

First Extraordinary Session, 2005

SENATE BILL NO. 24

BY SENATOR JONES

PUBLIC CONTRACTS. Provides for certain contract limits for public works projects as a result of a gubernatorially declared disaster or emergency. (gov sig)

1 AN ACT

2 To amend and reenact the introductory paragraph of R.S. 38:2212(A)(1)(d) and to enact
3 R.S. 38:2212(A)(1)(d)(iv), relative to letting contracts for public works; to provide
4 for certain contract limits for public works as a result of a gubernatorially declared
5 disaster or emergency; to provide for a study for evidence of past discrimination in
6 certain construction industries against women or minority contractors,
7 subcontractors, or employment practices; to provide for recommendations to
8 dismantle, eradicate, and remedy any findings of past discrimination; to provide for
9 an effective date; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. The introductory paragraph of R.S. 38:2212(A)(1)(d) is hereby amended
12 and reenacted and R.S. 38:2212(A)(1)(d)(iv) is hereby enacted to read as follows:

13 §2212. Advertisement and letting to lowest responsible bidder; public work;
14 electronic bidding; participation in mentor-protégé program

15 A.(1)

16 * * *

17 (d) **Except as provided in R.S. 38:2212(d)(iv) herein**, the term "contract

1 limit" as used herein shall be equal to the sum of one hundred thousand dollars per
2 project, including labor, materials, and equipment as per the rates in the latest edition
3 of the Associated Equipment Dealers Rental Rate Book and administrative overhead
4 not to exceed fifteen percent; however:

5 * * *

6 (iv) For any public work to be done by the state of Louisiana, or any
7 agency, board, commission, department, or public corporation of the state,
8 created by the constitution or statute, but excluding any local governmental
9 subdivision or political subdivision as defined by Article IV, Section 44 of the
10 Constitution of Louisiana, that is administered by the division of
11 administration, office of facility planning and control which public work is
12 necessitated as a result of a gubernatorially declared disaster or emergency, the
13 contract limit shall be equal to the sum of _____ dollars, including
14 labor, materials, and equipment as per the rates in the latest edition of the
15 Associated Equipment Dealers Rental Rate Book and administrative overhead
16 not to exceed _____ percent; however:

17 (aa) To ensure that there is no practice of discrimination against
18 minority or women contractors or subcontractors in the road, bridge, port,
19 airport, transit, highway, or construction industries, or against minority or
20 women workers hired or employed by contractors or subcontractors in such
21 industries, the office of facility planning and control shall conduct a study to
22 determine if such disparities exist.

23 (bb) In the event that the study presents a finding of past discrimination
24 against such employers, contractors, or subcontractors, the director of the office
25 of facility planning and control shall provide recommendations to the governor
26 and the legislature to dismantle, eradicate, and remedy such past
27 discrimination. Such actions shall include, but not be limited to, the issuance
28 of executive orders and promulgation of rules, as may be necessary to effectuate
29 the intent of this Item.

1 * * *

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

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Jay R. Lueckel.

DIGEST

Present law provides that all public work exceeding the contract limit, including labor and materials to be done by a public body, shall be advertised and let to the lowest responsible bidder.

Present law defines the contract limit to equal the sum of one hundred thousand dollars per project, including labor, materials, and equipment as per the rates of the latest edition of the Associated Equipment Dealers Rental Rate Book and administrative overhead not to exceed 15%. Present law also provides a contract limit for Public Safety and Corrections projects using inmate labor and specifies a contract limit for certain bridge projects performed by parishes with less than 16,000 population.

Proposed law retains present law and adds a contract limit for public works administered by the division of administration's office of facility planning and control which is necessitated as a result of gubernatorially declared disaster or emergency. Proposed law defines the contract limit for such projects to be _____ dollars with the administrative overhead not to exceed _____ percent.

Proposed law further provides that to ensure that there is no practice of discrimination against minority or women contractors or subcontractors in the road, bridge, port, airport, transit, highway, or construction industries, or against minority or women workers hired or employed by contractors or subcontractors in such industries, the office of facility planning and control shall conduct a study to determine if such disparities exist.

Proposed law also provides that in the event that the study presents a finding of past discrimination against such employers, contractors, or subcontractors, the director of the office of facility planning and control shall provide recommendations to the governor and the legislature to dismantle, eradicate, and remedy such past discrimination. Such actions shall include, but not be limited to, the issuance of executive orders and promulgation of rules, as may be necessary.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 38:2212(A)(1)(d) (intro para) and adds R.S. 38:2212(A)(1)(d)(iv))