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HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Fannin to Reengrossed Senate Bill No. 480 by Senator Walsworth

1 AMENDMENT NO. 1

2 On page 1, line 1, after "reenact" and before "Chapter" insert "R.S. 36:4(B)(1)(b) and"

3 AMENDMENT NO. 2

4 On page 2, between lines 6 and 7, insert the following:

5 Section 1. R.S. 36:4(B)(1)(b) is hereby amended and reenacted to read as follows:

6 §4. Structure of executive branch of state government

7 * * *

8 B. The office of the governor shall be in the executive branch of state
9 government.

10 (1) The following agencies and their powers, duties, functions, and
11 responsibilities are hereby transferred to the office of the governor:

12 * * *

13 ~~(b) Office of contractual review, division of administration (R.S. 39: 1481~~
14 ~~et seq.)~~ **Office of state procurement, division of administration (R.S. 39:1551 et**
15 **seq.)**

16 * * *

17 AMENDMENT NO. 3

18 On page 2, at the beginning of line 7, change "Section 1." to "Section 2."

19 AMENDMENT NO. 4

20 On page 3, line 21, after "procurement." delete the remainder of the line and on line 22
21 delete "Subsections C and D ~~below of~~" and insert "**Unless otherwise exempted or excluded**
22 **in**"

23 AMENDMENT NO. 5

24 On page 3, at the end of line 24, change "**Subsection,**" to "**Section,**"

25 AMENDMENT NO. 6

26 On page 3, line 26, after "services," and before "defined" delete "or major repairs" and insert
27 "**major repairs, or personal, professional, consulting, or social services,**"

1 AMENDMENT NO. 7

2 On page 8, line 12, delete "or nonsocial service contracts"

3 AMENDMENT NO. 8

4 On page 8, at the end of line 14, after jurisdiction insert a comma "," and insert the
5 following:

6 "except this Chapter shall apply to interagency contracts ~~as defined in R.S.~~
7 ~~39:1490(C)~~; and to contracts or grants between the state and its political subdivisions
8 to procure social services."

9 AMENDMENT NO. 9

10 On page 12, delete lines 7 through 11 in their entirety and insert the following:

11 "~~§1484(A)(3)~~(8) "Competitive negotiation" means to negotiate for a contract through
12 a ~~Request for Proposal (R.F.P.)~~ request for proposals process or any other similar
13 competitive selection process.

14 ~~(22)~~(9) "~~Sealed~~ Competitive sealed bidding" means the receipt of bids protected
15 from inspection prior to bid opening. Bids may be received in any manner specified in the
16 invitation for bids including receipt by mail, by direct delivery, or through any secure
17 electronic interactive environment permitted by rule or regulation."

18 AMENDMENT NO. 10

19 On page 12, line 12, change "(4)(a)~~(9)~~" to "~~§1484(A)(4)(a)~~(10)"

20 AMENDMENT NO. 11

21 On page 13, line 1, change "(10)" to "(11)"

22 AMENDMENT NO. 12

23 On page 13, line 8, change "(11)" to "(12)"

24 AMENDMENT NO. 13

25 On page 13, line 12, change "(12)" to "(13)"

26 AMENDMENT NO. 14

27 On page 13, line 14, change "(13)" to "(14)"

28 AMENDMENT NO. 15

29 On page 13, line 17, change "(14)" to "(15)"

30 AMENDMENT NO. 16

31 On page 13, line 20, change "(15)" to "(16)"

32 AMENDMENT NO. 17

33 On page 13, line 23, change "(16)" to "(17)"

1 AMENDMENT NO. 18

2 On page 13, line 25, change "(17)" to "(18)"

3 AMENDMENT NO. 19

4 On page 13, line 29, change "(18)" to "(19)"

5 AMENDMENT NO. 20

6 On page 14, line 2, change "(19)" to "(20)"

7 AMENDMENT NO. 21

8 On page 14, line 4, change "(20)" to "(21)"

9 AMENDMENT NO. 22

10 On page 14, line 7, change "(21)" to "(22)"

11 AMENDMENT NO. 23

12 On page 14, line 14, change "(22)" to "(23)"

13 AMENDMENT NO. 24

14 On page 14, line 18, change "(23)" to "(24)"

15 AMENDMENT NO. 25

16 On page 14, line 24, change "(24)" to "(25)"

17 AMENDMENT NO. 26

18 On page 14, delete lines 25 and 26 in their entirety and insert the following:

19 "which is not included in the definition of "governmental body" in ~~R.S.~~
20 ~~39:1484(11.1)~~ this Section."

