

SENATE BILL NO. 354

BY SENATOR CORTEZ

1 AN ACT

2 To amend and reenact R.S. 48:252(B)(7)(b) and 256.4, relative to contracts of the  
3 Department of Transportation and Development; to provide relative to plan changes  
4 and partial acceptance; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 48:252(B)(7)(b) and 256.4 are hereby amended and reenacted to read  
7 as follows:

8 §252. Advertisement for bids; public presentment and reading of bids; fee for bid  
9 proposals

10 \* \* \*

11 B. Contracts for projects with an aggregate estimated cost equal to or greater  
12 than the contract limit shall be let in accordance with the following provisions:

13 \* \* \*

14 (7)(a) \* \* \*

15 (b) Plan changes pertaining to contracts not required by this Part to be put out  
16 for public bid shall be negotiated in the best interest of the department or let out for  
17 public bid as provided by this Part. Negotiated plan changes shall be fully  
18 documented and itemized as to costs, including material quantities, material costs,  
19 labor costs, taxes, insurance, employee benefits, other related costs, profit, and  
20 overhead. Where certain unit prices are contained in the initial contract, no  
21 deviations shall be allowed in computing negotiated plan change costs for work  
22 under those work items unless the actual quantities worked vary more than  
23 twenty-five percent from the estimated quantities in the contract as advertised. **Plan**  
24 **changes within the scope of the contract shall not be recorded in the office of the**  
25 **recorder of mortgages in the parish where the work is performed.**

26 \* \* \*

1 §256.4. Acceptance by the department

2 A. Whenever the department enters into a contract for the construction,  
3 maintenance, alteration, or repair of any public works, in accordance with the  
4 provisions of this Subpart, the undersecretary or his duly appointed designee of the  
5 department shall have recorded in the office of the recorder of mortgages, in the  
6 parish where the work has been done, a final acceptance of ~~said~~ the work or a partial  
7 acceptance of any specified area thereof upon completion of all of the work. The  
8 final acceptance shall be executed by the secretary or his duly appointed designee  
9 within thirty days of completion of all of the work on the project. The recordation of  
10 a final acceptance in accordance with the provisions of this Section shall be effective  
11 for all purposes under this Chapter.

12 **B. "Partial acceptance" as used in this Section means the determination**  
13 **by the department made after final inspection of a portion of the project that**  
14 **the contractor has satisfactorily completed that portion of the project and that**  
15 **such portion may be used advantageously by traffic or for other use.**

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

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_