

Regular Session, 2010

HOUSE CONCURRENT RESOLUTION NO. 8

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 division of administration, (LAC 34:V.145), which provides for contracts let  
3 via a request for proposal process, to direct the commissioner or any other head of  
4 agency which has rules promulgated related to letting contracts via requests for  
5 proposals to amend the applicable provisions in the Louisiana Administrative Code  
6 in the same manner, to direct the Louisiana Register to print the amendments in the  
7 Louisiana Administrative Code.

8 WHEREAS, the state and other public entities enter into contracts in order to  
9 provide services to the people of Louisiana; and

10 WHEREAS, some of these contracts are let through a request for proposal process  
11 which allows businesses to apply and compete for contracts; and

12 WHEREAS, one of the aspects of the request for proposal process is the grading  
13 process whereby points are applied to each application.

14 THEREFORE, BE IT RESOLVED by the Legislature of Louisiana that (LAC  
15 34:V.145) is hereby amended to read as follows:

16 §145. Request for proposals

17 \* \* \*

18 13. Disadvantaged Business Enterprises and Veteran-Owned Businesses

19 a. For those contracts which must be let with a request for proposal, fifteen  
20 percent of the total score shall be based on whether the business is certified as a

1 disadvantaged business enterprise or a veteran-owned business, or whether the  
2 business subcontracted, as part of a contract with a public entity, at least twenty-five  
3 percent or more of the work received through the letting process to a business  
4 certified as a disadvantaged business enterprise of a veteran-owned business in the  
5 previous twelve-month period. The following shall apply when scoring a business  
6 which subcontracts less than twenty-five percent of its work to a business certified  
7 as a disadvantaged business enterprise of a veteran-owned business:

8 (i) A business which subcontracts less than twenty-five percent but more than  
9 twenty percent shall be awarded eighty percent of the fifteen percent of the total  
10 score.

11 (ii) A business which subcontracts less than twenty percent but more than  
12 fifteen percent shall be awarded sixty percent of the fifteen percent of the total score.

13 (iii) A business which subcontracts less than fifteen percent but more than ten  
14 percent shall be awarded forty percent of the fifteen percent of the total score.

15 (iv) A business which subcontracts less than ten percent but more than five  
16 percent shall be awarded twenty percent of the fifteen percent of the total score.

17 (v) A business which subcontracts not more than five percent shall be  
18 awarded ten percent of the fifteen percent of the total score.

19 (vi) A business which has not subcontracted with a business certified as a  
20 disadvantaged business enterprise of a veteran-owned business shall not be awarded  
21 any points pursuant to this Paragraph.

22 b. If a business has not received a contract through the letting process in the  
23 previous twelve-month period, the reviewing entity shall determine the last known  
24 date of subcontracting and consider the prior twelve months from such date in  
25 determining the applicability of this Paragraph.

26 BE IT FURTHER RESOLVED that the commissioner of administration or any other  
27 head of agency which has rules promulgated related to letting contracts via requests for  
28 proposals, including those promulgated pursuant to the Public Bid Law and Louisiana

1 Procurement Code, shall be authorized and directed to amend the applicable provisions in  
2 the Louisiana Administrative Code in the same manner.

3 BE IT FURTHER RESOLVED that the Louisiana Register is hereby directed to have  
4 the amendment to LAC 34:V.145, and any other provision of the Louisiana Administrative  
5 Code that shall be amended pursuant to this Resolution, printed and incorporated into the  
6 Louisiana Administrative Code and to transmit a copy of the revised rule to the division of  
7 administration.

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#### 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)]

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Girod Jackson

HCR No. 8

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

Proposed LAC amendment 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 disadvantaged business enterprise or a veteran-owned business, 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 business certified as a disadvantaged business enterprise of a veteran owned business in the previous 12-month period.

Proposed LAC amendment provides that the following shall apply when scoring a business which subcontracts less than 25% percent of its work to a business certified as a disadvantaged business enterprise of a veteran-owned business:

- (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 business certified as a disadvantaged business enterprise of a veteran-owned business shall not be awarded any points pursuant to this proposed LAC Amendment.

Proposed LAC amendment provides that if a business has not received a contract through the letting process in the previous twelve 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 Louisiana Procurement Code shall be authorized and directed to amend the applicable provisions in the Louisiana 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)