

2026 Regular Session

SENATE BILL NO. 300

BY SENATOR MIZELL

PROCUREMENT CODE. Provides relative to the Louisiana procurement code. (gov sig)

1 AN ACT
2 To amend and reenact R.S. 39:197(13) and (19) through (21), 198(E)(2), (H)(1)(c), 198(J),
3 (J)(1)(d), 199(D)(4), 200(K), 1556(31) and (62), 1594(C)(3), 1597, 1600.2(C)(4), the
4 introductory paragraph of 1602.1(C)(2), the introductory paragraph of 1606(B),
5 1619(A)(1)(i), 1630, 1691(A), to enact R.S. 39:1600.2(G), 1619(A)(2)(k), (3)(h),
6 (4)(f), and (5)(d), 1685(F), 1692(D) through (G), and to repeal R.S. 39:197(22),
7 relative to the Louisiana Procurement Code; to provide for definitions; to provide for
8 requirements of information technology contractual review procedures; to provide
9 for applicability; to provide for negotiation and award of contracts; to provide for
10 bidding on contracts; to provide for advertisement and notice requirements for
11 procurement; to provide for certain prohibitions; to provide for contract types; to
12 provide for legal and contractual remedies; to provide relative to administrative
13 appeals; to provide relative to commencement of actions relative to procurement; to
14 provide for an effective date; and to provide for related matters.

15 Be it enacted by the Legislature of Louisiana:

16 Section 1. R.S. 39:197(13) and (19) through (21), 198(E)(2), (H)(1)(c), 198(J),
17 (J)(1)(d), 199(D)(4), 200(K), 1556(31) and (62), 1594(C)(3), 1597, 1600.2(C)(4), the

1 introductory paragraph of 1602.1(C)(2), the introductory paragraph of 1606(B),
2 1619(A)(1)(i), 1630, and 1691(A) are hereby amended and reenacted and R.S. 39:1600.2(G),
3 1619(A)(2)(k), (3)(h), (4)(f), and (5)(d), 1685(F), and 1692(D) through (G) are hereby
4 enacted to read as follows:

5 §197. Definitions

6 For the purposes of this Part, the following words and phrases shall be
7 defined as follows:

8 * * *

9 (13) "Invitation to negotiate" means a written or electronically posted
10 solicitation for competitive sealed replies to select one or more vendors with which
11 to commence negotiations for the procurement of information technology systems,
12 information technology services, software, professional services, ~~or~~ consulting
13 services, **or fiscal intermediary services.**

14 * * *

15 ~~(19) "Related services" means and is limited to service activities affecting the~~
16 ~~maintenance of information technology equipment or software and the providing of~~
17 ~~fiscal intermediary services and shall also include those consulting services ancillary~~
18 ~~to the procurement of information technology hardware or software that would~~
19 ~~otherwise be governed by the provisions of professional, personal, consulting, and~~
20 ~~social services procurement in Chapter 17 of Subtitle III of this Title. Except for~~
21 ~~consulting services ancillary to the procurement of fiscal intermediary services by~~
22 ~~cooperative purchasing, such consulting services contracts shall be limited to the~~
23 ~~lesser of twenty percent of the procurement amount or two hundred fifty thousand~~
24 ~~dollars.~~

25 (20) "Rental contract" means and includes contracts between a supplier of
26 information technology equipment and the state, or a state agency, through which
27 information technology equipment may be leased for a term not to exceed one fiscal
28 year, such contracts to include the right of termination by the state upon notice of
29 ninety days or less, and to be renewable, upon review ~~and recommendations of the~~

1 ~~procurement support team and review~~ and approval by the office of technology
2 services, with such renewal to be limited to one additional term not to exceed twelve
3 months.

4 ~~(21)~~**(20)** "Software" means computer programs and documentation essential
5 to and necessary for an information technology system or information technology
6 service to perform productive operations.

7 ~~(22)~~**(21)** "Utility" means any information technology service provided by the
8 office of technology services and used in the essential operations of a state agency,
9 such as system authentication, data replication, and system utilization and
10 performance management.

11 §198. Types of contracts permitted

12 * * *

13 E. The use of a multiyear contract for information technology systems,
14 information technology services, and professional services contracts and consulting
15 services contracts related to information technology shall be in accordance with rules
16 and regulations and under the following conditions:

17 * * *

18 (2) The director of the ~~state purchasing~~ office **of state procurement** shall
19 approve in writing the use of a multi-year contract over three years, not to exceed
20 five years.

