

2018 Regular Session

HOUSE BILL NO. 648

BY REPRESENTATIVE LEGER

PORTS/HARBORS/TERMINALS: Provides relative to procurement of port-related specialized cranes and replacement parts

1 AN ACT

2 To enact Part XI of Chapter 10 of Title 38 of the Louisiana Revised Statutes of 1950, to be
3 comprised of R.S. 38:2320.1, relative to the purchase of port-related specialized
4 cranes and replacement parts; to authorize all port commissions and port, harbor, and
5 terminal districts to purchase specialized cranes and replacement parts through
6 methods of procurement; to establish requirements for requests for qualifications and
7 requests for proposals; to provide for definitions; to provide for an effective date; and
8 to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. Part XI of Chapter 10 of Title 38 of the Louisiana Revised Statutes of
11 1950, comprised of R.S. 38:2320.1, is hereby enacted to read as follows:

12 PART XI. PORT, HARBOR, AND TERMINAL SPECIALIZED CRANES AND
13 REPLACEMENT PARTS

14 §2320.1. Methods of procurement for specialized cranes and replacement parts

15 A. Notwithstanding any other provision of law to the contrary, and in
16 addition to the authority granted by any other provision of law, all port commissions
17 and port, harbor, and terminal districts may purchase port-related specialized cranes
18 and any replacement parts through a request for proposals. The process to purchase
19 specialized cranes and replacement parts shall conform to the following:

1 (1) Specifications for the port-related specialized cranes and any replacement
2 parts shall be prepared in advance and designate the specific class of any specialized
3 crane and replacement part desired and may include requested or alternative features
4 associated with such class of specialized crane or replacement part. The
5 specifications may also include requirements for maintenance of the specialized
6 crane or any replacement part.

7 (2) The commission or district may pre-qualify bidders for the procurement
8 of any specialized crane or replacement part. Public notice of the request for
9 qualifications shall include the date scheduled for opening the request for
10 qualifications to bidders and shall be published at least twenty-five days prior to the
11 scheduled date. The notice and all procedures for the pre-qualification shall be
12 published on the website of the commission or district that is available to the general
13 public. In addition, written notice of the request for qualifications may be mailed or
14 emailed to firms that are known to be in a position to furnish specialized cranes or
15 replacement parts. If the commission or district chooses to pre-qualify bidders for
16 procurement, only those pre-qualified bidders may submit bids on the designated
17 purchase contract.

18 (3) A request for proposals shall be mailed or emailed to all pre-qualified
19 firms. If pre-qualification procedures are not used, then public notice of the request
20 for proposals shall be given in the same manner as the public notice of the request
21 for qualifications. The request for proposals shall include the following:

22 (a) The relative importance of price and warranties.

23 (b) The tasks expected to be performed pursuant to the contract.

24 (c) The functional specifications of the crane or any replacement parts.

25 (d) The expected time frame within which the specialized cranes will be
26 delivered or the replacement parts provided.

27 (e) The criteria that will be used and the factors that will be considered when
28 evaluating the proposals.

1 (4) The commission or district is authorized to negotiate the price,
2 conditions, and terms of the purchase contract with any bidder who submits a
3 proposal.

4 (5) Except as provided in Paragraph (6) of this Subsection, an award shall
5 be made, in writing, to the bidder whose proposal is determined by the governing
6 authority of the commission or district to be the most advantageous based upon the
7 factors provided in Paragraph (3) of this Subsection. No other basis of evaluation
8 shall be used except those set forth in the request for proposals.

9 (6) The governing authority of the commission or district may reject all
10 proposals when it is deemed that this action is in the best interest of the commission,
11 district, or local governmental entity.

12 B. For purposes of this Part, the term "specialized crane" shall mean a
13 container crane, bulk unloader, spiral conveyor, or other cargo handling equipment
14 used primarily in the operation of a port facility.

15 C. Any financing of the procurement of port, harbor, and terminal
16 specialized cranes or replacement parts as provided for in this Section may be in
17 amounts and upon terms and conditions as may be agreed upon by the commission
18 or district and the crane provider or repair company.

19 D. The governing authority of the commission or district may develop and
20 adopt any guidelines, rules, or regulations necessary to effectuate the provisions of
21 this Section.

22 Section 2. This Act shall become effective upon signature by the governor or, if not
23 signed by the governor, upon expiration of the time for bills to become law without signature
24 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
25 vetoed by the governor and subsequently approved by the legislature, this Act shall become
26 effective on the day following such approval.

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)]

HB 648 Reengrossed

2018 Regular Session

Leger

Abstract: Establishes methods of procurement for all port commissions and port, harbor, and terminal districts to purchase port-related specialized cranes and replacement parts and specifies requirements for requests for qualifications and requests for proposals.

Proposed law authorizes all port commissions and port, harbor, and terminal districts to purchase port-related specialized cranes and any replacement parts through a request for proposals.

Proposed law requires that specifications for the specialized cranes or replacement parts be prepared in advance and designate the specific class of any specialized crane and replacement part desired and authorizes the specifications to include requested or alternative features associated with the specified class. Also authorizes the specifications to include requirements for maintenance of the specialized crane or any replacement part if desired.

Proposed law authorizes the commission or district to pre-qualify bidders for the procurement of any specialized crane or replacement part and requires that the commission or district publish a notice of the request for qualifications at least 25 days prior to the date scheduled for opening the request for qualifications to bidders. Also requires that the notice and all procedures for the pre-qualification be published on the website of the commission or district that is available to the general public.

Proposed law provides for the mailing or emailing of written notice of the request for qualifications to firms that are known to be in a position to furnish specialized cranes and replacement parts.

Proposed law specifies that if the commission or district chooses to pre-qualify bidders, only pre-qualified bidders may submit bids on the designated purchase contract.

Proposed law specifies that if pre-qualification procedures are not used, then public notice of the request for proposals is required and must be given in the same manner as the public notice of request for qualifications.

Proposed law requires that a request for proposals be mailed or emailed to all pre-qualified firms and include the following:

- (1) The relative importance of price and warranties.
- (2) The tasks expected to be performed pursuant to the contract.
- (3) The functional specifications of the crane or any replacement parts.
- (4) The expected time frame within which a specialized crane will be delivered or the replacement parts provided.
- (5) The criteria that will be used and the factors that will be considered when evaluating the proposals.

Proposed law authorizes the commission or district to negotiate the price, conditions, and terms of the purchase contract with any bidder who submits a proposal and requires an award be made, in writing, to the bidder whose proposal is determined to be the most advantageous by the governing authority of the commission or district, except as provided in proposed law.

Proposed law authorizes the governing authority of the commission or district to reject all proposals when it is deemed that the action is in the best interest of the commission, district, or local governmental entity.

Proposed law defines "specialized crane" as a container crane, bulk unloader, spiral conveyor, or other cargo handling equipment used primarily in the operation of a port facility.

Proposed law provides for financing terms and conditions of the procurement to be agreed upon by the commission or district and the crane or replacement parts provider.

Proposed law authorizes the governing authority of the commission or district to develop and adopt any guidelines, rules, or regulations necessary to effectuate the provisions of proposed law.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 38:2320.1)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Transportation, Highways and Public Works to the original bill:

1. Make technical changes.
2. Change the term "container" to "specialized" throughout the bill.
3. Define "specialized crane" as a container crane, bulk unloader, spiral conveyor, or other cargo handling equipment used primarily in the operation of a port facility.
4. Make the bill effective upon signature of the governor.

The House Floor Amendments to the engrossed bill:

1. Make technical changes.