

RÉSUMÉ DIGEST

ACT 173 (HB 648)

2018 Regular Session

Leger

New law authorizes all port commissions and port, harbor, and terminal districts to purchase port-related specialized cranes and any replacement parts through a request for proposals.

New law requires that specifications for the specialized cranes or replacement parts be prepared in advance and designate the specific class of any specialized crane and replacement part desired and authorizes the specifications to include requested or alternative features associated with the specified class. Also authorizes the specifications to include requirements for maintenance of the specialized crane or any replacement part if desired.

New law authorizes the commission or district to pre-qualify bidders for the procurement of any specialized crane or replacement part and requires that the commission or district publish a notice of the request for qualifications at least 25 days prior to the date scheduled for opening the request for qualifications to bidders. Also requires that the notice and all procedures for the pre-qualification be published on the website of the commission or district that is available to the general public.

New law provides for the mailing or emailing of written notice of the request for qualifications to firms that are known to be in a position to furnish specialized cranes and replacement parts.

New law specifies that if the commission or district chooses to pre-qualify bidders, only pre-qualified bidders may submit bids on the designated purchase contract.

New law specifies that if pre-qualification procedures are not used, then public notice of the request for proposals is required and must be given in the same manner as the public notice of request for qualifications.

New law requires that a request for proposals be mailed or emailed to all pre-qualified firms and include the following:

- (1) The relative importance of price and warranties.
- (2) The tasks expected to be performed pursuant to the contract.
- (3) The functional specifications of the crane or any replacement parts.
- (4) The expected time frame within which a specialized crane will be delivered or the replacement parts provided.
- (5) The criteria that will be used and the factors that will be considered when evaluating the proposals.

New law authorizes the commission or district to negotiate the price, conditions, and terms of the purchase contract with any bidder who submits a proposal and requires an award be made, in writing, to the bidder whose proposal is determined to be the most advantageous by the governing authority of the commission or district, except as provided in new law.

New law authorizes the governing authority of the commission or district to reject all proposals when it is deemed that the action is in the best interest of the commission, district, or local governmental entity.

New law defines "specialized crane" as a container crane, bulk unloader, spiral conveyor, or other cargo handling equipment used primarily in the operation of a port facility.

New law provides for financing terms and conditions of the procurement to be agreed upon by the commission or district and the crane or replacement parts provider.

New law authorizes the governing authority of the commission or district to develop and adopt any guidelines, rules, or regulations necessary to effectuate the provisions of new law.

Effective upon signature of governor (May 15, 2018).

(Adds R.S. 38:2320.1)