21 * * *

22 H. Rental Contracts. Upon the advance written approval of the state central
23 purchasing agency, state agencies may enter into contracts for the rental of
24 information technology equipment and related services on a month-to- month basis
25 for a period not to extend beyond the end of the fiscal year in which the contract is
26 made. All such contracts shall be entered into only as a result of competitive sealed
27 bidding procedures.

28 (1) Equipment currently installed, or installed at the beginning of a fiscal year
29 under a valid rental contract, may be retained at the end of the fiscal year by

1 renewing or extending the existing rental contract for one additional term, not to
2 exceed twelve months, without competitive sealed bidding procedures, subject to the
3 following provisions:

4 * * *

5 (c) Renewal of a rental contract shall be subject to the advance ~~review and~~
6 ~~recommendation of the procurement support team and to the advance~~ written
7 approval of the state central purchasing agency and shall be permitted only if any
8 proposed price increases do not exceed the supplier's current published list prices.

9 * * *

10 J. Master Agreements. The ~~state director of purchasing~~ **chief procurement**
11 **officer** may enter into master agreements with vendors with which the state conducts
12 substantial business over a period of time.

13 (1) Such agreements shall set forth those terms and conditions of specific
14 legal import which relate to the basic provisions according to which procurement
15 activity will be conducted, and shall meet the following requirements:

16 * * *

17 (d) Each master agreement must be ~~negotiated by a procurement support~~
18 ~~team and~~ executed on behalf of the state by the ~~state director of purchasing~~ **chief**
19 **procurement officer**.

20 * * *

21 §199. Methods of procurement

22 * * *

23 D. Method for procuring software and software maintenance and support
24 services.

25 * * *

26 (4) ~~The procurement support team shall develop and deliver to the office of~~
27 ~~state procurement and the office of technology services proposed rules establishing~~
28 ~~guidelines for procurement activities under this Part.~~ Upon approval of the office of
29 technology services, the office of state procurement shall promulgate rules in

1 accordance with the Administrative Procedure Act.

2 * * *

3 §200. General provisions

4 The following general provisions shall apply to all procurements under this
5 Part:

6 * * *

7 K. The provisions of this Part shall, with respect to the procurement of
8 information technology systems or information technology services, supersede
9 specifications of any contradictory or conflicting provisions of the following statutes:
10 R.S. 38:2211 et seq. with respect to awarding of public contracts and R.S. 39:1551
11 through 1736, but all other provisions in Chapter 17 of Title 39 apply to all
12 procurements under this Part. ~~The provisions of this Part do not relate to the~~
13 ~~procurement of services covered by R.S. 39:1481 through 1526 except as provided~~
14 ~~in R.S. 39:198.~~ The Louisiana Lease of Movables Act, R.S. 9:3301 through 3342,
15 shall not apply to the provisions of this Part.

16 * * *

17 §1556. Definitions

18 As used in this Chapter, the words defined in this Section shall have the
19 meanings set forth below, unless the context in which they are used clearly requires
20 a different meaning or a different definition is prescribed for a particular Part or
21 provision:

22 * * *

23 (31) "Invitation to negotiate" means a written or electronically posted
24 solicitation for competitive sealed replies to select one or more vendors with which
25 to commence negotiations for the procurement of information technology systems,
26 information technology services, software, professional services, ~~or~~ consulting
27 services, **or fiscal intermediary services.**

28 * * *

29 (62) "Using agency" means any governmental body of the state which utilizes

1 any supplies, services, ~~or~~ major repairs, or professional services, personal services,
2 consulting services, or social services purchased under this Chapter.

3 * * *

4 §1594. Competitive sealed bids

5 * * *

6 C. Public notice.

7 * * *

8 (3) Each advertisement may be published in the official journal of the state.
9 In the case of any purchase to meet the needs of a single budget unit the
10 advertisement ~~shall~~ may be published also in a newspaper of general circulation
11 printed in the parish in which the budget unit is situated or, if there is no newspaper
12 printed in the parish, in a newspaper printed in the nearest parish, which has a
13 general circulation in the parish in which the budget unit is situated.

14 * * *

15 §1597. Sole source procurements

16 A contract may be awarded for a required supply, service, ~~or~~ major repair
17 item, consulting service, or social service, without competition when, under
18 regulations, the chief procurement officer or his designee above the level of
19 procurement officer determines in writing that there is only one source for the
20 required supply, service, ~~or~~ major repair item, consulting service, or social service.

