
DIGEST

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HB 431 Engrossed

2023 Regular Session

Deshotel

Abstract: Provides for methods of procurement for the office of technology services.

Present law provides for the creation of the Joint Legislative Committee on Technology and Cybersecurity (JLCTC). Provides for the duties and functions of the committee, which include the power to review budget or expenditure requests related to technology or cybersecurity.

Proposed law retains present law and adds the power to review procurement requests related to technology or cybersecurity.

Present law provides for definitions related to the procurement of information technology.

Proposed law retains present law and adds the definitions of consulting service, invitation to negotiate, and professional services.

Present law provides for the types of contracts permitted in the procurement of information technology systems, information technology services, and software. Provides for contracts to be entered into through a request for proposals.

Proposed law retains present law and adds professional services and consulting services contracts related to information technology to the types of contracts permitted in present law provisions that govern procurement of information technology. Adds the invitation to negotiate as one of the multiple methods of procurement for information technology.

Present law provides for multi-year contracts in the procurement of information technology systems, information technology services, and software.

Proposed law retains present law and adds professional services and consulting services contracts related to information technology to the types of contracts eligible for multi-year contracts. Provides that professional services and consulting services contracts related to information technology shall not exceed five years. Provides that contracts for electronic benefit issuance system services shall be for an initial contract period of six years with an option for two options for two-year extensions up to a maximum of ten years.

Present law requires all multi-year contracts to contain language concerning the appropriation of funds to fulfill the requirements of the contracts. Proposed law changes the word "must" to "shall". Proposed law provides for when funds are not appropriated to continue a multi-year contract and the cost of cancellation of a contract.

Present law provides for a report of all multi-year contracts to be provided to the Joint Legislative Committee on the Budget (JLCB) each fiscal year. Provides that any contract entered into for more than three years is subject to approval by JLCB.

Proposed law retains present law and adds that the report shall also be provided to JLCTC. Adds that any contract entered into for more than three years, inclusive of contract extensions, and has a cost of more than \$2 million or procured through an invitation to negotiate is subject to review by JLCTC and approval of JLCB.

(Amends R.S. 24:673(A) and (C) and R.S. 39:198(A), (B)(1), (C)(1), (D)(1) and (2), (E)(intro. para.) and (4), (G)(intro. para.) and (1)(a), (c), and (d), and (M); Adds R.S. 39:197(20), (21), and (22), 1556(63), 1593(6)(f), and 1600(F); Repeals R.S. 39:198(G)(4))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Appropriations to the original bill:

1. Provide for the authority of the Joint Legislative Committee on Technology and Cybersecurity (JLCTC) to review any procurement request.
2. Add the definitions of consulting service and professional service.
3. Add the authority to the office of technology services to enter into professional services and consulting services contracts related to information technology.
4. Add the invitation to negotiate as a method of procurement available to the office of technology services and add the requirements for the invitation to negotiate.
5. Add professional services and consulting services contracts related to information technology to the types of contracts that may be multi-year contracts.
6. Authorize contracts for electronic benefit issuance system services to be entered into for periods of up to ten years with an initial contract period of six years and two options for two-year extensions.
7. Require all contracts to contain language concerning the appropriation of funds to fulfill the requirements of the contract and provide for when funds are not appropriated and the cost of the cancellation of a contract.
8. Provide for the review of a contract procured for a period of more than three years and with a cost of more than \$2 M by JLCTC and approval by JLCB, require all contracts procured through an invitation to negotiate to be reviewed by JLCTC, and provide for a time line in which to submit contracts for review and approval to JLCTC and JLCB, respectively.

9. Repeal R.S. 39:198(G)(4).
10. Make technical changes.