



Date
March 14, 2024

Time
8:30 AM – 12:30 PM

Instructors
Angela M. Heath, LLM, CFE
Senior Attorney
and
Patrick Virgadamo, CFE
Senior Attorney

Location
Live-Streamed and
Onsite at Louisiana State
Police Training Academy

Method of Delivery
Classroom instruction and
Live-streamed

Learning Level
Basic

CPE Hours
4 CPE

CPA Subject Matter
Specialized Knowledge
and Application

Prerequisite
None

The Rules of Procurement

Description

Part 1 - In this session, we will discuss, in depth, the Louisiana Public Bid Law and various public bid situations. We will determine the best procedures to follow in varied fact scenarios.

Part 2 - In this session, we will discuss use of the Division of Administration (DOA) Office of State Procurement (OSP) processes to enable local governments to properly use exceptions to the Public Bid Law, including but not limited to buying an item off of a State contract.

Part 3 - In this session, we will discuss Federal procurement standards applicable to local governments receiving Federal grants or reimbursements under Federal disaster relief programs.

Objectives

After this class, participants will have a better understanding of:

- Basic concepts underpinning Public Bid Law, use of State contracts to make purchases and Federal procurement rules;
- Practical considerations on how to address various procurement situations; and
- Opportunity to ask questions concerning particular procurement issues.

Who Will Benefit

- Elected officials, appointed officials, and local attorneys
- Local government employees and local government auditors

About the Instructors

Angela M. Heath, CFE, LLM is a Senior Attorney for the Office of the Louisiana Legislative Auditor (LLA). She is a graduate of Southern Methodist University, in Dallas, TX, where she received a B.A. in English and a B.A. in Broadcast Journalism (1991). She received her J.D. from Loyola University New Orleans, School of Law (1996) and her LL.M – Admiralty from Tulane University School of Law (1997). Ms. Heath began her career serving as a judicial law clerk for Justice Catherine D. “Kitty” Kimball on the Louisiana Supreme Court before going into private practice.

In 2012, Ms. Heath served as a Senior Parish Attorney for the Parish of Jefferson before joining the LLA in February 2016. In her capacity as Senior Attorney to the Legislative Auditor, Ms. Heath researches and writes opinions on numerous and various questions facing the Auditor’s Office, state and local officials, and public entities. Ms. Heath is certified as a state agency ethics liaison and Certified Ethics Trainer with the Louisiana Board of Ethics. She is also a Certified Fraud Examiner (CFE) and member of the Association of Certified Fraud Examiners. Ms. Heath is admitted to practice in Louisiana and North Carolina.

Patrick Virgadamo, CFE is a Senior Attorney for the Office of the Louisiana Legislative Auditor (LLA). He is a graduate of McNeese State University (B.A. 2004), Louisiana State University (M.A. 2009), and the LSU Paul M. Hebert Law Center (J.D./ G.D.C.L. 2009). Patrick began his career at the LLA as a law clerk in May of 2008, before joining the LLA full-time as a Staff Attorney in August of 2009. In November, 2015, Patrick assumed his current role as Senior Attorney. Patrick is licensed as a practicing attorney before the Louisiana State Bar and the Eastern, Western, and Middle U.S. Districts of Louisiana.

In his capacity as attorney with the Legislative Auditor, Patrick researches and writes opinions on numerous and various questions facing the Auditor's Office. Patrick also assists in responding to questions submitted by state and local officials and public entities. Patrick is certified as a State Agency Ethics Liaison and Certified Ethics Trainer with the Louisiana Board of Ethics. Patrick is also a Certified Fraud Examiner (CFE) and member of the Association of Certified Fraud Examiners. Patrick serves as an instructor for the LLA's Center for Local Government Excellence. Patrick also assists the LLA's General Counsel and Human Resources in drafting numerous office policies, such as the LLA's Crisis Leave, Military Leave, Sexual Harassment, and Professional Development policies.



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Michael J. "Mike" Waguespack, CPA

Louisiana Legislative Auditor

Presented by:

Angela M. Heath, LLM, CFE

Senior Attorney

Patrick Virgadamo, CFE

Senior Attorney

The Rules of Procurement

Michael J. "Mike" Waguespack, CPA

LOUISIANA LEGISLATIVE AUDITOR


PRESENTED BY:

Angela M. Heath, LLM, CFE


Senior Attorney

Patrick Virgadamo, CFE

Senior Attorney




The Rules of Procurement



- Public Bid Law
- Exceptions
- Request for Proposals
- Office of State Procurement
- Federal Standards

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Article VII §14A of the Constitution

Except as otherwise provided by this constitution, the funds, credit, property, or things of value of the state or of any political subdivision shall not be loaned, pledged, or donated to or for any person, association, or corporation, public or private.

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Public Bid Law

R.S. 38:2211, *et seq.*



Public Bid Law



 **Public Contracts**

❖ **Two Types**

Materials & Supplies

Public Works


***Not Services**



Angela Heath, LLM, CFE
Patrick Virgadamo, CFE

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Public Bid Law




■ Statutory References

• R.S. 38:2211 *et seq.*

• Whenever a public entity purchases materials and supplies exceeding the sum of \$60,000* or desires to construct or alter a public work, such as a building, for a sum exceeding \$250,000 there must be a public bid process which will give notice to potential vendors and contractors

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■ Materials & Supplies are not defined in the statutes; however, in this context, they are commonly understood to be the movable property necessary to conduct public business, from paper and pens to computers and printers as well as equipment



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■ Facts

- **Materials and Supplies are Materials and Supplies**
 - Less than \$30,000: prudent person standard (recommend 3 quotes)
 - \$30,000 - \$60,000: 3 Telephone, fax, email, or other printable electronic form bids
 - Greater than \$60,000
 - Advertise 2 times
 - Electronic bid
 - Advertise at least 15 days before opening of bids
 - Open bids or cancel all bids



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■ Requirements for letting a contract for materials & supplies:

- Amount
- Advertisement for Bid
- Receiving & Opening of Bids
- Selection of lowest **responsible** bidder
- Contract Formation/Purchase Order



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Due Process

- Give written notice of the proposed action to the bidder and include in the written notice all reasons for the proposed action.
- Give the bidder who is proposed to be disqualified the opportunity to be heard at an informal hearing at which the bidder is afforded the opportunity to refute the reasons for the proposed action.
 - The informal hearing shall be conducted prior to award of the public work.
 - The informal hearing shall be a condition precedent to any action by the bidder adverse to the public entity, its representatives, employees, and designers.



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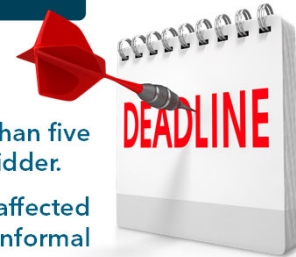
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Public Bid Law

Due Process

- The informal hearing shall be conducted by the public entity not later than five (5) business days after the date of the notice of disqualification of the bidder.
 - The public entity shall issue a ruling in writing and deliver it to the affected bidder not later than five (5) business days after the date of the informal hearing.
 - No award of the contract for the public work shall be made by the public entity prior to the expiration of at least five (5) working days following the date of issuance of the decision by the hearing official.
- The disqualified bidder has the right to seek redress in a court of law after exhausting administrative remedies.




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Public Bid Law



Scenario 1


Materials & Supplies

City uses on average \$6,000 worth of paper per month.


Do they have to bid this out?

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Scenario 2

Materials & Supplies


Fire Department hired a new fireman and needs a SCBA respirator for him that costs \$8,000. Judging from the condition of the SCBA respirators on hand, the Chief can see that 7, while still in working condition, will need to be replaced before the end of the fiscal year. Total for all 8 respirators is \$64,000.


A. Can the Department buy each respirator when the need arises or should they bid them all out together?

B. Would the answer change if the 7 replacement respirators aren't needed until the next fiscal year?

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Materials & Supplies

Police department needs fuel for patrol vehicles. Gas prices are always fluctuating but 1 tank costs about \$60 and the department easily spends more than \$60,000 a year.

Can they just purchase gas as needed or can they bid this out?

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Public Bid Law

Materials & Supplies

Police chief needs to purchase new cameras for the police department. The cameras must be compatible with the Nikon brand currently being used. The Nikon representative says he is the sole source for compatible cameras.

Can the police chief purchase the cameras from the Nikon representative as the sole source?

If not, can the police chief specify in the bid documents the Nikon brand?

