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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Thomas L. Tyler.

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DIGEST

SB 111 Engrossed

2021 Regular Session

Womack

Present law requires public entities to promptly pay all obligations arising under a public contract when they become due and payable.

Proposed law retains this provision but includes payment of approved plan changes.

Present law requires public work contracts exceeding contract limit as provided in present law be advertised and let by contract to the lowest responsible and responsive bidder who bids according to the bidding documents as advertised. Requires public entities advertising for public work use only the Louisiana Uniform Bid Form and that the bidding documents include specific information.

Proposed law retains these provisions but requires that any change by a bidder to the bid form prior to its submission be scratched through and initialed by the person submitting the bid and that the change as initialed is binding.

Proposed law provides that as to electronic bid submissions, the last timely submission by each and any bidder is binding.

Present law requires that an entity not act later than 45 days after the opening of bids to award the contract or reject all bids.

Proposed law retains these provisions and provides that if an interested party or bidder files for an injunction or mandamus, the public entity shall not act later than 45 days after the date of a district court judgment determining the lowest responsible and responsive bidder to award the contract in accordance with the judgment. Provides that the district court judgment mandating the award is not subject to a suspensive appeal.

Present law provides for recordation of certain change orders with the recorder of mortgages in the parish where the public work is to be done or if not a public work, then where the entity is domiciled. Requires recordation of the original contract with the change order if not previously recorded.

Proposed law retains these provisions but requires that change orders be executed and approved by the public entity no later than 30 days following the date of the proposed change order. Provides that the date of the change order is the day the public entity, design professional of record, and the contractor agree to the extra work to be performed under the change order.

Present law provides for acceptance of work by a governing authority not later than 30 calendar days after its completion or substantial completion of the work. Provides that if the public entity does not file an acceptance, then the contractor is to record an acceptance of the work not later than 45

calendar days after completion or substantial completion.

Proposed law retains this provision.

Present law provides the acceptance not be executed except upon recommendation of the design professional hired by the public entity whose recommendation may not be later than 30 calendar days after completion or substantial compliance.

Proposed law retains this provision but requires that the acceptance as recommended by the design professional be made not later than 30 calendar days and requires that the public entity not take, use, or occupy the public work or use or occupy the specified area of the public work until substantial completion is filed. Provides that failure to comply is subject to a writ of mandamus.

Effective August 1, 2021.

(Amends R.S. 38:2191(A), 2212(B)(2), 2215(A), 2222, and 2241.1(C); adds R.S. 38:2212(E)(8) and 2241.1(D))