

2023 Regular Session

HOUSE BILL NO. 80

BY REPRESENTATIVE GADBERRY

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

CONTRACTS: Provides relative to the prior approval process available to potential suppliers

1 AN ACT

2 To amend and reenact R.S. 38:2295(C)(1), relative to plans and specifications for public  
3 works; to change the length of time a prime design professional has to approve or  
4 deny a product submission; to remove the automatic approval of a product if the  
5 prime design professional fails to respond within the allotted time period; to  
6 authorize the prime design professional to extend the time period for approval or  
7 denial; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 38:2295(C)(1) is hereby amended and reenacted to read as follows:

10 §2295. Plans and specifications; required provisions

11 \* \* \*

12 C.(1) A potential supplier may, but is not required to, submit a particular  
13 product for prior approval other than a product specified in the contract documents,  
14 no later than ~~seven~~ fourteen working days prior to the opening of bids. Within ~~three~~  
15 ten days, exclusive of holidays and weekends, after submission, the prime design  
16 professional shall furnish to both the public entity and the potential supplier written  
17 approval or denial of the product submitted. ~~If the prime design professional fails~~  
18 ~~to respond within the time period provided for in this Paragraph, the submitted~~  
19 ~~product shall be considered approved.~~

20 \* \* \*

---

**DIGEST**

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

---

HB 80 Engrossed

2023 Regular Session

Gadberry

**Abstract:** Provides relative to the prior approval process available to potential suppliers for particular products.

Present law (R.S. 38:2295(C)(1)) authorizes a potential supplier to submit a product for prior approval, other than a product specified in the contract documents, no later than seven working days prior to the opening of bids. Present law requires the prime design professional provide written approval or denial of the product submitted within three days after submission, exclusive of holidays and weekends. Specifies that the submitted product will be deemed approved if the design professional fails to respond within the allotted time.

Proposed law modifies present law by removing the deemed-approved provision. Also changes the required response time after a product is submitted to the prime design professional from five days to 10 days. Changes the period a potential supplier has to submit a product for approval before the opening of bids from seven to 14 days.

(Amends R.S. 38:2295(C)(1))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Transportation, Highways and Public Works to the original bill:

1. Change the period a potential supplier has to submit a product for approval before the opening of bids from seven to 14 days.
2. Change the length of time a prime design professional has to approve or deny a submitted product from five to 10 days.
3. Delete the 10 day extension period applicable to prime design professionals.
4. Remove the provision that indicates the failure of the design professional to respond cannot be considered approval.