

SENATE COMMITTEE AMENDMENTS

2022 Regular Session

Amendments proposed by Senate Committee on Transportation, Highways and Public Works to Original Senate Bill No. 429 by Senator Womack

1 AMENDMENT NO. 1

2 On page 1, line 2, after "reenact" delete the remainder of the line and delete lines 3 and 4 and
3 insert "R.S. 38:2248(B), relative to public works contracts; to provide with respect"

4 AMENDMENT NO. 2

5 On page 1, line 8, after "Section 1." delete the remainder of the line and delete lines 9
6 through 17 and on page 2 delete lines 1 through 16 and insert the following:

7 "R.S. 38:2248(B) is hereby amended and reenacted to read as follows:

8 §2248. Provisions for withholding payment; effect on liability of contractor or
9 agency; punch list; liquidated damages
10 * * *

11 B. All public works contracts shall contain a clause stating that any punch list
12 generated during a construction project shall include the cost estimates for the
13 particular items of work the design professional has developed based on the
14 mobilization, labor, material, and equipment costs of correcting each punch list item.
15 The design professional shall retain his working papers used to determine the punch
16 list items cost estimates should the matter be disputed later. The contracting agency
17 shall not withhold from payment more than the value of the punch list. Punch list
18 items completed shall be paid upon the expiration of the forty-five day lien period.
19 **If the public entity occupies or uses the public works, the punch list shall be**
20 **furnished to the contractor within ten days of substantial completion as defined**
21 **in R.S. 38:2241.1 and may be amended by the design professional or the public**
22 **entity up to fourteen days after.** The provisions of this Section shall not be subject
23 to waiver, nor shall these provisions apply to the Department of Transportation and
24 Development.

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