

2018 Regular Session

HOUSE BILL NO. 648

BY REPRESENTATIVE LEGER

PORTS/HARBORS/TERMINALS: Provides relative to procurement of port-related container cranes and replacement parts

1 AN ACT

2 To enact Part XI of Chapter 10 of Title 38 of the Louisiana Revised Statutes of 1950, to be
3 comprised of R.S. 38:2319.22, relative to the purchase of port-related container
4 cranes and replacement parts; to authorize all port commissions and port, harbor, and
5 terminal districts to purchase container cranes and replacement parts through
6 methods of procurement; to establish requirements for requests for qualifications and
7 requests for proposals; to provide for definitions; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Part XI of Chapter 10 of Title 38 of the Louisiana Revised Statutes of
10 1950, to be comprised of R.S. 38:2319.22, is hereby enacted to read as follows:

11 PART XI. PORT, HARBOR, AND TERMINAL CONTAINER CRANES AND
12 REPLACEMENT PARTS

13 §2319.22. Methods of procurement for container cranes and replacement parts

14 A. Notwithstanding any other provision of law to the contrary, and in
15 addition to the authority granted by any other provision of law, all port commissions
16 and port, harbor, and terminal districts may purchase port-related container cranes
17 and any replacement parts through a request for proposals. The process by which to
18 purchase containers cranes and replacement parts shall conform to the following:

19 (1) Specifications for the port-related container cranes and any replacement
20 parts shall be prepared in advance and designate the specific class of any container

1 crane and replacement part desired and may include requested or alternative features
2 associated with such class of container crane or replacement part. The specifications
3 may also include requirements for maintenance of the container crane or any
4 replacement part if desired.

5 (2) The commission or district may pre-qualify bidders for the procurement
6 of any container crane or replacement part. Public notice of the request for
7 qualifications shall include the date scheduled for opening the request for
8 qualifications to bidders and shall be published at least twenty-five days prior to the
9 scheduled date. Such notice and all procedures for the pre-qualification shall be
10 published on the website of the commission or district that is available to the general
11 public. In addition, written notice of the request for qualifications may be mailed or
12 emailed to firms that are known to be in a position to furnish container cranes or
13 replacement parts. If the commission or district chooses to pre-qualify bidders for
14 procurement, only those pre-qualified bidders may submit bids on the designated
15 purchase contract.

16 (3) A request for proposals shall be mailed or emailed to all pre-qualified
17 firms. If pre-qualification procedures are not used, then public notice of the request
18 for proposals shall be given in the same manner as the public notice of the request
19 for qualifications. The request for proposals shall include the following:

20 (a) The relative importance of price and warranties.

21 (b) The tasks expected to be performed pursuant to the contract.

22 (c) The functional specifications of the crane or any replacement parts.

23 (d) The expected time frame within which the container cranes will be
24 delivered or the replacement parts provided.

25 (e) The criteria that will be used and the factors that will be considered when
26 evaluating the proposals.

27 (4) The commission or district is authorized to negotiate the price, conditions,
28 and terms of the purchase contract with any bidder who submits a proposal.

1 (5) An award shall be made, in writing, to the bidder whose proposal is
2 determined by the governing authority of the commission or district to be the most
3 advantageous based upon the factors provided in Paragraph 3 of this Section. No
4 other basis of evaluation shall be used except those set forth in the request for
5 proposals.

6 (6) The governing authority of the commission or district may reject all
7 proposals when it is deemed that such action is in the best interest of the
8 commission, district, or local governmental entity.

9 B. For purposes of this Part, the term "container crane" shall mean a large
10 gantry crane located at container terminals for loading and unloading intermodal
11 containers and includes ship-to-shore cranes and rubber tire gantry cranes.

12 C. Any financing of the procurement of port, harbor, and terminal container
13 cranes or replacement parts as provided for in this Section may be in such amounts
14 and upon such terms and conditions as may be agreed upon by the commission or
15 district and the crane provider or repair company.

16 D. The governing authority of the commission or district may develop and
17 adopt any guidelines, rules, or regulations necessary to effectuate the provisions of
18 this Section.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, 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)]

HB 648 Original

2018 Regular Session

Leger

Abstract: Establishes methods of procurement for all port commissions and port, harbor, and terminal districts to purchase port-related container cranes and replacement parts and specifies requirements for requests for qualifications and requests for proposals.

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

Proposed law requires that specifications for the container cranes or replacement parts be prepared in advance and designate the specific class of any container 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 container crane or any replacement part if desired.

Proposed law authorizes the commission or district to pre-qualify bidders for the procurement of any container 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.

Proposed 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 container cranes and replacement parts.

Proposed 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.

Proposed 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.

Proposed 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 container 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.

Proposed 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.

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

Proposed law defines "container crane" as a large gantry crane located at container terminals for loading and unloading intermodal containers and includes ship-to-shore cranes and rubber tire gantry cranes.

Proposed 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.

Proposed 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 proposed law.

(Adds R.S. 38:2319.22)