

SENATE BILL NO. 390

BY SENATOR PETERSON

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AN ACT

To amend and reenact R.S. 33:4071(A)(1)(e), 4084(A)(1)(b) and (2) and (E), 4085(A) and (B), and 4090, and to enact R.S. 33:4084(A)(1)(c), relative to the Sewerage and Water Board of New Orleans; to provide relative to the board; to provide for the purchase of supplies and machinery and equipment; to provide for the letting and bidding of public contracts over a certain amount; to provide relative to the costs of the installation of connections and subsequent work; to provide for reports of board; to provide relative to exemptions related to the Orleans Parish School Board; and to provide for related matters.

Notice of intention to introduce this Act has been published.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:4071(A)(1)(e), 4084(A)(1)(b) and (2) and (E), 4085(A) and (B), and 4090 are hereby amended and reenacted and R.S. 33:4084(A)(1)(c) is hereby enacted to read as follows:

§4071. Creation and organization of sewerage and water board

* * *
A.(1) * * *
* * *

(e) The members appointed pursuant to Subparagraphs (c) and (d) of this Paragraph shall include one citizen from each of the five ~~councilmanic~~ **councilmanic** districts within the city of New Orleans. In addition, two of the appointments shall be consumer advocates with community advocacy or consumer protection experience or experience in a related field, ~~and one of the appointments shall be a retired civil engineer.~~

* * *

1 §4084. Purchase of supplies; machinery and equipment; emergency purchase;
 2 preference to home merchants

3 A.(1) * * *

4 (b) However, purchases of ten thousand dollars or more, but not more
 5 than thirty thousand dollars, shall be made by obtaining not less than three
 6 quotes by telephone, facsimile, email, or any other electronic form. If telephone
 7 quotes are received, a written confirmation of the accepted offers shall be
 8 obtained and made a part of the purchase file. If quotations lower than the
 9 accepted quotation are received, the reasons for their rejection shall be
 10 recorded in the purchase file.

11 (c) No such purchases shall be made except as provided in this Part.

12 (2) The advertisement required by this Section shall be in accordance with
 13 R.S. 38:2212.1(B) ~~published at least three times during a ten-day period calling for~~
 14 ~~bidders, in the official journal of the city of New Orleans, the first advertisement to~~
 15 ~~appear at least fifteen days before the opening of bids.~~

16 * * *

17 E. In the event of extreme emergencies, or an imminent extreme
 18 emergency, including but not limited to fires, storms, floods, and other disasters,
 19 whether natural or man-made, necessitating major repairs or replacement of
 20 equipment and machinery, the executive director or the general superintendent of the
 21 board may purchase the necessary machinery, equipment, and materials and furnish
 22 the necessary labor to make all necessary emergency repairs and replacements
 23 without the formality of advertising for bids. Such purchases may be made without
 24 limitation as to cost and without regard as to the designation or source of the funds
 25 collected, invested, or maintained by the board.

26 §4085. Construction work; letting contracts

27 A. The Sewerage and Water Board of New Orleans may do construction
 28 work on its public systems of water, sewerage, and drainage, with its own forces in
 29 those cases where the amount of work involved in the particular project does not
 30 exceed ~~a total value of one hundred fifty thousand dollars~~ the annual amount in

1 accordance with R.S. 38:2212.

2 B.(1) For all public works contracts where the amount of the contract
3 exceeds the limit in accordance with R.S. 38:2212, the Sewerage and Water
4 Board of New Orleans shall let the contract to the lowest responsible and
5 qualified bidder after advertising as required by R.S. 38:2212. For all contract
6 work where the amount involved in the project is a sum in excess of ten thousand
7 dollars, the Sewerage and Water Board of New Orleans shall let same out by contract
8 to the lowest responsible and qualified bidder by sealed proposals after at least six
9 notices during a fifteen-day period calling for bidders, in the official journal of the
10 city of New Orleans, on detailed plans and specifications approved by the board on
11 file in the office of the board to be furnished to prospective bidders on application.
12 The specifications shall always be that the contractor shall give bond with some
13 surety company authorized to do business in New Orleans in an amount not less than
14 one-half of the amount of the contract for the faithful performance of his contract.
15 However, for contracts involving an amount less than fifty thousand dollars, the
16 provisions of R.S. 38:2219(A)(3) shall apply.

