

First Extraordinary Session, 2005

SENATE BILL NO. 69

BY SENATOR FIELDS

PUBLIC CONTRACTS. Provides with respect to the contract limits for public contracts for public works projects administered by the office of facility planning and control, division of administration, 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 the contract limit 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 with respect to the contract limit; to provide with respect to
7 employment requirements; to provide for an effective date; and to provide for related
8 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) All contracts on public work resulting from the gubernatorially
6 declared disaster or emergency, administered by the division of administration,
7 office of facility planning and control, shall be awarded to contractors and
8 businesses domiciled in the state of Louisiana. For the purposes of this Item, a
9 foreign corporation that has qualified to do business in the state of Louisiana
10 in the manner required by law more than six months prior to the advertising for
11 bids on a contract for public work shall be considered to be a contractor or
12 business domiciled in the state of Louisiana for the purpose of an award of a
13 contract for such public work. The contract limit shall be equal to the sum of
14 _____ dollars, including labor, materials, and equipment as per the rates in the
15 latest edition of the Associated Equipment Dealers Rental Rate Book and
16 administrative overhead not to exceed _____ percent.

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

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

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

25 * * *

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

1 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 the 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 less than 16,000.

Proposed law retains present law and 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.

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))