

2015 Regular Session

HOUSE BILL NO. 376

BY REPRESENTATIVE HARRIS

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

PROCUREMENT: Grants public and private postsecondary institutions greater participation in receiving and monitoring contracts and federal grants

1 AN ACT

2 To amend and reenact R.S. 39:1595(A)(2) and (B)(1), (2), and (3) and to enact R.S. 39:136
3 and 1623(A)(8), relative to procurement; to establish the Board of Regents electronic
4 notification process and provide for the powers, duties, and functions of the Board
5 of Regents; to provide for increased participation in the receipt and administration
6 of contracts and federal funds by postsecondary institutions of higher learning; to
7 provide for notification of postsecondary institutions of higher learning of requests
8 for proposals; to require state agencies receive certification from the Board of
9 Regents for certain contracts; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 39:1595(A)(2) and (B)(1), (2), and (3) are hereby amended and
12 reenacted and R.S. 39:136 and 1623(A)(8) are hereby enacted to read as follows:

13 §136. Board of Regents Electronic Notification Process

14 A. It is the intent of the legislature that, to the maximum extent possible, the
15 executive branch of state government shall utilize the students and faculty of the
16 state's public and private postsecondary institutions of higher learning in the receipt,
17 administration, and monitoring of federal funds made available to or through the
18 state for grant programs in order to ensure that federal funds are used for their
19 intended public purposes and to increase education opportunities for students of
20 public and private postsecondary institutions.

1 B.(1) The Board of Regents shall develop a Contracts and Grants
 2 Clearinghouse to assist in providing opportunities for public postsecondary
 3 institutions of higher learning to receive, administer, or monitor federal grants
 4 received by the state. The Board of Regents shall establish a means of notifying
 5 institutions of available grants and coordinating efforts among institutions interested
 6 in receiving the federal funds for distribution, administration, or monitoring.

7 (2) Any state agency that administers or is eligible to administer a federal
 8 grant program shall notify the Board of Regents of any federal grant programs for
 9 which the agency is responsible. The Board of Regents shall make such information
 10 available to public postsecondary institutions of higher learning in the state.

11 (3) Prior to the initiation of a competitive request for proposals for any
 12 contract fully funded by federal funds, a state agency shall notify the Board of
 13 Regents to determine if services called for are the type readily susceptible of being
 14 performed by persons who are employed by or students of a postsecondary
 15 institution of the state as required by R.S. 39:1623(A)(8). The Board of Regents
 16 shall develop guidelines and procedures for the notification of public and private
 17 postsecondary institutions of the state of the services called for and the coordination
 18 of the responses of such institutions to determine if the services called for are the
 19 type readily susceptible of being performed by persons who are employed or students
 20 of a postsecondary institution of the state.

21 C. (1) Except as provided in Paragraph (2) of this Subsection, this Section
 22 shall only apply to grant programs that are fully funded with federal funds.

23 (2) This Section shall not apply to any of the following:

24 (a) Federal block grant programs administered by the Community
 25 Development Block Grant Program.

26 (2) Grants that require matching funds.

27 * * *

1 §1595. Competitive sealed proposals

2 A.

3 * * *

4 (2) For a contract to be let under the provisions of this Subsection, the
5 agency shall give adequate public notice of the request for proposals by advertising
6 in the official journal of the state at least thirty days before the last day that proposals
7 will be accepted. In addition, the agency shall mail written notice to persons, firms,
8 or corporations who are known to be in a position to furnish the required services at
9 least thirty days before the last day that proposals will be accepted. The agency shall
10 also notify the Board of Regents of the request for proposals at least thirty days
11 before the last day that proposals will be accepted.

12 B. Requests for proposals

13 (1) For consulting service contracts with a total maximum compensation of
14 fifty thousand dollars or more, except for such contracts entered into by the
15 Department of Transportation and Development, adequate public notice of the
16 request for proposals shall be given by advertising in the official journal of the state
17 and in one or more newspapers of general circulation in the state at least once. The
18 advertisement shall appear at least thirty days before the last day that proposals will
19 be accepted. When available, advertisements shall be placed in those national trade
20 journals which serve the particular type of contractor desired. In addition, written
21 notice shall be provided to persons, firms, or corporations who are known to be in
22 a position to furnish such services, at least thirty days before the last day that
23 proposals will be accepted. The agency shall also notify the Board of Regents of the
24 request for proposals at least thirty days before the last day that proposals will be
25 accepted.

