the operation of the office. These costs shall
23 be charged in a consistent and equitable manner.

24 (20) Acting as the sole centralized customer for the acquisition, billing, and
25 record keeping of information technology systems or information technology
26 services provided to state agencies. The ownership of such systems procured by the
27 office of technology services may vest in the respective agency, but control of the
28 systems shall be retained by the office of technology services.

1 (21) Developing coordinated information technology systems or information
 2 technology services within and among all state agencies and require, where
 3 appropriate, cooperative utilization of information technology systems and
 4 information technology services by aggregating users. However, nothing provided
 5 in this Section shall be construed to preempt the authorities granted to the higher
 6 education boards in Article VIII of the Constitution of Louisiana, the authority
 7 granted to statewide elected officials for the implementation of technology plans,
 8 systems, or services in R.S. 39:15.3(C), or the authority for operation of the National
 9 Crime Information Center.

10 (22) Reviewing, coordinating, approving, or disapproving requests by state
 11 agencies for the procurement of information technology systems or information
 12 technology services including information technology proposals, studies, and
 13 contracts.

14 C. To accomplish the work of the ~~office of information technology~~ office of
 15 technology services, all agencies as defined in R.S. 39:2 shall cooperate with the
 16 ~~office of information technology~~ office of technology services and provide assistance
 17 as required. However, ~~if the office of information technology and a statewide~~
 18 ~~elected official cannot jointly agree on an information technology plan, system, or~~
 19 ~~service for any agency under his jurisdiction, then he may implement an information~~
 20 ~~technology plan, system or service of his own, upon finding just cause to do so and~~
 21 ~~after giving notice of his actions and reason therefore at a meeting of the Joint~~
 22 ~~Legislative Committee on the Budget. Prior to implementation, any such~~
 23 ~~information technology plan, system or service adopted by a statewide elected~~
 24 ~~official shall be as compatible as is practical under the circumstances with the state~~
 25 ~~master technology plan~~ nothing in this Section shall be construed to supercede the
 26 authority of any statewide elected official relative to his authority to implement
 27 technology plans, systems, or services for any agency under his jurisdiction.

28 D. The information, technology, personnel, agency resources, and records
 29 of the Integrated Criminal Justice Information System as established by R.S. 15:1228

1 through 1228.8 and its components shall be excluded from the provisions of this Part
2 and shall not be under the authority of the ~~office of information technology~~ office of
3 technology services.

4 ~~§15.4. Repealed by Acts 2013, No. 184, §8(B).~~

5 ~~§15.5. Repealed by Acts 2013, No. 184, §8(B).~~

6 ~~§15.6. Repealed by Acts 2013, No. 184, §9.~~

7 * * *

8 PART V-A. ~~DATA PROCESSING~~ INFORMATION TECHNOLOGY
9 PROCUREMENT

10 §196. Application of Part: responsibility for determining; ~~executive director of~~
11 information services state chief information officer

12 A. The provisions of this Part shall be applicable to all state agencies in the
13 executive branch, as defined in R.S. ~~39:2(1)~~ R.S. 36:3(1), with respect to the
14 purchase, lease, and rental of all ~~data processing information technology~~ equipment,
15 related services, and software.

16 ~~B. The state central purchasing agency shall, subject to the provisions of this~~
17 ~~Part, have sole authority and responsibility for defining the specific data processing~~
18 ~~equipment, related services, and software to which the provisions of this Part shall~~
19 ~~be applicable.~~

20 B. The office of technology services shall, subject to the provisions of this
21 Part, have sole authority and responsibility for defining the specific information
22 technology systems and information technology services to which the provisions of
23 this Part shall be applicable. Rules and regulations shall be promulgated as may be
24 necessary to carry out the provisions of this Part.

25 ~~C. Repealed by Acts 2001, No. 772, §6, eff. July 1, 2001~~

26 §197. Definitions

27 For the purposes of this Part, the following words and phrases shall be
28 defined as follows:

1 (1) "Agency" as used in this Part and in Part V of Chapter 1 of this Title shall
2 have the same meaning ascribed to it as provided in R.S. 36:3(1).

3 (2) "Competitive sealed bidding" means a method of procurement which
4 strictly follows the requirements set forth in Chapter 17 of Title 39 except for such
5 variations as are specifically established herein.

6 (3) "Procurement" means the selling, buying, purchasing, renting, leasing,
7 or otherwise obtaining information technology systems, information technology
8 services, or their related software as well as all activities engaged in, resulting in, or
9 expected to result in the selling, buying, purchasing, renting, leasing, or otherwise
10 obtaining information technology systems, information technology services, or their
11 related software by the state or its agencies.

12 (4) "Software" means computer programs and documentation essential to
13 and necessary for an information technology system or information technology
14 service to perform productive operations.

15 (5) "Information technology service contract" means a contract for the
16 procurement of information technology services to include, but not be limited to,
17 software as a service, infrastructure as a service, platform as a service, application
18 hosting services, or installation and configuration services.

19 (6) "Information technology systems", which shall include information
20 technology equipment and related services, and "information technology services"
21 are limited to the equipment and services and means to provide:

22 (a) Server systems and services.

23 (b) Storage systems and services.

24 (c) Information technology security systems and services.

25 (d) Related peripheral systems and services.

26 (e) Software and software application services.

27 (f) Infrastructure and platform systems and services.

28 (g) Desktop computing systems and services.

29 (h) Geographic information systems and services.

1 (i) Mobile device systems and services.

2 (j) Any and all systems and services based on emerging and future
3 information technologies relating to Subparagraphs (a) through (i) of this Paragraph.

