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☐ EMERGENCY RULE ☒ NOTICE OF INTENT ☐ RULE ☐ POTPOURRI

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This is your authority to publish in the (month) September, 20 25 Louisiana Register the document indicated above.

Office of Economic Development

Office/Board/Commission promulgating this document

Anne G. Villa

Deputy Secretary/CFO

(name)

(title)

Name and title of person whose signature will appear in the publication (at the end of the document)

Louisiana Economic Development

Department under which office/board/commission is classified

Leticia Johnson

342-3000

(name)

(phone)

(fax)

Name, phone number, and FAX number of person to contact regarding this document

Leticia.Johnson@la.gov

E-mail address of contact person

Minority Business Enterprise

Short descriptive listing for this document to be used in the Louisiana Register's TABLE OF CONTENTS/INDEX

File name

Anne G. Villa

Signature of Agency Head or Designee

Anne G. Villa, Deputy Secretary/CFO

Print Name and Title of Agency Head or Designee

CERTIFICATION OF AVAILABLE FUNDS

DOCUMENT # _____

LAGOV AGENCY: I certify the availability of fiscal year 2026 appropriated funds for the payment of the above referenced publication and authorize the processing of an Interagency Billing with the following coding on the 30th of the month of the publication. Attach supplemental sheet for additional lines of coding.

252		2501011000		2500000000			
Business Area	General Ledger	Cost Center	Grant	Fund	WBS	Internal Order	Functional

NON-LAGOV AGENCY: I certify the availability of fiscal year 26 appropriated funds for the payment of the above referenced publication and agree to place corresponding invoice in line for payment upon receipt.

Billing Contact Information:

Louisiana Economic Development

Agency Name

Taylor Richard

Agency Contact Person for Billing

Taylor.Richard@la.gov

Agency E-Mail Address for Billing

NOTE: Detailed billing information will be provided via a publishing invoice sent to the Billing Contact Information provided.

NOTICE OF INTENT

Louisiana Economic Development Office of Economic Development

Minority Business Enterprise (LAC 19:III. Chapters 1-25)

Louisiana Economic Development (“LED”), Office of Economic Development, authorized by and pursuant to the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and R.S. 36:104, hereby give notice of their intent to repeal Rules for the administration of the Minority Business Enterprise.

In accordance with the Office of the Governor Executive Order No. JML 25-038, LED reviewed and evaluated these program rules, determined them to be obsolete and unnecessary and therefore seeks their repeal.

Title 19 CORPORATION AND BUSINESS Part III. Minority Business Enterprises

Chapter 1. Statement of Policy/Legal Basis

§101. Statement of Policy

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969, R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:342 (April 1985), repealed by Louisiana Economic Development, Office of Economic Development, LR.

Chapter 3. General Provisions

§301. Definitions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969, R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:342 (April 1985), repealed by Louisiana Economic Development, Office of Economic Development, LR.

Chapter 5. Certification Procedures

§ 501. Criteria for Minority Certification

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969, R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:343 (April 1985), repealed by Louisiana Economic Development, Office of Economic Development, LR.

§503. Distribution of Certification Applications

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969, R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:343 (April 1985), repealed by Louisiana Economic Development, Office of Economic Development, LR.

§505. Procedure

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:343 (April 1985), amended by the Department of Economic Development, Division of Minority and Women's

Business Enterprise, LR 14:350 (June 1988), LR 15:960 (November 1989), repealed by Louisiana Economic Development, Office of Economic Development, LR.

§507. Submittal of Information Requested

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:344 (April 1985), repealed by Louisiana Economic Development, Office of Economic Development, LR.

§509. Certification Documents Inquiries/Assistance

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:195-1969 and R.S. 3:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:344 (April 1985), repealed by Louisiana Economic Development, Office of Economic Development, LR.

§511. Notification of Minority Certification Decision

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:344 (April 1985), repealed by Louisiana Economic Development, Office of Economic Development, LR.

§513. Disapproval of Minority Certification

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:344 (April 1985), repealed by Louisiana Economic Development, Office of Economic Development, LR.

§515. Verification of Information Submitted

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:344 (April 1985), repealed by Louisiana Economic Development, Office of Economic Development, LR.

§517. Change in Minority Ownership/Control

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:344 (April 1985), repealed by Louisiana Economic Development, Office of Economic Development, LR.

§519. Application Denied or Withdrawn

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:344 (April 1985), repealed by Louisiana Economic Development, Office of Economic Development, LR.

§521. Liability

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:344 (April 1985), repealed by Louisiana Economic Development, Office of Economic Development, LR.

§523. Exceptions to Vendor Certification Requirements

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:344 (April 1985), repealed by Louisiana Economic Development, Office of Economic Development, LR.

Chapter 7. Recertification Procedures

§701. Annual Recertification

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1735.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:344 (April 1985), amended by the Department of Economic Development, Division of Minority and Women's Business Enterprise, LR 15:959 (November 1989), repealed by Louisiana Economic Development, Office of Economic Development, LR.

§703. Failure to Recertify

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1735.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:344 (April 1985), amended by the Department of Economic Development, Division of Minority and Women's Business Enterprise, LR 15:960 (November 1989), repealed by Louisiana Economic Development, Office of Economic Development, LR.

Chapter 9. Complaints Concerning Certified Vendors

§901. Ineligibility Complaints

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:344 (April 1985), repealed by Louisiana Economic Development, Office of Economic Development, LR.

§903. Investigation of Complaint

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:345 (April 1985), repealed by Louisiana Economic Development, Office of Economic Development, LR.

§905. Notification of Complaint

Repealed

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:345 (April 1985), repealed by Louisiana Economic Development, Office of Economic Development, LR.

§907. Response to Complaint

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:345 (April 1985), repealed by Louisiana Economic Development, Office of Economic Development, LR.

§909. Cooperation in Complaint Investigation

Repealed

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:345 (April 1985), repealed by Louisiana Economic Development, Office of Economic Development, LR.

§911. Temporary Suspension

Repealed

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:345 (April 1985), repealed by Louisiana Economic Development, Office of Economic Development, LR.

§913. Complaint Investigation Decision

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:345 (April 1985), repealed by Louisiana Economic Development, Office of Economic Development, LR.

Chapter 11. Decertification Procedures

§1101. Certification Denied

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:345 (April 1985), repealed by Louisiana Economic Development, Office of Economic Development, LR.

§1103. Petition for Reconsideration

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:345 (April 1985), repealed by Louisiana Economic Development, Office of Economic Development, LR.

§1105. Petition Reconsidered or Reviewed by OMBE

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:345 (April 1985), repealed by Louisiana Economic Development, Office of Economic Development, LR.

§1107. Decision of Reconsideration Petition

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:345 (April 1985), repealed by Louisiana Economic Development, Office of Economic Development, LR.

Chapter 13. Minority Participation in State Procurement Activity

§1301. Establishment of Annual Goals for Agencies

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:345 (April 1985), repealed by Louisiana Economic Development, Office of Economic Development, LR.

§1303. Preparation by Agencies of Annual Plan for Attainment of Annual Goal

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1069 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:345 (April 1985), repealed by Louisiana Economic Development, Office of Economic Development, LR.

Chapter 15. Designation and Setting-Aside of Procurement Activities for Minority-Owned Business Participation

§1501. Identification of Goods and Services

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:346 (April 1985), repealed by Louisiana Economic Development, Office of Economic Development, LR.

§1503. Publication of Minority Business Directory

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:346 (April 1985), repealed by Louisiana Economic Development, Office of Economic Development, LR.

§1505. Publication of Minority Business Directory

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:346 (April 1985), repealed by Louisiana Economic Development, Office of Economic Development, LR.

§1507. Goods, Services and Public Works Set-Aside

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:346 (April 1985), repealed by Louisiana Economic Development, Office of Economic Development, LR.

§1509. Applicable Laws

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:346 (April 1985), repealed by Louisiana Economic Development, Office of Economic Development, LR.

§1511. Bid Identified as Set-Aside

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:346 (April 1985), repealed by Louisiana Economic Development, Office of Economic Development, LR.

