

2015 Regular Session

HOUSE BILL NO. 74

BY REPRESENTATIVE RICHARD

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

BUDGETARY PROCEDURES: Prohibits awarding certain contracts for social services without competitive bid

1 AN ACT

2 To amend and reenact R.S. 39:1619(B) and (C), relative to contracts for social services; to  
3 remove authorization to award certain contracts without competitive bid; to prohibit  
4 contracts for certain appropriations; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 39:1619(B) and (C) are hereby amended and reenacted to read as  
7 follows:

8 §1619. Social service contracts

9 \* \* \*

10 B. Contracts for social services may be awarded without the necessity of  
11 competitive bidding or competitive negotiation only if the state chief procurement  
12 officer determines that any one of the following conditions is present. The using  
13 agency shall document the condition present and such documentation shall be part  
14 of the contract record submitted to the office of state procurement.

15 (1) The services are available only from a single, or sole, source. Sole  
16 source procurement shall be determined by the state chief procurement officer. A  
17 contract shall ~~also~~ only be considered as sole source if a request for proposals is  
18 issued in accordance with R.S. 39:1595(B) and only one or no proposals are  
19 received.

1           (2) The state legislature has made an appropriation for that particular  
2 contractor or contractors as authorized via the appropriation bill or other ~~statutes~~  
3 statute.

4           (3) A quasi-public or nonprofit corporation, such as a parish voluntary  
5 council on aging, an area agency on aging, an affiliate of The Arc of Louisiana or  
6 equivalent, an organization serving persons with intellectual or developmental  
7 disabilities, an organization serving children, youth, or families, or an organization  
8 promoting independence from public assistance has been established in coordination  
9 with the state to provide the particular service involved in the contract.

10           ~~(4) Local matching funds of greater than ten percent of the contract amount~~  
11 ~~are required to be contributed by the contractor. Such matching funds may be in the~~  
12 ~~form of cash, certified expenditures or in-kind contributions, where applicable to the~~  
13 ~~funding source.~~

14           ~~(5) The nature of the services being provided necessitates that a continuity~~  
15 ~~of contractors be maintained as in but not limited to therapeutic and crisis support~~  
16 ~~to clients and employment and training programs.~~

17           ~~(6)~~(4) An emergency exists which will not permit the delay in procurement  
18 necessitated by the request for proposal procedure given in R.S. 39:1595(B). Such  
19 emergency shall be determined by the state chief procurement officer.

20           ~~(7) The total contract amount is less than two hundred fifty thousand dollars~~  
21 ~~per twelve-month period. Service requirements shall not be artificially divided so~~  
22 ~~as to exempt contracts from the request for proposal process.~~

23           ~~(8)~~(5) The contract is with another governmental entity or governmental  
24 body.

25           ~~(9)~~(6) Funds are specifically designated by the federal government for a  
26 particular private or public contractor or political subdivision.

27           ~~(10) The contract is with a social service contractor who supplies services~~  
28 ~~under a contract in existence as of November 30, 1985, as long as such contractor~~  
29 ~~continues to supply substantially the same services and the using agency certifies.~~



Proposed law limits sole source procurement to contracts for which only one or no proposals are received under the RFP process.

Present law authorizes a social service contract to be awarded without competitive bid or negotiation if the state legislature has made an appropriation for that particular contractor via an appropriation bill or other statute.

Proposed law specifies that the exception only applies to appropriations provided by statute.

Proposed law prohibits the awarding of a contract to a contractor in cases where the legislature makes an appropriation to the contractor but the appropriation is not authorized by law.

(Amends R.S. 39:1619(B) and (C))