

Regular Session, 2012

SENATE BILL NO. 465

BY SENATOR ALARIO

PUBLIC CONTRACTS. Provides relative to the Louisiana Private Corrections Management Act. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 39:1800.3(9) and 1800.4(A), (C)(2), (F), and (G) and to enact
3 R.S. 39:1800.4(H), relative to the Louisiana Corrections Private Management Act;
4 to provide for the definition of applicable facilities; to provide for the duration of
5 private contracts; to authorize entering into contracts for the selling of facilities; to
6 provide for the sale of certain state facilities; to provide for an effective date; and to
7 provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 39:1800.3(9) and 1800.4(A), (C)(2), (F), and (G) are hereby amended
10 and reenacted and R.S. 39:1800.4(H) is hereby enacted to read as follows:

11 §1800.3. Definitions

12 For the purpose of this Chapter, the following terms shall be defined as
13 follows, unless the context otherwise requires:

14 * * *

15 (9) "Prison" or "facility" or "prison facility" shall mean Avoyelles
16 **Correctional Center and shall also mean** any institution to be opened after June
17 28, 1989, and which is not operational as of May 22, 1989 and operated by or under

1 authority of the department, a local governmental subdivision, or a sheriff or chief
 2 of police, and shall include, whether obtained by purchase, lease, construction,
 3 reconstruction, restoration, improvement, alteration, repair, or other means, any
 4 physical betterment or improvement related to the housing of inmates or any
 5 preliminary plans, studies, or surveys relative thereto, land or rights to land, and any
 6 furnishings, machines, vehicles, apparatus, or equipment for use in connection with
 7 any prison facility.

8 §1800.4. State and local corrections facilities; private contracts

9 A. The department and local governmental subdivisions are hereby
 10 authorized to enter into contracts with prison contractors for the financing, **selling**,
 11 acquiring, designing, leasing, constructing, and operating of facilities.

12 * * *

13 C.(1)

14 * * *

15 (2)**(a)** Contracts awarded under the provisions of this Chapter for the
 16 provision of correctional or geriatric services may be entered into for successive
 17 periods not to exceed five years each, provided however, that such contracts which
 18 involve expenditures for capital improvements by the contractor may be awarded for
 19 a term up to ten years, all subject to the requirement of annual appropriation of
 20 funds.

21 **(b) Contracts for the procurement of correctional services at a facility**
 22 **sold pursuant to Subsection F of this Section may be entered into for a term of**
 23 **twenty years.**

24 * * *

25 F. **(1) The department is hereby authorized to sell Avoyelles**
 26 **Correctional Center. The sale of any such facility shall be in accordance with**
 27 **the following procedures:**

28 **(a) The department shall issue a request for proposals setting forth the**
 29 **description of the land and state facility and terms of the sale, including any**

1 qualitative restrictions the department develops. The request for proposals
2 shall indicate the relative importance of price and other evaluation factors and
3 shall state the criteria to be used in evaluating the proposals. The purchase
4 price of any facility shall be at least equal to its appraised value.

5 (b) Adequate public notice of the request for proposals shall be given by
6 advertising in the official journal of the state at least once. The first
7 advertisement shall appear at least thirty days before the last day that proposals
8 will be accepted. In addition, written notice may be provided to persons, firms,
9 or corporations who are known to be in a position to furnish such services at
10 least thirty days prior to the last day that proposals will be accepted.

11 (c) The department shall determine which proposal is the most
12 advantageous to the state which meets all the requirements set forth in this
13 Chapter and the qualitative restrictions established in the request for proposals.

14 (d) The sale shall be contingent upon entering into a contract for the
15 provision of correctional services for the benefit of the state at the facility with
16 the entity submitting the successful proposal.

17 (2) Notwithstanding any other law to the contrary, the sale of state
18 correctional facilities shall be solely subject to the requirements of this Chapter.

19 G. No contract shall be entered into pursuant to this Chapter unless the
20 contract is approved by the Joint Legislative Committee on the Budget.

21 ~~G.H.~~ The department and local governmental subdivisions are hereby
22 authorized to monitor the operations and correctional services provided to them by
23 a private prison contractor. The Joint Legislative Committee on the Budget shall
24 exercise continuous oversight over any correctional service provided by a private
25 prison contractor.

26 Section 2. This Act shall become effective upon signature by the governor or, if not
27 signed by the governor, upon expiration of the time for bills to become law without signature
28 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
29 vetoed by the governor and subsequently approved by the legislature, this Act shall become

1 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Jay R. Lueckel.

DIGEST

Present law, known as the Louisiana Corrections Private Management Act, authorizes the Dept. of Public Safety and Corrections (the department) and local governmental subdivisions to enter into contracts with prison contractors for the financing, acquiring, designing, leasing, constructing, and operating of facilities.

Proposed law adds authority for the department and local governmental subdivisions to enter into contracts with prison contractors to sell facilities.

Present law provides that no contract pursuant to this Chapter shall be entered into unless the contract is approved by the Joint Legislative Committee on the Budget (JLCB).

Proposed law retains present law relative to JLCB approval of such contracts.

Present law defines "prison" or "facility" as an institution to be opened after June 8, 1989, and which is not operational as of May 22, 1989, operated by or under authority of the department, a local governmental subdivision, or a sheriff or chief of police.

Proposed law retains present law and adds Avoyelles Correctional Center to the definition of "prison" or "facility".

Present law permits contracts for the provision of correctional or geriatric services to be issued for successive periods of not more than five years, except that contracts involving capital improvements by the contractor may be issued for up to 10 years. Further makes all contracts subject to the requirement of annual appropriation of funds.

Proposed law retains present law.

Proposed law provides that contracts for the procurement of correctional services at a facility sold pursuant to proposed law may be entered into for a term of 20 years.

Proposed law authorizes the department to sell Avoyelles Correctional Center according to the following procedures:

- (1) The department issues a request for proposals (RFP) including any qualitative restrictions the department develops, the importance of price and other evaluation factors, and the criteria to be used in evaluating the proposals. The purchase price shall be at least equal to the appraised value of the facility.
- (2) Requires public notice in the official journal of the state at least once at least 30 days prior to the last day proposals are accepted. Permits providing written notice to interested parties at least 30 days prior to the last day proposals are accepted.
- (3) The department determines which proposal is most advantageous to the state which meets the requirements set forth in law and the restrictions in the RFP.
- (4) The sale shall be contingent upon entering into a contract for the provision of correctional services for the benefit of the state with the entity submitting the successful proposal.

Proposed law provides that, notwithstanding any other law to the contrary, the sale of state correctional facilities shall be solely subject to the La. Corrections Private Management Act.

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

(Amends R.S. 39:1800.3(9) and 1800.4(A),(C)(2), (F), and (G); adds R.S. 39:1800.4(H))