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Public Bid Law

MATERIALS AND SUPPLIES FOR POLITICAL
SUBDIVISION AND LOCAL GOVERNMENT

Less than \$1,000
Recommended

Documentation of at least 3 Verbal Quotes

\$1,000 - \$29,999
Recommended

Obtain documentation of at least 3 Written or Electronic Quotes

\$30,000 - \$60,000
Mandatory

Obtain at least 3 quotes: telephone, fax, email, or any other printable form
Obtain written confirmation of accepted offer
If selecting other than the lowest quote, written documentation must be included in file supporting why selection was in the best interest of the public entity

Exceeds \$60,000

ADVERTISING

1st Advertisement at least 15 days before Opening Bids, & may not occur on a Saturday, Sunday or Legal Holiday
2 times at least once a week in Newspaper in locality & may be published electronically
Plans/Specifications shall be available to Bidders the day of 1st Ad & until 24 hours before Bid Open date

DELIVERY OF SEALED BIDS

Hand Delivery, certified mail or electronic submission
May not accept or take bids submitted on a USPS designated Holiday

IF ALL QUALIFICATIONS HAVE BEEN MET

Contract is awarded to the lowest Responsible/Responsive Bidder through execution of contract, initiation of purchase order

Rejection of All Bids

Public Entity may reject any and all bids for just cause.

Rev. 05/2023

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Public Bid Law

■ Facts

Public Work is building and renovation

For a public work \$250,000 or under - Prudent business person standard or public entity may utilize their own employees

(Materials and supplies are still subject to Public Bid Law.)

Suggested to solicitate at least three quotes

Under Construction

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Public Bid Law

■ Facts

- Public Work is building and renovation
 - Greater than \$250,000
 - Advertise 3 times
 - First advertisement to appear 25 days before opening of bids and not occur on a Saturday, Sunday, or legal holiday
 - Electronic bidding exceptions
 - General Facts
 - No changes within 72 hours of opening
 - Can extend opening one week



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Public Bid Law

■ Requirements for letting a contract for public works:

- Amount
- Advertisement for Bid
- Receiving & Opening of Bids
- Selection of lowest **responsive** & **responsible** bidder
- Contract formation



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Public Bid Law

Due Process



- Give written notice of the proposed action to the bidder and include in the written notice all reasons for the proposed action.
- Give the bidder who is proposed to be disqualified the opportunity to be heard at an informal hearing at which the bidder is afforded the opportunity to refute the reasons for the proposed action.
 - The informal hearing shall be conducted prior to award of the public work.
 - The informal hearing shall be a condition precedent to any action by the bidder adverse to the public entity, its representatives, employees, and designers.

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Public Bid Law

Due Process



- The informal hearing shall be conducted by the public entity not later than five (5) business days after the date of the notice of disqualification of the bidder.
 - The public entity shall issue a ruling in writing and deliver it to the affected bidder not later than five (5) business days after the date of the informal hearing.
 - No award of the contract for the public work shall be made by the public entity prior to the expiration of at least five (5) working days following the date of issuance of the decision by the hearing official.
- The disqualified bidder has the right to seek redress in a court of law after exhausting administrative remedies.

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Public Bid Law

■ Requirements for letting a contract for public works:

- Selection of lowest responsive & responsible bidder
 - **R.S. 38:2215(A)** - public entity shall award the contract no later than 45 days from bid opening;
 - Entity & apparent low bidder may mutually agree to extend deadline in 30 day increments.
- Contract formation
 - **R.S. 38:2215 (B)** - public entity and awarded bidder shall execute contract no later than 60 calendar days from awarding of contract;
 - Barring any injunction and timely submission of required documents by awarded bidder.



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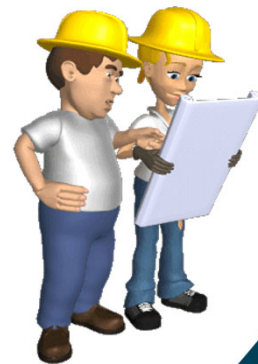
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Public Bid Law

■ Issues

- No splitting of jobs
- No out of hand disqualification
- Contract drafting must follow bid specs
- Change orders must be within contract scope and may require recordation
- Procedure & Practice: precise and monitored
- Mandatory to use standard bid form provided by DOA for contracts for public works
<https://www.doa.la.gov/media/gkcly0pn/34.pdf>
 [P.42 of Document / Internal p.32]



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Public Works - Change Orders

Change Orders - any contract modification that includes an alteration, deviation, addition, or omission as to a preexisting public work contract, which authorizes an adjustment in the contract price, contract time, or an addition, deletion, or revision of work.



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Public Works - Change Orders (cont'd)

- Outside the scope of the contract - means a change order which alters the nature of the thing to be constructed or which is not an integral part of the project objective.
- Within the scope of the contract - means a change order which does not alter the nature of the thing to be constructed and which is an integral part of the project objective.



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Public Works - Change Orders Recordation



❖ Requirements

- Which adds 10% or more of the original contract amount, if the additional amount is at least \$10,000, or
- Which aggregates to an amount of 20% or more of the original contract amount, if the additional amount is at least \$10,000.
- Shall be recorded by the public entity in the office of the recorder of mortgages in the parish where the work is to be done.

(R.S.38:2222(A))

- The original contract, if not previously recorded, shall be recorded with the change order.

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Rejection of Bids: R.S. 38:2214(B) "Just cause"

- The public entity's unavailability of funds sufficient for the construction of the proposed public work;
- The failure of any bidder to submit a bid within an established threshold of the preconstruction estimates for that public work, as part of the bid specifications;
- A substantial change by the public entity prior to the award in the scope or design of the proposed public work;
- A determination by the public entity not to build the proposed public work within twelve months of the date for the public opening and reading of bids; and
- The disqualification by the public entity of all bidders

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Rejection of Bids

- #15-0052** - Public entity must reject bid as non-responsive when the apparent low bidder fails to comply with bid documents and instructions which require that all blanks spaces including space to provide a price for an alternate be completed.
- #13-0008** - Parish may reject a bid or potential bidder for lack of responsibility and/or lack of responsiveness, but may not “debar” a bidder to automatically disqualify them or prevent them from submitting a bid.




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Rejection of Bids

- #13-0050** - Bidders inclusion of annotation on bid form that price was subject to a 3.5% escalation per year, when bid documents clearly noted that bidders were to agree that all terms, conditions, and prices were to remain unchanged during the length of the contract, was proper grounds for rejecting bid as non-responsive.

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Public Bid Law

▪ Design-Build


• #14-0033

- Discusses application of Design-Build restrictions on contracts for Public Works.



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Public Bid Law

▪ Local Hiring Preference

• #16-0020


- Absent any legal authority to establish a local hiring preference or otherwise require contractors to hire local workers, the inclusion of such a requirement would be impermissible and against Louisiana Public Bid Law. Similarly, inclusion and evaluation of a contractor's efforts to hire local workers as part of the Public Bid Law solicitation process would be impermissible and against Louisiana Public Bid Law.

See Also R.S. 38:2225



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Public Bid Law



- **Uniform Bid Form**
 - **#09-0304** - Use of Uniform Bid Form is mandatory and may not be waived by a public entity.


Public entity must reject all bids if Uniform Bid Form is not utilized.

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Public Work


School District needs to replace the roofs on all 10 of the school buildings in the district. Cost for each building is \$30,000.

- A. Can they do these as separate projects or must they bid it out as one \$300,000 public work project?
- B. What if the District only has funding to do roof replacements for 5 buildings now but will have funding for the other 5 in the next fiscal year?

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Public Work


Parish properly let out for bid street repair project and the winning contractor is doing an excellent job. The Parish would like to do a change order to add more streets to be repaired by this contractor.

Can they do that?

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Public Work

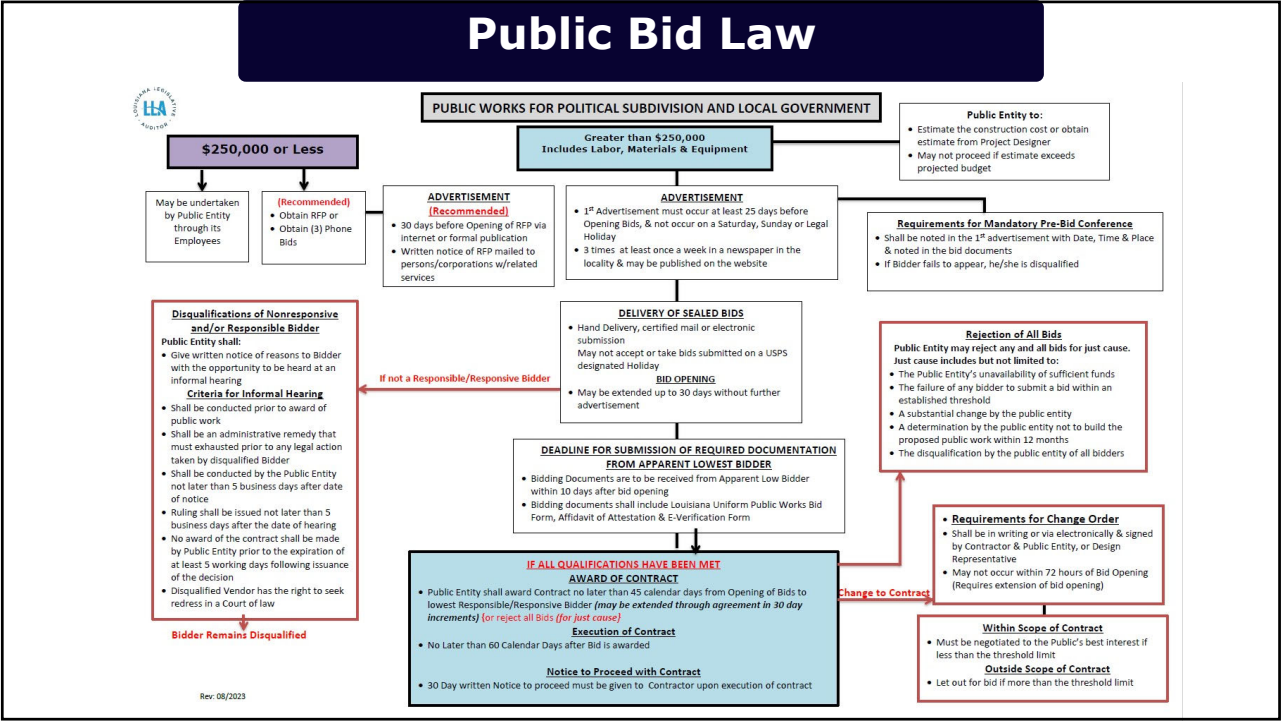
City wants to do major renovations to City Hall. The cost of all of the repairs will come in under the \$250,000 public work threshold.

