

First Extraordinary Session, 2005

SENATE BILL NO. 50

BY SENATOR JONES

PUBLIC CONTRACTS. Provides for certain contract limits for public works projects necessitated 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 R.S.
3 38:2212(A)(1)(d)(iv), relative to certain contract limits for public works projects
4 administered by the office of facility planning and control, division of
5 administration, necessitated as a result of a gubernatorially declared disaster or
6 emergency; to provide for certain contract limits; to provide for certain qualifications
7 of contractors; to provide for certain goals relative to contract awards; to provide for
8 an effective date; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

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

12 §2212. Advertisement and letting to lowest responsible bidder; public work;
13 electronic bidding; participation in mentor-protégé program

14 A.(1)

15 * * *

16 (d) **Except as provided in R.S. 38:2212(A)(1)(d)(iv) herein,** the term
17 "contract limit" as used herein shall be equal to the sum of one hundred thousand

1 dollars per project, including labor, materials, and equipment as per the rates in the
2 latest edition of the Associated Equipment Dealers Rental Rate Book and
3 administrative overhead not to exceed fifteen percent; however:

4 * * *

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

16 (aa) In the award of contracts for public work, a preference shall be
17 given to contractors domiciled in the state of Louisiana. For the purpose of this
18 Item, a foreign corporation that has qualified to do business in the state of
19 Louisiana in the manner required by law more than six months prior to
20 declaration of disaster or emergency shall be considered to be a contractor
21 domiciled in the state of Louisiana for the purpose of an award of a contract for
22 such public work.

23 (bb) An additional preference shall be given to contractors which
24 employ persons displaced from their homes by the declared disaster or
25 emergency.

26 (cc) The office of facility planning and control shall establish bid award
27 incentives such that not less than twenty percent of such contracts shall be
28 awarded to contractors or businesses owned by women or minorities. The
29 director of the office of facility planning and control shall promulgate rules and

1 **regulations governing the implementation of these provisions.**

2 **(dd) The provisions and requirements of this Item shall not be waived**
3 **by any public entity subject to such provisions.**

4 * * *

5 Section 2. This Act shall become effective upon signature by the governor or, if not
6 signed by the governor, upon expiration of the time for bills to become law without signature
7 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
8 vetoed by the governor and subsequently approved by the legislature, this Act shall become
9 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 Thomas F. Wade.

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 Dept. of Public Safety and Corrections projects using inmate labor and specifies a contract limit for certain bridge projects performed by parishes with a population of less than 16,000.

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 a preference be given to contractors domiciled in the state at least 6 months prior to the disaster declaration and an additional preference be given to contractors which employ persons displaced from their homes by the disaster.

Proposed law requires the office of facility planning and control to establish bid award incentives such that not less than 20% of the awards be made to contractors or businesses which are owned by women or minorities. Authorizes the director of the office of facility planning and control to promulgate rules and regulations governing the implementation of such provisions.

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

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

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