4 (7) "Information technology systems contract" means a contract for the
5 procurement of information technology systems including equipment and related
6 services to include but not be limited to installation and maintenance.

7 (8) "Information technology systems lease contract" means a contract
8 between a supplier of information technology systems and the division of
9 administration, office of technology services, or the procuring agency, through which
10 information technology systems may be procured for a term which shall not exceed
11 ten years. The contract may be either an operating lease, installment purchase, or a
12 financed lease without a balloon payment.

13 (9) "Utility" means any information technology service provided by the
14 office of technology services and used in the essential operations of a state agency,
15 such as system authentication, data replication, and system utilization and
16 performance management.

17 ~~(10)~~ (10) "Related services" means and is limited to service activities affecting
18 the maintenance of ~~data processing~~ information technology equipment or software
19 and the providing of fiscal intermediary services in processing claims of health care
20 providers. Notwithstanding any other provisions of law to the contrary, "related
21 services" shall also mean those consulting services ancillary to the procurement of
22 ~~data processing~~ information technology hardware or software that would otherwise
23 be governed by the provisions of professional, personal, consulting, and social
24 services procurement in Chapter 16 of this Title, provided those consulting services
25 are limited to the lesser of twenty percent of the procurement amount or two hundred
26 fifty thousand dollars.

27 ~~(11)~~ (11) "Direct order contract" means a contract which covers a specific
28 class of ~~data processing~~ information technology equipment, software, or services, or
29 a contract which covers a single, specific class of ~~data processing~~ information

1 technology equipment, software, or services, and all features associated with that
2 class and through which state agencies may procure the item ~~of hardware~~ specified
3 by issuing a purchase order under the terms of the contract, without the necessity of
4 further competitive bidding.

5 ~~(3)~~ (12) "Multi-year contract" means ~~and includes~~ the following:

6 (a) Contracts for a term of more than one year, not to exceed ten years.

7 ~~(a)~~ (b) Contracts between a supplier of ~~data processing equipment~~
8 information technology systems, information technology services, and software, and
9 ~~related services~~, and the state or a state agency through which ~~data processing~~
10 ~~equipment~~ information technology systems, information technology services, and,
11 software, ~~and related services~~, except for fiscal intermediary services for the
12 processing of claims of health care providers, may be leased or purchased for a term
13 of more than one fiscal year, but the term shall not exceed sixty months.

14 ~~(b)~~ (c) Contracts for fiscal intermediary services for the processing of claims
15 from health care providers.

16 ~~(4)~~ (13) "Rental contract" means and includes contracts between a supplier
17 of ~~data processing~~ information technology equipment and the state, or a state agency,
18 through which ~~data processing~~ information technology equipment may be leased for
19 a term not to exceed one fiscal year; ~~such. Such~~ contracts ~~to~~ shall include the right
20 of termination by the state upon notice of ninety days or less, and to be renewable,
21 upon review and recommendations of the procurement support team and review and
22 approval by the office of ~~data processing~~ information technology, with such renewal
23 to be limited to one additional term not to exceed twelve months.

24 ~~(5)~~ "Software" means ~~computer programs and documentation essential to~~
25 ~~and necessary for a computer to perform productive operations.~~

26 ~~(6)~~ (14) "Competitive sealed bidding" means a method of procurement which
27 strictly follows the requirements set forth in Chapter 17 of Title 39 except for such
28 variations as are specifically established herein.

1 ~~(7) "Procurement" means and includes the selling, buying, purchasing,~~
2 ~~renting, leasing, or otherwise obtaining data processing equipment, related services~~
3 ~~or software, as well as all activities engaged in, resulting in or expected to result in~~
4 ~~the selling, buying, purchasing, renting, leasing or otherwise obtaining of data~~
5 ~~processing equipment, related services or software by the state or its agencies.~~

6 (8) (15) "Emergency acquisitions or rentals of data processing information
7 technology" means a method of procurement utilized when there exists a threat to the
8 public health, welfare, safety or public property.

9 (9) (16) "Master agreement" means an agreement between the state and a
10 vendor which specifies the general terms and conditions under which parties will
11 routinely conduct procurement business.

12 ~~(10)~~ (17) "Purchase contract" means a contract that is utilized for the direct
13 acquisition of certain equipment, including but not limited to ~~data processing~~
14 information technology, word processing, micro desktop computers, server systems,
15 storage systems, mobile computing systems, peripheral systems, software, and
16 related services. Such contract shall contain the terms and conditions pertinent to the
17 rights and obligations of both the state and the vendor. Any purchase by direct
18 acquisition under the terms of the purchase contract will require one single payment,
19 and title shall pass to the state upon the date of purchase as defined in the contract
20 unless the purchase contract is amended by an installment payment contract.

21 ~~(11)~~ (18) "Installment-payment contract" means a contract which amends
22 and is incorporated into a purchase contract and is utilized to finance with the vendor
23 the purchase of certain equipment, including but not limited to ~~data processing~~
24 information technology, word processing, micro desktop computers, server systems,
25 storage systems, mobile computing systems, peripheral systems, software, related
26 services, and related supplies or a contract which itself alone is utilized to procure
27 such equipment from a contractor and provides therein for payment in a set of
28 installments over a fixed period of time. An installment payment contract shall
29 arrange for a method of financing with payment being made in a set of installment

1 payments over a fixed period of time in accordance with the provisions of the
2 contract and shall provide for the vendor to deliver title to the governmental body in
3 accordance with such terms.

4 §198. Types of contracts permitted

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

10 A. The office of technology services, through the state purchasing office,
11 may, on behalf of any state agency, enter into information technology systems
12 contracts in accordance with the following provisions:

13 (1) Contracts of this type shall be entered into through a request for
14 proposals as defined in this Part. An invitation to bid format may be utilized with
15 written approval from the state chief information officer.