- A. Can the City use its own workers to do the renovations?
- B. Can the City choose to bid the project out even though it is under the threshold?


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Public Bid Law



- **Exception to Public Bid Law for "emergency" and "extreme public emergency"**
 - R.S. 38:2212(P)(1) & (2)
 - **Emergency:** Certification of emergency and notice within 10 days, published in official journal
 - **Extreme emergency:** Declaration and publication within 10 days or as soon as practicable **R.S. 38:2212(P)(1)(b)(ii)**
 - **Written documentation required**

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Public Bid Law

▪ **"Emergency" and "Extreme Public Emergency" are defined- R.S. 38:1211(A)(5)**

❖ **Emergency**


- An unforeseen mischance bringing with it destruction or injury of life or property or the imminent threat of such destruction or injury.
- May also be the result of an order from any judicial body to take any immediate action which requires construction or repairs absent compliance with the formalities of the Public Bid Law, because there is not sufficient time to follow the advertising requirements as provided in **R.S. 38:2212**.

❖ **Extreme Emergency**

An extreme emergency is a catastrophic event which causes the loss of ability to obtain a quorum of the members necessary to certify the emergency prior to making the expenditure to acquire materials or supplies or to make repairs necessary for the protection of life, property, or continued function of the public entity.

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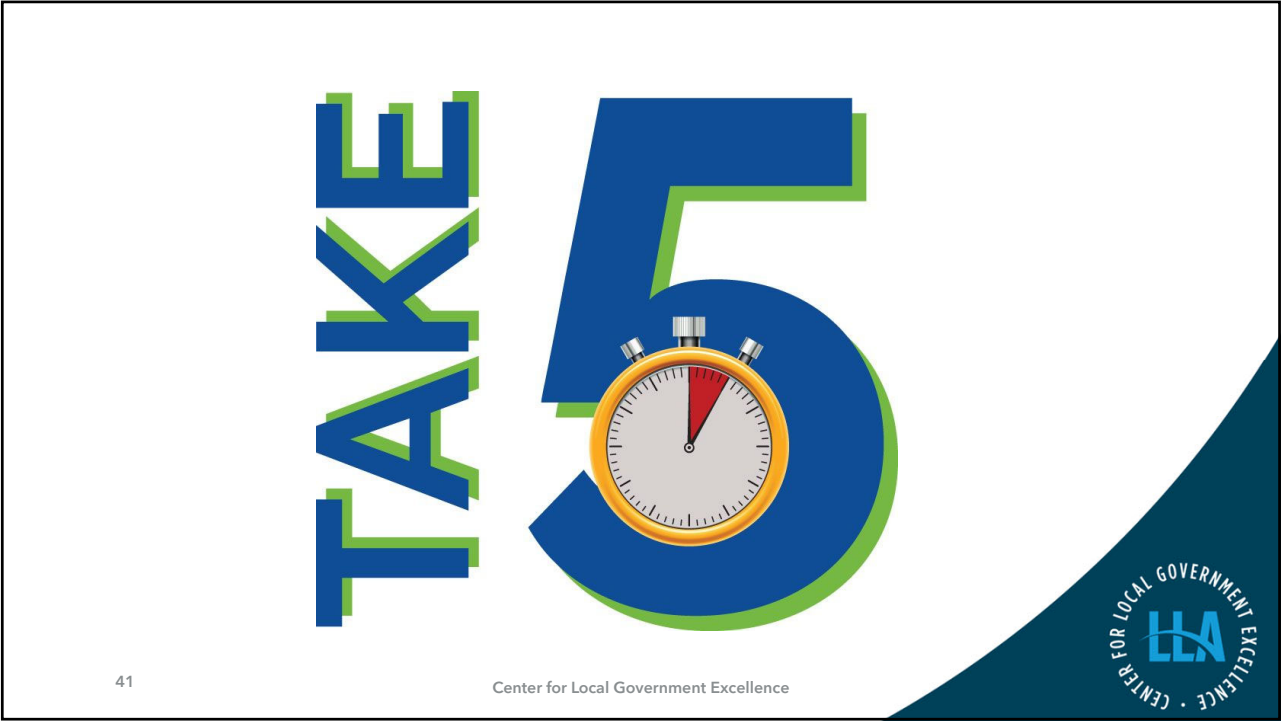
▪ **Emergency Procurement - Public Works**

- **#20-0118** - AG discusses and goes through the statutorily mandated process for declaring a public Emergency and engaging in emergency procurement under the Public Bid Law.

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Public Bid Law

EXCEPTIONS/ALTERNATIVES TO PUBLIC BID

Public Entities Do **NOT** have to publicly bid their contracts when using the following methods:

- Purchasing Surplus Property from another Public Entity;
- Political Subdivisions Used Fire and Emergency Response Vehicle Procurement Law - R.S. 38:2238, *et seq.*; and
- "Piggybacking"
 - R.S. 38:321.1
 - Local Services Law, R.S. 33:1324
- Political Subdivisions Telecommunications and Data Processing Procurement Law - R.S. 38:2234, *et seq.*;
- Purchasing off State Contract

NOTE

Entities seeking Federal reimbursement should determine if additional action is required.

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EXCEPTIONS TO PUBLIC BID

Purchasing Surplus Property from another Public Entity

RS 33:1321



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EXCEPTIONS TO PUBLIC BID

Political Subdivisions Used Fire and Emergency Response Vehicle

Procurement Law - R.S. 38:2238, *et seq.*; and



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EXCEPTIONS TO PUBLIC BID

■ Piggy Backing

• Local Services Law or

• R.S. 38:321.1

Piggy Backing	Local Services Law (AG)	R.S. 38:321.1 (Statutory)
Certification	Yes	Yes
Vendor Agreement	Yes	Yes
Materials/Supplies	Same	Same
Time	Original contract still “viable”	1 year from bid opening
Amount	No limit	2x purchase under original contract
Price	Same or lower	Same
Who can use	Local entities only	State or local entities

AG Op. No. 21-0005

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■ Piggy Backing

• #17-0152 - Parishes, municipalities, and political subdivisions may utilize the Local Services Law, R.S. 33:1324, or R.S. 38:321.1 to cooperatively purchase off a previously bid contract.

▪ R.S. 38:321.1 - Within 1 year of bid opening of previously bid contract, same price, and no more than 2x amount purchased by original public entity.

▪ R.S. 33:1324 - “Viable” current contract, same or lower price.


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Piggy Backing

- **#12-0165** - A public entity may not **"piggy-back"** off of a contract, including those established by a national cooperative purchasing organization, that has not been competitively bid by another Louisiana public entity.
- **#15-0018** - A Louisiana municipality may not make a direct purchase from a National Joint Powers Alliance (NJPA) contract, unless the contract is adopted by the Office of State Procurement as a **"State contract."**
- **#16-0192** - R.S. 38:321.1 is not applicable to public works contracts.

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ALTERNATIVE TO PUBLIC BID

Telecommunications and Video Surveillance Equipment and Services

R.S. 38:2237



NOTE


- Prohibited equipment and/or services **R.S. 38:2237.1 & R.S. 39:1753.1**
- Vendor Affidavit

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Public Bid Law



Purchasing Computers and Software by Political Subdivisions
R.S. 38:2234 et seq.

Request for Proposal (RFP) Process
(R.S. 38:2237)

Public Notice
Notice of the RFP shall be given at least thirty (30) days prior to the date scheduled for opening the RFP. This notice may be given to the general public via available electronic media.