§1513. Bid Proposal Advertisements

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:346 (April 1985), repealed by Louisiana Economic Development, Office of Economic Development, LR.

§1515. Agency Receipt and Evaluation of Minority Set-Aside Bids

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:346 (April 1985), repealed by Louisiana Economic Development, Office of Economic Development, LR.

§1517. Designation of a Minority Set-Aside Bid

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:346 (April 1985), amended LR 13:342 (June 1987), LR 13:497 (September 1987), repealed by Louisiana Economic Development, Office of Economic Development, LR.

Chapter 17. Criteria for Procurement of Goods and Services

§1701. Criteria for Procurement of Goods and Services

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:347 (April 1985), amended LR 13:343 (June 1987), repealed by Louisiana Economic Development, Office of Economic Development, LR.

§1703. Consulting Services

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:347 (April 1985), amended LR 13:497 (September 1987), repealed by Louisiana Economic Development, Office of Economic Development, LR.

§1705. Public Work Bids \$200,000 or More

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:347 (April 1985), repealed by Louisiana Economic Development, Office of Economic Development, LR.

§1707. Construction Bids under \$200,000

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:347 (April 1985), repealed by Louisiana Economic Development, Office of Economic Development, LR.

Chapter 19. Noncertified Vendor Participation

§1901. Noncertified Vendor Participation

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:347 (April 1985), repealed by Louisiana Economic Development, Office of Economic Development, LR.

§1903. Liability

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:347 (April 1985), repealed by Louisiana Economic Development, Office of Economic Development, LR.

§1905. Small Business Criteria Waived

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:347 (April 1985), repealed by Louisiana Economic Development, Office of Economic Development, LR.

§1907. Annual Target Goals with Non-Certified Minority Vendor

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:347 (April 1985), repealed by Louisiana Economic Development, Office of Economic Development, LR.

§1909. Certification Procedures

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:347 (April 1985), repealed by Louisiana Economic Development, Office of Economic Development, LR.

Chapter 21. Reports

§2101. Quarterly Reporting

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:347 (April 1985), repealed by Louisiana Economic Development, Office of Economic Development, LR.

§2103. Annual Report to Legislature

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:348 (April 1985), repealed by Louisiana Economic Development, Office of Economic Development, LR.

Chapter 23. Directory of Minority Businesses

§2301. Directory of Certified Minority Business Enterprises

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:348 (April 1985), repealed by Louisiana Economic Development, Office of Economic Development, LR.

Family Impact Statement

The proposed Rule is not anticipated to have an impact on family formation, stability, and autonomy as described in R.S. 49:972.

Poverty Statement

The proposed Rule is not anticipated to have an impact on poverty as described in R.S. 49:973.

Provider Impact Statement

The proposed Rule is not anticipated to have an impact on providers of services as described in HCR 170 of the 2014 Regular Legislative Session.

Small Business Analysis

Pursuant to R.S. 49:965.6, methods for reduction of the impact on small business, as defined in the Regulatory Flexibility Act, have been considered when creating this proposed Rule. This proposed Rule is not anticipated to have an adverse impact on small businesses.

Public Comments

Interested persons should submit written comments on the proposed Rules to Stephanie Hartman, Louisiana Economic Development, 617 North 3rd Street, 11th Floor, Baton Rouge, LA 70802 or via email to Stephanie.Hartman@LA.GOV. All comments must be received no later than close of business day, **October 30, 2025**.

Public Hearing

A meeting for the purpose of receiving the presentation of oral comments on the Notice of Intent will be held at **11:00 AM on November 3, 2025** in the La Belle Conference Room at the LaSalle Building, 617 North 3rd Street, Baton Rouge, LA 70802. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at said hearing. Individuals with disabilities who require special services should contact Dawn Thibodeaux at least two (2) working days in advance of the hearing. For assistance, call 225.342.3740 (voice and TDD) or email dawn.thibodeaux@la.gov.



Anne G. Villa:
Deputy Secretary/CFO, LED

Title 19

CORPORATIONS AND BUSINESS

Part III. Minority Business Enterprises

Chapter 1. Statement of Policy/Legal Basis

§101. Statement of Policy

~~A. In accordance with the Louisiana Minority Business Enterprise Act of 1984 (R.S. 39:1951-1969 and 39:1981-1991 and the provisions of the Administrative Procedure Act, R.S. 49:950-970 as amended, the Office of the Governor, Office of Minority Business Enterprises, hereby adopts the following policies, rules and regulations relative to the Minority Business Enterprise Program, to be effective April 20, 1985. These regulations are both substantive and technical in nature, and are intended to specify the procedure for certification and as qualifications for a minority business enterprise; to provide for the effect of certification; to establish procedures for setting and attaining goals for minority business participation in state procurement activities; to provide for contracts requiring minority business participation, and the monitoring of agency and institutional contracts; and to establish penalties for interference and noncompliance. These regulations apply to all state departments, boards or commissions or educational institutions, created by the legislature or executive order within the executive branch of state government pursuant to Title 36, operating from funds appropriated, dedicated or self-sustaining; federal funds; or funds generated from any other source. These regulations do not apply to agencies of the judicial or legislative branches of state government, except to the extent that procurement or public works for these branches is performed by an executive branch agency.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969, R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:342 (April 1985), Louisiana Economic Development, Office of Economic Development, LR.

Chapter 3. General Provisions

§301. Definitions

~~A. When used in these regulations, the following terms shall have meanings as set forth below:~~

~~1. *Small Business*—a business entity organized for profit (including an individual, partnership, corporation, joint venture, association or cooperative), as defined by the Small Business Administration of the United States Government which, for purposes of size eligibility or other factors, meets the applicable criteria set forth in Part 121 of the Title 13 of the *Code of Federal Regulations*, as amended, and which has its principal place of business in Louisiana.~~

~~2. *Minority*—a person who is a citizen or lawful permanent resident of the United States, domiciled in Louisiana, and who is a member of one or more of the following groups:~~

~~a. *Black*—having origins in any of the black racial groups of Africa.~~

~~b. *Hispanic*—having origins in Mexico, Puerto Rico, Cuba, Central or South America, or in other Spain or Portuguese cultures, regardless of race.~~

~~c. *Asian American*—having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands.~~

~~d. *American Indian or Alaskan Native*—having origins in any of the original peoples of North America.~~

~~3. *Minority Business Enterprise or Minority Owned Business*—a small business, organized for profit and performing a commercially useful function, which is owned and controlled by one or more minority individuals or minority business enterprises and which has its principal place of business in Louisiana.~~

~~a. *Commercially Useful Function*—responsible for execution of a contract or distinct element of work under a contract by actually performing, managing, and supervising the work involved.~~

~~b. *Owned and Controlled*—ownership of at least 51 percent of the firm, or in the case of a corporation, at least 51 percent of the voting stock, and controlling at least 51 percent of the management and daily business operations of the business.~~

~~4. *State Procurement Activity*—the purchase, lease, or rental of any goods and/or services undertaken for any state governmental entity which is subject to these regulations. Procurement activities specifically include the following types of expenditures:~~

~~a. *Goods and/or Services*—all purchases for supplies or services made under Chapters 16 or 17 of Title 39 of the Louisiana Revised Statutes of 1950, and all purchases of materials and supplies made under Chapter 10 of Title 38 of the Louisiana Revised Statutes of 1950, including selection of professional services under Part VII of Chapter 10 of Title 38.~~

~~i. *Personal Service*—work rendered by an independent contractor which requires the use of creative or artistic skills;~~

~~such as graphic artists, sculptors, musicians, photographers and writers, or which requires the use of highly technical or unique individual skills or talents, such as paramedical, therapists, handwriting analysts, and expert witnesses for adjudication or court proceedings.~~

~~ii. — *Professional Service* — work rendered by an independent contractor who has a professional knowledge of some department of learning or science used by its practical application of the affairs of others or in the practice of an art founded on it, including but not limited to lawyers, doctors, dentists, veterinarians, architects, engineers, landscape architects, and accountants. A profession is a vocation founded upon prolonged and specialized intellectual training which enables a particular service to be rendered. The word *professional* implies professed attainments in special knowledge as distinguished from mere skill. For contracts with a total amount of compensation of \$75,000 or more, the definition of *professional service* shall be limited to lawyers, doctors, dentists, veterinarians, architects, engineers, landscape architects, accountants, and any other profession that may be added by regulations adopted by the Office of Contractual Review of the Division of Administration.~~

