
DIGEST

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HB 220 Reengrossed

2021 Regular Session

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Abstract: Provides a specified time period after judicial determination for a public works contract to be awarded. Provides only the public entity may take a suspensive appeal. Prohibits an awarded bidder from agreeing to relinquish or to compromise its award status in favor of another bidder.

Present law requires a public entity act not later than 45 calendar days after the date opening bids to award the public works contract to the lowest responsible and responsive bidder or to reject all bids. Present law authorizes the public entity and the lowest responsible and responsive bidder to extend the deadline for award by one or more extensions of 30 calendar days by a mutually written agreement.

Present law requires the lowest responsible and responsive bidder and the public entity to execute the contract not later than 60 calendar days after the date of the public entity's award of the contract to the lowest responsible and responsive bidder if the lowest responsible and responsive bidder has timely provided all documents required by present law and no injunction or temporary restraining order is in effect.

Present law requires the contractor to issue notice to move forward with the project or work order not later than 30 calendar days following the date of execution of the contract by both parties, whichever execution date is later. Present law authorizes the public entity and the contractor to extend the deadline to issue notice to move forward upon a mutual written consent.

Present law prohibits the application of present law when the contract will either be financed by bonds which are required to be sold after opening bids on the contract, by federal or other funds in whole or in part which will not be readily available at the time bids are opened, or on contracts requiring a poll of the Legislature of La. before funds are available for the contract. Present law requires any time limit stipulated in present law be mentioned in the bidding documents for the project and in the official advertisement of bids required in accordance with present law.

Proposed law retains present law and expedites the judicial process. Requires that a public entity, in the event of an interested party or bidder who files for an injunction or writ of mandamus, is required to receive a trial within 30 calendar days of filing suit in the district court. Requires a final judgment to be rendered not more than 15 calendar days after the conclusion of the trial. Further requires a public entity to award a public works contract in accordance with the rendered judgment no later than 45 days after the judgment unless a timely suspensive appeal is filed.

Proposed law reserves a public entity's right to a suspensive appeal. Requires only the public entity to take a suspensive appeal within 15 days of the rendered final judgment, unless waived. Requires the suspensive appeal to be returnable to the appropriate appellate court not more than 15 calendar days from the rendered final judgment. Further requires the suspensive appeal be expedited and heard no later than 30 calendar days from the return of the appeal.

Proposed law provides under no circumstance may an awarded bidder agree to relinquish or to compromise its award status in favor of another bidder.

(Amends R.S. 38:2215(A))

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Delete a provision that prohibits a suspensive appeal for any judgment issued by a La. district court mandating the award of a public works contract.
2. Add a provision that expedites the judicial process. Requires an interested party or bidder filing an injunction or writ of mandamus receive a trial in the district court within 30 calendar days. Requires a final judgment be rendered not more than 15 calendar days after the conclusion of the trial. Further requires a public entity to award a public works contract in accordance with the rendered judgment no later than 45 days unless a timely suspensive appeal is filed.
3. Add a provision that reserves a public entity's right to a suspensive appeal. Requires only the public entity to take a suspensive appeal within 15 days of the rendered final judgment unless waived. Requires the suspensive appeal to be returnable to the appropriate appellate court not more than 15 calendar days from the rendered final judgment. Further requires the suspensive appeal be expedited and heard no later than 30 calendar days from the return of the appeal.
4. Add a provision that prohibits an awarded bidder from agreeing to relinquish or to compromise its award status in favor of another bidder.