

Regular Session, 2012

HOUSE BILL NO. 238

BY REPRESENTATIVE MONTOUCET

PURCHASING/PROCUREMENT CD: Makes preference for goods produced, manufactured, or assembled in La. mandatory

1 AN ACT

2 To amend and reenact R.S. 38:2251(H)(introductory paragraph) and R.S.
3 39:1595(H)(introductory paragraph), relative to procurement by public entities; to
4 provide for purchasing and procurement related to preferences for Louisiana
5 products; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 38:2251(H)(introductory paragraph) is hereby amended and
8 reenacted to read as follows:

9 §2251. Preference for products produced or manufactured in Louisiana; exceptions

10 * * *

11 H. Except as otherwise provided in this Section, each procurement officer,
12 purchasing agent, or similar official who procures or purchases materials, supplies,
13 or equipment under the provisions of this Chapter ~~may~~ shall purchase materials,
14 supplies, or equipment which are Louisiana products, as defined in Paragraph (A)(2)
15 of this Section, and which are equal in quality to other materials, supplies, or
16 equipment, provided that all of the following conditions are met:

17 * * *

18 Section 2. R.S. 39:1595(H)(introductory paragraph) is hereby amended and
19 reenacted to read as follows:

1 §1595. Preference for all types of products produced, manufactured, assembled,
2 grown, or harvested in Louisiana; exceptions

3 * * *

4 H. Except as otherwise provided in this Section, each procurement officer,
5 purchasing agent, or similar official who procures or purchases materials, supplies,
6 products, provisions, or equipment under the provisions of this Chapter ~~may~~ shall
7 purchase such materials, supplies, products, provisions, or equipment which are
8 produced, manufactured, or assembled in Louisiana, as defined in R.S. 38:2251(A),
9 and which are equal in quality to other materials, supplies, products, provisions, or
10 equipment, provided that all of the following conditions are met:

11 * * *

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)]

Montoucet

HB No. 238

Abstract: Makes mandatory an optional preference related to the procurement of La. products.

Present law authorizes public entities, through the Public Bid Law in Chapter 10 of Title 38 of the La. Revised Statutes of 1950 and the Procurement Code in Chapter 17 of Title 39, with an option to purchase La. products, even if they are not the lowest priced items, if the following conditions are met:

- (1) The cost of the items do not exceed the cost of other items which are manufactured, processed, produced, or assembled outside the state by more than 10%.
- (2) The vendor of such La. items agrees to sell the items at the same price as the lowest bid offered on such items.
- (3) In cases where more than one bidder offers La. items which are within 10% percent of the lowest bid, the bidder offering the lowest bid on La. items is entitled to accept the price of the lowest bid made on such items.

Proposed law makes present law mandatory.

(Amends R.S. 38:2251(H)(intro. para.) and R.S. 39:1595(H)(intro. para.))