

**Title 4
ADMINISTRATION**

Part V. Policy and Procedure Memoranda

Chapter 59. Procurement Preferences; Application—PPM Number 59

§5901. Authority

A. Pursuant to R.S. 39:1551 et seq., the Office of State Procurement is required to provide for certain preferences in the solicitation of products by state agencies and by local government buying off of statewide cooperative contracts.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1561 and 39:1564.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Procurement, LR 42:370 (March 2016).

§5903. Policy

A. To provide notification to vendors and to state and local government agencies, as well as for auditing purposes, it shall be the policy of the Office of State Procurement to list, as far as is practicable, all product preferences in this PPM, and to apply those preferences where applicable in all matters solicited through this office or under its authority.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1561 and 39:1564.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Procurement, LR 42:370 (March 2016).

§5905. Preference Chart

Preference	Authority	How Applied
Produce produced in LA	R.S. 39:1604(C)(1)	A 10% preference above the bid price is given to produce produced in LA
Produce Products produced and processed in LA	R.S. 39:1604(C)(1)	A 10% preference above the bid price is given to produce produced and processed in LA
Eggs laid in LA	R.S. 39:1604(C)(2)	A 10% preference above the bid price is given to vendor supplying eggs laid in LA
Egg Products processed from eggs laid in LA	R.S. 39:1604(C)(2)	A 10% preference above the bid price is given to vendor supplying egg products processed from eggs laid in LA
Meat and Meat Products processed in LA from animals that originated in Louisiana as evidenced by traceability documentation supplied by the manufacturer	R.S. 39:1604(C)(3)	A 10% preference above the bid price is given to vendor supplying meat and meat products processed in LA from animals that originated in Louisiana as evidenced by traceability documentation supplied by the manufacturer
Seafood harvested in LA seas or other LA waters or seafood and harvested by a person who holds a valid appropriate commercial fishing license issued pursuant to R.S. 56:1	R.S. 39:1604(C)(4)	A 10% preference above the bid price is given to vendor supplying seafood harvested in LA seas or other LA waters or seafood and harvested by a person who holds a valid appropriate commercial fishing license issued pursuant to R.S. 56:1
Products produced from Seafood, as described above, processed in LA	R.S. 39:1604(C)(4)	A 10% preference above the bid price is given to vendor supplying products produced from seafood, as described above, and which are processed in LA
Domesticated Catfish processed in LA from animals grown in LA	R.S. 39:1604(C)(5)	A 10% preference above the bid price is given to vendor supplying domesticated catfish processed in LA from animals grown in LA
Paper and Paper Products manufactured or converted in LA (See R.S. 39:1595(c)(6))	R.S. 39:1604(C)(6)	A 10% preference above the bid price is given to vendor supplying Paper and Paper Products manufactured or converted in LA (See R.S. 39:1595(c)(6))
All other agricultural or forestry products produced, manufactured, or processed in LA	R.S. 39:1604(C)(7)	A 10% preference above the bid price is given to vendor supplying all other agricultural or forestry products produced, manufactured, or processed in LA
Meat and Meat Products which are further processed in LA under the grading and certification service of La. Dept. of Ag.	R.S. 39:1604(D)	A 7% preference above the bid price is given to vendor supplying meat and meat products which are further processed in LA under the grading and certification service of La. Dept. of Ag.
Domesticated or Wild Catfish processed in LA but grown outside of LA	R.S. 39:1604(E)	A 7% preference above the bid price is given to vendor supplying domesticated or wild catfish processed in LA but grown outside of LA
Produce processed in LA but grown outside of LA	R.S. 39:1604(F)	A 7% preference above the bid price is given to vendor supplying produce processed in LA but grown outside of LA
Eggs or Crawfish which are further processed in LA under the grading service of La. Dept. of Ag.	R.S. 39:1604(G)	A 7% preference above the bid price is given to vendor supplying eggs or crawfish which are further processed in LA under the grading service of La. Dept. of Ag.
Materials, Supplies, Products, Provisions, or Equipment produced manufactured, or assembled in LA (excluding treated wood poles and piling)	R.S. 39:1604(H)	A 10% preference above the bid price is given to vendor supplying materials, supplies, products, provisions, or equipment produced manufactured, or assembled in LA
In-State Vendor (Reciprocal Preference)	R.S. 39:1604.1	In the awarding of contracts by any public entity, except contracts for construction, maintenance, or repair of highways and streets, contracts financed in whole or in part by contributions or loans from any agency of the US govt., where both in-state and out-of-state vendors are bidding, in-state vendors shall be given preference that any of the out-of-state vendors would be given on a comparative bid in their own state.