21 AMENDMENT NO. 27

22 On page 14, line 27, change "(25)" to "(26)"

23 AMENDMENT NO. 28

24 On page 15, line 3, change "(26)" to "(27)"

25 AMENDMENT NO. 29

26 On page 15, line 6, change "(27)" to "(28)"

27 AMENDMENT NO. 30

28 On page 15, line 12, change "(28)" to "(29)"

29 AMENDMENT NO. 31

30 On page 15, line 15, change "(29)" to "(30)"

1 AMENDMENT NO. 32

2 On page 15, line 17, after "defined in" and before "this Section" delete "Paragraph (23) of"

3 AMENDMENT NO. 33

4 On page 15, line 18, change "(30)" to "(31)"

5 AMENDMENT NO. 34

6 On page 15, line 24, change "(31)" to "(32)"

7 AMENDMENT NO. 35

8 On page 15, line 28, change "(32)" to "(33)"

9 AMENDMENT NO. 36

10 On page 15, line 29, change "(33)" to "(34)"

11 AMENDMENT NO. 37

12 On page 16, delete lines 3 through 5 in their entirety

13 AMENDMENT NO. 38

14 On page 16, delete lines 25 and 26 in their entirety and insert the following

15 "~~§1701(4)~~(39) "Private procurement unit" means any ~~independent institution~~
16 ~~of higher education in this state.~~ regionally accredited independent college or
17 university in the state that is a member of the Louisiana Association of
18 Independent Colleges and Universities."

19 AMENDMENT NO. 39

20 On page 18, delete lines 12 through 19 in their entirety

21 AMENDMENT NO. 40

22 On page 18, line 20, change "(46)" to "(44)"

23 AMENDMENT NO. 41

24 On page 18, line 25, change "(47)" to "(45)"

25 AMENDMENT NO. 42

26 On page 18, line 29, change "(48)" to "(46)"

27 AMENDMENT NO. 43

28 On page 19, line 4, change "(49)" to "(47)"

29 AMENDMENT NO. 44

30 On page 19, line 8, change "(50)" to "(48)"

1 AMENDMENT NO. 45

2 On page 19, line 11, change "(51)" to "(49)"

3 AMENDMENT NO. 46

4 On page 19, line 14, change "(52)" to "(50)"

5 AMENDMENT NO. 47

6 On page 19, delete lines 18 through 21 in their entirety

7 AMENDMENT NO. 48

8 On page 19, line 22, change "(54)" to "(51)"

9 AMENDMENT NO. 49

10 On page 20, line 1, delete "and"

11 AMENDMENT NO. 50

12 On page 20, delete line 2 in its entirety

13 AMENDMENT NO. 51

14 On page 20, line 3, change "(v)" to "(iv)"

15 AMENDMENT NO. 52

16 On page 20, line 5, change "(vi)" to "(v)"

17 AMENDMENT NO. 53

18 On page 20, delete line 6 in its entirety

19 AMENDMENT NO. 54

20 On page 20, line 9, delete "consultant," and insert "consulting."

21 AMENDMENT NO. 55

22 On page 20, line 15, change "(55)" to "(52)"

23 AMENDMENT NO. 56

24 On page 20, delete lines 16 and 17 in their entirety and insert the following:

25 "(53) "Signature means a manual or electronic signature. "Electronic
 26 signature" means an electronic sound, symbol, or process attached to or
 27 logically associated with a record and executed or adopted by a person with the
 28 intent to sign the record."

29 AMENDMENT NO. 57

30 On page 20, line 18, change "(57)" to "(54)"

1 AMENDMENT NO. 58

2 On page 20, line 22, change "~~(58)~~" to "(55)"

3 AMENDMENT NO. 59

4 On page 20, line 28, change "~~(59)~~" to "(56)"

5 AMENDMENT NO. 60

6 On page 21, line 2, change "~~(60)~~" to "(57)"

7 AMENDMENT NO. 61

8 On page 21, line 4, change "~~(61)~~" to "(58)"

9 AMENDMENT NO. 62

10 On page 21, line 6, change "~~(62)~~" to "(59)"

11 AMENDMENT NO. 63

12 On page 21, line 9, change "~~(63)~~" to "(60)"

13 AMENDMENT NO. 64

14 On page 21, line 15, change "~~(64)~~" to "(61)"

15 AMENDMENT NO. 65

16 On page 21, line 17, change "~~(65)~~" to "(62)"

17 AMENDMENT NO. 66

18 On page 22, line 19, after "services," delete the remainder of the line and on line 20, after
 19 "major repairs" insert a comma "," and insert "**and personal, professional, consulting, or**
 20 **social services**"