~~iii. — *Consulting Service* — work, other than professional or personal services, rendered by an independent contractor who possesses specialized knowledge, experience and expertise to investigate assigned problems or projects and to provide counsel, review, design, development, analysis or advice in formulating or implementing programs or services or improvements in programs or services, including but not limited to such areas as management, personnel, finance, and accounting, planning and feasibility studies, data processing, advertising and public relations.~~

~~b. — *Public Works* — all work, including construction, highway and ferry construction alteration and improvements (other than ordinary maintenance) — as provided in Chapter 10 of Title 38 or Chapter 1 of Title 48 of Louisiana Revised Statutes of 1950.~~

~~5. — *Certified Minority Vendor* — a minority business enterprise or minority owned business as defined in §301.A.3, which has completed the certification process as provided in Chapter 5 of this Part.~~

~~6. — *Certification* — the process provided in Chapter 5 of this Part by which a minority owned business or minority business enterprise is certified by the Office of Minority Business Enterprises (OMBE) as meeting the criteria for participation in the state's minority owned business set aside program.~~

~~7. — *Non-Certified Minority Vendor* — a minority business enterprise or minority owned business, as defined in §301.A.3, which has not been certified for participation in the set aside program under Chapter 5 but which has confirmed its minority status under the procedures specified in Chapter 19 of this Part.~~

~~8. — *State Agency* — any agency, department, office division, board, commission, educational institution, correctional facility, or other governmental entity within the executive branch of the state of Louisiana.~~

~~9. — *Set Aside* — those purchases, contracts, contract classes, or public works which have been designated and specifically set aside by the commissioner of administration and/or the agency for awarding to minority owned businesses or minority business enterprises under the provisions of Chapter 13 and Chapter 17 of this Part.~~

~~a. — *Contract* — all types of state agreements, regardless of name of the purchase of supplies or services or for construction or major repairs. The term contract includes, but is not limited to, the following:~~

~~i. — awards and notices of award;~~

~~ii. — contracts of fixed price, cost, cost and fixed fee, or incentive type;~~

~~iii. — leases/rental agreements;~~

~~iv. — letter contracts;~~

~~v. — contracts involving job or task orders;~~

~~vi. — purchase orders;~~

~~vii. — any supplemental agreement of these types.~~

~~b. — *Class of Contracts* — an entire group of contracts having a common characteristic.~~

~~10. — *Annual Target Goal* — the annual overall percentage of funds expected to be expended by each state agency for the procurement of all goods and services from minority owned businesses, which has been established by the executive director of the Office of Minority Business Enterprises and the commissioner of administration in accordance with §1301 of this Part.~~

~~11. — *Annual Plan* — the annual document prepared by each department of state government in accordance with §1303 of this Part which details the means by which that entity shall attempt to achieve its established annual target goal.~~

~~12. — *Contracting Base* — the total annual funds of an agency which have been budgeted for the procurement of goods and services, other than capital outlay expenditures, for the subject fiscal year.~~

~~13. — *Adjusted Fiscal Year (Target) Base* — the contracting base for an agency, less any excluded estimated expenditures under Chapter 13 of this Part, against which the annual goal percentage is to be applied.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969, R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:342 (April 1985). Louisiana Economic Development, Office of Economic Development, LR.

Chapter 5. Certification Procedures

§501. Criteria for Minority Certification

~~A. Eligibility for participation in the minority set aside program of the state is contingent upon certification that the minority-owned business or minority business enterprise meets the criteria defined in §301.A.1 3 of this Part. It is the responsibility of any minority business wishing to participate in the minority set aside program or otherwise to receive minority vendor preference to complete the required certification process.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969, R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:343 (April 1985), Louisiana Economic Development, Office of Economic Development, LR.

§503. Distribution of Certification Applications

~~A. Certification materials will be distributed to interested minority vendors upon written or verbal request. Written requests for certification materials should be directed to the Office of Minority Business Enterprises, Box 94095, Baton Rouge, LA 70804 9095. Telephone requests should be directed to that same office at (225) 342 6491 (LINC 421 6491).~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969, R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:343 (April 1985), Louisiana Economic Development, Office of Economic Development, LR.

§505. Procedure

~~A. Companies must complete all portions of the certification materials and return them as specified in the following Subsections in order to be considered for certification under the minority set aside program.~~

~~B. The following documents, plus any specified attachments, constitute the certification materials required from minority-owned companies interested in providing goods, services, or supplies under R.S. 39:1551-1755.~~

~~1. Certification Résumé (Form Number DA 3302: Revised 4/85) which must be completed and returned to the Department of Economic Development, Division of Minority and Women's Business Enterprise, Box 94185, Baton Rouge, LA 70804 9185. The following attachments must accompany the certification résumé when it is submitted:~~

~~a. legal ownership documents (articles of incorporation, partnership agreements, stock ownership/ distribution agreements), financial statements of the company which indicate the ownership of major assets as well as the principal stockholders in the corporation (stock certificates), company balance sheets, federal income (business) tax statements for the past three years (or as applicable), state and city licenses (whichever applicable,) a copy of the bank signature card for the business, résumé of corporate shareholders and employees, organizational chart, equipment/building ownership and/or rental documents, supplier contract and relationship between distributor and prime contractor (if applicable), and any additional legal documents that would reflect ownership and control;~~

~~b. birth certificates indicating racial heritage must be provided for all minority vendors for which certification is being sought, regardless of the type of business structure;~~

~~c. all information requested on the certification résumé must be supplied, and the document itself must be notarized, as indicated, prior to submittal;~~

~~d. a waiver may be requested for documents information in §505.B.1.a not applicable to certain business structures when accompanied by a justification statement in the application package.~~

~~C. Misrepresentation of any of the information submitted is in violation of Act 713.~~

~~D. For minority vendors interested in providing professional, personal or consulting services under R.S. 39:1481-1526 or who are interested in construction contract work in connection with public works projects under R.S. 38:2184-2317, the following documents, plus specified attachments, shall constitute the required certification materials:~~

~~1. Certification Résumé (Form Number DA 3302 Revised 4/85) plus attachments as specified in §505.B.1.a above;~~

~~2. a listing, on company letterhead, of the subject areas of expertise of the vendor company; résumés of key personnel, and, a list describing previous work done in each subject area with sufficient identification of the client with a contact person (name, title, business address, telephone number) for each client listed, so that references might be obtained;~~

~~3. all of the above materials must be submitted directly to the Division of Minority and Women's Business Enterprise for certification of these vendors.~~

~~E. Newly established businesses (operating less than one year) and potential businesses seeking interim certification for the purpose of obtaining a loan through the Economic Development Corporation a business plan should be submitted with a cover letter requesting a waiver for documents that do not apply in §505.B and C.~~

~~F. The Louisiana Department of Transportation and Development will continue to certify, in accordance with its own procedures, minority-owned business contractors who wish to perform work under Chapter 1 of Title 48. The Division of Minority and Women's Business Enterprise will accept such certifications as equivalent to its own.~~

~~G. Additional documents/information may be requested of applicants upon review of their applications.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:343 (April 1985), amended by the Department of Economic Development, Division of Minority and Women's Business Enterprise, LR 14:350 (June 1988), LR 15:960 (November 1989), Louisiana Economic Development, Office of Economic Development, LR.

§507. Submittal of Information Requested

~~A. It is the responsibility of the applying vendor to provide all the information requested on each of the specified certification documents. Failure to provide adequate data may result in rejection of the application to participate in the minority set aside program.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:344 (April 1985), Louisiana Economic Development, Office of Economic Development, LR.

§509. Certification Documents Inquiries/Assistance

~~A. Minority vendors with questions about the certification process and/or the information requirements of the certification documents are encouraged to contact the Office of Minority Business Enterprises prior to submittal of documents, to obtain assistance that may prevent rejection of the certification application.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:344 (April 1985), Louisiana Economic Development, Office of Economic Development, LR.