16 (2) The term of such contracts shall not exceed five years.

17 B. The office of technology services, through the state purchasing office,
18 may on behalf of any state agency, enter into information technology services
19 contracts in accordance with the following provisions:

20 (1) Contracts of this type shall be entered into through a request for
21 proposals as defined in this Part. An invitation to bid format may be utilized with
22 written approval from the state chief information officer.

23 (2) The term of such contracts shall not exceed ten years.

24 C. The office of technology services, through the state purchasing office,
25 may on behalf of any state agency, enter into an information technology systems
26 lease contract for an operating lease, installment purchase, or financed lease for
27 information technology systems in accordance with the following provisions:

28 (1) All contracts of this type shall be entered into through a request for
29 proposals as defined in this Part.

1 (2) The justification of such contracts must be approved by the office of
2 technology services prior to issuance of a request for proposals. Such justification
3 shall identify and consider all cost factors relevant to that contract.

4 (3) The term of such contracts shall not exceed ten years, except financed
5 contracts shall be for a term not to exceed the economic life of the system or ten
6 years, whichever is less.

7 (4) Upon the advance written approval of the office of technology services,
8 state agencies may extend operating leases of information technology systems on a
9 month-to-month basis for a period not to exceed one calendar year for the stated
10 lease prices.

11 D. Notwithstanding the provisions of R.S. 39:1615 to the contrary, the use
12 of a multi-year contract for information technology systems and information
13 technology services shall be in accordance with rules and regulations and under the
14 following conditions:

15 (1) The state chief information officer shall approve in writing the use of a
16 multi-year contract over one year, not to exceed three years.

17 (2) The director of the state purchasing office shall approve in writing the
18 use of a multi-year contract over three years, not to exceed five years.

19 (3) The commissioner of administration, or his designee, shall approve in
20 writing the use of a multi-year contract over five years.

21 ~~A.~~ E. Direct order contracts. The ~~division of administration~~ office of
22 technology services, through the state central purchasing agency, shall, on behalf of
23 all state agencies, enter into a direct order contract with a vendor of ~~data processing~~
24 information technology equipment for the purchase, rental, or both, of such
25 equipment in accordance with the following provisions:

26 (1) Specifications for direct order contracts. Specifications for direct order
27 contracts shall be developed in advance and shall conform to the following
28 requirements:

1 (a) Specifications for direct order contracts shall cover a specific class of
2 equipment and may include all features associated with that class.

3 (b) Specifications in the invitation for bids for direct order contracts shall be
4 developed by the office of ~~data processing~~ information technology.

5 (c) Specifications shall be based on the projected needs of user agencies.

6 (d) Specifications for direct order contracts for the purchase and/or rental of
7 ~~data processing~~ information technology equipment may include specifications for the
8 maintenance of the equipment desired.

9 (2) Procurement of direct order contracts. The initial procurement of a direct
10 order contract, and procurement of equipment by using agencies under a direct order
11 contract, shall be as defined herein:

12 (a) Direct order contracts shall be awarded by competitive sealed bidding.

13 (b) A using agency may procure required ~~data processing~~ information
14 technology equipment available under a direct order contract through release of a
15 purchase order for the required equipment to the vendor holding a direct order
16 contract. However, such procurement by purchase order shall be accomplished in
17 accordance with the procedures and regulations prescribed by the state central
18 purchasing agency in the ~~Division of Administration~~ division of administration and
19 shall be subject to all other statutory requirements.

20 (3) The final authority for entering into direct order contracts shall rest with
21 the ~~Division of Administration~~ division of administration, and such contracts shall
22 be executed by the purchasing office, in accordance with procedures and regulations
23 defined by the ~~Division of Administration~~ division of administration.

24 (4) Terms and conditions of direct order contracts. Direct order contracts for
25 information technology are subject to and shall include the following terms and
26 conditions:

27 ~~(a) Direct order contracts for data processing equipment are subject to the~~
28 ~~following requirements:~~

1 ~~(i)~~ (a) Direct order contracts shall be valid for not more than three fiscal
2 years.

3 ~~(ii)~~ (b) The prices stated in such contract shall be firm for the period of the
4 contract; except that, all such contracts shall include a clause granting to the state the
5 benefit of any general price reductions effected by the vendor during the term of the
6 contract.

7 ~~(iii)~~ (c) Individual items of computer hardware which may be included under
8 a direct order contract may not have a purchase price greater than seventy-five
9 thousand dollars or a monthly rental price greater than two thousand dollars. Such
10 price shall not include costs of maintenance, taxes, or transportation.

11 ~~(iv)~~ (d) Direct order contracts shall include the annual appropriation
12 dependency clause set forth in Subparagraph B(1)(d) of this Section.

13 ~~(v)~~ (e) Direct order contracts may be extended into one additional fiscal year
14 only under the following conditions:

15 ~~(aa)~~ (i) Such extension of a direct order contract shall be subject to the
16 approval of the office of ~~data processing~~ information technology.

17 ~~(bb)~~ (ii) The vendor may increase rental prices for the term of the additional
18 fiscal year by an amount equal to the lesser of any increase permitted by that
19 vendor's contract with the General Services Administration of the United States
20 Government for such equipment, or any increase in that vendor's published list prices
21 for such equipment, during that fiscal year; provided that, such increase may not
22 exceed ten percent, and the increase must have been authorized by the initial direct
23 order contract.

24 ~~(vi)~~ (f) Items covered by a direct order contract may also be acquired through
25 additional competitive sealed bidding.