21 AMENDMENT NO. 67

22 On page 23, line 4, change "**PROCUREMENT OFFICE**" to "**PURCHASING AGENCY**"

23 AMENDMENT NO. 68

24 On page 23, line 5, change "**procurement office**" to "**purchasing agency**"

25 AMENDMENT NO. 69

26 On page 23, line 7, change "**procurement office**" to "**purchasing agency**"

27 AMENDMENT NO. 70

28 On page 23, line 14, after "or" and before "involving" delete "construction," and insert
 29 "**personal, professional, consulting, or social services,**"

30 AMENDMENT NO. 71

1 On page 23, line 27, after "services," delete the remainder of the line and from the beginning
2 of line 28, delete "repairs" and insert "**major repairs, and personal, professional,**
3 **consulting, and social services**"

4 AMENDMENT NO. 72

5 On page 24, between lines 3 and 4, insert the following:

6 "**(4) To provide for contractual forms and specifications to be used in the**
7 **confection of all contracts provided for in this Chapter.**"

8 AMENDMENT NO. 73

9 On page 25, line 10, after "written" and before "of the" delete "notice" and insert "**report**"

10 AMENDMENT NO. 74

11 On page 27, line 22, change "**and**" to "**or**"

12 AMENDMENT NO. 75

13 On page 32, delete lines 13 and 14 in their entirety and insert the following:

14 ~~"C.—Power to promulgate regulations shall not be delegated. The~~
15 ~~commissioner or secretary shall not delegate his power to promulgate regulations.~~

16 **C. Delegation of power to promulgate regulations. The secretary shall**
17 **not delegate his power to promulgate regulations. The commissioner may**
18 **delegate his power to promulgate regulations to the state chief procurement**
19 **officer.**"

20 AMENDMENT NO. 76

21 On page 41, line 23, delete "R.S. 39:1595.4" and insert "**R.S. 39:1604.4**"

22 AMENDMENT NO. 77

23 On page 41, line 25, delete "R.S. 39:1595.4" and insert "**R.S. 39:1604.4**"

24 AMENDMENT NO. 78

25 On page 44, line 12, change "**some professional services**" to "**professional services not**
26 **otherwise exempt by law or regulation**"

27 AMENDMENT NO. 79

28 On page 44, line 17, after "**of the**" delete the remainder of the line and at the beginning of
29 line 18, delete "**services,**" and insert "**supplies, services, or major repairs,**"

30 AMENDMENT NO. 80

31 On page 44, at the beginning of line 22, after "responsible" and before "who" delete
32 "offerers" and insert "**proposers**"

33 AMENDMENT NO. 81

34 On page 44, line 24, after "competing" and before the period "." delete "offerers" and insert
35 "**proposers**"

1 AMENDMENT NO. 82

2 On page 51, line 26, after "Negotiation" insert "**of noncompetitive contracts.**"

3 AMENDMENT NO. 83

4 On page 51, line 28, after "persons for" and before "for professional" delete "all contracts"
5 and insert "**sole source or emergency procurements or**"

6 AMENDMENT NO. 84

7 On page 52, line 5, after "competence of" and before the comma "," delete "offerers" and
8 insert "**proposers**" and after "merits of" and before the comma "," delete "offers" and insert
9 "**proposals**"

10 AMENDMENT NO. 85

11 On page 57, at the end line 2, delete "such" and at the beginning of line 3, delete
12 "preference" and insert "**the preference provided in Subsection H of this Section**"

13 AMENDMENT NO. 86

14 On page 63, line 18, change "**state central purchasing agency**" to "**office of state**
15 **procurement**"

16 AMENDMENT NO. 87

17 On page 63, delete lines 20 through 22 in their entirety and insert the following:

18 ~~"§1602. Prequalification of suppliers~~
19 ~~Prospective suppliers may be prequalified for particular types of supplies and~~
20 ~~services.~~

21 ~~§1506.~~ **§1607.** Prequalification of offerers **bidders and proposers**

22 The ~~Office of Contractual Review~~ **office of state procurement** may provide for
23 prequalification of offerers **bidders and proposers** as responsible prospective contractors
24 ~~for consulting services.~~ Solicitation mailing lists of potential contractors of such services
25 shall include but shall not necessarily be limited to such prequalified offerers **bidders and**
26 **proposers**. Prequalification shall not foreclose a written determination (a) between the time
27 of the receipt of offers **bid or proposal** and the making of an award that a prequalified
28 offerer **bidder or proposer** is not responsible or (b) that ~~an offerer a bidder or proposer~~
29 who is not prequalified at the time of receipt of offers **bid or proposals** is responsible."