Written Notice
Written notice of the RFP shall be mailed to persons and corporations who are known to be in a position to furnish the equipment, systems, and related services.

RFP Requirements
The RFP will:

- Indicate the relative importance of price and other evaluation factors;
- Clearly define the tasks to be performed under the contract;
- List the functional specifications;
- Explain the criteria to be used in evaluating the proposals, and
- The time frames within which the work must be completed.

Award
An award shall be made to the responsible offeror whose proposal is determined, in writing, by the governing authority of the political subdivision to be the most advantageous, considering price and other evaluation factors set forth in the RFP. Please note: unlike the provisions of the Public Bid Law, the governing authority does not have to select the lowest proposal. It selects the most advantageous proposal based on the evaluation factors outlined in the RFP.


Rejection of Proposals
The governing authority of the political subdivision may reject all proposals if doing so is deemed to be in its best interest.

Contract Requirements
If vendors submit written proposals, the proposals of the successful vendor must be incorporated into the final contract.

Remember, whether or not a political subdivision decides to use this RFP process for telecommunication and data processing systems is completely at their option. That is, they are not required to use this exception but may choose to make such purchases in accordance with the Public Bid Law or off of state contract. However, if the Public Bid Law is used instead of this process, written notice of that fact must be given to all bidders, and that notice must clarify that the Public Bid Law is being used and not the RFP exception.

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EXCEPTIONS TO PUBLIC BID

- Purchasing off State Contract (R.S. 39:1710 - may use local vendor);
- Purchasing from General Services Administration (GSA)



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Contracts for Services - RFP and RFQ process

■ "It is the policy of the state of Louisiana, its political subdivisions, and agencies to architectural and engineering professional services on the basis of competence and qualifications for a fair and reasonable price. Neither the state nor any of its political subdivisions or agencies may select architects, engineers, landscape architects, and land surveyors wherein price or price-related information is a factor in the selection."

R.S. 38:2318.1

■ Want the best qualified not the cheapest.



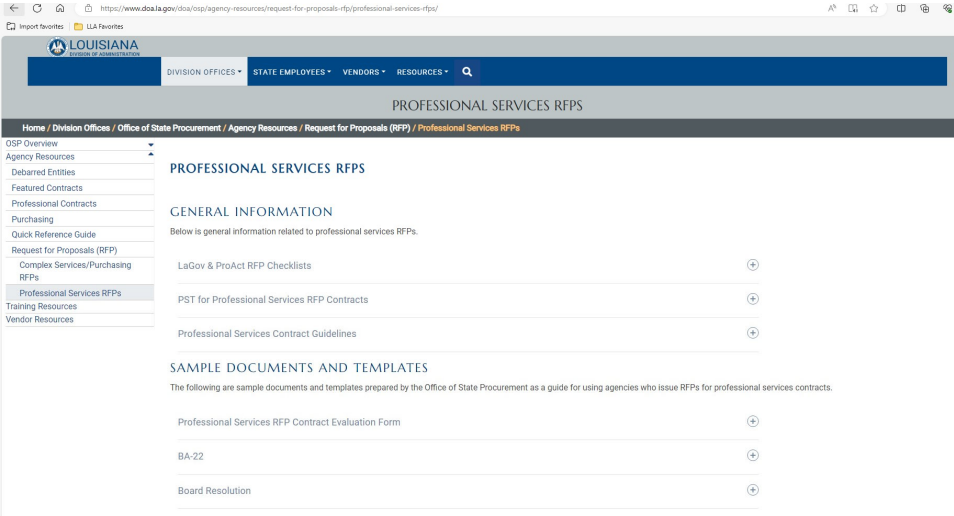
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■ Contracts for Services

• #18-0162 - Contract for operation and maintenance of an existing municipal water and sewer system is a contract for services and its not subject to the Public Bid process.

• #20-0055 - Municipal and parish trash collection, unless structured as an exclusive franchise, may be negotiated rather than publicly bid.



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Public Bid Law

■ Contracts for Services

• #10-0058 - Contracts for landscaping services, grounds maintenance services, and routine eradication and removal of fallen trees, weeds, and debris constitute contracts for services and not public works.

• #09-0252 - City council has authority to establish stricter procurement policies for contracts for services under home rule charter.



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Exceptions to Public Bid Law

Purchase off of State Contracts

- Political subdivisions may purchase off of existing State Contracts without bidding.

R.S. 38:2212.1(F) & R.S. 39:1702
- The Political subdivision should document all of the following in their contract file:
 - Applicable State contract number;
 - Description of item on State Contract,
 - Invoice for item purchased with description of item purchased, showing that it is identical to the one on State contract.
- Use of State contract may be documented through adoption of an Ordinance or Resolution or through a motion recorded in the political subdivision's meeting minutes.



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Exceptions to Public Bid Law

Purchase State Contract Items from a Local Vendor

- Political subdivisions may purchase items on existing State Contracts from a local vendor without bidding.

R.S. 39:1710
- The item must be the same item currently on a State contract;
- The vendor must be "local;"
 - The Attorney General has opined that "local," while not defined in statute, should mean that the vendor is situated within the boundary of the governing authority seeking to make the purchase. AG Op. No. 96-0044
- The price must be the same or lower than the State contract price; and



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Exceptions to Public Bid Law

Purchase State Contract Items from a Local Vendor

- The vendor may charge an additional amount for costs for shipping, preparing, and delivery of the item in an amount not to exceed as follows:
 - 7% of the State contract price for purchases up to \$10,000;
 - If State contract price is \$8,000, the total cost with additional charge may not exceed \$8,560 (\$8000 for item and \$560 additional charge).
 - 5% of the State contract price for purchases greater than \$10,000 but not more than \$20,000; and
 - If State contract price is \$15,000, the total cost with additional charge may not exceed \$15,750 (\$15,000 for item and \$750 additional charge).
 - 3% of the State contract price for purchases over \$20,000.
 - If State contract price is \$50,000, the total cost with additional charge may not exceed \$51,500 (\$50,000 for item and \$1,500 additional charge).




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Exceptions to Public Bid Law


The Steps for Purchasing State Contract Items from a Local Vendor



- The Attorney General in AG Op. No. 96-0044 opined that a political subdivision utilizing the exception to the Public Bid Law under **R.S. 39:1710** must do the following:
 1. Determine from State Central Purchasing if there is a competitively bid state contract for the needed material or supply and obtain the State Contract Number and the specification for the item on state contract.
 2. Contact a local vendor for the item to determine if he/she can provide the item meeting the exact same specification as the state contract item and obtain a written price quote for delivery of the item to the local governing authority. While the statute provides no definition for the word “local”, it is interpreted in this context to mean a vendor situated within the boundaries of the governing authority seeking to make the purchase.


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Exceptions to Public Bid Law

The Steps for Purchasing State Contract Items from a Local Vendor




3. If the delivered price offered by the local vendor is within the percentages set forth in the statute for contracts of various values, a purchase order may be issued by the local governing authority to the local vendor, reflecting the state contract number, state contract specification, state contract price and the markup allowed to the local vendor for shipping, preparation and delivery of the item(s).
4. A copy of the local governing authority's purchase order shall be furnished to the State Central Purchasing Office for monitoring compliance with the provisions of **R.S. 39:1710**.

These steps should be completed before taking delivery of the item.

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Exceptions to Public Bid Law

Purchase off of Federal General Services Administration (GSA) Price Lists

Political subdivisions may purchase off of Federal GSA price lists with certain restrictions.

R.S. 38:2212.1(E)

The Political subdivision may purchase off of the Federal GSA price lists if the following conditions are met:

The Item is not cheaper under an available existing State Contract; and

The political subdivision utilizes a Louisiana Licensed dealer or distributor.

LOCAL DISTRIBUTOR

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Office of State Procurement

LOUISIANA

Division Offices • State Employees • Vendors • Resources •

LOUISIANA OFFICE OF STATE PROCUREMENT

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OSP Overview

Agency Resources

Training Resources

Vendor Resources

AGENCY RESOURCES

VENDOR RESOURCES

TRAINING RESOURCES

OFFICE OF STATE PROCUREMENT

The Office of State Procurement serves the people of Louisiana by ensuring that the state's contracting and purchasing activities are conducted legally, fairly and efficiently. OSP procures, or administers the procurement of, the equipment, goods, supplies and services needed by state agencies. As a result, the office has a joint role of regulatory compliance and customer service. OSP ensures that competition is full, fair and forthright, and that both contractors and agencies fulfill their contractual duties.

We welcome your interest in learning more about the state of Louisiana's procurement processes, and we invite you to do business with the state. If we can assist you in finding the information you need, please do not hesitate to contact us.

