

2016 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 129

BY REPRESENTATIVE ZERINGUE

LEVEES: Urges and requests the Louisiana Law Institute to study the issue of preferences for Louisiana contractors for public works contracts

1 A CONCURRENT RESOLUTION

2 To urge and request the Louisiana State Law Institute to study the issue of preferences in
3 favor of Louisiana contractors for contracts related to integrated coastal protection
4 projects contracts and to report the findings, in writing, to the Senate and House
5 committees on transportation, highways and public works and the member of the
6 House of Representatives representing District 52.

7 WHEREAS, the Louisiana State Law Institute is partially purposed to conduct
8 special research for the Legislature and its individual members, at their request, on matters
9 of legislative interest; and

10 WHEREAS, generally, Louisiana’s resident preference statutes, R.S. 39:1604.2, and
11 R.S. 38:2225, require preference be given to a contractor domiciled in the state of Louisiana
12 over a contractor domiciled in a state that provides for a preference, percentage or otherwise,
13 in favor of its state’s contractors over Louisiana contractors for the same type of work; and

14 WHEREAS, R.S. 49:214.2 defines integrated coastal protection as plans, projects,
15 policies, and programs intended to provide hurricane protection or coastal conservation or
16 restoration, and shall include but not be limited to coastal restoration; coastal protection;
17 infrastructure; storm damage reduction; flood control; water resources development; erosion
18 control measures; marsh management; diversions; saltwater intrusion prevention; wetlands
19 and central wetlands conservation, enhancement, and restoration; barrier island and shoreline
20 stabilization and preservation; coastal passes stabilization and restoration; mitigation; storm
21 surge reduction; or beneficial use projects; and

1 WHEREAS, Louisiana is leading the country for efforts in coastal restoration and
2 technology and advancement and also in terms of the economy and ability to create jobs and
3 salaries; and

4 WHEREAS, nonresident contractors have completed work in the state of Louisiana
5 which resulted in expenditures, cost overruns, and change orders due to a lack of familiarity
6 with Louisiana's habitat and environment; and

7 WHEREAS, the state of Louisiana invests over five hundred million dollars per year
8 in coastal restoration and protection of the Louisiana coast and as such, the state should be
9 receiving the maximum benefit for its investment; and

10 WHEREAS, resident contractors who possess indigenous environmental knowledge
11 which could yield cost savings to the state should be afforded an increased opportunity to
12 have a share in the investment and take advantage of the opportunity presented to the state.

13 THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby
14 urge and request the Louisiana State Law Institute to study the issue of preference given to
15 Louisiana contractors on contracts for integrated coastal protection projects.

16 BE IT FURTHER RESOLVED, in studying the issue of preference in certain
17 integrated coastal protection projects, the Louisiana State Law Institute shall consider and
18 determine the following:

19 (1) Whether, in letting contracts for public work for integrated coastal protection
20 projects by any public entity, except contracts financed in whole or in part by contributions
21 or loans from any agency of the United States government, preference shall be given to
22 Louisiana resident contractors over nonresident contractors?

23 (2) Whether, when competitive bidding is not required, a contract for integrated
24 coastal protection projects shall be awarded to a Louisiana resident contractor, if there is one
25 available with the expertise required for the specific job?

26 (3) Whether, when competitive bidding is required by law, a contract for integrated
27 coastal protection projects shall be awarded to the Louisiana resident contractor making the
28 lowest responsible bid, if the bid is not more than ten percent higher than the lowest
29 responsible nonresident bid and the resident contractor agrees to revise his bid to be no more
30 than the lowest responsible nonresident bid?

1 (4) What effect a strict preference law will have on resident contractors working
2 outside of the state of Louisiana?

3 BE IT FURTHER RESOLVED that the Louisiana State Law Institute shall complete
4 a study, which shall also consider any advantages or disadvantages of granting a preference
5 to Louisiana resident contractors on contracts for integrated coastal protection projects, and
6 address the competitive bidding process on contracts for integrated coastal protection
7 projects.

8 BE IT FURTHER RESOLVED that the Louisiana State Law Institute shall complete
9 a written report addressing the issues with granting a preference to Louisiana contractors on
10 contracts for integrated coastal protection projects considering competitive bidding.

11 BE IT FURTHER RESOLVED that the Louisiana State Law Institute shall submit
12 the report to the Senate and House committees on transportation, highways and public works
13 and to the member of the House of Representatives representing District 52 on or before
14 February 1, 2017.

15 BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the
16 president of the Louisiana Law Institute.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HCR 129 Original

2016 Regular Session

Zeringue

Urges and requests the La. State Law Institute to study the issue of preference in favor of La. contractors, over nonresident contractors, for contracts related to integrated coastal protection projects.

Requires the La. State Law Institute to submit a written report to the Senate and House committees on transportation, highways and public works and to the member of the House of Representatives representing District 52 on or before Feb. 1, 2017.