AN ACT

To amend and reenact R.S. 39:199(E), 200(I), 1600(E), 1621(A), (B), and (C)(1), and 1679(B), and to enact R.S. 39:199.1, relative to technology procurement; to authorize alternative procedures for procurement of certain technology; to provide limitations and requirements; to provide relative to procurement transaction threshold values; to adjust threshold values for price inflation; to provide relative to penalties for intentional violations of the procurement code; to provide relative to the duties and authority of the Joint Legislative Committee on Technology and Cybersecurity and the Joint Legislative Committee on the Budget; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 39:199.1 is hereby enacted to read as follows:

§199.1. Alternative procedures

Notwithstanding any provision of law to the contrary, an agency shall not be required to follow the procedures provided in this Part or the Louisiana Procurement Code for procurement of software and the hardware used to support the software if the alternative procedures to be used by the agency are approved by the Joint Legislative Committee on Technology and Cybersecurity and the specific procurement is approved by the Joint Legislative Committee on the Budget.

Section 2. R.S. 39:199(E), 200(I), 1600(E), 1621(A), (B), and (C)(1), and 1679(B) are hereby amended and reenacted to read as follows:

§199. Methods of procurement

* * *

E. Method for procuring information technology equipment, software, and maintenance services for public colleges and universities. Notwithstanding any other
provisions of this Part, any public college or university may procure, through its
purchasing officer, information technology equipment, software, and maintenance
services without the advance approval of the office of state procurement when a
single expenditure for such materials or combined materials and services does not
exceed one hundred fifty thousand dollars.

§200. General provisions

The following general provisions shall apply to all procurements under this
Part:

I. Procurement support. All contracts covered under the provisions of this
Chapter, in an amount greater than one hundred twenty-five thousand dollars, whether for purchase or rental payments or fiscal intermediary services in
processing claims of health care providers, or master agreements, but excluding
taxes, transportation, and other related services, shall be entered into with the
assistance of a procurement support team as provided in Paragraph (2) of this
Subsection and in accordance with guidelines to be published by the state central
purchasing agency.

§1600. Other procurement methods

E. Negotiation of noncompetitive contracts.

The head of the using agency or the agency procurement officer shall
negotiate with the highest qualified persons for sole source or emergency
procurements or for professional, personal, or those consulting services qualifying under R.S. 39:1621(A), or those social services qualifying under R.S. 39:1619(B) at compensation which the head of the using
determination, the head of the using agency determines in writing to be fair and reasonable to the state. In making this
determination, the head of the using agency shall take into account, in the following
order of importance, the professional or technical competence of proposers, the

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technical merits of proposals, and the compensation for which the services are to be
rendered, including fee. Negotiation of consulting services for fifty thousand dollars
or more not qualifying under R.S. 39:1621(A) or social services not qualifying under
R.S. 39:1619(B) shall be conducted in accordance with R.S. 39:1595(B) hereof.

§1621. Consulting service contracts

A. Contracts for consulting services which have a total maximum amount
of compensation less than fifty thousand dollars for a twelve-month
period may be awarded without the necessity of competitive bidding or competitive
negotiation.

B. Contracts for consulting services which have a total maximum amount of
compensation of fifty thousand dollars or more for a twelve-month
period shall be awarded through a request for proposal process under rules and
regulations issued by the office of state procurement. Service requirements shall not
be artificially divided so as to exempt contracts from the request for proposal
process.

C.(1) All contracts for consulting services which have a total maximum
amount of compensation of one hundred forty thousand dollars or more may be entered into with the assistance of a procurement support
team as provided herein, and in accordance with guidelines promulgated and
published by the office of state procurement.

§1679. Violations; penalties

B. Any person who intentionally violates such law, rule or regulation shall
be fined not more than five hundred thousand dollars, or imprisoned for not
more than six months, or both.

Section 3. Section 1 of this Act shall take effect and become operative if and when
the Act which originated as House Bill No. 636 of this 2020 Regular Session of the
Legislature is enacted and becomes effective.

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Section 4. Sections 2 through 4 of this Act shall become effective upon signature of
the governor or, if not signed by the governor, upon expiration of the time for bills to
become law without signature by the governor, as provided by Article III, Section 18 of the
Constitution of Louisiana. If vetoed by the governor and subsequently approved by the
legislature, Sections 2 through 4 of this Act shall become effective on the day following such
approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: ____________________