

2025 Regular Session

SENATE BILL NO. 151

BY SENATOR MIZELL

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

PROCUREMENT CODE. Provides relative to the Louisiana Procurement Code.  
(gov sig)

1 AN ACT

2 To amend and reenact R.S. 39:1594(C)(1), 1595, 1621(A), (B), and (C)(1) and (3), 1630,

3 1641(A), 1643(A), 1644(A)(1), (B), and (C), 1671(F), 1672.3, 1672.4(A),

4 1683(E)(2), 1685(E)(2), the heading of 1691 and (A), (C), and (D), 1692(C), and

5 1702(A)(1) and to repeal R.S. 39:1600.2(B), relative to the Louisiana Procurement

6 Code; to provide for advertisement and notice requirements for procurement and

7 exceptions; to provide for competitive sealed proposals; to provide for negotiation

8 and award of contracts; to provide for methods of procurement; to provide for the

9 utilization requirements of certain procurement methods; to establish procedures for

10 contract negotiations; to provide for the authority and duties of the commissioner of

11 administration with respect to procurement and protests; to provide for certain

12 exemptions; to provide relative to lease contracts; to provide for amendment of lease

13 contracts; to provide for legal and contractual remedies; to provide relative to

14 administrative appeals; to provide for cooperative purchasing; to provide for an

15 effective date; and to provide for related matters.

16 Be it enacted by the Legislature of Louisiana:

17 Section 1. R.S. 39:1594(C)(1), 1595, 1621(A), (B), (C)(1) and (3), 1630, 1641(A),

1 1643(A), 1644(A)(1), (B), and (C), 1671(F), 1672.3, 1672.4(A), 1683(E)(2), 1685(E)(2), the  
2 heading of 1691 and (A), (C), and (D), 1692(C), and 1702(A)(1) are hereby amended and  
3 reenacted to read as follows:

4 §1594. Competitive sealed bids

5 \* \* \*

6 C. Public notice.

7 (1) Adequate public notice of the invitation for bids shall be given at least ~~ten~~  
8 **five** days prior to the date set forth therein for the opening of bids on all matters  
9 except those made for housing of state agencies, their personnel, operations,  
10 equipment, or activities pursuant to R.S. 39:1643, for which such notice shall be  
11 given at least twenty days prior to the opening of bids. Notice shall be in writing and  
12 to persons in a position to furnish the supplies, services, or major repairs required,  
13 as shown by its records, and by advertising if the amount of the purchase is  
14 ~~twenty-five thousand dollars or more~~ **exceeds the amount provided by the small**  
15 **purchase executive order issued in accordance with R.S. 39:1596.**

16 \* \* \*

17 §1595. Competitive sealed proposals

18 A.(1) Notwithstanding any other provision of this Section to the contrary,  
19 with the ~~approval of the commissioner and the~~ written determination by the state  
20 chief procurement officer that the best interests of the state would be served, a  
21 competitive request for proposals process as provided in this Subsection may be used  
22 in the following circumstances:

23 (a) For the procurement of supplies, services, or major repairs, including but  
24 not limited to the procurement of high technology acquisitions or of complex  
25 services.

26 (b) Through a contract with a group purchasing organization, for the  
27 procurement of medical and laboratory supplies and medical equipment required for  
28 the purpose of diagnosis or direct treatment of a patient by a health care provider in  
29 a hospital or clinical setting, provided the commissioner determines the total cost to

1 be less than the state procurement prices and in the best interest of the state.

2 (c) The ~~approval and written determination requirements~~ requirement of this  
3 Paragraph shall not apply to a request for proposals for professional, personal,  
4 consulting, or social services.

5 (2) For a contract to be let under the provisions of this Subsection, the agency  
6 shall give adequate public notice of the request for proposals by advertising ~~in the~~  
7 ~~official journal of the state~~ through a centralized electronic interactive  
8 environment administered by the division of administration and on the  
9 electronic website accepting the electronic bids as provided in this Section at  
10 least thirty days before the last day that proposals will be accepted. The agency may  
11 also advertise in the official journal of the state. In addition, the agency shall  
12 provide written or electronic notice to persons, firms, or corporations who are  
13 known to be in a position to furnish the required services at least thirty days before  
14 the last day that proposals will be accepted. The agency shall also notify the Board  
15 of Regents of the request for proposals at least thirty days before the last day that  
16 proposals will be accepted.

17 B. Requests for proposals.

18 (1) For consulting service contracts with a total maximum compensation of  
19 ~~fifty~~ one hundred thousand dollars or more, except for such contracts entered into  
20 by the Department of Transportation and Development, adequate public notice of the  
21 request for proposals shall be given by advertising through a centralized electronic  
22 interactive environment administered by the division of administration and on  
23 the electronic website accepting the electronic bids as provided in this Section.  
24 The agency may also advertise in the official journal of the state and in one or more  
25 newspapers of general circulation in the state ~~at least once~~. The electronic  
26 advertisement shall appear at least thirty days before the last day that proposals will  
27 be accepted. When available, advertisements ~~shall~~ may be placed in those national  
28 trade journals which serve the particular type of contractor desired. In addition,  
29 written or electronic notice shall be provided to persons, firms, or corporations who

1 are known to be in a position to furnish such services, at least thirty days before the  
2 last day that proposals will be accepted. The agency shall also notify the Board of  
3 Regents of the request for proposals at least thirty days before the last day that  
4 proposals will be accepted.

