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HOUSE FLOOR AMENDMENTS

2023 Regular Session

Amendments proposed by Representative Deshotel to Engrossed House Bill No. 431 by Representative Deshotel

1 AMENDMENT NO. 1

2 On page 1, line 2, after "R.S. 39:198(A)," delete the remainder of the line and insert
3 "(B)(introductory paragraph) and (1), (C)(1), (D)(introductory paragraph), (1),"

4 AMENDMENT NO. 2

5 On page 1, delete line 5 in its entirety and insert the following:

6 "and 1600.2, and to repeal R.S. 39:198(G)(4) and 200(I), relative to the procurement
7 of"

8 AMENDMENT NO. 3

9 On page 2, line 4, after "R.S. 39:198(A)," delete "(B)(1), (C)(1), (D)(1)" and insert
10 "(B)(introductory paragraph) and (1), (C)(1), (D)(introductory paragraph), (1),"

11 AMENDMENT NO. 4

12 On page 2, line 6, after "and" and before "are" delete "1600(F)" and insert "1600.2"

13 AMENDMENT NO. 5

14 On page 2, line 20, after "software," and before "professional" insert "and"

15 AMENDMENT NO. 6

16 On page 2, line 21, after "contracts" and before "and" delete the comma ","

17 AMENDMENT NO. 7

18 On page 2, line 25, delete "state purchasing office," and insert "office of state procurement,"

19 AMENDMENT NO. 8

20 On page 3, delete lines 3 and 4 in their entirety and insert the following:

21 "provided in R.S. 39:1594, 1595, 1600(D), 1600.2, and 1702."

22 AMENDMENT NO. 9

23 On page 3, delete lines 11 and 12 in their entirety and insert the following:

24 "provided in R.S. 39:1594, 1595, 1600(D), 1600.2, and 1702."

1 AMENDMENT NO. 10

2 On page 3, line 15, after "into" and before "information" delete "a" and insert "an"

3 AMENDMENT NO. 11

4 On page 3, line 20, after "in" delete "R.S. 39:1593." and insert "R.S. 39:1594, 1595,
5 1600(D), 1600.2, and 1702."

6 AMENDMENT NO. 12

7 On page 3, line 28, after "services," delete the remainder of the line, and on page 4, line 1,
8 delete "information technology," and insert the following:

9 "and professional services and consulting services contracts related to information
10 technology"

11 AMENDMENT NO. 13

12 On page 4, at the end of line 10, delete "state", and at the beginning of line 11, delete
13 "purchasing office," and insert "office of state procurement,"

14 AMENDMENT NO. 14

15 On page 4, line 14, after "technology" and before "when" delete the comma ",'" "

16 AMENDMENT NO. 15

17 On page 4, at the end of line 19, delete "R.S. 39:1593." and insert "R.S. 39:1594, 1595,
18 1600(D), 1600.2, and 1702."

19 AMENDMENT NO. 16

20 On page 5, line 19, after "contracts" and before "under" insert "for professional services and
21 consulting services"

22 AMENDMENT NO. 17

23 On page 5, line 26, after "contract" and before "and" delete "extensions," and insert
24 "extension options,"

25 AMENDMENT NO. 18

26 On page 5, at the end of line 29, insert the following:

27 "The provisions of this Subparagraph shall also apply to the extension of any such
28 contract."

29 AMENDMENT NO. 19

30 On page 6, delete lines 1 through 3 in their entirety, and at the beginning of line 4, delete
31 "(2)" and insert "(b)"

32 AMENDMENT NO. 20

33 On page 6, line 4, after "the" and before "for" delete "award" and insert "contract"

1 AMENDMENT NO. 21

2 On page 6, at the end of line 6, delete "sixty-five days prior to issuance." and insert "thirty
3 days prior to the scheduled meetings of the Joint Legislative Committee on Technology and
4 Cybersecurity and the Joint Legislative Committee on the Budget."

5 AMENDMENT NO. 22

6 On page 6, between lines 12 and 13, insert the following:

7 "(2) The office of technology services shall submit a monthly report of all multiyear
8 contracts with a cost of more than one million dollars to the Joint Legislative Committee on
9 Technology and Cybersecurity. The report shall include all pending multiyear contracts with
10 a cost of more than one million dollars that may be executed within thirty days of the
11 reporting period.

12 (3) No award of any contract procured through an invitation to negotiate shall be
13 made until after it has been reviewed by the Joint Legislative Committee on Technology and
14 Cybersecurity.

15 * * *

17 AMENDMENT NO. 23

18 On page 7, delete lines 3 through 29 in their entirety and on page 8, delete lines 1 through
19 7 in their entirety, and insert the following:

20 "§1600.2. Invitation to negotiate

21 A. Notwithstanding any other provision of law to the contrary, with the written
22 determination by the state chief procurement officer that the best interest of the state would
23 be served, especially where the business need is complex or requires innovation, an
24 invitation to negotiate may be utilized for the acquisition of materials, supplies, services of
25 any type, products, equipment, or consulting services of any monetary amount, including
26 small purchases.

27 B. Before issuing an invitation to negotiate, the head of the agency shall determine
28 and specify in writing that procurement by the other methods outlined in R.S. 39:1594, 1595,
29 1600(D), and 1702 are not practicable.

30 C. The invitation to negotiate shall describe the questions being explored, the facts
31 being sought, and the specific goals or problems that are the subject of the solicitation, and
32 shall be subject to all of the following conditions:

33 (1) The formal solicitation must specifically allow for the possibility of negotiation
34 and describe, with as much specificity as possible, how negotiations may be conducted.

35 (2) Submissions shall be evaluated and ranked based on the evaluation criteria in the
36 formal solicitation.

37 (3) Only those vendors whose proposals or offers are determined to be acceptable,
38 in accordance with criteria for negotiations set forth in the formal solicitation, shall be
39 candidates for negotiations.

40 (4) Negotiations shall be conducted first with the vendor that is the apparent highest
41 ranked responsible vendor, unless concurrent negotiations are permissible, in accordance
42 with the terms of the solicitation.

43 (5) Auction techniques and disclosure of information derived from competing
44 proposals shall be prohibited.

45 (6) Any clarifications or changes resulting from negotiations shall be documented
46 in writing.

47 (7) If the parties to negotiations are unable to agree, the office of state procurement
48 shall formally terminate negotiations and may undertake negotiations with the next ranked
49 vendor.

50 (8) If negotiations as provided for in this Section fail to result in a contract, as
51 determined by the office of state procurement, the formal solicitation may be canceled.

1 D. The office of state procurement may terminate negotiations at any time, in the
2 best interest of the state, and shall provide the reasons therefor in writing.

3 E. The contract file for the vendor selection through an invitation to negotiate shall
4 contain a short plain statement that explains the basis for the selection of the vendor and that
5 sets forth the vendor's deliverables and price, pursuant to the contract, along with an
6 explanation of how the deliverables and price provide the best value to the state.

7 F. In accordance with the Administrative Procedure Act, the division of
8 administration, office of state procurement, is hereby authorized and directed to adopt and
9 promulgate rules necessary for the administration of the provisions of this Section."

10 AMENDMENT NO. 24

11 On page 8, delete line 8 in its entirety and insert the following:

12 "Section 3. R.S. 39:198(G)(4) and 200(I) are hereby repealed in their entirety."

13 AMENDMENT NO. 25

14 On page 8, at the end of line 10, delete "as" and insert "and 1556 as"