26 ~~B:~~ F. Multiyear contracts other than direct order contracts and contracts for
27 fiscal intermediary services in processing claims of health care providers. State
28 agencies may enter into contracts for the lease or purchase of ~~data processing~~
29 information technology equipment systems, information technology services, or

1 software when the term of such lease or purchase is greater than twelve months or
2 involves more than one fiscal year in accordance with the following provisions:

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

4 (a) All contracts of this type shall be entered into through competitive sealed
5 bidding.

6 (b) The justification of such contracts must be presented to the state central
7 purchasing agency prior to issuance of an invitation for bids. Such justification shall
8 identify and consider all cost factors relevant to that contract.

9 (c) The term of such contract shall not exceed sixty months.

10 (d) All such contracts must contain the following annual appropriation
11 dependency clause:

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

22 (e) The state central purchasing agency in the ~~Division of Administration~~
23 division of administration shall maintain a list of all multi-year contracts. This list
24 must show at a minimum the name of the vendor, the annual cost of each contract,
25 and the term of the contract.

26 (f) All such contracts for lease must contain a clause granting to the state the
27 benefit of any general price reduction effected by the vendor during the term of the
28 contract.

1 (g) With respect to all such contracts for purchase, there shall be no
2 provisions for a penalty to the state for the early payment of the contract.

3 (2) Provisions relating to multi-year contracts for software:

4 ~~(a)~~ Contracts for software which extend for periods greater than twelve
5 months or which cover all or a portion of more than one fiscal year, but which
6 require only a single payment by the state to the vendor, may be entered into by any
7 state agency, without regard to the specific requirements of Paragraph (1) of this
8 Subsection.

9 (3) Provisions relating to multi-year contracts for the installment payment
10 of financing for certain equipment, including but not limited to ~~data processing, word~~
11 ~~processing, micro~~ desktop computers, server systems, storage systems, mobile
12 computing systems, peripheral systems, software, and related services are as follows:

13 (a) Installment-payment contracts will be entered into with vendors of the
14 defined equipment by the Division of Administration through the state central
15 purchasing agency on behalf of all state agencies in accordance with rules and
16 regulations adopted by the director of central purchasing.

17 (b) Installment-payment contracts may serve as amendments to and be
18 incorporated into the vendor purchase contracts.

19 (c) The installment-payment contract may serve as a financing agreement
20 and may contain only those provisions pertinent to the payment obligation, including
21 but not limited to payment schedule and rate, provisions of default, assignment of
22 payment stream, early payment, passage of title, and insurance coverage.

23 (d) Each contract shall contain an annual dependency clause, as defined in
24 R.S. 39:198(B)(1)(d).

25 (e) Installment-payment contracts utilized in procuring micro computer
26 equipment, word processing, software, and maintenance through brand name
27 contracts shall contain a fixed interest for the term, which will generally be defined
28 as one fiscal year, of the brand name contract. The interest rate is to be bid by the

1 vendor, accepted by central purchasing, and approved by the State Bond
2 Commission.

3 (f) Interest rates for individual procurements of equipment either through the
4 competitive sealed bid process or under the terms of the applicable brand name
5 contract shall be fixed for the term of the multi-year contract specific to that
6 individual procurement.

7 (g) The term of an installment-payment contract utilized for the equipment
8 defined herein shall not exceed sixty months.

9 (4) Procurement of information technology consulting services through the
10 office of technology services shall be conducted in accordance with the provisions
11 of R.S. 39:1481 through R.S. 1526.

12 ~~E. G.~~ Rental Contracts. Upon the advance written approval of the state
13 central purchasing agency, state agencies may enter into contracts for the rental of
14 ~~data processing information technology~~ equipment and related services on a month
15 to month basis for a period not to extend beyond the end of the fiscal year in which
16 the contract is made. All such contracts shall be entered into only as a result of
17 competitive sealed bidding procedures.

18 (1) Equipment currently installed, or installed at the beginning of a fiscal
19 year under a valid rental contract, may be retained at the end of the fiscal year by
20 renewing or extending the existing rental contract for one additional term, not to
21 exceed twelve months, without competitive sealed bidding procedures, subject to the
22 following provisions:

23 (a) All prices under a fiscal year rental contract shall be no greater than the
24 supplier's established catalogue price and shall be firm for the fiscal year in which
25 the contract is made, with the exception that the state shall be entitled to any general
26 price reductions effected by the supplier during the term of the contract.

27 (b) All rental contracts shall have a notice of termination provision in favor
28 of the state not to exceed ninety days and shall allow termination of the contract as
29 it applies to specific equipment or services without termination of the entire contract.

1 (c) Renewal of a rental contract shall be subject to the advance review and
2 recommendation of the procurement support team and to the advance written
3 approval of the state central purchasing agency and shall only be permitted if any
4 proposed price increases do not exceed the supplier's current published list prices.

5 (2) Termination of a rental contract may be effected, in addition to any other
6 legal reasons, by the state central purchasing agency, which shall have authority to
7 direct a user agency to terminate, with adequate notice, a rental contract for the
8 failure of any party to comply with the provisions herein, and to initiate competitive
9 sealed bidding procedures in order to retain or replace the equipment affected by
10 termination.