5 (2) For social service contracts not qualifying under R.S. 39:1619(B),  
6 adequate public notice of the request for proposals shall be given by advertising  
7 **through a centralized electronic interactive environment administered by the**  
8 **division of administration and on the electronic website accepting the electronic**  
9 **bids as provided in this Section. The agency may also advertise** in the official  
10 journal of the state, in the official journal of the parish in which the services are to  
11 be performed and such other newspapers, bulletins, or other media as are appropriate  
12 in the circumstances. ~~Such advertisements shall appear at least once in the official~~  
13 ~~journal of the state and once in the official journal of the parish. If the services are~~  
14 ~~to be performed in or made available to residents of a multiparish area, advertising~~  
15 ~~in the official journal of the state and in one or more newspapers of general~~  
16 ~~circulation in the state at least once shall be sufficient to meet this requirement. In~~  
17 all cases, the **electronic** advertisement shall appear at least fourteen days before the  
18 last day that the proposals will be accepted. In addition, written **or electronic** notice  
19 shall be provided to persons, firms, or corporations who are known to be in a  
20 position to furnish such services, at least fourteen days before the last day that  
21 proposals will be accepted. This last requirement is subject to reasonable limitation  
22 at the discretion of the using agency. The agency shall also notify the Board of  
23 Regents of the request for proposals at least fourteen days before the last day that  
24 proposals will be accepted.

25 (3) For consulting service contracts entered into by the Department of  
26 Transportation and Development with a total maximum compensation of ~~fifty one~~  
27 **hundred fifty** thousand dollars or more, adequate public notice of the request for  
28 proposals shall be given by advertising **through a centralized electronic interactive**  
29 **environment administered by the division of administration and on the**

1        **electronic website accepting the electronic bids as provided in this Section. The**  
2        **agency may also advertise** in the official journal of the state ~~at least once~~. The first  
3        **notice or** advertisement shall appear at least fifteen days before the last day that  
4        proposals will be accepted. In addition, written **or electronic** notice shall be provided  
5        to persons, firms, or corporations who are known to be in a position to furnish such  
6        services, at least fifteen days prior to the last day that proposals will be accepted. The  
7        agency shall also notify the Board of Regents of the request for proposals at least  
8        fifteen days before the last day that proposals will be accepted.

9            (4) All requests for proposals shall be advertised through a centralized  
10        electronic interactive environment administered by the division of administration and  
11        on the electronic website accepting the electronic bids as provided in this Section.  
12        The **electronic** advertisement ~~or written notice~~ required by this Section shall contain  
13        the name and address of the using agency and shall establish the specific date, time,  
14        and place by which the request for proposals must be received.

15            (5) The requests for proposals:

16            (a) ~~For consulting, social, and professional services not otherwise exempt by~~  
17        ~~law or regulation shall indicate the relative importance of price and other evaluation~~  
18        ~~factors, shall clearly define the tasks to be performed under the contract, the criteria~~  
19        ~~to be used in evaluating the proposals and the time frames within which the work~~  
20        ~~must be completed.~~

21            (b) ~~For all others, it shall clearly state the technological or other outcome~~  
22        ~~desired from the procurement of the supplies, services, or major repairs, if~~  
23        ~~applicable, and shall indicate the relative importance of price and other evaluation~~  
24        ~~factors, the criteria to be used in evaluating the proposals, and the time frames within~~  
25        ~~which the work must be completed, **if applicable**.~~

26            (6)(a) Proposals shall be submitted in writing in accordance with the  
27        requirements set forth in the request for proposals or electronically through a  
28        uniform and secure electronic interactive environment.

29            (b) Public entities shall provide, ~~as an additional option for submission of~~

1 ~~proposals~~, a uniform and secure electronic interactive system for the submission of  
2 competitive sealed proposals as provided for in this Section. Any public entity  
3 providing a secure electronic interactive system shall follow the standards for the  
4 receipt of electronic bids adopted by the office of the governor, division of  
5 administration, and the office of information technology as provided for in LAC  
6 4:XV.701. Any special condition or requirement for the submission shall be  
7 specified in the advertisement of the request for proposals required by this Section.

8 (c) The requirements of Subparagraph (b) of this Paragraph shall not apply  
9 to the following public entities:

10 (i) Public entities that are currently without high-speed Internet access, until  
11 high-speed Internet access becomes available.

12 (ii) Any parish with a police jury form of government and a population of less  
13 than twenty thousand.

14 (iii) Any city or municipality with a population of less than ten thousand.

15 (iv) Any public entity that is unable to comply with the electronic proposal  
16 submission provisions of this Subsection without securing and expending additional  
17 funding.

18 (7) Written or oral discussions shall be conducted with all responsible  
19 proposers who submit proposals determined in writing to be reasonably susceptible  
20 of being selected for award. ~~Discussions~~ **The state** shall not disclose any information  
21 derived from proposals submitted by competing proposers **until after the contract**  
22 **is awarded**. Discussions need not be conducted:

23 (a) If prices are fixed by law or regulation, except that consideration shall be  
24 given to competitive terms and conditions.

