

SENATE BILL NO. 111

BY SENATOR WOMACK

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

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AN ACT

To amend and reenact R.S. 38:2191(A), 2212(B)(2), 2222, and 2241.1(C) and to enact R.S. 38:2212(E)(8) and 2241.1(D), relative to public contracts; to provide for timely execution and approval of change orders; to provide for filing injunctions or mandamus suits involving bids; to provide awarding bids after judicial determinations of the lowest responsive and responsible bidder; to provide for payments under a contract; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 38:2191(A), 2212(B)(2), 2222, and 2241.1(C) are hereby amended and reenacted and R.S. 38:2212(E)(8) and 2241.1(D) are hereby enacted to read as follows:

§2191. Payments under contract

A. All public entities shall promptly pay all obligations **including approved change orders**, arising under public contracts when the obligations become due and payable under the contract. All progressive stage payments and final payments shall be paid when they respectively become due and payable under the contract.

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§2212. Advertisement and letting to lowest responsive and responsive bidder; public work; electronic bidding; participation in mentor-protégé program; exemptions

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B. * * *

(2) Any public entity advertising for public work shall use only the Louisiana Uniform Bid Form as promulgated in accordance with the Administrative Procedure Act by the division of administration, office of facility planning and control. The bidding documents shall require only the following information and documentation

1 to be submitted by a bidder at the time designated in the advertisement for bid
 2 opening: Bid Security or Bid Bond, Acknowledgment of Addenda, Base Bid,
 3 Alternates, Signature of Bidder, Name, Title, and Address of Bidder, Name of Firm
 4 or Joint Venture, Corporate Resolution or written evidence of the authority of the
 5 person signing the bid, and Louisiana Contractors License Number, and on public
 6 works projects where unit prices are utilized, a section on the bid form where the unit
 7 price utilized in the bid shall be set forth including a description for each unit;
 8 however, unit prices shall not be utilized for the construction of building projects,
 9 unless the unit prices and their extensions are incorporated into the base bid or
 10 alternates. **Any timely change by a bidder to the bid prior to submission of the**
 11 **bid shall be scratched through and initialed by the bidder or the person who**
 12 **submits the bid. The change as initialed shall be binding.**

* * *

E.(1) * * *

15 **(8) For the purpose of bids submitted electronically, the last timely bid**
 16 **submission by each and any bidder shall be binding.**

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§2222. Change orders; recordation

19 **A.** Each change order to a public works contract or to a contract for materials
 20 and supplies which adds an amount of ten percent or more of the original contract
 21 amount and which additional amount is at least ten thousand dollars or all change
 22 orders to a contract aggregating to an amount of twenty percent or more of the
 23 original contract amount and which additional amount is at least ten thousand dollars
 24 shall be recorded by the public entity which entered into the contract in the office of
 25 the recorder of mortgages in the parish where the work is to be done or, if not a
 26 public work, where the entity is domiciled not later than thirty days after the date of
 27 the change order which requires that the recordation take place. In addition, the
 28 original contract shall be recorded together with the change orders if not previously
 29 recorded. The provisions of this Section shall not apply to the office of facility
 30 planning and control, and the office of state procurement.

