

Title 4
ADMINISTRATION
Part V. Policy and Procedure Memoranda
Chapter 53. Delegated Procurement Authority;
Standard and Special Delegations—PPM Number 56

§5301. Authority

A. Pursuant to R.S. 39:1566, the Chief Procurement Officer for the State of Louisiana may delegate authority to governmental bodies within the limitations of law and the state's procurement regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1566.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Procurement, LR 42:2 (January 2016).

§5303. Policy

A. To respond to the needs of state agencies, as well as for auditing purposes and for programming purposes in the State's LaGov SRM system, it shall be the policy of the Office of State Procurement to delegate to all agencies which are subject to the provisions of the Louisiana Procurement Code the authority to purchase, procure and to contract up to maximum limits by assigning to each Delegated Procurement Authority ("DPA").

1. DPA refers to the maximum amount an agency may purchase, procure or contract for without utilizing the services of, or having to seek preapproval from, the Office of State Procurement.

2. Any agency that acts under a DPA extended by the Office of State Procurement is responsible for ensuring that any purchase or contract fully complies with all applicable requirements under the Procurement Code, rules and applicable OSP policy, including, but not limited to:

(a). any and all requirements to seek approval to use a Request for Proposals (RFP) solicitation before it is issued or to seek approval from a Procurement Support Team where applicable;

(b). any and all requirements to solicit quotes, to competitively bid or to seek competitive proposals, or to post solicitations to the State's electronic vendor notification system;

(c). any and all requirements to report contracts, including sole source and emergency contracts, to the Office of State Procurement, the Joint Legislative Committee on the Budget and the Louisiana Legislative Auditor as may be applicable; and

(d). any and all requirements to seek ratification of purchases or contracts that do not comply with law.

B. The Office of State Procurement shall periodically review an agency's DPA, and may increase, maintain or decrease the DPA after considering the following factors:

1. whether increasing, maintaining or decreasing an agency's DPA is in accordance with the state's strategic plans;

2. whether the agency has demonstrated (or can no longer demonstrate) an ability to responsibly handle a higher DPA in accordance with Office of State Procurement policy, guidance and directions; and

3. whether the agency has adequate resources and personnel (or no longer has adequate resources and personnel) to comply with all requirements of the Procurement Code and other applicable provisions of law.

C. Any contract for professional, personal, consulting or social services, or for complex, IT or major repairs, entered into by an agency pursuant to its assigned DPA must be:

1. reduced to writing;

2. signed by the contractor and the agency head; and

3. entered into the State's LaGov SRM system.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1566.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Procurement, LR 42:2 (January 2016).

§5305. Standard Delegation of Procurement Authority

A. Standard DPA—Purchases

1. Unless otherwise notified, any agency may purchase a single supply or service up to a maximum of \$5000 without obtaining preapproval from, or having to utilize the services of, the Office of State Procurement. An agency may exceed the Standard DPA assigned to it for purchases by up to 10 percent without preapproval where the original cost estimate did not exceed \$5000. An agency shall report each instance where it has exceeded its Standard DPA for purchases prior to paying the invoice.

2. To the extent allowed under the Louisiana Procurement Code, an institution of higher education, including community and technical colleges, are not required to obtain preapproval from, or utilize the services of, the Office of State Procurement for the purchase of supplies or services unless such supplies or services are obtained through the Request for Proposal Process.

B. Standard DPA—Contracts

1. Unless otherwise notified, any agency may contract for professional, personal, consulting and social services up to \$5000 without obtaining preapproval or authorization from the Office of State Procurement. An agency shall report each instance where it has exceeded its Standard DPA for contracts prior to paying the invoice.

2. Unless otherwise notified of a revocation of autonomy, an institution of higher education that has been granted autonomy under the “LaGrad” act may contract for professional, personal, consulting and social services up to the level of the LaGrad autonomy granted without seeking preapproval from the Office of State Procurement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1566.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Procurement, LR 42:2 (January 2016).

§5307. Special Delegation of Procurement Authority; Master List of Special DPAs

A. Special DPA. A DPA set by the Office of State Procurement above the Standard DPA for purchases and/or contracts, or a DPA set below the Standard DPA for purchases and/or contracts, shall be referred to as a “Special DPA.”

1. An agency or department head may present a request to the State Chief Procurement Officer for a special DPA under the categories of “purchases” and/or “contracts” or for specific items or categories of purchases or contracts.

2. Additionally, the State Chief Procurement Officer may take the initiative to assign a special DPA by increasing or decreasing an agency’s or department’s existing purchases DPA or contracts DPA to a level above (or below) the standard DPA.

3. Any special DPA may place additional or specific allowances or conditions upon purchasing or contracting by an agency.

4. Wherever a special DPA has been set for purchases, an agency may exceed its Special DPA by up to 10 percent without preapproval where the original cost estimate obtained did not exceed the special DPA. An agency shall report each instance where it has exceeded its Special DPA for purchases prior to paying the invoice.

B. Master List. An agency’s Special DPA’s shall be placed on a master list.

1. Any Special DPA, along with any other specific allowances, conditions or limitations, will be documented on a Master List maintained by the Office of State Procurement.

2. The master list should be made available (when requested) to an agency, department, the Legislative Auditor or to any other person deemed appropriate by the State Chief Procurement Officer, or as may otherwise be required by the Public Records Act.

3. Agencies that are not placed on the master list will be presumed to procure according to the standard DPA for audit purposes and for programming purposes in the State’s LaGov SRM system.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1566.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Procurement, LR 42:3 (January 2016).

§5309. Reduction or Suspension of DPA; Additional Restrictions or Allowances; Effective Date

A. Nothing in this policy shall prevent the Office of State Procurement from assigning a special DPA to an agency, or increasing an agency’s existing special DPA, in advance of or during emergencies; lowering, reducing or suspending an agency’s DPA at any time in whole or in part; or removing an agency’s or department’s DPA altogether, when the State Chief Procurement Officer determines that it is in the best interests of the State to do so.

B. Nothing in this policy shall prevent the Office of State Procurement from placing specific restrictions or providing for special allowances on an individual or on specific categories of purchases, procurements or contracts.

C. Nothing in this policy shall prevent the Office of State Procurement from increasing or decreasing the Standard DPA by amending this policy.

D. This policy shall take effect on January 1, 2016.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1566.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Procurement, LR 42:3 (January 2016).