25 (b) If time of delivery or performance will not permit discussions.

26 (c) If it can be clearly demonstrated and documented from the existence of  
27 adequate competition or accurate prior cost experience with the particular service  
28 that acceptance of an initial offer without discussion would result in fair and  
29 reasonable prices, and the request for proposals notifies all proposers of the

1 possibility that award may be made on the basis of the initial offers.

2 ~~(8)(a) Award shall be made to the responsible proposer whose proposal is~~  
3 ~~determined in writing by the using agency to be the most advantageous to the state,~~  
4 ~~taking into consideration review of price and the evaluation factors set forth in the~~  
5 ~~request for proposals.~~

6 ~~(b) A request for proposals or other solicitation may be cancelled or all~~  
7 ~~proposals may be rejected only if it is determined, based on reasons provided in~~  
8 ~~writing, that such action is taken in the best interest of the state.~~

9 ~~(9) A request for proposals or other solicitation may be cancelled or all~~  
10 ~~proposals may be rejected only if it is determined, based on reasons provided in~~  
11 ~~writing, that such action is taken in the best interest of the state.~~

12 ~~(10) Each contract entered into pursuant to this Subsection shall contain as~~  
13 ~~a minimum:~~

14 ~~(a) Description of the work to be performed or objectives to be met, when~~  
15 ~~applicable.~~

16 ~~(b) Amount and time of payments to be made.~~

17 ~~(c) Description of reports or other deliverables to be received, when~~  
18 ~~applicable.~~

19 ~~(d) Date of reports or other deliverables to be received, when applicable.~~

20 ~~(e) Responsibility for payment of taxes, when applicable.~~

21 ~~(f) Circumstances under which the contract can be terminated either with or~~  
22 ~~without cause.~~

23 ~~(g) Remedies for default.~~

24 ~~(h) A statement giving the legislative auditor the authority to audit records~~  
25 ~~of the individual or firm.~~

26 ~~(i) Performance measurements.~~

27 ~~(j) Monitoring plan.~~

28 ~~(11)(a) Upon entering into a contract, the using agency shall have full~~  
29 ~~responsibility for the diligent administration and monitoring of the contract. The~~

1 ~~state chief procurement officer may require the using agency to report at any time~~  
2 ~~on the status of any such outstanding contracts to which the using agency is a party.~~  
3 ~~After completion of performance under a contract, the using agency shall evaluate~~  
4 ~~contract performance and the utility of the final product. This evaluation shall be~~  
5 ~~delivered to the state chief procurement officer or his designee or the director of~~  
6 ~~purchasing at a college or university, as applicable, within one hundred twenty days~~  
7 ~~after completion of performance and shall be retained in the official contract file.~~

8 ~~(b)(i) No contract shall be valid, nor shall the state be bound by the contract,~~  
9 ~~until it has first been executed by the head of the using agency, or his designee,~~  
10 ~~which is a party to the contract and the contractor and has been approved in writing~~  
11 ~~by the state chief procurement officer or his designee or the director of purchasing~~  
12 ~~at a college or university, as applicable.~~

13 ~~(ii) In cases where the head of the using agency wants to delegate authority~~  
14 ~~to one or more of his subordinates to sign contracts on behalf of the agency, this~~  
15 ~~delegation shall be made in accordance with regulations of the commissioner and~~  
16 ~~shall be subject to the approval of the state chief procurement officer.~~

17 **(8) Modification or withdrawal of proposals. Proposals may be modified**  
18 **or withdrawn at any time prior to the conclusion of discussions.**

19 **(9) Negotiation and award of contract. The using agency shall negotiate**  
20 **a contract with the responsible proposer whose proposal is determined in**  
21 **writing by the using agency to be the most advantageous to the state, taking into**  
22 **consideration review of price and the evaluation factors set forth in the request**  
23 **for proposals.**

24 **(10) Elements of negotiation. Contract negotiations shall be directed**  
25 **toward:**

26 **(a) Making certain that the proposer has a clear understanding of the**  
27 **scope of the work, services, or supplies, specifically, the essential requirements**  
28 **involved in providing the required work, services, or supplies.**

29 **(b) Determining that the proposer will make available the necessary**



1 personnel and facilities to perform the services within the required time.

2 (c) Agreeing upon compensation which is fair and reasonable, taking into  
3 account the estimated value of the required work, services, or supplies, and the  
4 scope, complexity, and nature of such work, services, or supplies.

5 (11) Successful negotiation of contract with most advantageous proposer.  
6 If compensation, contract requirements, and contract documents can be agreed  
7 upon with the most advantageous proposer, the contract shall be awarded to  
8 that proposer. Each contract entered into pursuant to this Subsection shall  
9 contain at a minimum:

10 (a) The commencement date which is at least fourteen days after the  
11 notice of award is issued.

12 (b) A description of the work to be performed or objectives to be met,  
13 when applicable.

14 (c) The amount and time of payments to be made.

15 (d) A description of reports or other deliverables to be received, when  
16 applicable.

17 (e) The date of reports or other deliverables to be received, when  
18 applicable.

19 (f) Responsibility for payment of taxes, when applicable.