QUICK LINKS

CONTACT US

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Office of State Procurement

QUICK LINKS

OSP Overview and Staff Directory

LaPAC - Vendor Registration

LaPAC - Current Bid Opportunities

LESA - Login for State Users

eCat - Current State Contracts

LA Checkbook - Transparency Resources

E.O. JBE 2020-21 - Small Purchase Procedures

CONTACT US

Tom Ketterer, Director

225.342.8010

P.O. Box 94095
Baton Rouge, LA 70804

1201 N. Third St., Suite 2-160
Baton Rouge, LA 70802

Procurement Help Desks

OSP maintains four (4) help desks to assist agencies and vendors:

Title	Description	Phone
Purchasing Help Desk	Assistance re. the procurement of goods, equipment, supplies, bulk commodities, technical/operating services, and small construction jobs.	225-342-8010
Professional Contracts Help Desk	Assistance re. professional, personal, consulting, and social service contracts; as well as intergovernmental and cooperative endeavor agreements.	225-342-8010
RFP Help Desk	Assistance re. RFPs and LESA	225-342-8010
Vendor Help Desk	Assistance re. vendor registration, self-service, online bidding, password resets, bid openings, and related matters.	225-342-8010

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Procurement Help Desks

OSP maintains four (4) help desks to assist agencies and vendors:

Title	Description	Phone
<div><div>★</div><div>Purchasing Help Desk doa-osphelpdesk@la.gov</div></div>	Assistance re. the procurement of goods, equipment, supplies, bulk commodities, technical/operating services, and small construction jobs.	225-342-8010
Professional Contracts Help Desk	Assistance re. professional, personal, consulting, and social service contracts; as well as intergovernmental and cooperative endeavor agreements.	225-342-8010
RFP Help Desk	Assistance re. RFPs and LESA	225-342-8010
Vendor Help Desk	Assistance re. vendor registration, self-service, online bidding, password resets, bid openings, and related matters.	225-342-8010

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QUICK LINKS

 E.O. JBE 2020-21 - Small Purchase Procedures

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Louisiana's Electronic
Search tool for items on state contracts.

Help

LaGov

Contract

Vendor

Contract Line Item:

Catalog Items:

Contract #

Contract Desc.

T-Number Desc

T-number

Coop?

SEBD

SE/HI

Any

Any

VSE

Any

DVSE

Any

Line #

Product Category

Material #

Product Category/Line Item Description

MDM Catalog Reference #

Supplier Part #

Region

Catalog Item Long Description

Emergency

Search using singular word forms only.

Words separated by a space searches for items containing all words in any order.

Enclose a phrase in quotes to search for the exact phrase.

Words separated with OR searches for any of the words.

% can be used as a wildcard when searching

Search for:

Contracts

Contract Line Items

Catalog Items

Find It

Clear

LaPAC Public Menu

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Division of Administration

State of Louisiana

Office of State Procurement

Louisiana's Electronic Catalog (LA eCat)

Search tool for items on state contracts.

LaGov

Contract #

Contract Desc.

T-number

T-number Desc

Coop? Any

Vendor

Name

SEBD Any

SE/HI Any

VSE Any

DVSE Any

Contract Line Item

Line #

Product Category

Material #

Product Category/Line Item Description

Catalog Items

HDM Catalog Reference #

Supplier Part #

Region

Catalog Item Long Description

Emergency Any

Search for: Contracts Contract Line Items Catalog Items

Find It Clear

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Contract #	Contract Description	Vendor Name	T-number	Effective From - To	P-card
4400016435	NASPO Tires-Goodyear	THE GOODYEAR TIRE & RUBBER CO	90444	04/01/2019 - 03/31/2024	Yes
4400016436	NASPO Tires-Bridgestone	BRIDGESTONE AMERICAS INC	90444	04/01/2019 - 03/31/2024	Yes
4400017445	Rosenbauer America LaMAS Fire Truck	ROSENBAUER AMERICA LLC		08/29/2019 - 07/06/2024	No
4400023334	DOTD Contract Traffic Control Signs	VULCAN INC		11/23/2021 - 11/22/2024	No
4400023482	Sutphen Corp Fire Trucks - LaMAS	THE SUTPHEN CORPORATION	92823	01/05/2022 - 01/04/2027	No
4400023792	Vehicles, Statewide	COURTESY OF ACADIANA LLC	90865	03/01/2022 - 11/03/2024	No
4400023793	Vehicles, Statewide	ST MARTIN PARISH ACQUISITIONS LLC	90865	03/01/2022 - 10/31/2024	No
4400023794	Vehicles, Statewide	GERRY LANE CHEVROLET/GM FINANCIAL	90865	03/01/2022 - 10/31/2024	No
4400023795	Vehicles, Statewide	PREMIER AUTOMOTIVE PROD LLC	90865	03/01/2022 - 10/31/2024	No
4400024924	NASPO Tires - Continental	CONTINENTAL TIRE THE AMERICAS LLC	90444	07/25/2023 - 03/31/2024	Yes
4400025604	GOLF CART & UTILITY VEHICLES - STATEWIDE	TEXTRON INC	92266	10/14/2022 - 10/13/2024	No
4400025605	GOLF CART & UTILITY VEHICLES - STATEWIDE	COURTESY GOLF CARS LLC	92266	10/14/2022 - 10/13/2024	No
4400025606	GOLF CART & UTILITY VEHICLES - STATEWIDE	SMART CARTS OF LA LLC	92266	10/14/2022 - 10/13/2024	No
4400026992	Mobile Medical Clinic GSU	MODEL 1 COMMERCIAL VEHICLES INC	GSU01	04/01/2023 - 03/31/2024	No
4400027257	Garvee	JONES WALKER LLP		04/20/2023 - 04/19/2024	No
4400027316	Grant Anticipation Revenue /Jones-Walker	JONES WALKER LLP		04/20/2023 - 04/19/2024	No
4400027346	Grant Anticipation Revenue /Foley-Judell	FOLEY & JUDELL LLP		04/20/2023 - 04/19/2024	No
4400027350	Farber Specialty Vehicles LaMAS Contract	FARBER SPECIALTY VEHICLES INC	92503	09/11/2023 - 05/03/2028	No
4400027444	VEHICLE LIFTS/EQUIPMENT - LIFTNOW - SW	LIFTNOW AUTOMOTIVE EQUIP CORP	93012	10/31/2023 - 03/31/2028	No
4400027445	VEHICLE LIFTS/EQUIPMENT - ARI - SW	ARI PHOENIX INC	93010	10/31/2023 - 03/31/2028	No
4400027721	Vehicle Signal Restraint Equipment LaMAS	DANA SAFETY SUPPLY INC	93016	08/01/2023 - 07/31/2027	No
4400027889	FERRARA FIRE, HAZMAT, RESCUE TRUCK LAMAS	FERRARA FIRE APPARATUS INC	92374	08/24/2023 - 08/23/2027	No
4400028312	Vehicles, Statewide	SOUTHLAND DODGE CHRYSLER JEEP	90865	11/01/2023 - 10/31/2024	No
4400028338	LDV Specialty Vehicles LaMAS Contract	LDV INC	92430	02/20/2024 - 11/03/2025	No
4400028465	DPS - Wrecked Vehicles	VARNADO & SONS LLC	DPS23	11/30/2023 - 11/29/2024	No

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Office of State Procurement

Division of Administration

State of Louisiana

Office of State Procurement

Louisiana's Electronic Catalog (LA eCat)

Search tool for items on state contracts.

LaGov

Contract #

Contract Desc.

T-number

T-number Desc

Coop? Any

Vendor

Name

SEBD Any

SE/HI Any

VSE Any

DVSE Any

Contract Line Item

Line #

Product Category

Material #

Product Category/Line Item Description

Catalog Items

HDM Catalog Reference #

Supplier Part #

Region

Catalog Item Long Description

Emergency Any

Search for: Contracts Contract Line Items Catalog Items

Find It Clear

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Office of State Procurement

DIVISION OF ADMINISTRATION

STATE OF LOUISIANA

Office of State Procurement

Contract Detail

Contract #

4400023794

T-number

90865 - VEHICLES

Description

Vehicles, Statewide

Prime Vendor Name

GERRY LANE CHEVROLET/GM FINANCIAL

LAPS Contract

No

SE/HI Vendor

No

SEBD Vendor

No

DVSE Vendor

No

VSE Vendor

No

Coop Procure

Yes

Effective From-To

03/01/2022 - 10/31/2024

Delivery Days ARO

365

P-card Accepted

No

Discounts Apply

No

Locations

Statewide

Buyer Information

Buyer Code

90000167

Purchasing Agency

Office of State Purchasing

Buyer Name

AMY GOTREUX

Contact Email

Amy.Gotreaux@LA.GOV

Contact Phone

2253429200

Vendor Distributor

Vendor Name

SEBD

SE/HI

VSE

DVSE

Order/General Address

GERRY LANE CHEVROLET/GM FINANCIAL

NO

NO

NO

NO

6505 FLORIDA BLVD
BATON ROUGE, LA 70806
Contact: ERIC MEYERS
Email: eric.meyers@gerrylane.com
Phone: 225-936-4600
FAX: 225-216-0847

