HLS 12RS-1393 ORIGINAL

Regular Session, 2012

HOUSE CONCURRENT RESOLUTION NO. 68

BY REPRESENTATIVE GIROD JACKSON

PROCUREMENT: Provides with respect to state procurement contracts let via a request for proposal process

1	A CONCURRENT RESOLUTION
2	To amend the office of the governor, division of administration, office of contractual review
3	rule (LAC 34:V.145), which provides for requests for proposal for consulting and
4	social services contracts, to direct the commissioner of administration or any other
5	head of agency which has rules promulgated related to letting contracts via requests
6	for proposals to amend the applicable provisions in the Louisiana Administrative
7	Code in the same manner, to direct the Louisiana Register to print the amendments
8	in the Louisiana Administrative Code.
9	WHEREAS, the state and other public entities enter into contracts in order to
10	provide services to the people of Louisiana; and
11	WHEREAS, some of these contracts are let through a request for proposal process
12	which allows businesses to apply and compete for contracts; and
13	WHEREAS, one of the aspects of the request for proposal process is the grading
14	process whereby points are applied to each application.
15	WHEREAS, R.S. 49:969 provides that the legislature, by concurrent resolution, may
16	suspend, amend, or repeal any rule or regulation or body of rules or regulations adopted by
17	a state department, agency, board, or commission.
18	THEREFORE, BE IT RESOLVED by the Legislature of Louisiana that LAC
19	34:V.145 is hereby amended to read as follows:
20	§145. Request for proposals
21	A.
22	* * *

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2	For the purposes of this Paragraph the definitions of "small entrepreneurship" and
3	"veteran-owned small entrepreneurship" shall be the same as R.S. 39:2002 and 2172,
4	respectively.
5	a. For those contracts which are awarded through the request for proposal
6	process, fifteen percent of the total score shall be based on whether the business is
7	a small entrepreneurship or veteran-owned small entrepreneurship, or whether the
8	business subcontracted, as part of a contract with a public entity, at least twenty-five
9	percent or more of the work received through the letting process to a small
10	entrepreneurship or veteran-owned small entrepreneurship in the previous twelve-
11	month period. The following shall apply when scoring a business which
12	subcontracts less than twenty-five percent of its work to a small entrepreneurship or
13	veteran-owned small entrepreneurship:
14	(i) A business which subcontracts less than twenty-five percent but more than
15	twenty percent shall be awarded eighty percent of the fifteen percent of the total
16	score.
17	(ii) A business which subcontracts less than twenty percent but more than
18	fifteen percent shall be awarded sixty percent of the fifteen percent of the total score.
19	(iii) A business which subcontracts less than fifteen percent but more than ten
20	percent shall be awarded forty percent of the fifteen percent of the total score.
21	(iv) A business which subcontracts less than ten percent but more than five
22	percent shall be awarded twenty percent of the fifteen percent of the total score.
23	(v) A business which subcontracts not more than five percent shall be
24	awarded ten percent of the fifteen percent of the total score.
25	(vi) A business which has not subcontracted with a business certified as a
26	small entrepreneurship or veteran-owned small entrepreneurship shall not be
27	awarded any points pursuant to this Paragraph.
28	b. If a business has not received a contract with a public entity through the
29	letting process in the previous twelve-month period, the reviewing entity shall

13. Small Entrepreneurships and Veteran-Owned Small Entrepreneurship.

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- determine the last known date of subcontracting and consider the prior twelve
- 2 months from such date in determining the applicability of this Paragraph.
- 3 BE IT FURTHER RESOLVED that the commissioner of administration or any other
- 4 head of agency which has rules promulgated related to letting contracts via requests for
- 5 proposals, including those promulgated pursuant to the Public Bid Law and Louisiana
- 6 Procurement Code, shall be authorized and directed to amend the applicable provisions in
- 7 the Louisiana Administrative Code in the same manner.
- 8 BE IT FURTHER RESOLVED that the Louisiana Register is hereby directed to have
- 9 the amendment to LAC 34:V.145, and any other provision of the Louisiana Administrative
- 10 Code that shall be amended pursuant to this Resolution, printed and incorporated into the
- 11 Louisiana Administrative Code and to transmit a copy of the revised rule to the office of the
- 12 governor, division of administration, office of contractual review.

## 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)]

Girod Jackson HCR No. 68

Amends LAC 34:V.145 of the rules and regulations promulgated by the division of administration for letting contracts with requests for proposals.

<u>Proposed LAC amendment</u> provides that for those contracts which must be let with a request for proposal, 15% of the total score shall be based on whether the business is certified as a small entrepreneurship or veteran-owned small entrepreneurship, or whether the business subcontracted, as part of a contract with a public entity, at least 25% or more of the work received through the letting process to a small entrepreneurship or veteran-owned small entrepreneurship in the previous 12-month period.

<u>Proposed LAC amendment</u> provides that the following shall apply when scoring a business which subcontracts less than 25% percent of its work to a small entrepreneurship or veteranowned small entrepreneurship:

- (1) A business which subcontracts less than 25% but more than 20% shall be awarded 80% of the 15% of the total score.
- (2) A business which subcontracts less than 20% but more than 15% shall be awarded 60% of the 15% of the total score.
- (3) A business which subcontracts less than 15% but more than 10% shall be awarded 40% of the 15% of the total score.
- (4) A business which subcontracts less than 10% but more than 5% shall be awarded 20% of the 15% of the total score.

(5) A business which subcontracts not more than 5% shall be awarded 10% of the 15% of the total score.

(6) A business which has not subcontracted with a small entrepreneurship or veteranowned small entrepreneurship shall not be awarded any points pursuant to <u>proposed LAC Amendment</u>.

<u>Proposed LAC amendment</u> provides that if a business has not received a contract with a public entity through the letting process in the previous 12-month period, the reviewing entity shall determine the last known date of subcontracting and consider the prior 12 months from such date in determining the applicability of this Paragraph.

Requires that the commissioner or any other head of agency which has rules promulgated related to letting contracts via requests for proposals including those promulgated pursuant to the Public Bid Law and La. Procurement Code shall be authorized and directed to amend the applicable provisions in the La. Administrative Code in the same manner.

Directs the La. Register to print the amendment to LAC 34:V.145 in the La. Administrative Code.

(Amends LAC 34:V.145)