20 (g) Circumstances under which the contract can be terminated either  
21 with or without cause.

22 (h) Remedies for default.

23 (i) A statement giving the legislative auditor the authority to audit  
24 records of the individual or firm.

25 (j) Performance measurements.

26 (k) A monitoring plan.

27 (12)(a) Upon entering into a contract, the using agency shall have full  
28 responsibility for the diligent administration and monitoring of the contract.

29 The state chief procurement officer may require the using agency to report at

1 any time on the status of any such outstanding contracts to which the using  
2 agency is a party. After completion of performance under a contract, the using  
3 agency shall evaluate the contract performance and the utility of the final  
4 product. This evaluation shall be delivered to the state chief procurement  
5 officer, or his designee, or the director of purchasing at a college or university,  
6 as applicable, within one hundred twenty days after completion of performance  
7 and shall be retained in the official contract file.

8 (b)(i) No contract shall be valid, nor shall the state be bound by the  
9 contract, until it has first been executed by the head of the using agency, or his  
10 designee, on behalf of the using agency, which is a party to the contract and the  
11 contractor and has been approved in writing by the state chief procurement  
12 officer, or his designee, or the director of purchasing at a college or university,  
13 as applicable.

14 (ii) The head of the using agency may delegate authority to one or more  
15 of his subordinates to sign contracts on behalf of the using agency in accordance  
16 with and subject to regulations of the commissioner and shall be subject to the  
17 approval of the state chief procurement officer.

18 (iii) Upon approval of the contract by the state chief procurement officer,  
19 or his designee, the office of state procurement shall send written notice of the  
20 award to the contractor and a copy of such notice to all other proposers.

21 (13) Failure to negotiate contract with most advantageous proposer.

22 (a) If compensation, contract requirements, or contract documents  
23 cannot be agreed upon with the most advantageous proposer, a written record  
24 stating the reasons therefore shall be placed in the contract file and the using  
25 agency shall advise such proposer of the termination of negotiations which shall  
26 be confirmed by written notice within three business days.

27 (b) Upon failure to negotiate a contract with the most advantageous  
28 proposer, the using agency may enter into negotiations with the next most  
29 advantageous proposer. If compensation, contract requirements, and contract

1 documents can be agreed upon, then the contract shall be awarded to that  
2 proposer. If negotiations again fail, negotiations shall be terminated as provided  
3 in Subparagraph (a) of this Paragraph and commenced with the next most  
4 advantageous proposer.

5 (c) If the using agency is unable to negotiate a contract with any of the  
6 proposers initially selected as the most advantageous to the state, additional  
7 proposers may be selected based on original, acceptable submissions in the  
8 order of their respective evaluation score and negotiations may continue in  
9 accordance with this Paragraph until an agreement is reached and a contract  
10 awarded.

11 (14) A request for proposals or other solicitation may be cancelled or all  
12 proposals may be rejected if it is determined, based on reasons provided in  
13 writing, that such action is taken in the best interest of the state. A copy of the  
14 determination shall be maintained in the contract file.

15 ~~(12)~~(15) Requests for proposals shall not be required for "interagency  
16 contracts" as defined in R.S. 39:1556.

17 ~~(13)~~(16) Notwithstanding the provisions of this Chapter, all relevant federal  
18 statutes and regulations shall be followed by the using agency in procuring services.  
19 The burden of complying with these federal statutes and regulations shall rest with  
20 the using agency and shall be documented in the contract record submitted to the  
21 office of state procurement.

\* \* \*

22 §1621. Consulting service contracts

23 A. Contracts for consulting services which have a total maximum amount of  
24 compensation less than ~~seventy-five~~ one hundred fifty thousand dollars for a  
25 twelve-month period may be awarded without the necessity of competitive bidding  
26 or competitive negotiation.  
27

28 B. Contracts for consulting services which have a total maximum amount of  
29 compensation of ~~seventy-five~~ one hundred fifty thousand dollars or more for a

1 twelve-month period shall be awarded through a request for proposal, ~~or~~ reverse  
2 auction process, **invitation to negotiate, or cooperative purchasing** under rules and  
3 regulations issued by the office of state procurement. Service requirements shall not  
4 be artificially divided so as to exempt contracts from the request for proposal  
5 process.

6 C.(1) All contracts for consulting services ~~which have a total maximum~~  
7 ~~amount of compensation of two hundred twenty-five thousand dollars or more~~ may  
8 be entered into with the assistance of a procurement support team as provided herein,  
9 and in accordance with guidelines promulgated and published by the office of state  
10 procurement.

11 \* \* \*

12 (3) Participation of the procurement support team ~~must~~ **may** include, at a  
13 minimum, assistance in development or review of the request for proposals,  
14 evaluation of responses received to the request for proposals, and formulation of  
15 recommendations to be submitted to the state chief procurement officer concerning  
16 the final contract.

17 \* \* \*

18 §1630. Finality of determinations

19 The determinations required by R.S. 39:1568.1, R.S. 39:1597, R.S.  
20 39:1598(C), R.S. 39:1605, R.S. 39:1606, R.S. 39:1608(C), R.S. 39:1612(A), ~~and~~ R.S.  
21 39:1614, **and R.S. 39:1671(F)** are final and conclusive unless they are clearly  
22 erroneous, arbitrary, capricious, or contrary to law.