§511. Notification of Minority Certification Decision

~~A. Certification of vendors as eligible to participate in the minority set aside program requires the approval of several governmental agencies other than OMBE. To enable all governmental entities ample time to review each certification request, vendors will be notified by OMBE of the certification decision within 20 calendar days from submittal of the application materials.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:344 (April 1985), Louisiana Economic Development, Office of Economic Development, LR.

§513. Disapproval of Minority Certification

~~A. In the event that a request for certification is disapproved, the notification from OMBE will specify the reasons for disapproval.~~

~~B. Vendors may appeal certification disapproval, unless such disapproval is based upon verified ineligibility of the vendor as a minority owned business under the Minority Business Enterprises Act. The applicant business vendor must file the appeal for reconsideration in writing with OMBE within 30 calendar days of mailing of the decision, or the decision shall become administratively final. The vendor must specify within the petition for reconsideration the grounds upon which an appeal of the decision is justified, and must clearly indicate the type of remedy being requested. The request for reconsideration must also clearly identify a contact person within the place of business, and may provide any additional information which the applicant has to offer which might affect the reconsideration decision.~~

~~C. Upon receipt of a petition for reconsideration, OMBE shall review its original decision, any additional information provided by the applicant business, and may conduct further investigation as necessary. OMBE shall respond to the request within 30 calendar days of receipt of the petition for reconsideration, via certified mail, return receipt requested. The response from OMBE shall contain specific reason(s) why the disapproval decision has been upheld or overturned. In the event that the disapproval is rescinded as the result of an appeal, OMBE will, in its decision notification to the vendor, indicate what steps must be taken to complete the certification process.~~

~~D. A decision to deny certification following consideration of a petition for reconsideration is administratively final.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:344 (April 1985), Louisiana Economic Development, Office of Economic Development, LR.

§515. Verification of Information Submitted

~~A. OMBE reserves the right to verify any and all information submitted by a vendor on its application materials, in whatever manner seems most appropriated by OMBE, including but not limited to on site visits, telephone interviews, or other records research.~~

~~B. OMBE further reserves the right to make unscheduled visits to the place of business of any vendor participating in the~~

~~Minority Business Enterprises Program, and to conduct interviews with staff or otherwise to observe and review the operations of any vendor, for the purposes of confirming or verifying minority ownership and/or operational control.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:344 (April 1985), ~~Louisiana Economic Development, Office of Economic Development, LR.~~

§517. Change in Minority Ownership/Control

~~A. Vendors shall notify OMBE immediately in writing in the event of any changes in ownership, control or operations which might impact continued eligibility of the vendor to participate as a minority owned business. Failure to do so may result in immediate suspension of certification or decertification of the vendor and dissolution of any set aside contracts that may have been received during the period of the change. Failure to report a change in minority ownership which results in ineligibility of the business will result in a fine of not less than \$1,000. If the business has continued to operate as a minority owned business and has continued to participate inappropriately in the minority set aside program, a fine of not less than \$5,000 and immediate decertification shall result.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:344 (April 1985), ~~Louisiana Economic Development, Office of Economic Development, LR.~~

§519. Application Denied or Withdrawn

~~A. An applicant which has withdrawn its application or whose application has been denied, may file a new application only if there has been a change in ownership control or organization of the business. No business may file more than two applications in any calendar year.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:344 (April 1985), ~~Louisiana Economic Development, Office of Economic Development, LR.~~

§521. Liability

~~A. Certification as a minority business enterprise does not constitute compliance with any other laws or regulations (including contractor registration or prequalification requirements), and does not relieve any firm of its obligations under other laws or regulations. Certification as a minority business enterprise also does not constitute any determination by the Office of Minority Business Enterprises that the firm is responsible or capable of performing any work.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:344 (April 1985), ~~Louisiana Economic Development, Office of Economic Development, LR.~~

§523. Exceptions to Vendor Certification Requirements

~~A. The commissioner of administration, upon the recommendation of the executive director of OMBE, may waive in writing the small business portion of the certification requirements, so that a minority owned business meeting all other certification criteria may participate in the set aside program or otherwise obtain minority preferences. Such determination shall be made on a case by case basis, and prior written approval of the commissioner must be obtained before the vendor shall be deemed eligible for certification.~~

~~B. When a federal requirement that is a prescribed condition for allocation of federal funds to the state of Louisiana sets forth criteria for certification which are in conflict with those in these rules, then a business which is not otherwise certified for participation in the minority business enterprise program, but meets the particular federal criteria, shall be certified as a minority business enterprise for the particular projects(s) funded under those requirements, upon submittal to the Office of Minority Business Enterprise of sufficient documentation to show that said business meets the federal criteria.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:344 (April 1985), ~~Louisiana Economic Development, Office of Economic Development, LR.~~

Chapter 7. Recertification Procedures

§701. Annual Recertification

~~A. Certification to participate in the women's set aside program shall be valid for one calendar year. Thirty days prior to expiration of any woman owned business certification, DMWBE will notify the firm that recertification has become due.~~

~~B. Vendors wishing to participate in the women's set aside program must submit a notarized Affidavit of Recertification, which~~

~~may be obtained from DMWBE, along with any other missing documents according to the provisions specified in LAC 19:I.303.B and C.~~

~~C. It is the responsibility of the business owner to notify the office in writing of any changes in ownership or location of the business or telephone number during the certification calendar year, which begins on the date of certification.~~

~~D. Changes in commodities or services for which the vendor wishes to receive bids must be submitted via letter from the vendor to both State Central Purchasing and DMWBE.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1735.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:344 (April 1985), amended by the Department of Economic Development, Division of Minority and Women's Business Enterprise, LR 15:959 (November 1989), Louisiana Economic Development, Office of Economic Development, LR.

§703. Failure to Recertify

~~A. Women business enterprises which make no effort at recertification as of one month from the recertification notification date shall be deleted from the active vendor files and shall be ineligible to participate in the state programs for women business owners and/or any set aside awards until such time as recertification has been completed.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1735.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:344 (April 1985), amended by the Department of Economic Development, Division of Minority and Women's Business Enterprise, LR 15:960 (November 1989), Louisiana Economic Development, Office of Economic Development, LR.

Chapter 9. Complaints Concerning Certified Vendors

§901. Ineligibility Complaints

~~A. Any individual, firm, agency, or other person who believes that an applicant certified as a minority business enterprise does not qualify under the standards of eligibility for certification may file a written, signed complaint with the Office of Minority Business Enterprises. Such complaints must contain sufficient information for the office to determine the validity of the complaint, including specific identification of the affected applicant business; the basis for the belief that the applicant does not meet eligibility criteria; and an identification of the complaint.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:344 (April 1985), Louisiana Economic Development, Office of Economic Development, LR.

§903. Investigation of Complaint

A. Within available resources, OMBE shall investigate each complaint as promptly as possible. In no event shall any investigation period exceed 60 calendar days from receipt of the complaint.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:345 (April 1985), Louisiana Economic Development, Office of Economic Development, LR.

§905. Notification of Complaint

~~A. OMBE shall notify the subject minority owned business of the details of the complaint by certified mail, return receipt requested, within 10 calendar days of complaint receipt.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:345 (April 1985), Louisiana Economic Development, Office of Economic Development, LR.

§907. Response to Complaint

~~A. No minority business enterprise shall be decertified based upon a complaint, without first having an opportunity to respond to the complaint; however, failure of the minority owned business to respond to notification of the complaint within 20 calendar days of mailing from OMBE may result in suspension of certification or decertification.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:345 (April 1985), Louisiana Economic Development, Office of Economic Development, LR.

§909. Cooperation in Complaint Investigation

~~A. The minority business enterprise shall cooperate fully in any complaint investigation, and shall make its staff and/or records available to assist OMBE in its investigations as necessary.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:345 (April 1985), Louisiana Economic Development, Office of Economic Development, LR.