11 ~~D.~~ H. Contracts for fiscal intermediary services in processing claims of
12 health care providers. State agencies may enter into contracts for fiscal intermediary
13 services in processing claims of health care providers. The term of such a contract
14 shall be one hundred twenty months. In the event special circumstances, as provided
15 in Paragraph (9), necessitate, additional one-year extensions of the contract may be
16 granted. The award process and final contract shall include the following:

17 (1) Contracts for fiscal intermediary services in processing claims of health
18 care providers shall be awarded by a competitive selection process which shall list
19 in the solicitation for proposals the method by which the contract shall be awarded
20 and include all criteria to be used and the weights assigned to each criterion. The
21 procedure for issuance of the solicitation for proposals shall be in accordance with
22 guidelines published by the state central purchasing agency. The selection of the
23 contractor shall be made by the head of the using agency only in accordance with the
24 method and criteria as set forth in the solicitation for proposals and in accordance
25 with the recommendation of the procurement support team.

26 (2) Justification for the contract shall be submitted to the state central
27 purchasing agency and shall be submitted to the House and Senate committees on
28 health and welfare at least forty-five days prior to the issuance of a solicitation for
29 proposals. Within thirty days of receipt of the justification by the House and Senate

1 committees on health and welfare, either committee may convene a meeting
2 separately or jointly for the purpose of conducting a public hearing on the
3 justification which was submitted. Such justification shall include identification and
4 consideration of all factors, including costs, relevant to the solicitation for proposals
5 and the final contract.

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

13 (4) In addition to other provisions as required by law or in the best interests
14 of the state, such contract shall contain provisions setting forth, (a) the amount and
15 requirements of the contractor's performance bond, (b) penalty and enforcement
16 provisions for the failure of the contractor to perform in accordance with the contract
17 documents, (c) conditions for optional renewal of the contract by the state in
18 accordance with the provisions of this Subsection, and (d) requirements for
19 termination of the contract by the state at any time, or for cause, or upon the refusal
20 of the state to exercise an option to renew such contract.

21 (5) Issuance of specifications for a solicitation for proposals on a contract for
22 fiscal intermediary services in processing claims of health care providers shall be
23 made at least twelve months prior to the termination date of an existing contract,
24 unless the contract termination is for cause or due to the refusal of the state to
25 exercise an option to renew.

26 (6) No award of the contract shall be made until the House and Senate
27 committees on Health and Welfare, meeting jointly or a joint subcommittee thereof
28 has conducted a public hearing concerning such award.

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

4 (8) No option to renew such contract shall be exercised by the state until the
5 following criteria have been satisfied:

6 (a) The Department of Health and Hospitals has conducted a public hearing
7 concerning such renewal.

8 (b) The Department of Health and Hospitals submits to the House and Senate
9 committees on health and welfare a notice of intention by the Department of Health
10 and Hospitals to exercise the option to renew such contract and a copy of any public
11 testimony which was taken at the public hearing held by the Department of Health
12 and Hospitals. The House and Senate committees on health and welfare, meeting
13 separately or jointly, may hold a public hearing concerning such renewal within
14 thirty days following the receipt of a notice of intention by the Department of Health
15 and Hospitals to exercise the option to renew such contract.

16 (c) The House and Senate committees on health and welfare, meeting
17 separately or jointly, have conducted a public hearing concerning such renewal or
18 thirty days have elapsed from the date the Department of Health and Hospitals
19 submitted a notice of intention to renew such contract to the House and Senate
20 committees on health and welfare and neither committee has posted a public notice
21 of meeting concerning the renewal of such contract.

22 (9) In the event the Department of Health and Hospitals and/or the United
23 States Department of Health and Human Services, Health Care Financing
24 Administration propose substantial changes in the operations of the Medicaid
25 program that would materially impact the services performed by the fiscal
26 intermediary, the Department of Health and Hospitals may, subject to the approval
27 of the House and Senate committees on health and welfare, approve additional
28 extensions of the contract until such time as it is practical to prepare a solicitation for
29 proposals describing the revised services that would be performed by the fiscal

1 intermediary. During the time frame covered by any extension beyond the original
2 one-hundred-twenty-month period, the fiscal intermediary may be required to
3 perform additional functions to assist in preparing the Department of Health and
4 Hospitals in the transition to the new program. Such functions shall include existing
5 fiscal intermediary services as well as efforts to control fraud and abuse, program
6 reports, beneficiary enrollment and program information services, encounter data,
7 and annual managed care negotiation data.

8 ~~E. I.~~ Master Agreements. The state director of purchasing may enter into
9 master agreements with vendors with which the state conducts substantial business
10 over a period of time.

11 (1) Such agreements shall set forth those terms and conditions of specific
12 legal import which relate to the basic provisions according to which procurement
13 activity will be conducted, and shall meet the following requirements:

14 (a) Such agreements may be for any term up to sixty months.

15 (b) All agreements must contain a clause providing that any changes
16 mandated by state or federal law, whether legislative or judicial, will be
17 incorporated; however, if such a change is not acceptable to either party, the affected
18 term or terms of the contract shall be renegotiated and, if agreement cannot be
19 reached, shall be stricken from the contract.

20 (c) A specific provision of any such agreement may be waived or changed
21 only once during the term of the agreement, by mutual consent, expressed in writing.

22 (d) Each master agreement must be negotiated by a procurement support
23 team and executed on behalf of the state by the state director of purchasing.

24 (2) Vendors may refer to the master agreement on file with the state director
25 of purchasing when responding to invitations for bids for specific items of ~~data~~
26 processing information technology equipment, related services, or software. Such
27 bid responses must include a proposed schedule incorporating the terms of the master
28 agreement and further detailing the items and prices bid. The selected vendor and

1 the procuring agency shall sign the schedule and submit it to the state central
2 purchasing agency for approval.

3 (3) The state director of purchasing, subject to the approval of commissioner
4 of administration, shall have authority for determining when and if master
5 agreements may be used. Notwithstanding any other provisions of this Part, master
6 agreements shall not be used to circumvent the competitive bid process otherwise
7 required by law.