23 \* \* \*

24 §1641. Budget for acquisition of housing space and leases by budget units

25 A.**(1)** Contracts and agreements by and in name of state agencies. All  
26 contracts and agreements for the lease or rental of space for the housing of state  
27 agencies, their personnel, operations, equipment, or activities shall be made in the  
28 name of and by the authorized representative or representative body of the state  
29 agency but shall be made and entered into only with the approval of the

1 commissioner of administration. The cost of such housing shall be provided for in  
2 and defrayed from the budgets of the using agencies.

3 (2) All contracts and agreements for the lease or rental space of one  
4 thousand or less square feet of a storage unit shall not require the approval of  
5 the commissioner or administration.

6 \* \* \*

7 §1643. Advertisement and award of lease bids

8 A. Every lease for the use of ~~five~~ **ten** thousand square feet or more of space  
9 in a privately owned building entered into by a state agency as lessee shall be  
10 awarded pursuant to R.S. 39:1594 in accordance with the conditions for use set forth  
11 in that Section and only after evaluation of the bids in accordance with the specific  
12 criteria contained in the invitation for bids as authorized by R.S. 39:1594(F)(2). No  
13 such lease shall extend beyond a period of ten years.

14 \* \* \*

15 §1644. Amendment of leases

16 A.(1) An existing lease ~~for office or warehouse space~~ may be renegotiated  
17 with the present lessor, but only after the division of administration has entered into  
18 a competitive negotiation process involving discussions with at least three, unless  
19 there are less than three, proposers who submit written proposals. Such proposals  
20 shall be solicited by advertising as in R.S. 39:1594(C).

21 \* \* \*

22 B. Any lease for ~~office or warehouse space~~ **for** under ~~five~~ **ten** thousand  
23 square feet may be amended up to but not to exceed a maximum of ~~four~~ **nine**  
24 thousand nine hundred ninety-nine square feet.

25 C. Existing leases ~~for office or warehouse space~~ between a single state  
26 agency, a single lessor and affecting a single building or buildings immediately  
27 adjacent to each other which leases have different termination dates, may be  
28 renegotiated by the division of administration to perfect a single lease for the whole  
29 of the ~~office or warehouse~~ space utilized under the existing leases. The renegotiated

1 lease shall not extend beyond the termination date of the latest existing lease, nor  
2 shall the price per square foot paid under the new lease result in a total payment in  
3 excess of the total of the combined payments under the preexisting leases.

4 \* \* \*

5 §1671. Authority to resolve protested solicitations and awards

6 \* \* \*

7 F. ~~Stay of procurements during protests~~ **Protest bond to stay procurement**  
8 **during protest.** In the event of a timely protest under Subsection A of this Section,  
9 ~~the state shall not proceed further with the solicitation or with the awarding of the~~  
10 ~~contract unless the chief procurement officer makes a written determination that the~~  
11 ~~awarding of the contract is necessary without delay to protect the substantial interests~~  
12 ~~of the state. Upon such determination by the chief procurement officer, no court shall~~  
13 ~~enjoin progress under the award except after notice and hearing~~ **(1) A protester who**  
14 **has timely protested an award may only apply for a stay during the time period**  
15 **provided in Subsection A of this Section to protest an award.**

16 **(2) A protester may obtain a stay of an award upon posting a bond**  
17 **during the protest period with a good and solvent surety authorized to do**  
18 **business in this state or submit other security, in a form approved by the office**  
19 **of state procurement by rule or regulation, to the office of state procurement,**  
20 **who shall hold the bond or other security until a final determination is made on**  
21 **the protest. A bond posted or other security submitted with a protest shall be**  
22 **in an amount equal to twenty-five percent of the maximum amount of the**  
23 **protested awarded contract. If the total value of the awarded contract cannot**  
24 **be determined because the total requirements for the contract are estimated as**  
25 **of the date of the award, a bond posted or other security submitted with a**  
26 **protest shall be in an amount equal to twenty-five percent of the estimated total**  
27 **value of the contract. Upon request, the state chief procurement officer shall**  
28 **provide the estimated total value of the contract or the method for determining**  
29 **the estimated total value of the contract, based on records of past experience**

1 and estimates of anticipated requirements furnished by the using agency.

2 (3) If the protest is upheld and the award is cancelled, the bond posted  
 3 or other security submitted with the protest shall be returned to the person who  
 4 posted the bond or submitted the security. If the protest is rejected and the  
 5 award is upheld, a claim may be made against the bond or other security by the  
 6 using agency to the office of state procurement in an amount equal to the  
 7 expenses incurred and other monetary losses suffered by the state resulting  
 8 from the unsuccessful protest. The state chief procurement officer shall hold an  
 9 informal hearing on the claim. Any money not awarded by the state chief  
 10 procurement officer shall be returned to the person who posted the bond or  
 11 submitted the security.