§911. Temporary Suspension

~~A. The director of OMBE may suspend the certification of the affected minority business enterprise pending the outcome of the investigation, after providing the firm with seven calendar days notice via certified mail, return receipt requested, to show cause why suspension should not occur. Any such suspensions shall last not more than 60 calendar days.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:345 (April 1985), Louisiana Economic Development, Office of Economic Development, LR.

§913. Complaint Investigation Decision

~~A. Upon completion of the investigation, the director of OMBE shall issue a written decision, either rejecting the complaint or revoking certification of the minority business enterprise. The written decision shall be distributed to both the minority business enterprise involved and to the complainant.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:345 (April 1985), Louisiana Economic Development, Office of Economic Development, LR.

Chapter 11. Decertification Procedures

§1101. Certification Denied

~~A. Decisions by OMBE to deny certification, deny renewal of certification, or to revoke certification will be reconsidered upon submittal by the applicant business of a written petition for reconsideration on the following grounds:~~

- ~~1. the Office of Minority Business Enterprises did not have all relevant information;~~
- ~~2. the Office of Minority Business Enterprises misapplied its rules; or~~
- ~~3. the Office of Minority Business Enterprises otherwise made an error in reaching its original decision.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:345 (April 1985), Louisiana Economic Development, Office of Economic Development, LR.

§ 1103. Petition for Reconsideration

~~A. Such petitions for reconsideration must be received by OMBE within 30 calendar days of mailing of the original decision, or the decision becomes administratively final. The reconsideration appeal must contain specific information on why the decision is believed to be in error, and must specify the remedy being sought by the applicant business. In addition, the reconsideration appeal must identify a contact person within the firm and must supply any additional information which the applicant has to offer.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:345 (April 1985), Louisiana Economic Development, Office of Economic Development, LR.

§1105. Petition Reconsidered or Reviewed by OMBE

~~A. Upon receipt of a petition for reconsideration, OMBE shall review its original decision, plus any additional information provided by the applicant, and may conduct further investigations as necessary. OMBE shall respond to the request for reconsideration within 30 calendar days of receipt of the petition for reconsideration, via certified mail, return receipt requested. The response shall contain specific reason(s) why the decision has been upheld or overturned.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:345 (April 1985), Louisiana Economic Development, Office of Economic Development, LR.

§1107. Decision of Reconsideration Petition

~~A. A decision to deny, revoke, or suspend certification following consideration of a petition for reconsideration is administratively final.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:345 (April 1985) Louisiana Economic Development, Office of Economic Development, LR.

Chapter 13. Minority Participation in State Procurement Activity

§1301. Establishment of Annual Goals for Agencies

~~A. The director of the Office of Minority Business Enterprises, with the concurrence of the commissioner of Administration, shall establish overall annual goals for participation by certified minority businesses in the procurement of all goods and services by each state agency, based upon the estimated expenditures by category in the budget request documents. These goals shall be in the form of overall annual percentages of expenditures which are expected to be awarded to certified minority businesses. The annual period shall be the fiscal year. The overall annual goals will be adopted by OMBE each year not later than June 15, and shall be distributed to the head of each agency and educational institution on or before June 30 of each year.~~

~~B. Upon receipt of the annual goal from OMBE, agencies shall have 15 calendar days in which to respond to OMBE with suggested revisions to the established annual target percentage.~~

~~C. Within 15 calendar days of date of agency submittal, OMBE shall establish a new annual target percentage or reconfirm the percentage established for the agency.~~

~~D. The director of OMBE shall review the overall annual goal for each agency and educational institution at the conclusion of each fiscal year, and with the concurrence of the commissioner of administration shall establish the goal for the upcoming year. In no case shall the goal exceed 10 percent of the estimated annual expenditures for goods and services. Factors to be considered in establishing the new goal shall include the number of certified minority businesses, the success of the agency in attaining the goals over the past year, the population of minorities within the state as a whole, and such other relevant information as may be available.~~

~~E. The annual overall goals of each state agency for the period from September 1, 1984 through June 30, 1985, shall be 10 percent minority owned business participation in the procurement of all goods and services.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:345 (April 1985) Louisiana Economic Development, Office of Economic Development, LR.

§1303. Preparation by Agencies of Annual Plan for Attainment of Annual Goal

~~A. On an annual basis, each state agency shall formulate a plan for setting aside particular contracts or classes of contracts for award to minority owned businesses, in a total dollar amount sufficient to attain its overall annual goal in the procurement of goods and services.~~

~~B. The annual plan must include Form DA 6201 and must be filed with the Office of Minority Business Enterprises by July 30 of each year.~~

~~C. The annual minority set aside plan prepared by each state agency shall include, but not be limited to, the following information:~~

~~1. a narrative statement, affirming that the agency or institution is committed to the use of minority business enterprises in procurement of goods and/or services to the maximum extent possible;~~

~~2. a narrative description of the method used to encourage minority business enterprise participation in the public works and procurement contracting process of the agency;~~

~~3. a summary forecast, by expenditure category, itemizing the annual fiscal year plan amounts calculated by the agency from application of its annual goal. This summary forecast shall be submitted on Form DA 6201. This form may be ordered from the Forms Management Office within the Division of Administration:~~

~~a. the following general categories or expenditures shall be included by each agency in its calculation of the fiscal year base:~~

~~i. all estimated expenditures in the supplies category;~~

~~ii. all estimated expenditures in the acquisitions category;~~

~~iii. the segment of estimated expenditures within the category of professional services that is governed by the provisions of R.S. 39:1481 et seq.;~~

~~iv. those portions of estimated expenditures within the category of operating services that are governed by Chapters 16 and 17 of Title 39 of the Revised Statutes of 1950;~~

~~b. examples of goods or services that may not be included in establishment of the base include salaries and related benefits, postage, interagency expenditures, insurance, procurement of data processing hardware, and off the shelf software, contracts for fiscal intermediary services, payment for utility services, travel, printing services, interns or resident contracts, contracts for advertisements in connection with bidding requirements, or other items justified by the agency and approved for exclusion by OMBE.~~

~~In any event, professional services shall include only those contracts which involve independent contractor relationships;~~

~~4.—a forecast of the contracts to be set aside for award by the agency to minority-owned businesses, including estimated monetary value involved (if known,) the number and types of contracts to be awarded, and the expected solicitation dates;~~

~~5.—a narrative description of the participation requirements of minority business enterprises in each contract or class of contract expected to be awarded during the coming fiscal year;~~

~~6.—a statement of the method by which records of minority business enterprise participation in the contracting records of the agency will be kept, and a description of the method the agency or institution will use to achieve the overall annual goals;~~

~~7.—a narrative description of the method the state agency will use to require compliance by bidders for its contracts with applicable minority business enterprise participation requirements.~~

~~D.—The head of each department shall certify that the information contained in the annual plan is correct, to the best of his/her knowledge, at the time of submittal.~~

~~E.—In the event that the agency changes its plan to fulfill its assigned minority percentages, a new minority business annual plan (Form DA 6201) shall be submitted. This new plan shall be clearly labeled as an updated plan, and shall supersede any plan previously submitted for that agency.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1069 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:345 (April 1985).

Chapter 15. Designation and Setting- Aside of Procurement Activities for Minority-Owned Business Participation

§1501. Identification of Goods and Services

~~A. All governmental bodies, in preparation of the annual plan, shall identify those goods and services which are eligible for inclusion in the minority owned business set aside program. For agencies on FACS, the State Central Purchasing Office of the Division of Administration shall compile this information on procurement of Chapter 17 goods and services through its Contracts Management System, and shall forward this data to each state agency for inclusion in the annual plan.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:346 (April 1985), Louisiana Economic Development, Office of Economic Development, LR.

§1503. Publication of Minority Business Directory

~~A. The Office of Minority Business Enterprises, in cooperation with the business development agencies throughout the state and the Small Business Administration, shall identify, through the certification process described in these rules, minority owned businesses interested in participating in the set aside program. Information generated from the certification process shall be compiled by OMBE in the form of a Minority Owned Business Directory as described in Chapter 23 of this Part. OMBE will forward this directory to purchasing agents in each state agency for use in determining categories or classes of contracts to be set aside for minority business participation. In addition, such data shall be stored on the computer utilized by the State Central Purchasing Office, to allow for access and retrieval for the purposes of identifying prospective bidders and soliciting competitive bids for Chapter 17 procurement activities.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:346 (April 1985), Louisiana Economic Development, Office of Economic Development, LR.

