

2022 Regular Session

HOUSE BILL NO. 821

BY REPRESENTATIVE HODGES

PROCUREMENT: Provides relative to the award of certain procurement contracts for supplies

1 AN ACT

2 To amend and reenact R.S. 39:1602, relative to public contracts; to provide with respect to
3 procurement contracts for supplies; to authorize rejection of bids in certain
4 circumstances; require rejection of bids in certain circumstances; to provide
5 exceptions; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 39:1602 and is hereby amended and reenacted to read as follows:

8 §1602. Right to reject bids from Russia or Communist countries

9 A. In awarding contracts for supplies, ~~any a public entity is authorized to~~
10 shall reject the lowest bid if received from a bidder domiciled in Russia or a
11 Communist country, ~~or if the supplies are manufactured in a Communist country,~~
12 ~~including but not limited to Russia, China, North Korea, and Vietnam,~~ and to award
13 the contract to the next lowest bidder, ~~provided this Section shall not apply to any~~
14 ~~country having established trade relations agreements or approvals from the~~
15 ~~government of the United States.~~

16 B. In awarding contracts for supplies, if one or more parts of the goods
17 supplied are manufactured in Russia or a Communist country, a public entity may
18 reject the lowest bid and award the contract to the next lowest bidder whose goods
19 do not contain one or more parts manufactured in Russia or a Communist country.

1 C. If the chief procurement officer determines that compliance with the
2 provisions of this Section is not practicable or in the best interest of the state, he may
3 waive application of this Section for a procurement contract.

4 D. For the purposes of this Section, the term "Communist country" means
5 China, Vietnam, Laos, Cuba, or North Korea.

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

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)]

HB 821 Original

2022 Regular Session

Hodges

Abstract: Requires rejection of bids on supply contracts from companies domiciled in Russia or Communist countries and authorizes rejection of bids on supply contracts when one or more component parts of the supplied goods are manufactured in Russia or a Communist country.

Present law authorizes a public entity to reject the lowest bid if received from a bidder domiciled in a Communist country and to award the contract to the next lowest bidder. Proposed law requires a public entity to reject the lowest bid if received from a bidder domiciled in Russia or a Communist country and to award the contract to the next lowest bidder.

Present law authorizes a public entity to reject the lowest bid if the supplies are manufactured in a Communist country and to award the contract to the next lowest bidder.

Proposed law authorizes a public entity to reject the lowest bid on a contract for supplies if one or more parts of the goods supplied are manufactured in Russia or a Communist country and award the contract to the next lowest bidder whose goods do not contain one or more parts manufactured in Russia or a Communist country.

Present law excepts Communist countries that have established trade relations agreements or approvals from the U.S. government. Proposed law repeals present law. Further authorizes the chief procurement officer to waive application of proposed law to a contract if he determines that compliance with proposed law is not practicable or in the best interest of the state.

Proposed law defines the term "Communist country" to mean China, Vietnam, Laos, Cuba, or North Korea.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 39:1602)