

HOUSE SUMMARY OF SENATE AMENDMENTS

HB 245

2019 Regular Session

Hodges

PROCUREMENT: Authorizes a public entity to reject the lowest bid on a procurement contract when a vendor engages in a boycott of Israel

Synopsis of Senate Amendments

1. Prohibit executive branch agencies from executing procurement contracts with vendors who engage in a boycott of Israel during the term of the contract and authorizes these agencies to terminate contracts with vendors who violate this term.
2. Require potential vendors to certify in writing when a bid is submitted or when a procurement contract is awarded that the vendor is not currently and will not in the future engage in a boycott of Israel.
3. Require all competitive sealed bids and proposals issued for procurement contracts with executive branch agencies to include text listed in proposed law related to bidders or proposers treatment of commercial relations in Israel.
4. Authorize the commissioner of administration to oversee implementation of proposed law, to promulgate necessary rules, and to waive these requirements on a procurement contract if compliance is not practicable or in the best interest of the state.
5. Exempt obligations of executive branch agencies under state or federal law, procurement contracts with a value of less than \$100,000, and vendors with fewer than 5 employees from the requirements of proposed law.
6. Authorize severability if any provisions of proposed law are held invalid.

Digest of Bill as Finally Passed by Senate

Present law provides for the methods and requirements of procurement that a state entity must use for contracts and purchases under the Procurement Code.

Proposed law retains present law but prohibits executive branch agencies from executing procurement contracts with vendors who engage in a boycott of Israel and authorizes those agencies to terminate any procurement contract with a vendor who engages in a boycott of Israel during the term of the contract.

Proposed law requires potential vendors to certify in writing when a bid is submitted or when a procurement contract is awarded that the vendor is not currently and will not in the future engage in a boycott of Israel.

Proposed law requires all competitive sealed bids and proposals issued for procurement contracts with executive branch agencies to include text certifying that the bidder or proposer has not refused to conduct business activities or taken other negative actions against a person or entity engaging in commercial transactions in Israel or Israeli-controlled territories. Further require the bidder or proposer certify that they have not retaliated against any person or entity for reporting actions related to these relations.

Proposed law provides that the state reserves the right to reject or terminate bids or proposals if the certification is found to be false

Proposed law requires the commissioner of administration to oversee implementation of proposed law and authorizes the commissioner to promulgate any regulations necessary for implementation. Proposed law authorizes the commissioner to waive application of proposed law for a procurement contract if determined that compliance is not practicable or in the best interest of the state.

Proposed law exempts obligations of executive branch agencies under state or federal law, procurement contracts with a value of less than \$100,000, and vendors with fewer than 5 employees from the provisions of proposed law.

Proposed law provides for severability if any provisions or items in proposed law are held invalid.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 39:1602.1)