

Regular Session, 2013

SENATE BILL NO. 210

BY SENATOR MURRAY

PUBLIC CONTRACTS. Authorizes a political subdivision to charge a fee, in lieu of a deposit, for production of paper documents under certain circumstances. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 38:2212(A)(1)(e), relative to the Sewerage and Water Board of
3 New Orleans; to provide for a maximum fee under certain circumstances; to provide
4 for effectiveness; and to provide for related matters.

5 Notice of intention to introduce this Act has been published.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 38:2212(A)(1)(e) is hereby amended and reenacted to read as
8 follows:

9 §2212. Advertisement and letting to lowest responsible bidder; public work;
10 electronic bidding; participation in mentor-protégé program;
11 exemptions

12 A.(1) * * *

13 (e)(i) Each public entity advertising and letting for bid a public works
14 contract under the provisions of this Section shall furnish all prime bidders who
15 request bid documents and who are properly licensed by the Louisiana State
16 Licensing Board for Contractors with at least one set of complete bid documents.
17 The public entity may require a deposit on the bid documents; however, the total cost

1 of the deposit, including handling fees and other costs shall not exceed twice the
 2 actual cost of reproduction. Deposits on the first set of documents furnished bona
 3 fide prime bidders will be fully refunded upon return of the documents no later than
 4 ten days after receipt of bids. On other sets of documents furnished to bidders the
 5 deposit less actual cost of reproduction, will be refunded upon return of the
 6 documents no later than ten days after receipt of bids. Where the public entity, itself,
 7 prepares and distributes the contract documents, the public entity may, in lieu of a
 8 deposit, charge a fee for the documents, which shall not exceed the actual cost of
 9 reproduction.

10 **(ii) Where the Sewerage and Water Board of New Orleans, itself,**
 11 **prepares and distributes electronic contract documents, the Sewerage and**
 12 **Water Board of New Orleans may, in lieu of a deposit, charge a fee for each**
 13 **paper document, which shall not exceed the actual cost of reproduction.**

14 * * *

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

The original instrument was prepared by Michael Bell. The following digest,
 which does not constitute a part of the legislative instrument, was prepared
 by Ann S. Brown.

DIGEST

Murray (SB 210)

Present law authorizes a public entity that is advertising and letting for bid a public works contract to require a deposit from a prime bidder who requests a complete set of bid documents. Provides that the deposit is refundable. Present law also authorizes in instances where the public entity, itself, prepares and distributes the contract documents, to charge a fee for the documents, which shall not exceed the actual cost of reproduction.

Proposed law retains present law and also provides that when the Sewerage and Water Board of New Orleans, itself, prepares and distributes electronic contract documents, it may, in lieu of a deposit, charge a fee for each paper document, not to exceed the actual cost of reproduction.

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

(Amends R.S. 38:2212(A)(1)(e))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Local and Municipal
Affairs to the original bill

1. Removes all references to design-build contracts.