

ACT No. 221

2022 Regular Session

HOUSE BILL NO. 457

BY REPRESENTATIVES CARPENTER, FREIBERG, GLOVER, LYONS, MARCELLE,
AND STAGNI AND SENATOR BARROW

1 AN ACT

2 To enact R.S. 38:2233.4, relative to the city of Baton Rouge and the parish of East Baton
3 Rouge; to provide relative to the procurement of goods and services; to provide
4 relative to contracts awarded to socially and economically disadvantaged businesses;
5 to authorize certain entities to set-aside a certain percentage of contracts to be
6 awarded to such businesses; to provide relative to rules and regulations regarding the
7 certification of socially and economically disadvantaged businesses; and to provide
8 for related matters.

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

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. R.S. 38:2233.4 is hereby enacted to read as follows:

14 §2233.4. City of Baton Rouge/parish of East Baton Rouge; socially and
15 economically disadvantaged businesses; procurement set-asides

16 A. Notwithstanding any other provision of law to the contrary, the governing
17 authority of the city of Baton Rouge and parish of East Baton Rouge, referred to in
18 this Section as the "city-parish", and any board, agency, or commission of the city-
19 parish, through its respective fiscal officer or director of finance, may for each fiscal
20 year designate and set aside for awarding to socially and economically disadvantaged
21 businesses an amount not less than ten percent of the value of anticipated local

1 procurement of goods and services, including construction or doing of any public
2 work, including alteration or repair. However, should the governing authority of the
3 city-parish or any board, agency, or commission of the city-parish choose to set aside
4 a greater amount, then nothing in this Section shall be construed to prohibit such
5 set-aside levels above ten percent, but not to exceed twenty-five percent.

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

17 C.(1)(a) The governing authority of the city-parish shall adopt rules and
18 regulations to implement the provisions of this Section. Such rules and regulations
19 shall include procedures regarding the certification of socially and economically
20 disadvantaged businesses. The procedure for determination of eligibility may
21 include self-certification by a business if the governing authority retains the ability
22 to verify a self-certification.

23 (b) No business shall be awarded a contract pursuant to the provisions of this
24 Section unless it has met the certification requirements established by the governing
25 authority of the city-parish.

26 (2) The rules and regulations adopted by the governing authority may also
27 provide for the establishment of a contract procedure for the awarding of contracts
28 pursuant to this Section. The governing authority may adopt a requirement that the
29 prime contractor award a certain percentage, not to exceed twenty-five percent, of
30 the total dollar bid to socially and economically disadvantaged subcontractors. This

1 requirement may be waived if the prime contractor, after a good faith effort, is
2 unable to comply with the requirement.

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

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____