Why Should We Care?

- State law has the final say in disputes
- State law sets the outer limits on what’s OK (rules, policies, procedures fill in the gaps)
- Because it’s so foundational, it can (and should) inform and affect everything built on top of it
- Legislation reflects and affects the public mood re. procurement
- Historical tone of firm skepticism re. state contracts (less of a focus in recent years so far though)
Session Focus / Mood

- Tort Reform / Insurance Claim Reductions
- Coronavirus
  - Session delay(s) / impacts
  - Response activities
  - Economic impacts
  - Authority of the Governor
  - Unemployment
  - Economic relief funds / programs
What Passed

1. Act 155 by Rep. Freiberg

- Titles 38, 39, and 48 (all state/local contracting)

- Requires all contractors who have “access to state or local government information technology assets” to complete cybersecurity training during the term of the contract and any renewal periods

- “Access” = deep/sensitive access (e.g. network closets; state systems, VPN, etc.)
What Passed

2. **Act 111 by Sen. Gary Smith**
   - Title 38 only
   - Increases the Title 38 Public Works contract limit (bid threshold) from $150,000 to $250,000
   - Suspends FP&C inflation factor through 2025
What Passed

3. **Act 265 by Rep. LaCombe**
   - Title 38 only
   - Further expands school boards’ ability to purchase directly from group purchasing organizations (GPOs)
   - Previously OK only if goods offered by GPO are comparable to goods on State contract, but cheaper
   - Now also OK if goods not available on State contract
What Passed


- Title 39 only

- Aims to increase procurement flexibilities in two ways:
  1. Authorizes Legislature to approve alternate procurement methods for case-by-case IT projects requested by OTS
  2. Increases five outdated procurement thresholds eroded by inflation, to restore their original purchasing power
What Passed

3. Act 273 by Rep. Ivey (continued)

- Five thresholds increased at OSP’s request:

1. University IT purchases w/o OSP review: $100,000
2. Complex service / IT PST requirement: $100,000
3. Consulting service PST requirement: $140,000
4. Consulting service RFP req.: $50,000/12mos
5. Intentional violation of the Procurement Code: $500
What Didn’t Pass

1. **HB 698 by Rep. Freeman**
   - Would have created a process where certain goods / services provided by the State Use Program (EDS) could qualify to be designated as mandatory use items, with narrow exceptions

2. **HB 772 by Rep. Deshotel**
   - Would have prohibited the use of GSA schedule contracts unless the GSA price is 10+% cheaper than other contracts available

3. **HB 774 by Rep. Deshotel**
   - Would have required that all procurements in the 8mos following an emergency be sourced from Louisiana-based suppliers
What *Didn’t Pass*

4. **HB 800 by Rep. Deshotel**
   - Would have put a stricter version of the LaPS rule into statute, requiring secondary (RFR/bake-off) competition for large orders, with mandatory inclusion / consideration of LA suppliers.

5. **SB 77 by Sen. Bouie**
   - Would have required contractors to certify equal pay compliance

6. **SB 132 by Sen. Henry**
   - Would have required JLCB approval of all contracts and CEAs over $25 million per year, and notification of $25+ million RFPs
   - Vetoed by Governor Edwards – Separation of Powers
1. **SB 30 by Sen. Milligan** *(passed, not yet signed)*

- *Titles 38 and 39: Prohibits purchase by schools and higher ed. of video surveillance and telecoms. equipment manufactured by or including components manufactured by certain Chinese manufacturers (Huawei, ZTE, Hytera, Hangzhou Hikvision, and Dahua)*

- *National Security / Cybersecurity concerns – 2019 NDAA 889(a)*

- *Expected to expand to State agencies and other PoliSubs in 2021*

- *OSP will modify statewide contracts proactively for compliance*
Special Session

2. HCR 31 by Rep. Lyons  *(House Floor this afternoon)*

*“Urge and request” agencies procuring supplies, services and major repairs (Title 39) to introduce additional competition and transparency into disaster-related emergency procurements.*

- RFQ process (posted to LaPac) instead of bare-minimum emergency three-quotes
- “Where practicable” – three quotes still OK when needed
- Not state law – just a formal request
- OK in its current form – OSP is actively monitoring/managing
Why Should We Care?

- Some failed bills reflect good ideas.
- Some, unfortunately, do not.
- Some reflect a flawed or partial understanding of how the procurement process works.
- Some will be back next year.
- Some will be State law one day.
Next Steps / Considerations

- OSP finalizing rulemaking/guidance re. new Acts
- Electronic signatures / e-procurement tools
- 2nd Special Session: 9/28 – 10/27
- Contract management