§1505. Minority Business Directory Usage

~~A. The State Central Purchasing Office and the individual departments shall refer to the Minority Owned Business Directory and the computer listing of minority owned businesses identifying prospective vendors and areas of potential set asides during the solicitation of procurement activity.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:346 (April 1985), Louisiana Economic Development, Office of Economic Development, LR.

§1507. Goods, Services and Public Works Set-Aside

~~A. All governmental entities shall designate as set asides sufficient purchases of goods, services, and public works, for exclusive participation by minority owned businesses, to attain the established annual target goal. For Chapter 17 procurements by agencies on FACS, such designation may be made on a class of contracts/commodities basis to the State Central Purchasing Office at~~

~~the beginning of each fiscal year, so that all purchases for that commodity/class of commodities will be set aside for minority participation. Alternatively, agencies may elect to make such designations on a contract by contract basis throughout the year, based upon their individual progress towards attainment of the annual goal.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:346 (April 1985), Louisiana Economic Development, Office of Economic Development, LR.

§1509. Applicable Laws

~~A. All procedures for procurement of goods and services from minority owned businesses, including the solicitation of bids and/or requests for proposals, shall be made in accordance with all applicable laws.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:346 (April 1985), Louisiana Economic Development, Office of Economic Development, LR.

§1511. Bid Identified as Set-Aside

~~A. For purchases made through State Central Purchasing, the agency for whom the purchase is being made shall clearly label the request for issuance of an invitation to bid as a "MINORITY BUSINESS SET ASIDE." State Central Purchasing shall then proceed to advertise the bid as a minority set aside on behalf of the requesting agency.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:346 (April 1985), Louisiana Economic Development, Office of Economic Development, LR.

§1513. Bid Proposal Advertisements

~~A. For procurement activities which are not handled through State Central Purchasing, but which have been designated as set asides by the agency, the agency shall clearly indicate in all advertisements relative to solicitation of bids or proposals that the purchase of goods or services has been set aside for the exclusive participation of certified minority businesses under R.S. 39:1951-1969 and 39:1981-1991. This notice shall appear in bold type as the heading of all such advertisements, and should be repeated within the main body of the advertisement. Notice of the minority set aside nature of the contract which is contained solely in the body of the text shall not be sufficient.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:346 (April 1985), Louisiana Economic Development, Office of Economic Development, LR.

§1515. Agency Receipt and Evaluation of Minority Set- Aside Bids

~~A. Agencies shall evaluate all reasonable bids for proposals received from certified minority owned businesses in response to a set aside advertisement. Bids or proposals received shall be evaluated in accordance with the terms of the invitation to bid or the request for proposals and normal purchasing standards. Bids from vendors who have not been certified in accordance with the procedures of Chapter 5 of this Part shall not be considered in response to a set aside contract.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:346 (April 1985), Louisiana Economic Development, Office of Economic Development, LR.

§1517. Designation of a Minority Set-Aside Bid

~~A. In the event there are three or more certified minority vendors in a specific category, and there is a reasonable expectation of receiving three or more bids, the bid may be designated as a set aside for exclusive participation by certified minority owned businesses.~~

~~B. The bid document must clearly specify that the bid is a set aside by containing, in bold type, the following statement: this proposal has been designated as a minority owned set aside. To be eligible for award, bidders must be certified prior to award in accordance with Act 653 of the 1984 Legislative Session. If the bid is estimated to be in excess of \$5,000, the agency must advertise in accordance with R.S. 39:1594(C).~~

~~C. All advertisements for the bids must contain, in bold face type, the following statements in the heading: the commodity(ies) specified below has (have) been designated as a minority owned set aside and only those vendors certified prior to award shall be considered.~~

~~D. In the event there are not three or more certified minority vendors in a specific category, but the Office of Minority Business Enterprise certifies that there are not three such minority owned businesses in Louisiana that are certified, nor are there three such minority owned businesses which could be certified in the state of Louisiana, then the bid may be designated as a set aside for~~

~~the exclusive participation of certified minority owned business as long as one certified minority vendor exists in the category being bid. The bid(s) received must conform with §1701.D and §1703.A relative to not exceeding 15 percent of what could have been obtained via open market competition.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:346 (April 1985), amended LR 13:342 (June 1987), LR 13:497 (September 1987), Louisiana Economic Development, Office of Economic Development, LR.

Chapter 17. Criteria for Procurement of Goods and Services

§1701. Criteria for Procurement of Goods and Service

~~A. Bid Specifications for Chapter 17—Goods and Services: When the award of the contract for the purchase of goods and/or services has been set aside for minority owned business participation, and at the time Invitations to Bid are released there are not at least three certified minority owned businesses available to bid on the contract or class of contracts or class of contracts involved, or the contract has not been set aside in accordance with §1517.D of this Part and regulations, the award shall be made on the basis of open competitive bidding under the Louisiana Procurement Code.~~

~~B. The award shall be made to a certified minority owned business when the price bid by such a business is within the lower of 10 percent of \$10,000 of the otherwise lowest responsive and responsible bidder whose bid meets the requirements and criteria set forth in the invitation to bid.~~

~~C. In the event that there is no certified minority owned business responding whose bid is within the range specified above, the award shall go to the otherwise lowest responsive and responsible bidder whose bid meets the requirements and criteria set forth in the invitation to bid, without regard to minority status.~~

~~D. In all cases, the state agency or educational institution actually making the award, either under open competitive bidding or under the set aside provisions of this Title, may reject all bids if it is determined, based upon reasons provided in writing, that such action is in the best interest of the state. One reason, but not the only reason, for rejection of all bids when the contract has been set aside under the set aside provisions of this Title, shall be if prices obtained exceeded more than 15 percent of what could have been obtained via open market competition.~~

Affidavit of Minority Status

STATE OF LOUISIANA

PARISH OF _____:

BEFORE ME, the undersigned authority, personally came and appeared ____, who stated, under oath, that s/he is a citizen or lawful permanent resident of the United States and is of minority heritage as defined at R.S. 39:1952(12).

AFFIANT

sworn to and subscribed before me this _____ day of _____, 20____, at _____, Louisiana.

NOTARY

Affidavit of Recertification

STATE OF LOUISIANA

PARISH OF _____:

BEFORE ME, the undersigned authority, personally came and appeared ____, who stated, under oath, that s/he is owner of a certified minority owned business as provided at Chapter 19 of Subtitle III, of Title 39 of the Louisiana Revised Statutes as of the day of _____, 20____, and that s/he appears herein for the purposes of attesting to the fact that all information contained in the original certification is still true and correct, and that s/he remains the owner of the minority owned business, _____, as appears in the files of the Office for Minority Business Enterprise.

(Name of Business)

AFFIANT

sworn to and subscribed before me this _____ day of _____, 20_____, at _____,
Louisiana.

NOTARY

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:347 (April 1985), amended LR 13:343 (June 1987), Louisiana Economic Development, Office of Economic Development, LR.

§1703. Consulting Services

~~A. Criteria for Requests for Proposal for Consulting Services under LAC 19.III.Chapter 17. When the award for a contract for consulting services has been set aside for minority owned business participation, and at the time request for proposals are to be distributed, there are not at least three certified minority owned businesses available to bid on the contract or class of contracts involved or the contract has not been set aside in accordance with §1517.D of this Part and regulations, the award shall be made on the basis of open competitive bidding under the Louisiana Procurement Code.~~

~~B. Proposals submitted by certified minority owned businesses shall be credited with such additional amounts as would amount to 10 percent of the maximum number of points which could be awarded to any single proposal under the criteria set forth in the request for proposals.~~

~~C. The maximum number of additional points specified above shall be awarded only where the certified minority owned business is the prime contractor under the contract, and retaining and performing at least 51 percent of the dollar value of the work to be contracted.~~

~~D. For otherwise qualified proposals, where the certified minority owned business participates in less than 51 percent of the total dollar value of work, the number of additional points to be credited shall be calculated by multiplying the maximum additional points by the dollar value percent participation of the minority owned business.~~

~~E. In all cases, the state agency or educational institution actually making the award, either under open competitive bidding or under the set aside provisions of this Title, may reject all proposals if it is determined based upon reasons provided in writing that such action is in the best interest of the state. One reason, but not the only reason, for rejection of all bids when the contract has been set aside under the set aside provisions of this Title, shall be if prices obtained exceeded more than 15 percent of what could have been obtained via open market competition.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:347 (April 1985), amended LR 13:497 (September 1987), Louisiana Economic Development, Office of Economic Development, LR.