12 \* \* \*

13 §1672.3. Action on contract claims

14 This Section applies to a claim by or controversy between the state and a  
 15 contractor arising out of a contract for professional, personal, consulting, or social  
 16 services. If such a claim or controversy is not resolved by mutual agreement, the  
 17 commissioner of administration, or his designee, shall promptly issue a decision in  
 18 writing. A copy of that decision shall be mailed or otherwise furnished to the  
 19 contractor, shall state the reasons for the action taken, and shall inform the contractor  
 20 of his right to judicial relief as provided in this Subpart. The decision shall be final  
 21 and conclusive unless fraudulent, or unless the contractor ~~institutes suit~~ **appeals the**  
 22 **decision** pursuant to this Subpart. If the commissioner of administration, or his  
 23 designee, does not issue a written decision within one hundred twenty days after  
 24 written request for a final decision, or within such longer period as may be  
 25 established in writing by the parties to the contract, then the contractor may proceed  
 26 as if an adverse decision had been received. **A final decision of the commissioner**  
 27 **may be made executory by the Nineteenth Judicial District Court in accordance**  
 28 **with Code of Civil Procedure Article 2782.**

29 §1672.4. Jurisdiction; actions in certain cases

1           A. The Nineteenth Judicial District Court, subject to appeal or review by the  
 2 First Circuit Court of Appeal or by the supreme court, as otherwise permitted in civil  
 3 cases by law and the state constitution, shall have **only appellate** jurisdiction over  
 4 any claims arising out of a request for proposal or award of a contract, any  
 5 controversies involving the state, or any other matters in connection with a petition  
 6 for review of a decision made pursuant to this Chapter, following the exhaustion of  
 7 administrative remedies as provided by law or regulation. **If the evidence, as**  
 8 **reasonably interpreted, supports the commissioner's decision, then the**  
 9 **commissioner of administration's decision is given great weight and shall not be**  
 10 **reversed or modified in the absence of a clear showing that the decision was**  
 11 **arbitrary or capricious.**

\* \* \*

§1683. Protest of solicitations or awards

\* \* \*

15           E. Finality of decision. A decision under Subsection C of this Section shall  
 16 be final and conclusive unless one of the following applies:

\* \* \*

18           (2) The person adversely affected by the decision has timely appealed to the  
 19 court in accordance with R.S. 39:1691(A). **If the evidence, as reasonably**  
 20 **interpreted, supports the commissioner's decision, then the commissioner of**  
 21 **administration's decision is given great weight and shall not be reversed or**  
 22 **modified in the absence of a clear showing that the decision was arbitrary or**  
 23 **capricious.**

\* \* \*

§1685. Contract and breach of contract controversies

\* \* \*

27           E. Finality of decision. A decision under Subsection C of this Section shall  
 28 be final and conclusive unless one of the following applies:

\* \* \*





1 §1692. Commencement of actions

2 \* \* \*

3 C. Actions under contracts or for breach of contract controversies. Any action  
4 under R.S. 39:1691(C) shall be commenced within sixty days after receipt of the  
5 decision of the commissioner under R.S. 39:1685(C) **or R.S. 39:1672.3.**

6 \* \* \*

7 §1702. Cooperative purchasing authorized; participation in federal General Services  
8 Administration vendor list

9 A.(1) Any public procurement unit may either participate in, sponsor,  
10 conduct, or administer a cooperative purchasing agreement for the acquisition of any  
11 supplies, services, **personal, professional, consulting, and social services**, major  
12 repairs, or construction with one or more public procurement units or external  
13 procurement activities or one or more private procurement units in accordance with  
14 an agreement entered into between the participants. Such cooperative purchasing  
15 may include but is not limited to joint or multi-party contracts between public  
16 procurement units and open-ended state public procurement unit contracts which are  
17 made available to local public procurement units.

18 \* \* \*

19 Section 2. R.S. 39:1600.2(B) is repealed in its entirety.

20 Section 3. This Act shall become effective upon signature by the governor or, if not  
21 signed by the governor, upon expiration of the time for bills to become law without signature  
22 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
23 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
24 effective on the day following such approval.

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Senate Legislative Services. The keyword, summary, 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)]

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DIGEST

SB 151 Original 2025 Regular Session Mizell

Present law establishes the La. Procurement Code (R.S. 39:1551, et seq.) to provide for procurement by public bodies, including provisions for procurement regulations, source selection for items to be purchased and methods for such purchases, bid procedures, types of contracts, specifications, contract modification, termination and contract clauses, legal and contractual remedies, administrative appeals, and cooperative purchasing. Proposed law modifies the La. Procurement Code as detailed below:

### Advertisement Requirements

Present law requires adequate public notice of an invitation for bids for small purchases at least 10 days prior to the date set for the opening of bids. Proposed law reduces the time for adequate public notice from 10 days to five days and otherwise retains present law.

Present law requires notice and advertising for small purchases in excess of \$25,000. Proposed law eliminates the \$25,000 threshold for small purchases and authorizes the monetary threshold for small purchases to be set by executive order.

Present law requires competitive sealed proposals to be advertised in the official journal of the state at least 30 days before the last day proposals will be accepted. Proposed law instead requires advertising through a centralized electronic interactive environment administered by the division of administration and on the electronic website accepting the electronic bids. Proposed law allows the agency to also advertise in the official journal of the state and other print media, depending upon the type of service being procured.

