

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

6 On page 2, between lines 18 and 19, insert the following:

7 "(13) "Multiyear contract" means contracts for a term of more than
8 one year, not to exceed ten years and includes contracts ~~the following:~~

9 (a) ~~Contracts~~ between a supplier of information technology systems,
10 information technology services, and software and the state or a state agency
11 through which information technology systems, information technology
12 services, and software, except for fiscal intermediary services, may be leased
13 or purchased for a term of more than one fiscal year, but the term shall not
14 exceed sixty months.

15 (b) ~~Contracts for fiscal intermediary services.~~

16 * * *

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

29 * * *

30 AMENDMENT NO. 4

31 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

34 On page 4, line 24, delete "The office of technology services," and insert the following:

35 "Any agency of a statewide elected official or the office of technology
36 services, whether acting in their own capacity or on behalf of any other state
37 agency,"

38 AMENDMENT NO. 6

39 On page 4, line 25, after "procurement, may" delete "on behalf of any state agency"

1 AMENDMENT NO. 7

2 On page 5, between lines 19 and 20, insert the following:

3 "(iv) Any agency of a statewide elected official or the office of
 4 technology services, whether acting in their own capacity or on behalf of any
 5 other state agency, that is engaged in an active multiyear contract as of
 6 August 1, 2024, shall have the option to extend those contracts through the
 7 office of state procurement, in accordance with the provisions of Items (i)
 8 through (iii) of this Subparagraph."

9 AMENDMENT NO. 8

10 On page 6, delete lines 15 through 27 and insert the following:

11 "I. Contracts for fiscal intermediary services. State agencies may
 12 enter into contracts for fiscal intermediary services either by competitive
 13 sealed proposals, cooperative purchasing, or invitation to negotiate.

14 (1) If the agency uses the competitive sealed proposals procurement
 15 method, the procurement shall be made in accordance with R.S. 39:1595 and
 16 the The term of the contract shall be one hundred twenty months. If special
 17 circumstances, as provided in Paragraph (9) of this Subsection Subparagraph
 18 (h) of this Paragraph, necessitate, additional one-year extensions of the
 19 contract may be granted. The award process and final contract shall include
 20 all of the following:

21 ~~(1) Contracts for fiscal intermediary services shall be awarded by~~
 22 ~~competitive sealed proposals in accordance with R.S. 39:1595 or cooperative~~
 23 ~~purchasing in accordance with R.S. 39:1702.~~

24 (2)(a) Justification for the contract shall be submitted to the state
 25 central purchasing agency and shall be submitted to the Joint Legislative
 26 Committee on the Budget Technology and Cybersecurity at least forty-five
 27 days prior to the issuance of a solicitation for proposals. Within thirty days
 28 of receipt of the justification by the Joint Legislative Committee on the
 29 Budget Technology and Cybersecurity, the committee may conduct a public
 30 hearing on the justification which was submitted. This justification shall
 31 include identification and consideration of all factors, including costs,
 32 relevant to the solicitation for proposals and the final contract.

33 ~~(3)(b)~~ The one-hundred-twenty-month term of such contract shall be
 34 divided into one period of between thirty-six months and sixty months,
 35 immediately followed by successive twelve-month periods. The state shall
 36 have an option to renew such contract for each of the twelve-month periods.
 37 If the state does not exercise its option to renew, the contract shall be
 38 terminated. In the event special circumstances occur, as provided in
 39 Paragraph (9) of this Subsection Subparagraph (h) of this Paragraph,
 40 additional twelve-month extensions of the contract may be granted.

41 ~~(4)(c)~~ In addition to other provisions as required by law or in the best
 42 interests of the state, such contract shall contain provisions setting forth all
 43 of the following: ~~(a)(i)~~ the amount and requirements of the contractor's
 44 performance bond, ~~(b)(ii)~~ penalty and enforcement provisions for the failure
 45 of the contractor to perform in accordance with the contract documents,
 46 ~~(c)(iii)~~ conditions for optional renewal of the contract by the state in
 47 accordance with the provisions of this Subsection, and ~~(d)(iv)~~ requirements
 48 for termination of the contract by the state at any time, or for cause, or upon
 49 the refusal of the state to exercise an option to renew such contract.

50 ~~(5)(d)~~ Issuance of specifications for a solicitation for proposals on a
 51 contract for fiscal intermediary services shall be made at least twelve months
 52 prior to the termination date of an existing contract, unless the contract
 53 termination is for cause or due to the refusal of the state to exercise an option
 54 to renew.

1 ~~(6)(e)~~ No award of the contract shall be made until the ~~Joint~~
 2 ~~Legislative Committee on the Budget~~ has conducted a public hearing
 3 ~~concerning the award~~; following criteria have been satisfied:

4 (i) The Louisiana Department of Health submits to the Joint
 5 Legislative Committee on Technology and Cybersecurity a notice of
 6 intention to award the contract. The Joint Legislative Committee on
 7 Technology and Cybersecurity may hold a public hearing concerning the
 8 award within thirty days following the receipt of a notice of intention to
 9 award the contract.

10 (ii) The Joint Legislative Committee on Technology and
 11 Cybersecurity has conducted a public hearing concerning the award or thirty
 12 days have elapsed from the date the Louisiana Department of Health
 13 submitted a notice of intention to award the contract to the Joint Legislative
 14 Committee on Technology and Cybersecurity and the committee has not
 15 posted a public notice of meeting concerning the award of the contract.

16 ~~(7)(f)~~ No award of the contract shall be made later than eight months
 17 prior to the termination date of an existing contract, unless the contract
 18 termination is for cause or due to the refusal of the state to exercise an option
 19 to renew.

20 ~~(8)(g)~~ No option to renew the contract shall be exercised by the state
 21 until the following criteria have been satisfied:

22 ~~(a)(i)~~ The Louisiana Department of Health has conducted a public
 23 hearing concerning such renewal.

24 ~~(b)(ii)~~ The Louisiana Department of Health submits to the Joint
 25 ~~Legislative Committee on the Budget~~ Technology and Cybersecurity a notice
 26 of intention by the Louisiana Department of Health to exercise the option to
 27 renew the contract and a copy of any public testimony which was taken at the
 28 public hearing held by the Louisiana Department of Health. The Joint
 29 ~~Legislative Committee on the Budget~~ Technology and Cybersecurity may
 30 hold a public hearing concerning the renewal within thirty days following the
 31 receipt of a notice of intention by the Louisiana Department of Health to
 32 exercise the option to renew the contract.

33 ~~(c)(iii)~~ The Joint Legislative Committee on ~~the Budget~~ Technology
 34 and Cybersecurity has conducted a public hearing concerning the renewal or
 35 thirty days have elapsed from the date the Louisiana Department of Health
 36 submitted a notice of intention to renew the contract to the Joint Legislative
 37 Committee on ~~the Budget~~ Technology and Cybersecurity and the committee
 38 has not posted a public notice of meeting concerning the renewal of the
 39 contract.

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

56 (2) Notwithstanding any provision of this Part to the contrary, if the
 57 agency uses the cooperative purchasing procurement method, the
 58 procurement shall be governed exclusively by the provisions of Part VII of
 59 Chapter 17 of Subtitle III of this Title and the applicable rules and
 60 regulations and shall not be subject to protest under any provision of Chapter
 61 17 of Subtitle III of this Title.

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

5 AMENDMENT NO. 9

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