8 F. J. The Department of Public Safety and Corrections may enter into a
9 multiyear contract not to exceed ten years when contracting for the Video Gaming
10 Monitoring System for the purposes described in R.S. 27:302(A)(5)(o). This
11 contract may be awarded by the competitive request for proposal procedures set forth
12 in R.S. 39:1593(C).

13 G. K. The Department of Wildlife and Fisheries may enter into a multiyear
14 contract not to exceed ten years when contracting for the issuance of hunting and
15 fishing licenses through an electronic issuance system as authorized by R.S. 56:30.1.
16 This contract may be awarded by the competitive request for proposal procedures set
17 forth in R.S. 39:1593(C).

18 §199. Methods of procurement

19 ~~A. The only methods of procurement permitted for the acquisition of data~~
20 ~~processing equipment, related services, or software are those defined in this Section.~~
21 ~~Except as provided in Subsection B, all procurement of computer hardware shall be~~
22 ~~by competitive sealed bidding.~~

23 ~~B. Other methods. Other methods of procurement permitted for acquisitions~~
24 ~~hereunder are small purchases in accordance with rules and regulations promulgated~~
25 ~~by the state central purchasing agency and emergency acquisitions or rentals of data~~
26 ~~processing equipment if such procurement is conducted under applicable laws and~~
27 ~~rules and regulations specified by the state central purchasing agency.~~

1 A. The office of technology services, through the state purchasing office,
2 may procure information technology systems and information technology services
3 by a request for proposals to conform with the following requirements:

4 (1) Public notice of the request for proposals shall be the same as for an
5 invitation to bid as provided in R.S. 39:1594(C).

6 (2)(a) The request for proposals shall indicate the relative importance of all
7 evaluation factors and shall clearly define the work, service, or solution to be
8 provided under the contract, the functional specifications, the criteria to be used in
9 evaluating the proposals, and the time frames within which the work must be
10 completed or the service provided.

11 (b) For information systems lease contracts, the request for proposals shall
12 require that proposals contain a declaration as to the maximum price for which the
13 system may be purchased following the termination of the lease contract. No other
14 basis of evaluation shall be used except that set out in the request for proposals.

15 (3) The office of technology services shall evaluate all proposals to
16 determine the proposal most advantageous to the state, taking into consideration all
17 evaluation criteria set forth in the request for proposals, and shall make a
18 recommendation of award to the state purchasing office.

19 (4) The office of technology services may request that the state purchasing
20 office reject all proposals when it is deemed that such action is in the best interest of
21 the state.

22 B. The office of technology services may procure information technology
23 systems and information technology services in accordance with the law or
24 regulations, or both, which govern the state purchasing office, the division of
25 administration.

26 C. Method for procuring maintenance services. Notwithstanding any other
27 provisions of this Part, any agency may procure maintenance services for ~~data~~
28 ~~processing~~ information technology equipment without the need for competitive
29 bidding. Such procurement must have the written advance approval of the state

1 central purchasing agency and shall not be for a price greater than the vendor's
 2 published price. ~~The procurement support team shall develop and deliver to the~~
 3 ~~office of state purchasing and the office of information technology proposed rules~~
 4 ~~establishing guidelines for procurement activities under this Part. Upon approval of~~
 5 ~~the office of information technology, the office of state purchasing shall promulgate~~
 6 ~~rules in accordance with the Administrative Procedure Act.~~

7 D. Method for procuring software and software maintenance and support
 8 services. Notwithstanding any other provisions of this Part, any agency may procure
 9 data processing information technology software, software maintenance, and support
 10 services without the need for competitive bidding. Such procurement must have the
 11 written advance approval of the state central purchasing agency and shall not be for
 12 a price greater than the vendor's published price. ~~The procurement support team~~
 13 ~~shall develop and deliver to the office of state purchasing and the office of~~
 14 ~~information technology proposed rules establishing guidelines for procurement~~
 15 ~~activities under this Part. Upon approval of the office of information technology, the~~
 16 ~~office of state purchasing shall promulgate rules in accordance with the~~
 17 ~~Administrative Procedure Act.~~

18 ~~E. Method for procuring microcomputer equipment, word processing~~
 19 ~~equipment, software, and maintenance services. Notwithstanding any other~~
 20 ~~provisions of this Part, any agency may procure by purchase, rental, or lease~~
 21 ~~microcomputer equipment, word processing equipment, software, and maintenance~~
 22 ~~services through name brand contracts awarded by the state central purchasing~~
 23 ~~agency in accordance with the provisions of R.S. 39:1551 through 1736. Such~~
 24 ~~procurement must have the written advance approval of the state central purchasing~~
 25 ~~agency. The terms and conditions of such name brand contracts may be amended~~
 26 ~~by the central purchasing office.~~

27 F. E. Method for procuring data processing information technology
 28 equipment, software, and maintenance services for public colleges and universities.
 29 Notwithstanding any other provisions of this Part, any public college or university

1 may procure, through its purchasing officer, ~~data processing~~ information technology
2 equipment, software, and maintenance services without the advance approval of the
3 state central purchasing agency when a single expenditure for such materials or
4 combined materials and services does not exceed one hundred thousand dollars.