Present law requires the agency to provide written notice of certain competitive sealed proposals to persons, firms, or corporations in a position to furnish the required services at least 30 days before the last day proposals will be accepted. Proposed law allows this contact to be made electronically.

Present law requires advertisements for requests for proposals (RFP) for applicable consulting service contracts to be placed in national trade journals which serve the particular contract for consulting services. Proposed law removes this requirement and instead permits this method of advertisement and further requires advertising through a centralized electronic interactive environment administered by the division of administration and on the electronic website accepting the electronic bids.

Present law requires certain social services contracts not qualifying under present law to be advertised in the official journal of the state, in the official journal of the parish in which the services are to be performed and other media as appropriate in the circumstance at least once 30 days before the last day proposals will be accepted. Proposed law instead requires advertising through a centralized electronic interactive environment administered by the division of administration and on the electronic website accepting the electronic bids, and allows the agency to also advertise in the official journal of the state, in the official journal of the parish in which the services are to be performed, and other media as appropriate.

Present law requires consulting contracts entered into outside of DOTD with a maximum compensation of \$50,000 or more to be advertised in the official journal of the state and in one or more newspapers of general circulation in the state 30 days before the last day proposals will be accepted. Proposed law increases this threshold to \$150,000 or more and

instead requires advertising through a centralized electronic interactive environment administered by the division of administration and on the electronic website accepting the electronic bids.

Present law requires consulting contracts entered into by DOTD with a maximum compensation of \$50,000 or more to be advertised in the official journal of the state, with the first notice appearing at least 15 days before the last day proposals will be accepted. Proposed law increases this threshold to \$150,000 or more and instead requires advertising through a centralized electronic interactive environment administered by the division of administration and on the electronic website accepting the electronic bids.

### **Competitive Sealed Bid Process**

Present law authorizes competitive sealed proposal procurement to be utilized in certain circumstances with the approval of the commissioner of administration and written determination by the state chief procurement officer. Proposed law removes requirement of the approval of the commissioner of administration to proceed with competitive sealed proposal procurement and otherwise retains present law.

Present law requires RFP for all consulting, social, and professional services contracts not otherwise exempt by law or regulation to indicate relative importance of price and other evaluation factors and to clearly define the tasks to be performed under the contract and the criteria to be used in evaluating the proposals and the time frames within the work must be completed. Present law further requires all other RFP to clearly state the technological or other outcome desired from the procurement of supplies, services, or major repairs, if applicable. Proposed law makes these requirements uniform for all RFP by removing the requirement that certain requests clearly state the technological or other outcome desired from the procurement of supplies, services, or major repairs, if applicable.

Present law provides for a procedure in the negotiating and awarding of contracts.

Proposed law allows contract bid proposals to be modified or withdrawn at any time prior to the conclusion of negotiations.

Proposed law requires the using agency to negotiate a contract with the responsible proposer whose proposal is determined in writing by the using agency to be the most advantageous to the state, taking into consideration review of price and the evaluation factors set forth in the RFP.

Proposed law requires contract negotiations be directed toward making certain the proposer has a clear understanding of the scope of work and the essential requirements involved in providing the required work, service, or supply, determining that the proposer will make available the necessary personnel and facilities to perform the services in the required time, and agreeing upon fair and reasonable compensation for the services rendered.

Proposed law requires the contract to be awarded to the proposer if the contract can be agreed upon with the most advantageous proposer.

Present law requires certain elements to be included in contracts entered into through RFP. Proposed law adds a requirement that the commencement date of the contract must be at least 14 days after the notice of award is issued.

Present law assigns full responsibility of administration and monitoring of the contract to the using agency and provides requirements on reporting the performance of the contract. Proposed law retains present law.

Present law provides that no contract shall be valid until executed by the head of the using agency, or his designee, and the contractor, and has been approved in writing by the state

chief procurement officer, or his designee, or the director of purchasing at a college or university, if applicable. Proposed law retains present law.

Present law provides for a procedure for the head of a using agency to delegate authority to a subordinate to sign contracts on behalf of the agency. Proposed law retains present law.

Proposed law requires the office of state procurement to send written notice of an award to the contractor and a copy of such notice to all other proposers upon approval of the contract by the state chief procurement officer.

Proposed law provides a procedure for failure to negotiate a contract with an advantageous proposer that allows the using agency to enter into negotiations with the next most advantageous proposer.

Proposed law further authorizes using agencies to select additional proposers to continue negotiations in certain circumstances.

Proposed law authorizes proposals or other solicitations to be cancelled or other all proposals to be rejected if it is determined, based on the reasons provided in writing, that such action is in the best interest of the state. Proposed law further requires reasons for the cancellation to be included in the contract file.

Present law requires a determination from the state chief procurement officer that other contract procurement methods are not practicable before issuing an invitation to negotiate procurement method. Proposed law repeals present law.

Present law authorizes consulting services contracts valued less than \$75,000 for a 12-month period to be awarded without the necessity of competitive bidding or competitive negotiation. Proposed law increases this threshold to \$150,000 over a 12-month period and adds invitation to negotiate and cooperative purchasing as additional procurement methods available to use for consulting contracts.

Present law authorizes consulting services contracts valued at \$250,000 or more to be entered into with the assistance of a procurement support team provided in law and in accordance with guidelines created by the office of state procurement. Proposed law removes the floor of \$250,000 and otherwise retains present law.