26 (2) For social service contracts not qualifying under R.S. 39:1619(B),
27 adequate public notice of the request for proposals shall be given by advertising in
28 the official journal of the state, in the official journal of the parish in which the
29 services are to be performed and such other newspapers, bulletins, or other media as

1 are appropriate in the circumstances. Such advertisements shall appear at least once
 2 in the official journal of the state and once in the official journal of the parish. If the
 3 services are to be performed in or made available to residents of a multiparish area,
 4 advertising in the official journal of the state and in one or more newspapers of
 5 general circulation in the state at least once shall be sufficient to meet this
 6 requirement. In all cases, the advertisement shall appear at least fourteen days before
 7 the last day that the proposals will be accepted. In addition, written notice shall be
 8 provided to persons, firms, or corporations who are known to be in a position to
 9 furnish such services, at least fourteen days before the last day that proposals will be
 10 accepted. This last requirement is subject to reasonable limitation at the discretion
 11 of the using agency. The agency shall also notify the Board of Regents of the
 12 request for proposals at least fourteen days before the last day that proposals will be
 13 accepted.

14 (3) For consulting service contracts entered into by the Department of
 15 Transportation and Development with a total maximum compensation of fifty
 16 thousand dollars or more, adequate public notice of the request for proposals shall
 17 be given by advertising in the official journal of the state at least once. The first
 18 advertisement shall appear at least fifteen days before the last day that proposals will
 19 be accepted. In addition, written notice shall be provided to persons, firms, or
 20 corporations who are known to be in a position to furnish such services, at least
 21 fifteen days prior to the last day that proposals will be accepted. The agency shall
 22 also notify the Board of Regents of the request for proposals at least fifteen days
 23 before the last day that proposals will be accepted.

* * *

25 §1623. Certification by using agency

26 A. Upon seeking approval to enter into a proposed professional, personal,
 27 consulting, or social service contract valued in excess of five thousand dollars, an

1 individual or individuals specifically designated by the head of the using agency for
2 such purpose shall certify to the state chief procurement officer that:

3 * * *

4 (8) The Board of Regents has determined that the services called for are not
5 the type readily susceptible of being performed by persons who are employed by or
6 students of a postsecondary institution of the state.

7 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, 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)]

HB 376 Engrossed

2015 Regular Session

Harris

Abstract: Requires the Board of Regents to develop a means of notifying public and private institutions of available federal grants. Requires state agencies to notify the Board of Regents of federal grant programs. Requires state agencies to notify the Board of Regents of RFPs. Requires state agencies to certify that, for certain contracts, the Board of Regents determines that the services called for are not the type readily susceptible of being performed by employees or students of a postsecondary institution.

Proposed law requires the Board of Regents to develop an electronic notification system to assist in providing opportunities for public and private postsecondary institutions to receive, administer, or monitor federal grants received by the state. Requires state agencies to notify the Board of Regents of federal grant programs for which the agency is responsible. Additionally requires state agencies to notify the Board of Regents prior to initiating any competitive RFP for any contract fully funded by federal funds. The Board of Regents shall develop guidelines and procedures to provide for notifying public and private postsecondary institutions of the services called for by such federally funded contracts and coordinating responses of the institutions to determine if the services called for are readily susceptible of being performed by employees or students of such institutions.

Proposed law shall only apply to grant programs fully funded with federal funds, excluding programs administered by the Community Development Block Grant (CDBG) Program and grants that require matching funds.

Present law requires that, for contracts awarded through an RFP process, the agency shall give notice in the official journal of the state and provide written notice to persons, firms, or corporations who are known to be in a position to furnish such services prior to the last day proposals will be accepted.

Proposed law additionally requires the agency to provide notice to the Board of Regents prior to the last day proposals will be accepted.

Present law requires that, prior to approval to enter into a proposed professional, personal, consulting, or social service contract valued in excess of \$5,000, the using agency shall certify to the state chief procurement officer that certain criteria are met, including certification that no employee of that agency is both competent and available to perform the

services called for by the proposed contract or the services called for are not the type readily susceptible of being performed by persons who are employed by the state on a continuing basis.

Proposed law additionally requires using agencies to certify that the Board of Regents has determined that the services called for are not the type readily susceptible of being performed by persons who are employed by or students of a postsecondary institution.

(Amends R.S. 39:1595(A)(2) and (B)(1), (2), and (3); Adds R.S. 39:136 and 1623(A)(8))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Appropriations to the original bill:

1. Provide for participation of private postsecondary institutions.
2. Delete references to a Contracts and Grants Clearinghouse and instead provide for an electronic notification process.