Contract Items

Line #

Product Category

Material/Part Number

Line Item Description

No. of Catalog Items

UOM

Gross Price

1

25101500

Vehicles, Statewide

23

\$0.00

View Contract

View Notes

Return

New Search

Export Catalog Items to Excel

Show Additional Attachments

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Office of State Procurement

STATE OF LOUISIANA

Competitive Contract

Vendor: 310012432

Company

GERRY LANE CHEVROLET/GM FINANCIAL

DIV OF GERRY LANE ENTERPRISES

6505 FLORIDA BLVD

BATON ROUGE LA 70806

Phone : 2259264600

Fax : 2252160847

T Number: 90865

Version: 8

LAPS Contract: No

Fiscal Year: 2022

Min.Ord.Value: 0.00

Distributor Contract: No

PCard:No

Co-op Agreement:Yes

Contract number: 4400023794

Description: Vehicles, Statewide

SEBD Vendor: No

SEHI Vendor: No

VSE Vendor: No

DVSE Vendor: No

Contract Valid Dates: 03/01/2022 - 10/31/2024

Buyer Information

Name: AMY GOTREUX

Tel Number: 2253429200

Email: amy.gotreaux@la.gov

Delivery: 365 Days After Receipt of Order

Supplier Text:

=====

AMENDMENT NO. 5

Date Issued: 11/11/2023

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Vehicle Information

Go to our fleet website to find vehicle [order sheets](#) with more information on the available base model package, engine configuration options, delivery days, color options, available features, and instructions on how to place an order.

Click here: <http://fleet.la.gov>

Vehicles are listed by category on the website.

For questions, contact amy.gotreaux@la.gov - Refer to the vehicle line number.

Vendor: **GERRY LANE CHEVROLET/GM FINANCIAL**
 DIV OF GERRY LANE ENTERPRISES

Amendment No. 4
Date Issued: 6/1/2023

- Contract amended from award of RFX 3000020682 for a period beginning 6/1/2023 and ending 10/31/2023.

Line Number	Vehicle Class	Make/Model
52	Sedan, Midsize	Chevrolet Malibu
55	Sport Utility, Compact	Chevrolet Equinox
56	Sport Utility, Midsize	Chevrolet Trailblazer
57	Sport Utility, Large	Chevrolet Traverse
58	Sport Utility, Extended	Chevrolet Tahoe
60	Van, Medium Cargo	Chevrolet Express
61	Van, Heavy Cargo	Chevrolet Express
63	Van, 12-Passenger	Chevrolet Express
64	Van, 15-Passenger	Chevrolet Express
69	Truck, Half-Ton Compact	Chevrolet Colorado
70/71/72	Truck, Half-Ton	Chevrolet 1500
73/74/75	Truck, Heavy Duty 2500 Series	Chevrolet 2500
76/77/78	Truck, Heavy Duty 3500 Series	Chevrolet 3500
82/83/84	Truck, Cab & Chassis 2500 Series	Chevrolet 2500 Diesel

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Office of State Procurement

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FEATURED CONTRACTS

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Complex Services/Purchasing RFPs

Professional Services RFPs

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Vendor Resources

GUIDELINES AND RESOURCES

[LA eCat Contract Search](#)

[Contracts by Title and TNumber](#)

[Louisiana Pricing Schedule \(LaPS\) Contracts](#)

OSP Memos

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Special Contract Rules

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Office Supplies

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VEHICLE CONTRACTS

Instructions

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Vehicle Related Contracts

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Vehicles

Hybrid and Alternative Fuel Vehicles

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Police and First Responder Vehicles

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Sport Utility Vehicles

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Sedans

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Cargo and Passenger Vans

+

Half Ton Pickup Trucks

+

Cab and Chassis Trucks and Bodies

+

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Office of State Procurement

VEHICLE CONTRACTS

Instructions

-

[Instructions for LaGov State Agencies](#)

[Instructions for Political Sub-divisions](#)

[Process for State Agencies](#)

Need assistance? Email: [Amy Gotreaux](#)

Vehicle Related Contracts

+

Vehicles

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Office of State Procurement

VEHICLE ORDER PROCESS
For POLITICAL SUBDIVISIONS


I) Political Subdivision determines need for new vehicle and researches available vehicles and options on the vehicle contract website: <http://fleet.la.gov>

A) View the order sheet for each vehicle for option availability and pricing. Only the configurations and options listed on the order sheet are available for order. A link to the order sheet for each vehicle can be found on the vehicle's information sheet located on the vehicle contract website. Contact Dealer for full option descriptions. Additional configurations and/or options may be added to the contract by OSP upon request. To request an addition, contact OSP or the Dealer.

B) Contact Dealer for delivery information. Contract vehicles are FOB Baton Rouge; additional delivery charges may apply for delivery to other areas. Any delivery charges must be negotiated between Political Subdivision and Dealer and are not part of the contract.

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II) Political Subdivision submits purchase order directly to awarded Dealer. If Political Subdivision does not use formal purchase order, submit order on letterhead.

A) Purchase order must contain, at a minimum:

1) Contract number;

2) Contract line number;

3) Quantity;

4) Make and Model;

5) Any options;

6) Vehicle interior and exterior color;

7) Political Subdivision contact information;

8) Political Subdivision address for titling purposes;


9) Desired delivery address

B) OSP strongly suggests submitting a completed order sheet with the purchase order.

C) OSP strongly suggests obtaining an order confirmation or acknowledgement from Dealer.

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III) Dealer will notify you when vehicle is ready and will forward invoice for payment. Payment must be presented at pickup or delivery. Dealer is not required to release vehicle prior to receiving payment.

IV) If using a “local” Dealer, according to the Attorney General, the Political Subdivision must furnish a copy of the purchase order to OSP for monitoring compliance. Purchase orders shall be submitted to OSP via email to amy.gotreaux@la.gov or via fax number 225-342-9200. Additionally, according to the Attorney General, the local Dealer must be located in the locale of that Political Subdivision.

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Sport Utility Vehicles

****Note:** Delays in delivery may occur due to manufacturing constraints.

Line Number	Description	Make and Model	Base Vehicle Price	Vendor	Order Cutoff Date (See Contract Notes)	Contract Notes	Manufacturer's Website
55	Compact SUV	Chevrolet Equinox	See Order Sheet	Gerry Lane Chevrolet	Order Cutoff Date 1/26/2024	Contract 4400023794 Period 06/01/2023 - 10/31/2024	https://www.gmenvolve.com/fleet
55	Compact SUV	Jeep Compass	See Order Sheet	Premier Dodge		Contract 4400023795 Period 11/1/2023 - 10/31/2024	https://www.stellantisfleet.com/vehicle-lineup.html
56	Midsize SUV	Chevrolet Trailblazer	See Order Sheet	Gerry Lane Chevrolet	Order Cutoff Date 1/26/2024	Contract 4400028312 Period 06/01/2023 - 10/31/2024	https://www.gmenvolve.com/fleet

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This spreadsheet is not a purchase order

Order Sheet Instructions

1) Only one vehicle configuration may be entered on each Order Sheet. Use a separate Order Sheet for each different vehicle configuration being ordered. The listed configurations are the only configurations available. However, additional configurations may be added to the contract upon request. To request additional configurations, contact the dealer or OSP.

2) Enter the number of vehicles being ordered in the tan boxes under either Base Vehicle or Optional Configurations.

3) Under Available Exterior Colors, enter the number of vehicles in the tan boxes to the right of the desired color(s). Multiple Colors may be ordered on one Order Sheet.

4) Under Optional Equipment, select "Yes" in the tan box if the option is desired. Leave blank or select "No" if the option is not desired. The listed options are the only options available. However, additional options may be added to the contract upon request. To request an option be added to the contract, contact the dealer or

Chevrolet Trailblazer	Contract Line	56	Delivery ARO	180-365 Days
State Contract Number	4400023794	Vendor	Gerry Lane Chevrolet	
Base Vehicle				
Vehicle Description	Order Code	Unit Price	Quantity	Extended Price
2WD 3.6L V6 24V VVT Engine	1NB56-LS	\$ 31,969.00		\$ -
Optional Configuration				
Description	Order Code	Unit Price	Quantity	Extended Price
AWD w/ 3.6L V6 Engine	1NV56-LS	\$ 33,877.00		\$ -
Available Exterior Colors				
(PW7) Bright White Clear Coat				
Cost for Each Vehicle Plus Options			1 EA	\$ -
Additional Costs				
		0.35% Contract Administrative Fee	\$	-
		LA DEQ Waste Tire Fee (5 tires X \$2.25 each)	\$	11.25
		LA Safety Inspection Sticker - 1 Year	\$	18.00
Total Cost for Each Vehicle			1 EA	\$ -
Total Cost for All Vehicles				\$ -

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VEHICLE CONTRACTS

Instructions

Vehicle Related Contracts

- Fuel Card
- Bulk Fuel Contracts
- The following contracts can be located by going to [Louisiana's Electronic Catalog](#) and searching the T-number field:
 - Global Positioning System (GPS)/Automated Vehicle Locator (AVL) and Vehicle Sharing Reservation Systems (VRSR) contracts:
 - '92654' for GPS Insight LLC
 - Tire Contracts:
 - '90444' for Bridgestone Americas Inc.
 - '90444' for The Goodyear Tire & Rubber Co.
 - Automotive Glass Replacement and Repair contracts:
 - '92340' for ABC Auto Parts LTD
 - '92340' for Professional Glass Works LLC
 - '92340' for Safelight Fulfillment Inc.