21 * * *

22 §1600.2. Invitation to negotiate

23 * * *

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

27 * * *

28 (4) ~~Auction techniques and disclosure~~ Disclosure of confidential information
29 derived from competing proposals ~~are~~ is prohibited while negotiations are underway.

* * *

G. All records related to the solicitation shall be public records upon award of the contract or contracts, unless otherwise excepted by law.

* * *

§1602.1. Prohibition of discriminatory boycotts of Israel in state procurement

* * *

C.(1)

* * *

(2) All competitive sealed bids ~~and~~, **competitive sealed** proposals, **and invitations to negotiate** issued for procurement contracts with executive branch agencies shall include the text of the following certification:

* * *

§1606. Responsibility of bidders and proposers

* * *

B. Whenever the chief procurement officer, commissioner, or head of a governmental body with such authority proposes to disqualify the lowest bidder on bids ~~of five thousand dollars or more~~ **that exceed the amount established by executive order of the governor pursuant to R.S. 39:1596**, such individual shall:

* * *

§1619. Social service contracts

A. Social services include:

(1) Rehabilitation and health supports include services rendered by a contractor with special knowledge or service available to assist individuals in attaining or maintaining a favorable condition of physical and mental health. These services include but are not limited to:

* * *

(i) Other services in support of same, **including the furnishing of support staff with specialized training to support the underlying social service objectives and deliverables.**

(2) Habilitation and socialization include services rendered by a contractor

1 with special knowledge to assist specified client groups to enhance their
2 self-sufficiency or alleviate their dependency or isolation from the community. These
3 services include but are not limited to:

4 * * *

5 **(k) Other services in support of same, including the furnishing of support**
6 **staff with specialized training to support the underlying social service objectives**
7 **and deliverables.**

8 (3) Protection for adults and children include services rendered by a
9 contractor to provide therapeutic intervention for adults or children who are in
10 danger or threatened with danger of physical or mental injury, neglect, maltreatment,
11 extortion, or exploitation, including victims of family violence. These services
12 include but are not limited to:

13 * * *

14 **(h) Other services in support of same, including the furnishing of support**
15 **staff with specialized training to support the underlying social service objectives**
16 **and deliverables.**

17 (4) Improvement of living conditions and health include services rendered by
18 an authorized contractor with special knowledge or services available to assist
19 individuals to attain or maintain favorable conditions in which to live. These services
20 include but are not limited to:

21 * * *

22 **(f) Other services in support of same, including the furnishing of support**
23 **staff with specialized training to support the underlying social service objectives**
24 **and deliverables.**

25 (5) Evaluation, testing, and remedial educational services for exceptional
26 nonpublic school students with physical or learning disabilities include services
27 rendered by a contractor with special knowledge or services available to provide
28 special educational and related services for exceptional students or students with
29 disabilities voluntarily enrolled in approved nonpublic schools of Louisiana who are

1 not otherwise provided with such services through either their local school program
2 or through other services afforded to them by local school boards or other public
3 agencies. These services include but are not limited to:

4 * * *

5 **(d) Other services in support of same, including the furnishing of support**
6 **staff with specialized training to support the underlying social service objectives**
7 **and deliverables.**

8 * * *

9 §1630. Finality of determinations

10 The determinations required by R.S. 39:1568.1, 1597, 1598(C), 1605, 1606,
11 1608(C), 1612(A), 614, and 1671(F) are final and conclusive unless **the reviewing**
12 **court, exercising its appellate jurisdiction, finds** they are clearly erroneous,
13 arbitrary, capricious, or contrary to law.

14 * * *

15 §1685. Contract and breach of contract controversies

16 * * *

17 **F. A final decision of the commissioner may be made executory by the**
18 **Nineteenth Judicial District Court in accordance with Code of Civil Procedure**
19 **Article 2782.**

20 * * *

21 §1691. Venue of actions by or against the state in connection with contracts

22 A. Solicitation and award of contracts. The Nineteenth Judicial District Court
23 shall have exclusive venue over an action between the state and a person, bidder,
24 proposer, offerer, or contractor, prospective or actual, to determine whether a
25 solicitation or award of a contract is in accordance with the constitution, statutes,
26 regulations, and the terms and conditions of the solicitation. Such actions shall
27 invoke, **and the court shall exercise, only** the appellate jurisdiction ~~of the court.~~

28 * * *

29 §1692. Commencement of actions

* * *

D. Actions requesting judicial review of any determination listed in R.S. 39:1630 shall be commenced within fourteen days after the receipt of the written determination.

E. All actions under R.S. 39:1691 shall be instituted by the filing of a petition for judicial review in the Nineteenth Judicial District Court invoking, and the court shall exercise, only appellate jurisdiction.

