AN ACT

To amend and reenact R.S. 39:2002(3) and (7), 2005(2), (5), and (6), 2007(D)(1), 2171(B), 2172(3) and (7), 2173, 2175(2), (5), and (6), 2176(A)(4), and 2177(D), relative to entrepreneurships of the Hudson Initiative and the Veteran Initiative; to provide relative to maximum gross receipts thresholds for such entrepreneurships; to provide relative to the percent of evaluation points awarded to certain veterans in requests for proposals; to provide relative to competitive source selection; to provide for definitions; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1.  R.S. 39:2002(3) and (7), 2005(2), (5), and (6), 2007(D)(1), 2171(B), 2172(3) and (7), 2173, 2175(2), (5), and (6), 2176(A)(4), and 2177(D) are hereby amended and reenacted to read as follows:

§2002. Definitions

As used in this Chapter, the following words and phrases shall have the meanings ascribed to them in this Section, unless the context clearly indicates otherwise:

* * *

(3) "Contract" or "public contract" means all types of state agreements, regardless of what they may be called, for personal services, professional services, consulting services, or social services, or the purchase of materials, supplies, services, or major repairs, or for the making of any public works. It includes awards

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and notices of award; contracts of a fixed-price, cost, cost-plus-a-fixed-fee, or
incentive type; contracts providing for the issuance of job or task orders; leases;
letter contracts; and purchase orders. It also includes supplemental agreements with
respect to any of the foregoing.

* * *

(7) "Procurement" means the buying, purchasing, renting, leasing, or
otherwise obtaining any materials, supplies, services, or major repairs, personal
services, professional services, consulting services, or social services. It also
includes all functions that pertain to the obtaining of any public procurement,
including description of requirements, selection and solicitation of sources,
preparation and award of contract, and all phases of contract administration.

* * *

§2005. Competitive source selection

Methods of source selection which may be utilized by an agency to satisfy
a state goal for contracting with small entrepreneurships shall include but not be
limited to:

* * *

(2) The purchase of goods, operating services, major repairs, personal
services, professional services, consulting services, social services, and
public works directly from a certified small entrepreneurship under an agency's
discretionary purchasing authority.

* * *

(5) An allowance for at least No more than ten percent of the total evaluation
points in a request for proposal shall be awarded to an offeror demonstrating a good
faith effort to use small entrepreneurships as subcontractors.

(6) An allowance for ten percent of the total evaluation points in a
request for proposal shall be awarded to an offeror who is a certified small business
entrepreneurship.

* * *
§2007. Responsibilities of the commissioner of administration; training; reporting

* * *

D.(1) The commissioner shall conduct a training program at least semiannually to acquaint small entrepreneurships with state procurement and public contract proposal and bidding practices. This shall include all state procurements which are governed by Chapter 10 of Title 38, Chapters 16 and Chapter 17 of this Title, and Parts XIII and XIII-A of Chapter 1 of Title 48 of the Louisiana Revised Statutes of 1950. The commissioner shall also secure the assistance of staff from either the Department of Transportation and Development, Department of Natural Resources, or Department of Environmental Quality who are knowledgeable about state procurements undertaken pursuant to Chapter 10 of Title 38 and Parts XIII and XIII-A of Chapter 1 of Title 48 of the Louisiana Revised Statutes of 1950, for the purpose of providing practical advice to small entrepreneurships relative to procurements and public contracts governed by such law.

* * *

§2171. Louisiana Initiative for Veteran and Service-Connected Disabled Veteran-Owned Small Entrepreneurships; intent

B. The provisions of this Chapter are intended to encourage business opportunities for veteran and service-connected disabled veteran-owned small entrepreneurships. The criteria for certification as a veteran and service-connected disabled veteran-owned small entrepreneurship for the purposes of the initiative shall be as established in R.S. 39:2006 39:2176, and as may be additionally refined by administrative rule.

* * *

§2172. Definitions

As used in this Chapter, the following words and phrases shall have the meanings ascribed to them in this Section, unless the context clearly indicates otherwise:

* * *
(3) "Contract" or "public contract" means all types of state agreements, regardless of what they may be called, for personal services, professional services, consulting services, or social services, or the purchase of materials, supplies, services, or major repairs, or for the making of any public works. It includes awards and notices of award; contracts of a fixed-price, cost, cost-plus a fixed-fee, or incentive type; contracts providing for the issuance of job or task orders; leases; letter contracts; and purchase orders. It also includes supplemental agreements with respect to any of the foregoing.

