

SENATE BILL NO. 409

BY SENATORS MILLS AND THOMPSON

1 AN ACT

2 To amend and reenact R.S. 39:199(D), relative to methods of procurement; to provide for
3 the lowest available price for certain software procurement contracts; to provide for
4 an effective date; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 39:199(D) is hereby amended and reenacted to read as follows:

7 §199. Methods of procurement

8 * * *

9 D.(1) Method for procuring software and software maintenance and support
10 services. Notwithstanding any other provisions of this Part, any agency may procure
11 data processing software, software maintenance, and support services without the
12 need for competitive bidding. Such procurement must have the written advance
13 approval of the state central purchasing agency and shall not be for a price greater
14 than the vendor's published price.

15 (2) Additionally, any agency seeking to procure a new contract, a
16 contract extension of an existing contract, or any other contract modification
17 for software, software maintenance, and support services shall show evidence
18 that the price received or negotiated is the lowest available price by exhibiting
19 prices that may appear in a catalog, price list, schedule, on the Internet, or other
20 form that:

21 (a) Is regularly maintained by a vendor or other contractor.

22 (b) Is either published or otherwise available for inspection by
23 customers.

24 (c) Is available through inquiries with other states or local governments
25 using similar products and services.

26 (d) Is available through statements of prices on the Internet and are
27 currently or were last made to a significant number of buyers constituting the

1 general buying public for the software or services involved.

2 (3) In the event that the lowest available price can not be obtained in the
3 form or source as specified in Paragraph (2) of this Subsection, the agency
4 seeking to procure a new contract, a contract extension of an existing contract,
5 or any other contract modification for software, software maintenance, and
6 support services shall require the vendor to certify in writing that the price
7 received is the lowest price available to other states or local governments for
8 similar products and services at the time the quote is submitted.

9 (4) The procurement support team shall develop and deliver to the office of
10 state purchasing and the office of information technology proposed rules establishing
11 guidelines for procurement activities under this Part. Upon approval of the office of
12 information technology, the office of state purchasing shall promulgate rules in
13 accordance with the Administrative Procedure Act.

14 Section 2. This Act shall become effective on July 1, 2014; if vetoed by the
15 governor and subsequently approved by the legislature, this Act shall become
16 effective on July 1, 2014, or on the day following such approval by the legislature,
whichever is later.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____