

Regular Session, 2012

HOUSE BILL NO. 619

BY REPRESENTATIVE PATRICK WILLIAMS

PUBLIC CONTRACT/BIDS: Provides for a preference for services by companies domiciled in La. relative to the public bid process

1 AN ACT

2 To enact R.S. 38:2251(M) relative to public contracts; to provide for a preference for
3 services by companies domiciled in Louisiana; to provide for definitions; and to
4 provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 38:2251(M) is hereby enacted to read as follows:

7 §2251. Preference for products produced or manufactured in Louisiana or for
8 services provided by companies domiciled in Louisiana; exceptions

9 * * *

10 M.(1) For the purpose of this Subsection, the following words shall have the
11 following meanings:

12 (a) "Company domiciled in Louisiana" shall mean any person or persons,
13 partnership, company, association, or corporation authorized to do business under
14 the laws of the state of Louisiana for no less than one year, with a physical office
15 with a street address in Louisiana, with no less than one full-time employee, and a
16 workforce comprised of no less than fifty percent Louisiana residents.

17 (b) "Services" shall mean the furnishing of an intangible commodity or
18 labor, time, or effort, not involving the delivery of a specific end product other than
19 reports which are incidental to the required performance.

1 (2) Except as otherwise provided in this Section, each procurement officer,
2 purchasing agent, or similar official who procures or contracts for services under the
3 provisions of this Chapter may contract for services which are offered by a company
4 domiciled in Louisiana, and which are equal to other services, provided that all of the
5 following conditions are met:

6 (a) The cost of the services provided by the company domiciled in Louisiana
7 does not exceed the cost of other services offered by companies outside the state by
8 more than ten percent.

9 (b) The company domiciled in Louisiana agrees to contract for services at
10 the same price as the lowest bid offered on such services.

11 (c) In cases where more than one company domiciled in Louisiana offers
12 bids on services which are within ten percent of the lowest bid, the company
13 domiciled in Louisiana offering the lowest bid on services is entitled to accept the
14 price of the lowest bid made on such services.

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)]

Patrick Williams

HB No. 619

Abstract: Authorizes a preference in state procurement for services provided by companies domiciled in La.

Proposed law provides for the following definitions:

- (1) "Company domiciled in La." means any person or persons, partnership, company, association, or corporation authorized to do business under the laws of the state of La. for no less than one year, with a physical office with a street address in La., with no less than one full time employee, and a workforce comprised of a no less than 50% La. residents.
- (2) "Services" means the furnishing of an intangible commodity or labor, time, or effort, not involving the delivery of a specific end product other than reports which are incidental to the required performance.

Proposed law authorizes a procurement officer, purchasing agent, or similar official who procures or contracts for services under the provisions of present law (the Public Bid Law) may contract for services which are offered by a company domiciled in La., and which are equal to other services, provided that all of the following conditions are met:

- (1) The cost of the services provided by the company domiciled in La. does not exceed the cost of other services offered by companies outside the state by more than 10%.
- (2) The company domiciled in La. agrees to contract for services at the same price as the lowest bid offered on such services.
- (3) In cases where more than one company domiciled in La. offers bids which are within 10% of the lowest bid, the company domiciled in La. offering the lowest bid on services is entitled to accept the price of the lowest bid made on such services.

(Adds R.S. 38:2251(M))