### **Advertisement and Award of Lease Bids**

Present law requires all contracts and agreements for lease or rental space be made in the name of and by the authorized representative or representative body of the agency and requires commissioner of administration approval on any such agreement. Proposed law retains present law but removes the requirement of commissioner approval for leases or rental space of a storage unit that is 1,000 square feet or less.

Present law requires every lease for the use of 5,000 square feet or more of space in a privately owned building in which the state is a lessee be awarded by competitive sealed bid with certain requirements. Proposed law increases this threshold to leases of 10,000 square feet or more.

Present law authorizes leases of less than 5,000 square feet or less to be amended up to 4,999 square feet. Proposed law increases this threshold to allow leases of less than 10,000 square feet to be amended up to 9,999 square feet.

Present law authorizes existing leases for office or warehouse space to be renegotiated with the present lessor in certain circumstances. Proposed law retains present law but expands the authority to renegotiate with lessors to any existing lease.

### **Contract Controversies and Protests**

Present law prohibits the state from proceeding with solicitation or awarding of a contract under timely protest unless the state chief procurement officer makes a determination the contract award is needed without delay.

Proposed law repeals present law and instead allows a protestor to obtain a stay of a contract award if the following conditions are met:

- (1) The protestor has timely protested the award during the applicable protest period of the contract award.
- (2) The protestor posts a bond with a good and solvent surety or submits other security approved by the office of state procurement valued at 25% the estimated value of the contract.

Proposed law requires the bond posted or other security to be returned to the person who posted the bond or security if the protest is upheld and the award is cancelled. Proposed law requires the state chief procurement officer to hold an informal hearing on the claim to determine the amount owed. Proposed law further provides that if the protest is rejected and the award is upheld, the using agency may file a claim against the bond or security for the expenses incurred and other monetary losses suffered by the using agency resulting from the unsuccessful protest. Proposed law further requires any money not awarded by the state chief procurement officer to be returned to the person who posted the bond or submitted the security.

Present law requires the commissioner of administration or his designee to immediately render decisions on claims by or controversies between the state and a contractor arising out of a contract for professional, personal, consulting or social services. Present law renders this decision final and conclusive unless the contractor institutes suit. Proposed law retains present law but specifies that a final decision of the commissioner may be made executory by the 19th JDC in accordance with present law (C.C.P. Art. 2782).

Present law provides the 19th JDC jurisdiction over claims arising from RFP or awards of contract or other legal disputes surrounding contracts, given all administrative avenues have been exhausted. Proposed law modifies this jurisdiction to having only appellate jurisdiction in these matters. Proposed law further asserts that if the evidence, as reasonably interpreted, supports the commissioner of administration's initial decision, that his decision shall have great weight and not be reversed or modified unless there is clear showing that the decision was arbitrary or capricious.

Present law provides a timeline in which filing appeals in protests to solicitations or awards of contracts can be made to the commissioner. Present law establishes the commissioner's decision to be final unless either the decision is fraudulent or an appeal is filed in court. Proposed law adds that if an appeal is filed in court, that if the evidence, as reasonably interpreted, supports the commissioner of administration's initial decision, the commissioner's decision shall have great weight and not be reversed or modified unless there is clear showing that the decision was arbitrary or capricious.

Present law provides a procedure to appeal decisions on contracts and breach of contract controversies to the commissioner of administration for contracts other than professional, personal, consulting, and social services contracts. Present law establishes the commissioner's decision to be final unless either the decision is fraudulent or an appeal is filed in court. Proposed law adds that if an appeal is filed in court, that if the evidence, as reasonably interpreted, supports the commissioner of administration's initial decision, that the commissioner's decision shall have great weight and not be reversed or modified unless there is clear showing that the decision was arbitrary or capricious.

Present law establishes the 19th JDC as the exclusive venue over an action between the state and a bidder, offerer, or contractor to determine if a solicitation or award of a contract is legal and provides for types of actions this entails. Proposed law adds actions between the state and a person or proposer to the venue's exclusive jurisdiction. Proposed law further limits jurisdiction of the 19th JDC to be appellate jurisdiction in such matters.

Present law requires any action to be commenced within sixty days after receipt of the commissioner in decisions regarding contract controversies for contracts other than professional, personal, consulting, or social services contracts. Proposed law adds controversies between the state and a contractor arising out of professional, personal, consulting, or social services contracts to the requirement of action to be commenced within 60 days and otherwise retains present law.

### **Cooperative Purchasing**

Present law allows public procurement units to participate, sponsor, conduct, or administer cooperative purchasing agreements with other entities to purchase of any supplies, services, major repairs, or construction services. Proposed law adds personal services, professional services, consulting services, and social services contracts to this list.

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

(Amends R.S. 39:1594(C)(1), 1595, 1621(A)-(C)(1) and (3), 1630, 1641(A), 1643(A), 1644(A)(1), (B), and (C), 1671(F), 1672.3, 1672.4(A), 1683(E)(2), 1685(E)(2), 1691 (heading), (A), (C), and (D), 1692(C), and 1702(A)(1); repeals R.S. 39:1600.2(B))