*          *          *

(7) "Procurement" means the buying, purchasing, renting, leasing, or otherwise obtaining any materials, supplies, services, or major repairs, or personal services, professional services, consulting services, or social services. It also includes all functions that pertain to the obtaining of any public procurement, including description of requirements, selection and solicitation of sources, preparation and award of contract, and all phases of contract administration.

*          *          *

§2173. Application of Chapter

Notwithstanding any other provision of law to the contrary, the provisions of this Chapter apply to procurements and public contracts which are governed by Chapter 10 of Title 38, Chapters 16 and Chapter 17 of this Title, and Parts XIII and XIII-A of Chapter 1 of Title 48 of the Louisiana Revised Statutes of 1950. This Chapter shall not apply to agency expenditures for amortization of debt, debt service, depreciation, employee benefits, per diem, relocation expenses, salaries, postage, and transfers of charges. This Chapter shall not apply to contracts for sole-source items, contracts with other governmental entities, and those contracts that are prohibited by federal law from inclusion in this Chapter.

*          *          *
§2175. Competitive source selection

Methods of source selection which may be utilized by an agency to satisfy a state goal for contracting with veteran and service-connected disabled veteran-owned small entrepreneurships shall include but not be limited to:

* * *

(2) The purchase of goods, operating services, major repairs, personnel services, professional services, consulting services, social services, and public works directly from a certified veteran and service-connected disabled veteran-owned small entrepreneurship under an agency's discretionary purchasing authority.

* * *

(5) An allowance for at least ten percent of the total evaluation points in a request for proposal shall be awarded to an offeror demonstrating a good faith effort to use veteran and service-connected disabled veteran-owned small entrepreneurships as subcontractors.

(6) Twelve percent of the total evaluation points in a request for proposal shall be awarded to an offeror who is a certified veteran and/or service-connected disabled veteran-owned small business entrepreneurship. The mandatory award of evaluation points required by this Paragraph shall be included in all requests for proposals, unless the inclusion jeopardizes funding for the procurement or violates any other provision of law. Any request for an exemption from the requirements of this Paragraph shall be submitted in writing to the commissioner of administration who shall either deny or approve the request. The provisions of this Paragraph shall not apply to design-build or construction manager at risk methods of construction.

§2176. Certification of businesses by Department of Economic Development; listing of veteran and service-connected disabled veteran-owned small entrepreneurship; reporting

A. The secretary of the Department of Economic Development, hereinafter referred to in this Section as the "department", shall certify businesses as veteran and
service-connected disabled veteran-owned small entrepreneurship for the purposes
of this Chapter. "Veteran-owned small entrepreneurship" and "service-connected
disabled veteran-owned small entrepreneurship" means any corporation, partnership,
individual, sole proprietorship, joint stock company, joint venture, or any other legal
entity which meets all of the following criteria:

(4) Together with any of its affiliate entities, has fewer than fifty full-time
employees with average annual gross receipts not exceeding ten million dollars per
year for construction operations and five six million dollars per year for
nonconstruction operations, for each of the previous three tax years.

§2177. Responsibilities of the commissioner of administration; training; reporting

D. The commissioner shall conduct a training program at least semiannually
to acquaint veteran and service-connected disabled veteran-owned small
entrepreneurships with state procurement and public contract proposal and bidding
practices. This shall include all state procurements which are governed by Chapter
10 of Title 38, Chapters 16 and Chapter 17 of this Title, and Parts XIII and XIII-A
of Chapter 1 of Title 48 of the Louisiana Revised Statutes of 1950. The
commissioner shall also secure the assistance of staff from the Louisiana Department
of Veterans Affairs for veteran-specific information and data, and either the
Department of Transportation and Development, Department of Natural Resources,
or Department of Environmental Quality who are knowledgeable about state
procurements undertaken pursuant to Chapter 10 of Title 38 and Parts XIII and XIII-
A of Chapter 1 of Title 48 of the Louisiana Revised Statutes of 1950, for the purpose
of providing practical advice to veteran and service-connected disabled veteran-
owned small entrepreneurship relative to procurements and public contracts
governed by such law.

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Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: ____________________

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