Preference	Authority	How Applied
Contractors Domiciled in LA (Reciprocal Preference)	R.S. 39:1604.2	In the letting of contracts for public work by any public entity, except contracts financed in whole or in part by contributions or loans from any agency of the US govt, preference shall be given to contractors domiciled in LA over contractors domiciled in a state that provides for a preference in favor of contractors domiciled in the state over contractors domiciled in LA for the same type of work Contractors domiciled in LA are to be granted the same preference over contractors domiciled therein with a preference over contractors domiciled in LA in the same manner and on the same basis and to the same extent that such preference may be granted in letting contracts for the same type of work by such other state to contractors domiciled therein over contractors domiciled in LA.
In-state vendor of rodeos and livestock shows where state-owned facilities will be used to house or contain such activities	R.S. 39:1604.3	A 10% preference above the bid price is given to vendor in the award of contracts by any public entity for services to organize or administer rodeos and livestock shows where state-owned facilities will be used to house or contain such activities, and where both in-state and out-of-state vendors are bidding.
Goods manufactured, or services performed by sheltered workshops	R.S. 39:1604.4	Every governmental body shall give a preference in its purchasing practices to goods manufactured and services performed by individuals with severe disabilities in state-operated and state-supported sheltered workshops.
Products manufactured or services rendered by individuals who are blind	R.S. 23:3025	Whenever the state or a political subdivision of the State has occasion to purchase any product manufactured by individuals who are blind or utilize any service rendered by individuals who are blind, it shall communicate with La Workforce Commission to ascertain whether such products are available. To the extent available, the state and its subdivisions may purchase them in the manner provided and at prices fixed by LA Workforce Commission.
Items purchased from LA Retailers	R.S. 39:1604.5	A 10% preference above the bid price is given to retail dealer located in LA supplying items for retail purchase. The retail dealer shall qualify if it can show that it has paid the LA corporate income, corporate franchise, and inventory taxes or any combination thereof during the previous twelve-month period.
Steel rolled in LA	R.S. 39:1604.6	A 10% preference above the bid price is given to vendor supplying steel rolled in LA. *Does not apply when sufficient quantities of steel rolled in LA are not available.
Items manufactured in the United States	R.S. 39:1604.7	A 5% preference above the bid price is given to vendor supplying steel rolled in LA
Purchases from Local vendors by Local governing authorities	R.S. 39:1710	A 7% (on purchases up to \$10,000), 5% (on purchases between \$10,000 and \$20,000), or 3% (on purchases over \$20,000) preference above the bid price is given to local vendor when a local governing authority purchases an item at the state bid price through a local vendor.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1561 and 39:1564.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Procurement, LR 42:371 (March 2016).

§5907. Right to Negotiate Prices or Cancel Solicitation; Additional Preferences

A. Nothing in this policy shall prevent the Office of State Procurement or an agency from negotiating with a vendor to lower its prices or an agency from canceling a solicitation where a preferred product is determined to exceed an agency's allocated budget for the product.

B. The Office of State Procurement shall revise the list of preferences herein from time to time to recognize new or additional procurement preferences as may be appropriate. Newly enacted statutory preferences, however, shall be enforced immediately upon their effective dates.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1561 and 39:1564.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Procurement, LR 42:371 (March 2016).