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Office of State Procurement

Featured Contracts

Agency Forms

Quasi Agencies and Political Subdivisions Forms

[Louisiana Revised Statutes 39:1702 et. seq.](#), provides that eligible political subdivisions and private procurement units of the State of Louisiana may be permitted to place orders against certain statewide contracts administered by the Office of State Procurement. The contractor may however, at its option, amend a bid so that any contract awarded will not apply to public or private procurement units.

Local public or private procurement units wishing to procure commodities through the Statewide Contract Management System must submit, prior to their first purchase, a completed [State Contract Questionnaire](#) to the Office of State Procurement at [OSP Webmaster](#).

The list of Participating Entities is available [here](#). These units are eligible to purchase from the statewide contracts via the cooperative procurement clause.

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Office of State Procurement

Office of State Procurement
State of Louisiana
Division of Administration

JOHN BEL EDWARDS
Governor



JAY DARDENNE
Commissioner of Administration

STATE CONTRACT QUESTIONNAIRE

A. Name of Organization: _____
Address: _____ City/State/Zip Code: _____
Telephone: _____ Fax: _____
E-Mail: _____

B. Please cite the enabling legislation, if any that set up your organization.

C. List the source and percentage of your organization funding that is derived from public (city, parish, state or federal) sources.

D. If your answer to (C) is 100%, stop. If your answer to (C) is less than 100%, proceed to question (E).

E. List any programs operated by your organization that are themselves 100% publicly funded programs?

If approved, do you wish to receive procurement email notifications? ☐ Yes ☐ No

Note: Louisiana state contracts may be viewed on the Internet at:
http://www.prfll.dca.louisiana.gov/OSP/LOFAC/eCat/dsp_eCatSearch.cfm

Signature of Authorized Person (Date)

(Print - Name & Title of Authorized Person)

FOR OFFICE USE ONLY

By: _____
Date: _____

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Angela Heath, LLM, CFE

Patrick Virgadamo, CFE

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Office of State Procurement					
A	B	C	D	E	
1 Name	Contact	Address	City/State/Zip	Approval Date	
846 Sherwood Forest Crime Prev.	Gary Patureau, Chair	P. O. Box 4542	Baton Rouge, LA 70895	10/8/2014	
847 Shiloh Gardens	Pamela Marshall	1504 N Broad Street	New Orleans, LA 70119	09/18/2014	
848 Shiloh Gardens Preschool, LLC	Pamela Marshall	2029 Simon Boliver Avenue	New Orleans, LA 70113	10/27/2020	
849 Shreveport Housing Authy, City of	Donzetta H. Kimble	623 Jordan Street	Shreveport, LA 71101	11/21/1991	
850 Shreveport City Jail	Joe R. Smith, Commander	755 Hope Street	Shreveport, LA 71101	12/03/2012	
851 Shreveport Police Department	Stephen Prator, Chief	P. O. Drawer P	Shreveport, LA 71101	11/23/1992	
852 Shreveport, City of	Tom Mattox	P. O. Box 31100	Shreveport, LA 71130	02/24/1991	
853 Shreveport-Bossier Convention & Tourist Commission		629 Spring Street	Shreveport, LA 71101	05/24/2001	
854 Sieper Area Water System	Rose Ingalls	P. O. Box 96	Sieper, LA 71472-0096	07/19/2007	
855 Simmesport Housing Authority	Pamela Adams	P. O. Box 131	Simmesport, LA 71369-0131	05/13/2010	
856 Simmesport, Town of	Mayor's Office	P. O. Box 145	Simmesport, LA 71369-0145	11/18/1992	
857 Simpson, Village of	Joan J. Smith	PO Box 278	Simpson, LA 71474	03/10/2014	
858 Simsboro, Village of	Mayor's Office	P. O. Box 40	Simsboro, LA 71275	03/15/2007	
859 Slaughter, Village of	Mayor's Office	P. O. Box 29	Slaughter, LA 70777	11/04/1994	
860 Slidell Memorial Hospital	Lee Miller	1001 Gause Blvd.	Slidell, LA 70458	03/07/1991	
861 Slidell, City of	Robert Vogt	P. O. Box 828	Slidell, LA 70459-0828	02/28/1991	
862 Socialization Services	Roy L. Thomas, Sr., Rev.	2026 DeSoto Street	Shreveport, LA 71103	02/15/2000	
863 Sorrento Police Department	Jerome Kerk, Chief	P. O. Box 65	Sorrento, LA 70778-0065	08/27/1997	
864 Sorrento Volunteer Fire Dept.	Nelson Pinion, Chief	8096 Main Street	Sorrento, LA 70778	05/02/2014	
865 Sorrento, Town of	Michael Lambert, Mayor	Post Office Box 65	Sorrento, LA 70778	03/11/2021	
866 South Bossier Vol. Fire Dept.	Patricia Vasco	P. O. Box 98	Elm Grove, LA 71051-0098	06/21/1993	
867 South Central Planning & Dev.	Julie Boudreaux, CAFO	P. O. Box 1870	Gray, LA 70359-1870	03/01/1991	
868 South Lafourche Levee District	Windell Curelle	P. O. Box 426	Galliano, LA 70354-0426	11/18/1992	
869 South Landry Housing Authority	Chester Broussard	P. O. Drawer E	Grand Coteau, LA 70341	10/05/1994	
870 South Louisiana Econ. Council	Vic Lafont, President/CEO	P. O. Box 2048/NSU	Thibodaux, LA 70310	6/18/2013	
871 South Tangipahoa Port Comm.	J. D. Ware, Jr.	163 West Hickory Street	Ponchatoula, LA 70454	03/08/1991	
872 Southeast LA Legal Services	Brian D. Lenard	1200 Derek Drive, Ste. 100	Hammond, LA 70404	12/02/1993	
873 Southeast Waterworks Dist #2 of Vermillion Parish	Susan Lemaire, Office Mgr.	417 Trahan Street	Abbeville, LA 70510	07/23/2020	
874 Southern Heights Neighborhood Crime Prevention & Improvemer	Sheila Sims, Treasurer	PO Box 74761	Baton Rouge, LA 70804-4761	02/21/24	
875 Southwest Allen Psh Water Dist #2	Derek Van Norman	P. O. Box 247	Kinder, LA 70646-0247	11/18/2011	
876 Southwest Louisiana Area Health Education Center	Brian Burton, CEO	103 Independence Blvd	Lafayette, LA 70506	11/03/21	
877 Special Education District #1	John Werner, Jr.	West 55 Street, P. O. Box 405	Cut Off, LA 70346-0405	11/16/1992	
878 Spring Ridge Academy	Kendra Whitaker	620 Jackson Street	Kenner, LA 70062	07/28/2019	
879 Springhill Police Department	Jerry Stephen	025 Clinic Street	Springhill, LA 71075	03/01/1991	
880 Springhill, City of	Smead Moss	P. O. Box 398	Springhill, LA 71075-0398	01/14/1992	
881 Sprinkles Early Learning Academy	Dennis R. Hensley, Jr., Dr., Director	396 Britton Road	Calhoun, LA 71225	01/2/2020	
882 St. Anne General Hospital	Kim Dantin	P. O. Box 440	Raceland, LA 70394-0440	03/07/1991	

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- OSP may also establish Louisiana Multiple Award Schedule (LaMAS) Contracts, which are based on Federal General Service Administration (GSA) contracts, to make these available to all State agencies.
- In addition, OSP may partner with national cooperative organizations, (such as NASPO, Sourcewell, OMNIA, etc.) in order to participate in and access the pricing and benefits of their large-scale contracts, and pass these savings on to our Louisiana agencies.
- Through its cooperative purchasing authority, OSP is able to extend the benefits of these Statewide contracts, including the opportunity to obtain these low prices on quality products and services, to all Quasi Agencies and Political Subdivisions.

OFFICE OF STATE PROCUREMENT
Procurement & L.A. Gov.