F.(1) In any petition for judicial review filed pursuant to R.S. 39:1691(A), a copy of the petition for judicial review shall be served upon the commissioner of administration, the head of the agency which issued the solicitation, and, if applicable, the person awarded the contract. The head of the using agency is the chief executive or administrative officer of the using agency.

(2) In any petition for judicial review filed pursuant to R.S. 39:1691(B), a copy of the petition for judicial review shall be served upon the commissioner of administration.

(3) In any petition for judicial review filed pursuant to R.S. 39:1691(C), a copy of the petition for judicial review shall be served upon the commissioner of administration and the head of the using agency which is a party to the contract. The head of the using agency is the chief executive or administrative officer of the using agency.

(4) In any petition for judicial review filed pursuant to R.S. 39:1692(D), a copy of the petition for judicial review shall be served upon the commissioner of administration and the chief procurement officer.

G. Within sixty days after the service of the service of the petition upon the commissioner of administration, or within further time allowed by the court, the division of administration shall transmit to the reviewing court the original or a certified copy of the administrative record.

Section 2. R.S. 39:197(22) is hereby repealed in its entirety.

Section 3. This Act shall become effective upon signature by the governor or, if not

1 signed by the governor, upon expiration of the time for bills to become law without the
 2 signature by the governor, as provided by Article III, Section 18 of the Constitution of
 3 Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act
 4 shall become effective on the day following such approval.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Senate Legislative Services. The keyword, summary, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

DIGEST

SB 300 Original 2026 Regular Session Mizell

Present law establishes the La. Procurement Code (R.S. 39:1551, et seq.) and information technology procurement provisions (R.S. 39:196, et seq.) to provide for procurement by public bodies, including provisions for procurement regulations, source selection for items to be purchased and methods for such purchases, bid procedures, types of contracts, specifications, contract modification, termination and contract clauses, legal and contractual remedies, administrative appeals, and cooperative purchasing.

Proposed law modifies the La. Procurement Code and information technology procurement as detailed below:

La. Procurement Code

Present law provides a definition of "invitation to negotiate" and lists contract types eligible to use the procurement method. Proposed law adds fiscal intermediary services to this list and otherwise retains present law.

Present law provides for a definition of "using agency". Proposed law expands the definition to include state entities that utilize professional, personal, consulting, or social services purchased utilizing the La. Procurement Code.

Present law requires local advertisement on invitations to bid for services located in a particular locale. Proposed law removes this requirement.

Present law authorizes contracts for required supplies, services, or major repair items to be awarded without competition under certain circumstances. Proposed law expands authorization to consulting service and social service contracts.

Present law provides for the procedure to utilize an invitation to negotiate for procurement. Present law further prohibits disclosure of certain auction techniques and confidential information. Proposed law authorizes disclosure of auction techniques and makes records associated with the solicitation public after award unless otherwise excepted by law.

Proposed law requires certification for invitations to bid that vendors do not engage in boycotts of Israel.

Proposed law expands the definition of "social service contacts" to include support staff.

Present law provides a procedure for contract controversies, establishing the commissioner of administration's decision to be made executory by the 19th JDC. Proposed law clarifies the court's jurisdiction as only appellate in nature in matters of contract controversies on which the commissioner has rendered a decision.

Present law provides time constraints under which various actions can be commenced on contract controversies and protests. Proposed law provides additional timelines and procedures for petitions of judicial review on actions commenced in the 19th JDC by or against the state in connection with contracts.

Information Technology Procurement

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

Present law provides a definition of "invitation to negotiate" and lists contract types eligible to use the procurement method. Proposed law adds fiscal intermediary services to this list and otherwise retains present law.

Present law provides for a definition of "related services" relative to the procurement of technology. Proposed law removes present law.

Present law provides for a process of review and approval of various types of information technology procurement. Proposed law removes negotiation, review, and recommendation by the procurement support team from this process.

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

(Amends R.S. 39:197(13) and (19)-(21), 198(E)(2), (H)(1)(c), 198(J), (J)(1)(d), 199(D)(4), 200(K), 1556(31) and (62), 1594(C)(3), 1597, 1600.2(C)(4), 1602.1(C)(2) (intro para), 1606(B) (intro para), 1619(A)(1)(i), 1630, 1691(A); adds R.S. 39:1600.2(G), 1619(A)(2)(k), (3)(h), (4)(f), and (5)(d), 1685(F), 1692(D)-(G); repeals R.S. 39:197(22))