§1705. Public Work Bids \$200,000 or More

~~A. Construction of Public Work (\$200,000 or more). When a contract for the construction of public works in an amount of \$200,000 or more is to be awarded by the Facility Planning and Control Section of the Division of Administration on the basis of competitive bidding, the award shall be made to a certified minority owned business when the price bid by such as business is within 5 percent of the otherwise lowest responsive and responsible bidder whose bid meets the requirements and criteria set forth in the invitation to bid.~~

~~B. The award shall be made as above only where the certified minority owned business is the prime contractor under the invitation to bid.~~

~~C. In the event that a minority owned business is awarded a contract by bidding within the range as specified above, the minority owned business shall adjust its bid to correspond to the bid of the otherwise lowest responsive and responsible bidder that would have been awarded the contract. In no case shall the adjustment be by more than 5 percent.~~

~~D. In the event that there is no certified minority owned business whose bid is within the range specified above, the award shall go to the otherwise lowest responsive and responsible bidder whose bid meets the requirements and criteria set forth in the invitation to bid, without regard to minority status.~~

~~E. Contracts awarded to minority owned businesses pursuant to these rules shall not exceed 10 percent of the total dollar amount of the contracts awarded by Facility Planning and Control.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:347 (April 1985), ~~Louisiana Economic Development, Office of Economic Development, LR.~~

§1707. Construction Bids under \$200,000

~~A.—Construction of Public Works (under \$200,000). The Facility Planning and Control Section of the Division of Administration shall set aside each fiscal year, for exclusive participation by minority owned businesses, 10 percent of all contracts for the construction of public works less than \$200,000 to be awarded by competitive bidding.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:347 (April 1985), ~~Louisiana Economic Development, Office of Economic Development, LR.~~

Chapter 19. Noncertified Vendor Participation

§1901. Noncertified Vendor Participation

~~A.—Agencies may include in their annual plans and may count towards attainment of their annual plan amounts any contracts for the above specified types of procurement activity with minority vendors who are not certified to participate in the minority set aside program, but who are available to conduct business with the state, subject to submittal of a sworn affidavit which attests to the fact that the vendor does meet the definition of a minority business under the Act. For the purposes of this portion of the rules, completion of Part I, portions of Part II, and all or Part XIV of the Certification Résumé (Form DA 3302) shall constitute the required sworn affidavit. Agencies may obtain copies of Form DA 3302 from State Central Purchasing for this purpose as needed.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:347 (April 1985), ~~Louisiana Economic Development, Office of Economic Development, LR.~~

§1903. Liability

~~A.—It is the responsibility of the individual agencies to ascertain the possibility of minority status of a vendor on any particular purchase, contract, or procurement activity handled directly by the agency. At the time the procurement activity is initiated within the agency, the purchasing agent/ buyer should ensure that the vendor completes the above referenced sworn affidavit. Upon receipt of the sworn affidavit from the vendor, the agency shall submit the affidavit, plus any supporting documentation, to OMBE for review and approval by the director.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:347 (April 1985), ~~Louisiana Economic Development, Office of Economic Development, LR.~~

§1905. Small Business Criteria Waived

~~A.—As with certified minority vendors, the commissioner of administration may waive the small business criteria requirements for a minority owned business which meets all other criteria of the Act. The executive director of OMBE shall be responsible for securing approval from the commissioner of administration as necessary.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:347 (April 1985), ~~Louisiana Economic Development, Office of Economic Development, LR.~~

§1907. Annual Target Goals with Non-Certified Minority Vendor

~~A.—Upon receipt of notification of OMBE and the commissioner's approval of minority status for the vendor, the agency may count expenditures made under the affected contract towards the established annual target goals.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:347 (April 1985), ~~Louisiana Economic Development, Office of Economic Development, LR.~~

§1909. Certification Procedures

~~A.—Approval of minority status for a vendor under these provisions of the rules does not constitute certification of the vendor to participate in any set aside award programs operated by the state under the Minority Business Enterprise Act, nor does it enable the affected vendor to obtain the minority preferences discussed under Chapter 19 of this Part. Certification as a minority vendor for set aside purposes and for minority preferences can only be obtained via the procedures of Chapter 5, of this Part.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:347 (April 1985), Louisiana Economic Development, Office of Economic Development, LR.

Chapter 21. Reports

§2101. Quarterly Reporting

~~A. All state agencies, boards, and commissions of the executive branch of state government shall submit to OMBE, on a quarterly basis, a Minority Business Report (Form DA 6202) illustrative of the minority business enterprise activity conducted by that agency during the previous quarter. The report must contain the signatures of both relevant department head and the preparer.~~

~~B. Quarterly reports are due in the Office of Minority Business Enterprise on the twentieth of the month following the end of the quarter being reported. Agencies may order supplies of Form DA 6202 from the Forms Management Office within the Division of Administration.~~

~~C. For the purposes of these rules, quarterly activity shall be reflective of the following time periods:~~

~~First Quarter ————— July 1 September 30~~

~~Second Quarter ———— October 1 December 31~~

~~Third Quarter ————— January 1 March 31~~

~~Fourth Quarter ———— April 1 June 30~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:347 (April 1985), Louisiana Economic Development, Office of Economic Development, LR.

§2103. Annual Report to Legislature

~~A. Not later than August 31 of each year, OMBE shall submit to the Governor and the legislature a cumulative annual report, detailing the progress being made throughout the state towards minority participation in the state's procurement activities.~~

~~B. This report shall contain, for each department, a detailed listing of minority participation by category of expenditure, including a comparison of actual activity to the established annual plan amounts. This data shall be collected from the quarterly reports submitted by the agencies, and the annual report shall clearly indicate that all data is as reported by the agencies themselves.~~

~~C. The annual report shall also contain a separate listing of those agencies that have not complied with the reporting requirements of these rules, and a listing of agencies in which minority participation in procurement activity is below 5 percent.~~

~~D. The report shall contain a narrative description of activities undertaken by OMBE and/or other state agencies to encourage minority participation in the state's procurement activities, and an identification of barriers to full minority participation with suggested corrective measures.~~

~~E. OMBE shall also include performance indicators, reflecting the total number of certified minority vendors; the percentage increase or decrease in minority vendor certifications completed during the previous year; and such other data as might allow the legislature and the governor to assess the effectiveness of the minority set aside program in achieving its intended goals.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:348 (April 1985), Louisiana Economic Development, Office of Economic Development, LR.

