

SENATE BILL NO. 573

BY SENATOR MICHOT

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AN ACT

To amend and reenact R.S. 39:1490(B)(5), 1522, and 1526(A), relative to procurement; to provide for appeals under the Professional, Personal, Consulting, and Social Services Procedure Code; to clarify that an appeal to the First Circuit Court of Appeal or the Louisiana Supreme Court is authorized by law under the code; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 39:1490(B)(5), 1522, and 1526(A) are hereby amended and reenacted to read as follows:

§1490. Authority and duties of the office of contractual review

* * *

B. The office of contractual review shall adopt appropriate rules and regulations governing the procurement of professional, personal, consulting, and social services, specifically but not limited to rules and regulations governing:

* * *

(5) Opening of proposals, rejection of proposals, consideration of alternate proposals, ~~and~~ waiver of informalities in offers, **and administrative protest and appeal procedures prior to the commencement of judicial actions.**

* * *

§1522. Definition of court

For the purpose of this ~~Part~~ **Chapter**, the term "court" means the Nineteenth Judicial District located in Baton Rouge and, in the event of an appeal from such a court, the First Circuit Court of ~~Appeals~~ **Appeal** located in Baton Rouge.

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§1526. Jurisdiction; actions in certain cases

1 A. The Nineteenth Judicial District Court, subject to appeal ~~as provided by~~
2 ~~law~~ **or review by the Court of Appeal, First Circuit or the Supreme Court of**
3 **Louisiana, as otherwise permitted in civil cases by law and the state**
4 **constitution**, shall have jurisdiction over **any claims arising out of a request for**
5 **proposal or award of a contract, any** controversies involving the state, **or any**
6 **other matters** in connection with a petition for review of a decision made pursuant
7 to ~~R.S. 39:1525~~ **this Chapter, following the exhaustion of administrative**
8 **remedies as provided by law or regulation.**

* * *

10 Section 2. This Act shall not apply to any claim or controversy arising out of any
11 contract or agreement executed prior to August 1, 2008.

12 Section 3. This Act shall become effective upon signature by the governor or, if not
13 signed by the governor, upon expiration of the time for bills to become law without signature
14 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
15 vetoed by the governor and subsequently approved by the legislature, this Act shall become
16 effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____