5 ~~G.(1)~~ F.(1) The commissioner of administration shall for each fiscal year
6 designate a goal for awarding to small businesses a portion of anticipated total state
7 procurement of ~~data processing~~ information technology equipment and software.
8 For purposes of this Subsection, "small businesses" shall be defined as an employer
9 with fifty or fewer employees. The commissioner of administration may divide the
10 procurements so designated into contract award units of economically feasible
11 production runs in order to facilitate offers or bids from small businesses. In making
12 his annual designation of goals for small business procurements, the commissioner
13 of administration shall attempt to vary the included procurements so that a variety
14 of ~~data processing~~ information technology equipment and software produced by
15 different small businesses shall be a goal each year. The failure of the commissioner
16 of administration to establish a goal for particular procurements shall not be deemed
17 to prohibit or discourage small businesses from seeking the procurement award
18 through the normal solicitation and bidding processes. The commissioner of
19 administration shall report to the Joint Legislative Committee on the Budget and to
20 the House Committee on Commerce and the Senate Committee on Commerce,
21 Consumer Protection, and International Affairs on the program established in this
22 Subsection each year prior to the submission of the executive budget. Such report
23 shall include the goals and awards from the previous year, a list of unsuccessful
24 awards as described in Paragraph (4) of this Subsection, and the goals for the
25 upcoming year.

26 (2) Contract procedure. The commissioner of administration shall establish
27 a contract procedure in accordance with law, for the awarding of a procurement
28 contract under the goals established in this Subsection. Surety bonds guaranteed by

1 the federal Small Business Administration shall be acceptable security for an award
2 under this Subsection.

3 (3) Responsibility of bidder or offeror. Before making a goal award, the
4 commissioner of administration shall evaluate whether the small business scheduled
5 to receive the award is able to perform the set-aside contract. This determination
6 shall include consideration of production and financial capacity and technical
7 competence.

8 (4) Award of contracts after unsuccessful goal procedures. In the event that
9 the provisions of this Subsection do not operate to extend a contract award to a small
10 business, the award shall be placed pursuant to the existing solicitation and award
11 provisions established by law. The commissioner of administration shall thereupon
12 designate a goal for small businesses' additional state procurements of ~~data~~
13 processing information technology equipment and software corresponding in
14 approximate value to the contract unable to be awarded pursuant to the provisions
15 of this Subsection.

16 (5) Conflict with other code provisions. All laws and rules pertaining to
17 solicitations, bid evaluations, contract awards, and other procurement matters not
18 inconsistent with the provisions of this Subsection shall apply to procurements set-
19 aside for small businesses. In the event of conflict with other rules, the provisions
20 of this Subsection shall govern.

21 §200. General provisions

22 The following general provisions shall apply to all procurements under this
23 Part:

24 A. Used equipment. Used ~~data processing~~ information technology equipment
25 is defined to include all equipment which cannot be certified as new by the vendor.
26 Used equipment may be acquired through rental or purchase when the vendor and/or
27 manufacturer certify that:

28 (1) The equipment has been properly maintained and used.

1 (2) Maintenance acceptable to the state is available by contract at a cost
2 which shall not increase the total cost to the state to that level which would exist
3 should the state acquire the same equipment new.

4 (3) The equipment is warranted by the manufacturer or vendor under the
5 same terms and conditions as those offered by the manufacturer for that equipment
6 when new.

7 B. Purchase of equipment being leased or rented. Equipment being leased
8 or rented by a state agency may be purchased without the need for competitive sealed
9 bidding. When the contract under which the equipment is being leased or rented
10 provides for any credit of rental or lease payments toward purchase, the leasing or
11 renting vendor shall be required to deduct such credits from the purchase price. A
12 written analysis of the contract must be made by the using agency and filed with the
13 state central purchasing agency. Such analysis shall at a minimum include the
14 current market value of the equipment, the total amount paid to the vendor as lease
15 or rental payments credited to the purchase price, the total time the equipment was
16 leased or rented, and the amount of and contractor for related prior and subsequent
17 contracts, including but not limited to maintenance contracts. Such purchases shall
18 have the written advance approval of the state central purchasing agency, and the
19 legislature shall have provided a specific appropriation for such purchase.

20 C. Disposition of ~~data processing~~ information technology equipment no
21 longer required by state agencies. The state central purchasing agency shall have the
22 authority to dispose of ~~data processing~~ information technology equipment no longer
23 required by a state agency in accordance with regulations which shall be developed
24 and published by the state central purchasing agency. Such dispositions may be
25 through trade-in, assignment to another state agency, or sale. Dispositions other than
26 by assignment to another agency shall be on a competitive basis.

27 D. Effective date of contracts. Any contracts entered into under the
28 provisions of this Part may have an effective starting date at any point during a fiscal
29 year. No contract entered into hereunder shall have an initial effective date earlier

1 than the date on which such contract receives the final statutorily required approval.
2 However, with the approval of the state central purchasing agency, a state agency
3 shall make payments to a vendor in those circumstances where it has utilized the ~~data~~
4 processing information technology equipment to be contracted prior to the actual
5 receipt of the final statutorily required approval. The state central purchasing agency
6 shall determine the size of the payments in accordance with the number of such days
7 of utilization.

8 E. Contract amendments. All changes, modifications, and amendments to
9 any contract hereunder shall be approved in advance by the state central purchasing
10 agency, in addition to any other statutorily required approvals. This Subsection shall
11 not apply to contracts for maintenance or software, but amendments to such contracts
12 may not increase the rates specified in such contracts to a figure greater than the
13 vendor's published standard rates.

14 F. Contract form. No contracts entered into hereunder shall be on preprinted
15 contract forms supplied by a vendor, unless otherwise approved by the director of
16 state purchasing.

17 G. Proposal or bid incorporated into contract. Where written proposals or
18 bids are submitted by vendors, the proposal or bid of the successful vendor shall be
19 incorporated into the final contract consummated with that vendor.

20 H. Letters of intent. Letters of intent may be issued by an agency to a vendor
21 solely for the purpose of obtaining a delivery schedule with that vendor. All such
22 letters must be clearly identified as such, and must be filed on issuance with the
23 office of ~~data processing~~ information technology and the attorney general.

