

ACT No. 173

2018 Regular Session

HOUSE BILL NO. 648

BY REPRESENTATIVE LEGER

1 AN ACT

2 To enact Part XI of Chapter 10 of Title 38 of the Louisiana Revised Statutes of 1950, to be
3 comprised of R.S. 38:2320.1, relative to the purchase of port-related specialized
4 cranes and replacement parts; to authorize all port commissions and port, harbor, and
5 terminal districts to purchase specialized cranes and replacement parts through
6 methods of procurement; to establish requirements for requests for qualifications and
7 requests for proposals; to provide for definitions; to provide for an effective date; and
8 to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. Part XI of Chapter 10 of Title 38 of the Louisiana Revised Statutes of
11 1950, comprised of R.S. 38:2320.1, is hereby enacted to read as follows:

12 PART XI. PORT, HARBOR, AND TERMINAL SPECIALIZED CRANES AND
13 REPLACEMENT PARTS

14 §2320.1. Methods of procurement for specialized cranes and replacement parts

15 A. Notwithstanding any other provision of law to the contrary, and in
16 addition to the authority granted by any other provision of law, all port commissions
17 and port, harbor, and terminal districts may purchase port-related specialized cranes
18 and any replacement parts through a request for proposals. The process to purchase
19 specialized cranes and replacement parts shall conform to the following:

20 (1) Specifications for the port-related specialized cranes and any replacement
21 parts shall be prepared in advance and designate the specific class of any specialized
22 crane and replacement part desired and may include requested or alternative features

1 associated with such class of specialized crane or replacement part. The
2 specifications may also include requirements for maintenance of the specialized
3 crane or any replacement part.

4 (2) The commission or district may pre-qualify bidders for the procurement
5 of any specialized crane or replacement part. Public notice of the request for
6 qualifications shall include the date scheduled for opening the request for
7 qualifications to bidders and shall be published at least twenty-five days prior to the
8 scheduled date. The notice and all procedures for the pre-qualification shall be
9 published on the website of the commission or district that is available to the general
10 public. In addition, written notice of the request for qualifications may be mailed or
11 emailed to firms that are known to be in a position to furnish specialized cranes or
12 replacement parts. If the commission or district chooses to pre-qualify bidders for
13 procurement, only those pre-qualified bidders may submit bids on the designated
14 purchase contract.

15 (3) A request for proposals shall be mailed or emailed to all pre-qualified
16 firms. If pre-qualification procedures are not used, then public notice of the request
17 for proposals shall be given in the same manner as the public notice of the request
18 for qualifications. The request for proposals shall include the following:

19 (a) The relative importance of price and warranties.

20 (b) The tasks expected to be performed pursuant to the contract.

21 (c) The functional specifications of the crane or any replacement parts.

22 (d) The expected time frame within which the specialized cranes will be
23 delivered or the replacement parts provided.

24 (e) The criteria that will be used and the factors that will be considered when
25 evaluating the proposals.

26 (4) The commission or district is authorized to negotiate the price,
27 conditions, and terms of the purchase contract with any bidder who submits a
28 proposal.

29 (5) Except as provided in Paragraph (6) of this Subsection, an award shall
30 be made, in writing, to the bidder whose proposal is determined by the governing

1 authority of the commission or district to be the most advantageous based upon the
2 factors provided in Paragraph (3) of this Subsection. No other basis of evaluation
3 shall be used except those set forth in the request for proposals.

4 (6) The governing authority of the commission or district may reject all
5 proposals when it is deemed that this action is in the best interest of the commission,
6 district, or local governmental entity.

7 B. For purposes of this Part, the term "specialized crane" shall mean a
8 container crane, bulk unloader, spiral conveyor, or other cargo handling equipment
9 used primarily in the operation of a port facility.

10 C. Any financing of the procurement of port, harbor, and terminal
11 specialized cranes or replacement parts as provided for in this Section may be in
12 amounts and upon terms and conditions as may be agreed upon by the commission
13 or district and the crane provider or repair company.

14 D. The governing authority of the commission or district may develop and
15 adopt any guidelines, rules, or regulations necessary to effectuate the provisions of
16 this Section.

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____