

Regular Session, 2004

HOUSE BILL NO. 1256

BY REPRESENTATIVES ALARIO AND SALTER AND SENATORS HEITMEIER AND HINES

PUBLIC CONTRACTS: Requires performance-based energy contracts to be reviewed, approved, and overseen by the office of facility planning and control, division of administration, according to regulations it promulgates

1 AN ACT

2 To amend and reenact R.S. 39:1496.1(E)(1) and Section 2 of Act 989 of the 2003 Regular
3 Session of the Legislature, relative to performance-based energy efficiency contracts;
4 to provide for review and execution of such contracts; to provide for the review and
5 evaluation of such contracts; to provide for the effectiveness of the provisions of the
6 Act; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 39:1496.1(E)(1) is hereby amended and enacted to read as follows:

9 §1496.1. Performance-based energy efficiency contracts

10 * * *

11 E.(1) Prior to award of any performance-based energy efficiency contract, the
12 response to the requests for proposals shall be evaluated as follows:

13 (a) A state agency that seeks to enter into a contract pursuant to this Section
14 shall conduct an initial evaluation of proposals submitted to it. Such evaluation shall
15 be consistent with the provisions of this Chapter, except that a state agency shall not
16 make a final selection from among submitted proposals. A state agency shall submit
17 such evaluation, along with all responsive and responsible proposals, to the
18 Department of Natural Resources.

1 no later than the ~~convening~~ final adjournment of the 2004 Regular Session of the
2 Legislature.

3 Section 3. This Act shall become effective upon signature by the governor or, if not
4 signed by the governor, upon expiration of the time for bills to become law without signature
5 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
6 vetoed by the governor and subsequently approved by the legislature, this Act shall become
7 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.

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HB No. 1256

Abstract: Revises provisions for the evaluation of performance-based energy contracts and changes the time for adoption of initial rules.

Present law authorizes state agencies, boards, or commissions to enter into a performance-based energy efficiency contract for services and equipment. Provides for the evaluation of such proposed contracts and for approval by the commissioner of administration.

Proposed law clarifies the process for evaluation and approval of such contracts. Specifically provides that the initial evaluation is by the requesting state agency. DNR then evaluates the proposals forwarded by the agency. The commissioner of administration receives the evaluation from DNR and may select an independent third party evaluation to review and evaluate the proposals. After such evaluations, the commissioner may authorize an agency to negotiate a contract which must finally be awarded by the commissioner.

Proposed law revises the time for adoption of rules pursuant to Act 989 of the 2003 Regular Session and this Act.

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

(Amends R.S. 39:1496.1(E)(1) and Section 2 of Act 989 of the 2003 R.S.)