

First Extraordinary Session, 2005

SENATE BILL NO. 43

BY SENATOR FIELDS

PUBLIC CONTRACTS. Provides with respect to the contract limit for public works provided for projects administered by the office of facility planning and control, division of administration, necessitated as a result of a gubernatorially declared disaster or emergency.

1 AN ACT

2 To enact R.S. 38:2212(A)(1)(d)(iv), relative to letting contacts for public works; to provide
3 with regard to the contract limit for public works provided for projects administered
4 by the office of facility planning and control, division of administration, necessitated
5 as a result of a gubernatorially declared disaster or emergency; to provide with
6 respect to certain preferences; to provide with respect to employment; and to provide
7 for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 38:2212(A)(1)(d)(iv) is hereby enacted to read as follows:

10 §2212. Advertisement and letting to lowest responsible bidder; public work;
11 electronic bidding; participation in mentor-protégé program

12 A. (1)

13 * * *

14 (d)

15 * * *

16 (iv) All contracts on public work resulting from the gubernatorially
17 declared disaster or emergency, administered by the division of administration,

1 office of facility planning and control, shall be awarded to contractors and
 2 businesses domiciled in the state of Louisiana. For the purposes of this Item, a
 3 foreign corporation that has qualified to do business in the state of Louisiana
 4 in the manner required by law more than six months prior to the advertising for
 5 bids on a contract for public work shall be considered to be a contractor or
 6 business domiciled in the state of Louisiana for the purpose of an award of a
 7 contract for such public work. The contract limit shall be equal to the sum of
 8 _____ dollars, including labor, materials, and equipment as per the rates in the
 9 latest edition of the Associated Equipment Dealers Rental Rate Book and
 10 administrative overhead not to exceed _____ percent.

11 (aa)A preference shall be given to contractors which employ persons
 12 displaced from their homes by the declared disaster or emergency.

13 (bb)An additional preference shall be given to contractors who have
 14 exhausted all attempts to employ persons displaced from their homes by the
 15 declared disaster or emergency, which employ persons domiciled in the state of
 16 Louisiana.

17 (cc)The provisions and requirements of this Item shall not be waived by
 18 any public entity subject to such provisions.

19 * * *

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Rene Marshall.

DIGEST

Proposed law provides 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 adds contract limit shall be equal to the sum of _____ dollars, including labor, materials, and equipment as per the rates in the latest edition of the Associated Equipment Dealers Rental Rate Book and administrative overhead not to exceed _____ percent.

Proposed law requires the use of contractors domiciled in the state of Louisiana, and as preference for contractors which employ persons displaced from their homes by the declared disaster or emergency and contractors which employ persons domiciled in the state of Louisiana after all attempts have been exhausted to employ persons displaced from their homes by the declared disaster or emergency.

Proposed law prohibits the waiver of such provisions by public entities subject to this contract limit.

(Adds R.S. 38:2212(A)(1)(d)(iv))