Chapter 23. Directory of Minority Businesses

§2301. Directory of Certified Minority Business Enterprises

~~A. The Office of Minority Business Enterprises will compile, from the certification applications it processes, a directory of all minority business enterprises certified for participation in the set aside program. In addition, the directory will include those minority vendors which have been certified for participation in federally funded projects.~~

~~B. The directory shall be updated at least semi-annually, based upon the information provided by minority vendors during the intervening period. The Office of Minority Business Enterprises may issue supplements to the directory on a more frequent basis, as needed.~~

~~C. One copy of the Minority Owned Business Directory will be made available to each state agency and educational institution at no charge, and copies will be provided to the state library at no charge. Additional copies for state agency use and/or for use by the general public and other interested individuals will be available for purchase at a reasonable cost.~~

~~D. State agencies contracting directly with a purported minority business enterprise shall have the responsibility of insuring that the firm has been properly certified, or that a sworn affidavit as described in Chapter 19 of this Part has been obtained.~~

~~E. Information concerning the status of a firm as a minority business enterprise may be obtained by contacting the Office of Minority Business Enterprises during normal working hours (8 a.m. through 5 p.m., Monday through Friday) at (225) 342-6491~~

~~(LINC 421-6491). Callers should be prepared to fully identify the corporate name of the firms, as well as the principal officers and/or owner of the firms, when requesting telephone information from OMBE.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:348 (April 1985), **Louisiana Economic Development, Office of Economic Development, LR.**

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES

Person Preparing Statement:	<u>Leticia Johnson</u>	Dept.:	<u>Economic Development</u>
Phone:	<u>(225) 342-3000</u>	Office:	<u>Office of Economic Development</u>
Return Address:	<u>617 North Third St.</u>	Rule Title:	<u>Minority Business Enterprise</u>
	<u>Baton Rouge, LA 70802</u>	Date Rule Takes Effect:	<u>Upon promulgation</u>

SUMMARY
(Use complete sentences)

In accordance with Section 961 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the rule proposed for adoption, repeal or amendment. THE FOLLOWING STATEMENTS SUMMARIZE ATTACHED WORKSHEETS, I THROUGH IV AND WILL BE PUBLISHED IN THE LOUISIANA REGISTER WITH THE PROPOSED AGENCY RULE.

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed repeal of the rules is not anticipated to result in any direct material effect on governmental expenditures or savings to state or local governmental units.

The proposed rule change repeals the Minority Business Enterprise Program. This program was initially under the Office of the Governor and later created within Louisiana Economic Development (LED). However, the program has not been implemented within LED for decades. The proposed repeal better aligns Title 19, Part III, as required by the Office of the Governor Executive Order No. 25-038, and aligns with current practices.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed repeal is not anticipated to affect revenue collections for state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NON-GOVERNMENTAL GROUPS (Summary)

There are no anticipated costs to directly affected persons, small businesses, or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated effect on competition and employment.

Anne Villa
Signature of Head or Designee

Anne G. Villa, Deputy Secretary/CFO
Typed Name & Title of Agency Head or Designee

Sept 2, 2015
Date of Signature

Alvin M. Boyer
Legislative Fiscal Officer or Designee

9/3/25
Date of Signature

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

The following information is required in order to assist the Legislative Fiscal Office in its review of the fiscal and economic impact statement and to assist the appropriate legislative oversight subcommittee in its deliberation on the proposed rule.

- A. Provide a brief summary of the content of the rule (if proposed for adoption, or repeal) or a brief summary of the change in the rule (if proposed for amendment). Attach a copy of the notice of intent and a copy of the rule proposed for initial adoption or repeal (or, in the case of a rule change, copies of both the current and proposed rules with amended portions indicated).

The proposed rule change repeals the Minority Business Enterprise (Program), which was created to provide opportunities for qualified minority-owned businesses in public works and for qualified enterprises. This program was initially under the Office of the Governor and later created within Louisiana Economic Development (LED). However, there has been no participation in this program, as the program has not been implemented within LED for decades.

- B. Summarize the circumstances, which require this action. If the Action is required by federal regulation, attach a copy of the applicable regulation.

Pursuant to the Office of the Governor Executive Order No. 25-038, the proposed rule, last promulgated in April of 1985, is being repealed.

- C. Compliance with Act 11 of the 1986 First Extraordinary Session

- (1) Will the proposed rule change result in any increase in the expenditure of funds? If so, specify amount and source of funding.

The proposed rule changes are not anticipated to result in an increase in governmental expenditures for the state.

- (2) If the answer to (1) above is yes, has the Legislature specifically appropriated the funds necessary for the associated expenditure increase? N/A

(a) _____ YES. If yes, attach documentation.

(b) _____ NO. If no, provide justification as to why this rule change should be published at this time

**FISCAL AND ECONOMIC IMPACT STATEMENT
WORKSHEET**

I. A. COSTS OR SAVINGS TO STATE AGENCIES RESULTING FROM THE ACTION PROPOSED

1. What is the anticipated increase (decrease) in costs to implement the proposed action?

COSTS	FY 26	FY 27	FY 28
PERSONAL SERVICES	\$0	\$0	\$0
OPERATING EXPENSES	\$0	\$0	\$0
PROFESSIONAL SERVICES	\$0	\$0	\$0
OTHER CHARGES	\$0	\$0	\$0
EQUIPMENT	\$0	\$0	\$0
MAJOR REPAIR & CONSTR.	\$0	\$0	\$0
TOTAL	\$0	\$0	\$0
POSITIONS (#)	0	0	0

2. Provide a narrative explanation of the costs or savings shown in "A. 1.", including the increase or reduction in workload or additional paperwork (number of new forms, additional documentation, etc.) anticipated as a result of the implementation of the proposed action. Describe all data, assumptions, and methods used in calculating these costs.

The proposed repeal of the rules is not anticipated to result in any direct material effect on governmental expenditures or savings for state or local governmental units. There will be no need for any administrative duties to be carried out utilizing any existing staff and/or resources at the LA Economic Development (LED), brought about by the proposed repeal.

3. Sources of funding for implementing the proposed rule or rule change.

SOURCE	FY 26	FY 27	FY 28
STATE GENERAL FUND	\$0	\$0	\$0
AGENCY SELF-GENERATED	\$0	\$0	\$0
DEDICATED	\$0	\$0	\$0
FEDERAL FUNDS	\$0	\$0	\$0
OTHER (Specify)	\$0	\$0	\$0
TOTAL	\$0	\$0	\$0

4. Does your agency currently have sufficient funds to implement the proposed action? If not, how and when do you anticipate obtaining such funds?

Yes, the agency currently has sufficient funds to implement this action.

B. COST OR SAVINGS TO LOCAL GOVERNMENTAL UNITS RESULTING FROM THE ACTION PROPOSED.

1. Provide an estimate of the anticipated impact of the proposed action on local governmental units, including adjustments in workload and paperwork requirements. Describe all data, assumptions and methods used in calculating this impact.

There will be no costs or savings to local government from the actions of the proposed rule change.

2. Indicate the sources of funding of the local governmental unit, which will be affected by these costs or savings.

No sources of funding of local government will be affected.

FISCAL AND ECONOMIC IMPACT STATEMENT
WORKSHEET

II. EFFECT ON REVENUE COLLECTIONS OF STATE AND LOCAL GOVERNMENTAL UNITS

A. What increase (decrease) in revenues can be anticipated from the proposed action?

REVENUE INCREASE/DECREASE	FY 26	FY 27	FY 28
STATE GENERAL FUND	\$0	\$0	\$0
AGENCY SELF-GENERATED	\$0	\$0	\$0
DEDICATED	\$0	\$0	\$0
FEDERAL FUNDS	\$0	\$0	\$0
LOCAL FUNDS	\$0	\$0	\$0
TOTAL	\$0	\$0	\$0

*Specify the particular fund being impacted.

B. Provide a narrative explanation of each increase or decrease in revenues shown in "A." Describe all data, assumptions, and methods used in calculating these increases or decreases.

The proposed repeal of the rules is not anticipated to affect revenue collections for state or local governmental units.

**FISCAL AND ECONOMIC IMPACT STATEMENT
WORKSHEET**

III. COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS

- A. What persons, small businesses, or non-governmental groups would be directly affected by the proposed action? For each, provide an estimate and a narrative description of any effect on costs, including workload adjustments and additional paperwork (number of new forms, additional documentation, etc.), they may have to incur as a result of the proposed action.

No persons, small businesses, or non-government groups will be directly affected by the proposed repeal, as there has been no participation in this program.

- B. Also provide an estimate and a narrative description of any impact on receipts and/or income resulting from this rule or rule change to these groups.

There is no direct anticipated impact on receipts and/or income resulting from this rule repeal to these groups.

IV. EFFECTS ON COMPETITION AND EMPLOYMENT

Identify and provide estimates of the impact of the proposed action on competition and employment in the public and private sectors. Include a summary of any data, assumptions and methods used in making these estimates.

The proposed repeal of the rules is not anticipated to impact competition and employment in the public or private sectors.