STATE OF LOUISIANA
OFFICE OF THE COMPTROLLER
1001 PINE STREET
Baton Rouge, LA 70804

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Office of State Procurement

Acronyms


OSP	Office of State Procurement	GSA	General Services Administration
DOA	Division of Administration	ITB	Invitation to Bid
CPO	Chief Procurement Officer	LaMAS	Louisiana Multiple Award Schedule
DPA	Delegation of Purchasing Authority	LAPS	Louisiana Pricing Schedule
EO	Executive Order	LaPAC	Louisiana Procurement & Contract Network
		eCat	Electronic Catalog




OFFICE OF STATE PROCUREMENT
Procurement.La.Gov

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Scenario 1

State Contract Scenario


The city's public works department had three vehicle suddenly breakdown and have been determined to be beyond repair. The total costs for replacing the three vehicles is expected to exceed \$60,000.


The Mayor asks the Clerk to find a way to get the new vehicles ASAP and tells her he knows the State usually has pickup trucks on State contract, and that maybe they can get the trucks at the local dealership in town.

What options does the City have to purchase the trucks without Bidding?

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Federal GSA Scenario


The police chief says that he found some equipment the police department needs for a good price on the Federal GSA lists. He wants to know if the town can purchase these items or do they need to be bid out since the total cost of the equipment to be purchased is expected to be over \$80,000.

Can the town purchase the equipment off the Federal GSA list?

What things should the town document in its file?

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FEDERAL PROCUREMENT

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Article VII §14A of the Constitution

Except as otherwise provided by this constitution, the funds, credit, property, or things of value of the state or of any political subdivision shall not be loaned, pledged, or donated to or for any person, association, or corporation, public or private.

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Federal Standards

Must follow
Federal, State,
and Local
law/requirements


Remember
services are
covered under
2 CFR Part 200


Document
everything


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Federal Procurement Law


2 CFR Part 200

- Provides Federal Procurement Rules for State/State Agencies and Local Governments who are:
 - Recipients of Federal Grants, or
 - Reimbursements under Federal Programs such as Stafford Act -Public Assistance Program.
- Local Governments must follow these rules along with the State Public Bid Law and any local procurement rules established by home rule charter or ordinance.



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Federal Standards



Note

Federal Declared Disasters on or after December 26, 2014 are subject to the Federal Procurement Standards under **2 CFR Part 200 §200.317 -200.326.**




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Federal Standards




2 CFR §200.317

- When procuring property (i.e. materials and supplies) and services under a Federal award, the State and State Agencies must follow the same policies and procedures they use for procurements involving non-Federal funds, i.e. The State Procurement Code.
 - The State must also comply with certain sections of 2 CFR Part 200, including those related to contracting with minority and woman owned businesses and the various contractual requirements set forth in Appendix II to Part 200.
- Local Governments, must comply with 2 CFR §200.318 - 200.326 when expending Federal grant funds or when seeking reimbursement under a Federal program, i.e. FEMA reimbursement.

NOTE: Federal Procurement under 2 CFR 200 covers services in addition to public works and purchases of materials and supplies.

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Federal Standards

2 CFR §200.318


■ Non-Federal entities (i.e. Local Government) must:

- Have written procedures (i.e. procurement procedure manual) that will ensure consistent procurement that maintains:
 - Compliance with State and local laws and regulations,
 - Compliance with the Federal procurement standards under 2 CFR §200.318-326,
 - Oversight/monitoring of contractors/vendors, and
 - Standards and controls to address and prevent conflicts of interests by employee that participate in contract selection, awarding, and administration.
 - See also the Louisiana Code of Governmental Ethics, R.S. 42:1101, et seq.



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Federal Standards

2 CFR §200.318 (Cont'd)


■ Non-Federal entities (i.e. Local Government) must:

- Avoid purchasing unnecessary and duplicative items.
- Maintain records sufficient to detail the history of procurement, which should include but not be limited to the following:
 - Rationale for the method of procurement,
 - Selection of contract type,
 - Contractor selection or rejection, and
 - The basis for the contract price.



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Federal Standards

Competition 2 CFR 200.319



- Full and open competition
- Contractors that assist in development of specifications, statements of work, or invitations for bid/requests for proposals must be excluded from competing on those projects.
- Geographical preferences are not favored, unless Federal Law provides for one, or in the case of A/E services

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Federal Standards

Competition 2 CFR 200.319



- Written selection procedures identifying all requirements that offerors must fulfill.
- Ensure all pre-qualified lists of persons, firms or products are current and include enough qualified sources to ensure maximum open and free competition

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Federal Standards
Methods of Procurement

Threshold
2 CFR 200.320(a)(1)

■ Micro-purchases

- \$10,000 or under, unless specified to another amount under 48 CFR §2.101
- Must distribute equitably among qualified suppliers
- Awarded without soliciting competitive quotations if the price is reasonable



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Federal Standards
Methods of Procurement

Threshold
2 CFR 200.320(a)(2)

■ Small purchase procedures

- Less than \$250,000 (or current Simplified Acquisition Threshold as defined in 48 CFR §2.101)
- Price quotes from adequate number of qualified sources
- Document





Conflicts with Public Bid Law for purchases of materials & supplies

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**Federal Standards
Methods of Procurement**




Sealed Bids (formal advertising)
2 CFR 200.320(b)(1)

- **Preferred method for construction contracts.**
 - Conditions should provide for:
 - Complete, adequate, and realistic specifications or purchase descriptions;
 - Two or more responsible bidders are willing and able to compete effectively for the business; and
 - The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.


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**Federal Standards
Methods of Procurement**



Sealed Bids (Cont'd)
2 CFR 200.320(b)(1)

- **Requirements**
 - Awarded to lowest responsible and responsive bidder;
 - Must be solicited from an adequate number of qualified sources, providing sufficient time for responses, and publicly advertised;
 - Invitation to bid must include any specifications and pertinent attachments;
 - All bids opened at the time and place in the invitation to bid
 - Any or all bids may be rejected if there is a sound documented reason.

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Federal Standards Methods of Procurement Requests for Proposals (RFP)

2 CFR 200.320(b)(2)

- For fixed price or cost reimbursement contracts and generally used when conditions are not appropriate for sealed bids.
- Requirements
 - Awarded to the responsible offeror whose proposal is most advantageous to the public entity, with price and other factors considered;
 - Must publicize RFP and identify all evaluation factors and their relative importance;
 - Must solicit from an adequate number of qualified offerors and responses received must be considered to the maximum extent practical; and
 - Public entity must have a written method for conducting technical evaluations of proposals receiving and making selections.

Architectural and Engineering contracts may utilize qualification based RFP, subject to negotiation of fair and reasonable compensation. (a/k/a RFQ).

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Federal Standards

2 CFR 200.320(c)



- Non-competitive proposals
 - Purchases below the Micro-purchase Threshold;
 - Sole Source (difficult to prove);
 - Public urgency will not permit delay resulting from publicizing a competitive solicitation;
 - The awarding agency expressly authorizes a noncompetitive procurement; or
 - After solicitation of a number of sources competition is inadequate.

Local government entities must still follow Louisiana Public Bid Law

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Federal Standards


Other issues

➤ Affirmative Action 2 CFR 200.321

❖ Grantees and Subgrantees - take all necessary steps to assure that minority firms, women's business enterprises, and labor surplus area firms are used when possible


➤ Cost & Price 2 CFR 200.324

❖ Grantees and subgrantees must perform a cost or price analysis in connection with every procurement action including contract modifications that exceeds the simplified acquired threshold



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Federal Standards

2 CFR 200.324(a)

Cost or Price Analysis


• Local government entities must perform a cost or price analysis in connection with every purchase (including contract modifications) over the Simplified Acquisition Threshold (\$250,000).

• An independent estimate must be done by the local government entity before receiving bids or proposals.



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Federal Standards

■ Acceptable contract types:

- Lump Sum work - clearly defined scope and a total price
- Unit Price work - item-by-item basis with cost determined per unit
- Cost Plus Fixed Fee - lump sum or unit price with a fixed contractor fee added into the price



■ Time and Materials (actual costs of materials plus labor charges) with:

- Monitoring
- Cost ceiling
- Only for a limited period (Previously this was generally not more than 70 hours, now reasonable time) for work that is necessary immediately after the disaster when a clear scope of work cannot be developed

2 CFR 200.318(j)

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Federal Standards

■ Unacceptable contract types:

■ Cost plus percentage of cost

2 CFR 200.324(d)

■ Contingency -

- Example - Under the Public Assistance Program through FEMA, the local government may not execute a contract that states it will only be liable to pay contractor if/when the public entity receives reimbursement from FEMA.
- The local government entity is required to be reimbursed for costs actually incurred/expended.



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Federal Standards

SUMMARY

Must follow
Federal, State,
and Local
law/requirements

Remember
Services are
covered under
2 CFR Part 200

Document
everything

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The Legal Section participates in the mission of LLA by providing written and oral opinions. These opinions relate to audit matters and are tendered to staff auditors, independent CPAs, and public officials. During the Legislative Session, the Legal Section tracks legislation regarding audit issues.

To speak directly with a legal professional, please call 225-339-3871.

Read More

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