

ACT No. 395

2015 Regular Session

HOUSE BILL NO. 376

BY REPRESENTATIVE HARRIS

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.(1) It is the intent of the legislature that, to the maximum extent possible,
15 the 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.

21 (2) For the purposes of this Section, private postsecondary institutions shall
22 have the same meaning as provided for in R.S. 17:3048.1.

1 B.(1) The Board of Regents shall establish a means of notifying institutions
2 of available grants and coordinating efforts among institutions interested in receiving
3 the federal funds for distribution, administration, or monitoring.

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

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

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

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

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

23 (b) Grants that require matching funds.

24 * * *

25 §1595. Competitive sealed proposals

26 A.

27 * * *

28 (2) For a contract to be let under the provisions of this Subsection, the
29 agency shall give adequate public notice of the request for proposals by advertising
30 in the official journal of the state at least thirty days before the last day that proposals

1 will be accepted. In addition, the agency shall mail written notice to persons, firms,
2 or corporations who are known to be in a position to furnish the required services at
3 least thirty days before the last day that proposals will be accepted. The agency shall
4 also notify the Board of Regents of the request for proposals at least thirty days
5 before the last day that proposals will be accepted.

6 B. Requests for proposals

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

20 (2) For social service contracts not qualifying under R.S. 39:1619(B),
21 adequate public notice of the request for proposals shall be given by advertising in
22 the official journal of the state, in the official journal of the parish in which the
23 services are to be performed and such other newspapers, bulletins, or other media as
24 are appropriate in the circumstances. Such advertisements shall appear at least once
25 in the official journal of the state and once in the official journal of the parish. If the
26 services are to be performed in or made available to residents of a multiparish area,
27 advertising in the official journal of the state and in one or more newspapers of
28 general circulation in the state at least once shall be sufficient to meet this

1 requirement. In all cases, the advertisement shall appear at least fourteen days before
 2 the last day that the proposals will be accepted. In addition, written notice shall be
 3 provided to persons, firms, or corporations who are known to be in a position to
 4 furnish such services, at least fourteen days before the last day that proposals will be
 5 accepted. This last requirement is subject to reasonable limitation at the discretion
 6 of the using agency. The agency shall also notify the Board of Regents of the
 7 request for proposals at least fourteen days before the last day that proposals will be
 8 accepted.

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

19 * * *

20 §1623. Certification by using agency

21 A. Upon seeking approval to enter into a proposed professional, personal,
 22 consulting, or social service contract valued in excess of five thousand dollars, an
 23 individual or individuals specifically designated by the head of the using agency for
 24 such purpose shall certify to the state chief procurement officer that:

25 * * *

26 (8) The Board of Regents has been notified in accordance with R.S. 39:136
 27 of possible services called for that are the type readily susceptible of being
 28 performed by persons who are employed by or students of a postsecondary
 29 institution of the state.

30 * * *

1 Section 2. This Act shall become effective on September 1, 2015.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____