## SENATE COMMITTEE AMENDMENTS

2024 Regular Session

Amendments proposed by Senate Committee on Senate and Governmental Affairs to Reengrossed House Bill No. 845 by Representative Deshotel

## 1 AMENDMENT NO. 1

- 2 On page 1, line 2, delete "R.S. 39:198(A)," and insert "R.S. 39:197(13) and (16), 198(A),"
- 3 AMENDMENT NO. 2
- 4 On page 2, line 10, delete "R.S. 39:198(A)," and insert "R.S. 39:197(13) and (16), 198(A),"
- 5 AMENDMENT NO. 3

9

10

11

12

13

1415

17 18

19

20

21

22

23

24

25

26

27

28

- 6 On page 2, between lines 18 and 19, insert the following:
- 7 "(13) "Multiyear contract" means contracts for a term of more than one year, not to exceed ten years and includes contracts the following:
  - (a) Contracts between a supplier of information technology systems, information technology services, and software and the state or a state agency through which information technology systems, information technology services, and software, except for fiscal intermediary services, may be leased or purchased for a term of more than one fiscal year, but the term shall not exceed sixty months.
    - (b) Contracts for fiscal intermediary services.

16 \* \* \*

(16) "Related services" means and is limited to service activities affecting the maintenance of information technology equipment or software and the providing of fiscal intermediary services. Notwithstanding any other provisions of law to the contrary, "related services" shall also mean and shall also include those consulting services ancillary to the procurement of information technology hardware or software that would otherwise be governed by the provisions of professional, personal, consulting, and social services procurement in Chapter 17 of Subtitle III of this Title. Except for consulting services ancillary to the procurement of fiscal intermediary services by cooperative purchasing, such, provided those consulting services are contracts shall be limited to the lesser of twenty percent of the procurement amount or two hundred fifty thousand dollars.

29 \* \* \* \*!

## 30 AMENDMENT NO. 4

- On page 4, line 23, after "order contracts" delete "and contracts for" and at the beginning of
- 32 line 24, delete "fiscal intermediary services"
- 33 AMENDMENT NO. 5
- On page 6, delete lines 15 through 27 and insert the following:
- "I. Contracts for fiscal intermediary services. State agencies may
   enter into contracts for fiscal intermediary services <u>either by competitive</u>
   sealed proposals, cooperative purchasing, or invitation to negotiate.
- (1) If the agency uses the competitive sealed proposals procurement
   method, the procurement shall be made in accordance with R.S. 39:1595 and
   the The term of the contract shall be one hundred twenty months. If special circumstances, as provided in Paragraph (9) of this Subsection Subparagraph
- 42 (h) of this Paragraph, necessitate, additional <del>one-year</del> extensions of the

 contract <u>for up to three years</u> may be granted. The award process and final contract shall include all of 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.
- (2)(a) Justification for the contract shall be submitted to the state central purchasing agency and shall be submitted to the Joint Legislative Committee on the Budget Technology and Cybersecurity at least forty-five days prior to the issuance of a solicitation for proposals. Within thirty days of receipt of the justification by the Joint Legislative Committee on the Budget Technology and Cybersecurity, the committee may conduct a public hearing on the justification which was submitted. This justification shall include identification and consideration of all factors, including costs, relevant to the solicitation for proposals and the final contract.
- (3)(b) The one-hundred-twenty-month term of such contract shall be divided into one period of between thirty-six months and sixty months, immediately followed by successive twelve-month periods. The state shall have an option to renew such contract for each of the twelve-month periods. If the state does not exercise its option to renew, the contract shall be terminated. In the event special circumstances occur, as provided in Paragraph (9) of this Subsection Subparagraph (h) of this Paragraph, additional twelve-month extensions of the contract may be granted.
- (4)(c) In addition to other provisions as required by law or in the best interests of the state, such contract shall contain provisions setting forth <u>all of the following:</u>, (a)(i) the amount and requirements of the contractor's performance bond, (b)(ii) penalty and enforcement provisions for the failure of the contractor to perform in accordance with the contract documents, (c)(iii) conditions for optional renewal of the contract by the state in accordance with the provisions of this Subsection, and (d)(iv) requirements for termination of the contract by the state at any time, or for cause, or upon the refusal of the state to exercise an option to renew such contract.
- (5)(d) Issuance of specifications for a solicitation for proposals on a contract for fiscal intermediary services shall be made at least twelve months prior to the termination date of an existing contract, unless the contract termination is for cause or due to the refusal of the state to exercise an option to renew.
- (6)(e) No award of the contract shall be made until the Joint Legislative Committee on the Budget has conducted a public hearing concerning the award. following criteria have been satisfied:
- (i) The Louisiana Department of Health submits to the Joint Legislative Committee on Technology and Cybersecurity a notice of intention to award the contract. The Joint Legislative Committee on Technology and Cybersecurity may hold a public hearing concerning the award within thirty days following the receipt of a notice of intention to award the contract.
- (ii) The Joint Legislative Committee on Technology and Cybersecurity has conducted a public hearing concerning the award or thirty days have elapsed from the date the Louisiana Department of Health submitted a notice of intention to award the contract to the Joint Legislative Committee on Technology and Cybersecurity and the committee has not posted a public notice of meeting concerning the award of the contract.
- $\frac{(7)(f)}{(f)}$  No award of the contract shall be made later than eight months prior to the termination date of an existing contract, unless the contract termination is for cause or due to the refusal of the state to exercise an option to renew.
- (8)(g) No option to renew the contract shall be exercised by the state until the following criteria have been satisfied:
- (a)(i) The Louisiana Department of Health has conducted a public hearing concerning such renewal.
- (b)(ii) The Louisiana Department of Health submits to the Joint Legislative Committee on the Budget Technology and Cybersecurity a notice

of intention by the Louisiana Department of Health to exercise the option to renew the contract and a copy of any public testimony which was taken at the public hearing held by the Louisiana Department of Health. The Joint Legislative Committee on the Budget Technology and Cybersecurity may hold a public hearing concerning the renewal within thirty days following the receipt of a notice of intention by the Louisiana Department of Health to exercise the option to renew the contract.

8 9 10

11

12

(c)(iii) The Joint Legislative Committee on the Budget <u>Technology</u> and <u>Cybersecurity</u> has conducted a public hearing concerning the renewal or thirty days have elapsed from the date the Louisiana Department of Health submitted a notice of intention to renew the contract to the Joint Legislative Committee on the <u>Budget Technology and Cybersecurity</u> and the committee has not posted a public notice of meeting concerning the renewal of the contract.

13 14 15

16

17

18

19

20

21

2223

24

25

26

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

272829

30

31

32

33

data, and annual managed care negotiation data.

(2) Notwithstanding any provision of this Part to the contrary, if the agency uses the cooperative purchasing procurement method, the procurement shall be governed exclusively by the provisions of Part VII of Chapter 17 of Subtitle III of this Title and the applicable rules and

34 35

regulations and shall not be subject to protest under any provision of Chapter 17 of Subtitle III of this Title.

363738

(3) Notwithstanding any provision of this Part to the contrary, if the agency uses the invitation to negotiate procurement method, the procurement shall be governed exclusively by the provisions of R.S. 39:1600.2 and the

39 40

applicable rules and regulations."

## 41 AMENDMENT NO. 6

42 Delete pages 7 through 9 and on page 10, delete lines 1 through 3