

FOR OFFICE USE ONLY	

HOUSE FLOOR AMENDMENTS

2015 Regular Session

Amendments proposed by Representative Jay Morris to Engrossed House Bill No. 720 by Representative Adams

AMENDMENT NO. 1

On page 3, line 1, after "thereto" change the comma "," to a period "." and delete the remainder of the line and delete line 2

AMENDMENT NO. 2

On page 3, after line 9, insert the following:

"F. A private nonprofit corporation that enters into a cooperative endeavor agreement with the board of supervisors pursuant to this Section, hereafter in this Subsection referred to as a nonprofit corporation, shall comply with all of the following requirements:

(1) No member of the Board of Supervisors of Community and Technical Colleges, employee of the community and technical college system or any institution in the system, legislator, or statewide elected official shall receive any thing of economic value from a member of the governing body of the nonprofit corporation or any employee of the corporation or any family member of such a person or any person in which such a person owns an interest other than a publically held corporation. Terms used in this Paragraph shall have the meanings ascribed to them by the Code of Governmental Ethics.

(2) Each member of the governing body and employee of the nonprofit corporation is a public employee pursuant to the Code of Governmental Ethics.

(3) A nonprofit corporation is a local auditee for purposes of R.S. 24:513.

(4) No cooperative endeavor agreement authorized by this Section or any amendment to such an agreement and no contract entered into by a nonprofit corporation pursuant to this Section for a term of more than five years or any amendment to any such contract shall become effective unless it is approved by the Joint Legislative Committee on the Budget.

(5) The nonprofit corporation shall not enter into any contract involving an amount exceeding twenty-five thousand dollars for services enumerated in Subsection C of this Section except after compliance with the following procedures:

(a) The contract is awarded by either competitive sealed bid or competitive sealed proposal. In the event there exists an imminent threat to public health, welfare, safety, or public property under emergency conditions, the chief purchasing agency may award a contract by emergency procurement in accordance with R.S. 39:1598.

1 **(b) The chief purchasing agency shall give notice of the intent to**
 2 **award a contract no less than thirty days notice prior to the opening of bids**
 3 **or receipt of proposals by advertising in the official journal of the state and**
 4 **by written notice mailed to persons which furnish the class of commodities**
 5 **or services involved, or by notice sent through an electronic interactive**
 6 **environment to persons which furnish the class of commodities or services**
 7 **involved.**

8 **(c) Such purchases shall, except as otherwise provided in this**
 9 **Paragraph, be made only on award to the lowest responsible bidder in**
 10 **response to requests for bids published in the state. Requests for bids shall**
 11 **be published not less than ten days prior to the date set for opening the bids.**
 12 **The published advertisement and the specifications shall fix the exact place**
 13 **and time for presenting and opening of the bids. The presenting and opening**
 14 **of the bids shall be publicly performed on that day. Bids will be publicly**
 15 **read whenever interested parties are present. The practice of dividing**
 16 **proposed or needed purchases into separate installments of less than**
 17 **twenty-five thousand dollars each for the purpose of evading this provision**
 18 **is expressly prohibited.**

19 **(d) If, in the judgment of the nonprofit corporation, no satisfactory**
 20 **bid has been received in any case, it may reject all bids. In such case, it shall**
 21 **advertise for new bids as provided in this Paragraph. Until a satisfactory**
 22 **contract is awarded, it may authorize the purchasing agent to make such open**
 23 **market purchases of the commodities involved as are urgently required to**
 24 **meet the requirements for not more than thirty days.**

25 **(e) The nonprofit corporation may reject a bid for cause. A written**
 26 **record of the reasons for the rejection shall be produced and retained.**

27 **(f) All documents relating to the process outlined in this Paragraph,**
 28 **including notices, bids, and justifications for rejecting bids shall be submitted**
 29 **to the Joint Legislative Committee on the Budget any time the committee is**
 30 **required to approve a contract.**

31 **(6) Copies of all contracts entered into pursuant to this Section,**
 32 **including all subcontracts and all such contracts with persons who directly**
 33 **provide goods or services to any institution in the community and technical**
 34 **college system pursuant, however indirectly, to this Section, shall be**
 35 **submitted to and retained by the nonprofit corporation. All such contracts**
 36 **shall be public records in accordance with R.S. 44:1 et seq. and the nonprofit**
 37 **corporation shall act as custodian of such records.**

38 **(7) All financial records of the nonprofit corporation are public**
 39 **records pursuant to R.S. 44:1.**

40 **(8) No member of the governing body of the nonprofit corporation**
 41 **shall be compensated for such service. Such members may be reimbursed**
 42 **for travel expenses directly associated with their service on such body, but**
 43 **all such reimbursement is subject to the same limitations and requirements**
 44 **as are applicable to travel by state employees.**

45 **(9) The nonprofit corporation shall not receive any public funds**
 46 **pursuant to a cooperative endeavor agreement entered into pursuant to this**
 47 **Section.**

48 **(10) No funds of the nonprofit corporation or any subsidiary thereof**
 49 **shall be used for entertaining expenses or retaining a lobbyist.**

1 (11) All meetings of the governing body of the nonprofit corporation
2 are subject to the Open Meetings Law."