17 (2) All bidders bidding on public works for the Sewerage and Water
18 Board of New Orleans shall submit all bid forms required by statute or by the
19 Louisiana Administrative Code to the governing authority of the Sewerage and
20 Water Board of New Orleans prior to the opening of all bids relative to a
21 contract for public works in accordance with R.S. 38:2212(B)(3)(a). In all such
22 contracts, regardless of the amount, which require or involve the employment of
23 mechanics or laborers the specifications shall contain a provision stating the
24 minimum wages to be paid various classes of laborers and mechanics which shall be
25 based upon the wages that will be determined by the secretary of the Department of
26 Labor of the United States to be the prevailing wage of the corresponding classes of
27 laborers and mechanics employed on projects of a character similar to the contract
28 work within the city of New Orleans.

29 ~~(3) Bids for work may require the bidders to attach a bid bond or a certified~~
30 ~~check for not more than five percent of the contract price of work to be done, as an~~

1 evidence of good faith of the bidder. The board may publish other necessary notices
2 and calls for bids.

3 ~~(4) In every case the board may reject all bids and readvertise for new bids,~~
4 ~~and informalities may be waived in the interest of the board.~~

5 * * *

6 §4090. Apportionment of cost of connections with mains; making connections

7 A. **For any individual lot of record, the property owner shall bear all**
8 **costs, inclusive of meter boxes, for initial connections extended from the sewer**
9 **and water main to the property line. Any additional costs from the property line**
10 **to on-site facilities including but not limited to expanded connections or new or**
11 **additional meter boxes, shall be installed and maintained at the cost of the**
12 **property owner.** For a lot of record which existed prior to 1954, one sewer
13 connection and one water connection extending from the respective main to the
14 property line shall be installed by and at the expense of the board, and from that
15 point on, each shall be made at the cost and expense of the owner of the property.

16 B. **Each owner may contract with a licensed plumber in the state of**
17 **Louisiana for the installation of connections and any subsequent work, but all**
18 **such work shall be subject to the regulation, inspection, and control of the**
19 **board.** For all lots created after 1954, the property owner shall bear all costs,
20 inclusive of meter boxes, for connections extended from the sewer and water main
21 to the property line. Any additional costs from the property line to on-site facilities
22 shall be installed and maintained at the cost of the property owner.

23 C. **In the event that the board performs physical work that causes a**
24 **disruption of the water or sewer connection from the main to the property line,**
25 **including but not limited to proactive repairs, moving or replacing a meter box,**
26 **or replacing a lead water line, the board shall bear the cost of repairing the**
27 **disrupted connection.** Each owner may contract for the putting in of all connections
28 with which he is chargeable, but all such work shall be done under the rules and
29 regulations, and subject to the inspection and control of the board. The board shall
30 take separate bids from contractors for making a property holder's connections;

1 ~~leaving to each property holder the right to require the work on his premises to be~~
2 ~~done by the contractor at the bid price, or to employ someone else for that purpose.~~

3 **D. For lots of record developed in compliance with the voluntary**
4 **inclusionary zoning provisions of the city comprehensive zoning ordinance, as**
5 **certified by the director of the Department of Safety and Permits, the board**
6 **shall bear the cost of the initial connections from the sewer and water main to**
7 **the property line. All other provisions of this Section shall remain in effect.**

8 Section 2. This Act shall become effective upon signature by the governor or, if not
9 signed by the governor, upon expiration of the time for bills to become law without signature
10 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
11 vetoed by the governor and subsequently approved by the legislature, this Act shall become
12 effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____