24 I. Procurement support. All contracts covered under the provisions of this
25 Chapter, in an amount greater than one hundred thousand dollars, whether for
26 purchase or rental payments or fiscal intermediary services in processing claims of
27 health care providers, or master agreements, but excluding taxes, transportation, and
28 other related services, shall be entered into with the assistance of a procurement

1 support team as provided in Paragraph (2) below and in accordance with guidelines
2 to be published by the state central purchasing agency.

3 (1) Procurement support team participation must include, as a minimum,
4 assistance in evaluation of bids and negotiation of contracts.

5 (2) A procurement support team shall consist of a person chosen jointly by
6 the speaker of the House of Representatives and the president of the Senate from
7 among the attorneys on the legislative services staff of the House of Representatives
8 or the staff of the Senate and one or more representatives from each of the following:
9 the Division of Administration, central purchasing agency; the using agency
10 initiating the procurement action; and the Legislative Fiscal Office. At least two
11 members of the team shall have received formal training in computer contract
12 negotiations. At least four members, one from each office or agency designated,
13 must be present to constitute a quorum.

14 J. Contract specifications.

15 (1) A specification may be drafted which describes a product which is
16 proprietary to one company only where no other kind of specification is reasonably
17 available for the state to describe its requirements; or where there is a requirement
18 for specifying a particular design or make of product due to factors of compatibility,
19 standardization, or maintainability; and, where such specification includes language
20 which specifically permits an equivalent to be supplied. Such specification shall
21 include a description of the essential characteristics of the product.

22 (2) Whenever proprietary specifications are used, the specifications shall
23 clearly state that the proprietary characteristics are used only to denote the quality
24 standard of the equipment desired and that such specifications do not restrict vendors
25 to the specific brand, make, or manufacture; that they are used only to set forth and
26 convey to prospective bidders the general style, type, character, and quality of
27 equipment desired; and that equivalents will be acceptable.

28 (3) The specifications in an invitation for bids shall contain a list of the
29 factors to be considered in evaluating the responses to the invitation, and any weights

1 assigned to those factors. No other basis of evaluation shall be used with respect to
2 bids received. When relevant, the following factors shall be included in the
3 specifications: cost of transportation, installation, and conversion of operations;
4 taxes; or cost of conversion to different equipment architecture.

5 ~~K. Repealed by Acts 1984, No. 754, §3, eff. July 13, 1984.~~

6 ~~L. Volume discounts. The state director of purchasing, on behalf of one or
7 more state agencies, may enter into non-binding agreements with vendors for the
8 purpose of establishing volume discounts. Such agreements shall be based on the
9 estimated usage and requirements of state agencies.~~

10 ~~M. Other laws. The provisions of this Part shall, with respect to the
11 procurement of data processing equipment, related services, and software, supersede
12 specifications of any contradictory or conflicting provisions of the following statutes:
13 R.S. 39:330 with respect to the disposition of equipment; R.S. 38:2211 et seq. with
14 respect to the awarding of public contracts; and Chapter 17 of Title 39. The
15 provisions of this Part do not relate to the procurement of services covered by R.S.
16 39:1481 through R.S. 39:1526.~~

17 ~~N. Repealed by Acts 2011, No. 343, §5.~~

18 K. The provisions of this Part shall, with respect to the procurement of
19 information technology systems or information technology services, supersede
20 specifications of any contradictory or conflicting provisions of the following statutes:
21 R.S. 38:2211 et seq. with respect to awarding of public contracts and R.S. 39:1551
22 through 1736, but all other provisions in Chapter 17 of Title 39 apply to all
23 procurements under this Part. The provisions of this Part do not relate to the
24 procurement of services covered by R.S. 39:1481 through 1526 except as provided
25 in R.S. 39:198. The Louisiana Lease of Movables Act, R.S. 9:3301 through 3342,
26 shall not apply to the provisions of this Part.

27 L. In addition to specific authorizations contained in this Part, and pursuant
28 to R.S. 39:15.2(C), the state chief information officer, with the approval of the
29 commissioner of administration or his designee, shall have the power and authority

1 to make necessary and reasonable regulations and orders to carry out the provisions
2 of this Part, and such regulations and orders shall have the effect of law.

3 Section 3. The Louisiana State Law Institute is hereby authorized and requested to
4 review all statutes which contain the name of the office of information technology, changed
5 in this Act, and in all locations it deems appropriate change said references to the office of
6 technology services.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Tim Burns

HB No. 985

Abstract: Provides for the reorganization of the office of information technology and for procurement of information technology systems and services.

Present law establishes the office of information technology within the division of administration and provides for the roles, duties, and activities of the office.

Proposed law changes the name of the office from the office of information technology to the office of technology services. Further, proposed law adds to the duties of the office, including the establishment and coordination of all information technology systems and services affecting the management and operations of the executive branch of government.

Present law provides for data processing procurement with respect to the purchase, lease, and rental of all data processing equipment, related services and software. Present law further provides that the central purchasing agency of the state has sole authority and responsibility for defining specific data processing equipment, related services, and software.

Proposed law changes the office with the authority for procurement provided for in present law from the central purchasing agency to the office of technology services.

Present law provides for certain types of contracts that the state is permitted to enter into with regards to data processing procurement.

Proposed law retains present law and provides additional provisions for information technology systems and services contracts and leases.

Present law provides for methods of data processing procurement.

Proposed law provides for various changes to the methods of procurement for information technology systems and services.

(Amends R.S. 36:4(B)(1)(e), R.S. 39:15.1-15.6 and 196-200)