30 AMENDMENT NO. 88

31 On page 64, line 14 after "based" delete the remainder of the line and delete line 15 in its
32 entirety and insert the following:

33 "on **an** established catalog **price** or market prices **established by an analysis** of
34 commercial items sold ~~in substantial quantities~~ to the general public;."

35
36 AMENDMENT NO. 89

37 On page 64, at the end of line 22, change the comma "," to a period "." and delete line 23 in
38 its entirety

1 AMENDMENT NO. 90

2 On page 67, at the end of line 3, after "contract" and before the comma "," insert "**for**
3 **supplies, services, or major repairs**"

4 AMENDMENT NO. 91

5 On page 67, line 15, after "contract" and before the comma "," insert "**for supplies,**
6 **services, or major repairs**"

7 AMENDMENT NO. 92

8 On page 67, line 27, after "contracts" and before the comma "," insert "**for supplies,**
9 **services, or major repairs**"

10 AMENDMENT NO. 93

11 On page 69, line 19, after "contract" and before the comma "," insert "**for professional,**
12 **personal, consulting, or social services**"

13 AMENDMENT NO. 94

14 On page 69, line 25, after "contract" and before the comma "," insert "**for professional,**
15 **personal, consulting, or social services**"

16 AMENDMENT NO. 95

17 On page 70, line 5, after "contract" and before "entered" insert "**for professional, personal,**
18 **consulting, or social services**"

19 AMENDMENT NO. 96

20 On page 86, line 29, after "required by R.S." delete the remainder of the line in its entirety
21 and from the beginning of line 1, on page 87 delete "**39:1605(A), R.S.**"

22 AMENDMENT NO. 97

23 On page 90, line 14, after "three," and before "who" delete "offerers" and insert "**proposers**"

24 AMENDMENT NO. 98

25 On page 95, between lines 8 and 9, insert the following:

26 **"(d) Security for contract performance.**

27 **(e) Insurance requirements including as appropriate but not limited to**
28 **general liability, automobile coverage, workers' compensation, and errors and**
29 **omissions.**

30 **(f) Beginning and ending dates of the contract.**

31 **(g) Maximum compensation to be paid the contractor."**

32 AMENDMENT NO. 99

33 On page 95, between lines 12 and 13, insert the following:

34 **"(4) Manufacturers' design drawings shall be supplied in duplicate for**
35 **all state buildings, to the appropriate state agency at the conclusion of contract."**

1 AMENDMENT NO. 100

2 On page 95, delete lines 21 through 28 in their entirety and insert the following:

3 ~~(5) Manufacturers' design drawings shall be supplied in duplicate for all state~~
4 ~~buildings, to the appropriate state agency at the conclusion of contract.~~

5 AMENDMENT NO. 101

6 On page 102, line 8, after "FOR" and before "OTHER" insert "CONTRACTS"

7 AMENDMENT NO. 102

8 On page 115, line 2, after "bidders," and before "or" delete "offerers," and insert
9 "proposers,"

10 AMENDMENT NO. 103

11 On page 125, at the beginning of line 29, change "Section 2." to "Section 3."

12 AMENDMENT NO. 104

13 On page 126, at the beginning of line 2, change "Section 3." to "Section 4."

14 AMENDMENT NO. 105

15 On page 126, at the beginning of line 6, change "Section 4." to "Section 5."

16 AMENDMENT NO. 106

17 On page 126, delete lines 11 through 13 and insert the following:

18 Section 6. Prior to January 1, 2015, the commissioner of administration shall take
19 action necessary to implement this Act on January 1, 2015, including promulgation of
20 necessary rules under the authority of the commissioner of administration or on behalf of the
21 office of state procurement and the state chief procurement officer in accordance with the
22 Administrative Procedure Act.

23 Section 7. (A) Sections 1 through 5 of this Act shall become effective on January
24 1, 2015.

25 (B) Section 6 of this Act and this Section shall become effective upon signature of
26 this Act by the governor or, if not signed by the governor, upon expiration of the time for
27 bills to become law without signature by the governor, as provided by Article III, Section
28 18 of the Constitution of Louisiana. If this Act is vetoed by the governor and subsequently
29 approved by the legislature, this Section and Section 6 of this Act shall become effective on
30 the day following such approval.