

SENATE BILL NO. 271

BY SENATOR WOMACK AND REPRESENTATIVE ROMERO

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AN ACT

To amend and reenact R.S. 38:2212(B)(2) and (H) and to enact R.S. 38:2211(A)(15), relative to bidding requirements on public works projects; to prohibit additional requirements for information requested by public entities; to provide relative to bidders' information on public bids; to provide for definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 38:2212(B)(2) and (H) are hereby amended and reenacted and R.S. 38:2211(A)(15) is hereby enacted to read as follows:

§2211. Definitions

A. As used in this Chapter unless the context clearly indicates otherwise, the following terms shall mean:

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(15) "Working days", for the purposes of this Part, means the days Monday through Friday, excluding recognized holidays and declared emergencies.

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

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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

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

17 * * *

18 H. Every public entity intending to advertise a public work for bids shall
19 estimate the probable construction costs of such public work or obtain such estimate
20 from the project designer prior to advertising such public work for bids. No public
21 entity shall advertise a public work for bids unless funds that meet or exceed the
22 estimate of the probable construction costs have been budgeted by the public entity
23 for the project. The estimate of probable construction costs for the project shall be
24 made available at the time of bid opening, either by posting such estimate
25 electronically or announcing aloud such estimate at the bid opening. Any and all
26 bidders' information shall be available upon request, either no sooner than ~~fourteen~~
27 **nine working** days following the bid opening or after the recommendation of award
28 by the public entity or the design professional, whichever occurs first, and the
29 requester shall pay reasonable reproduction costs. The provisions of this Subsection
30 shall not apply to the Department of Transportation and Development.

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

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____