

SENATE BILL NO. 195

BY SENATOR CORTEZ

1 AN ACT

2 To amend and reenact R.S. 38:2318.1(B) and to enact R.S. 48:250.4, relative to the  
3 Department of Transportation and Development; to authorize the use of  
4 public-private partnership contracts by the department for certain transportation  
5 projects; to provide for procedure; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 38:2318.1(B) is hereby amended and reenacted to read as follows:

8 §2318.1. Louisiana "No Bidding of Design Professional Services" policy

9 \* \* \*

10 B. However, the provisions of this Section shall have no effect on and shall  
11 not supersede any contract permitted pursuant to the provisions of Chapter 1 of Title  
12 48 of the Louisiana Revised Statutes of 1950 relating to the authority for the  
13 Department of Transportation and Development to enter into design-build contracts  
14 **or public-private partnership contracts,** and the authority of the Louisiana  
15 Transportation Authority to enter into public-private partnership contracts, R.S.  
16 38:85, 2225.2.1, or 2225.2.2 relating to the authority for certain political subdivisions  
17 to enter into design-build contracts, or R.S. 34:3523, relating to any port project that  
18 a notice of intent is advertised for in accordance with R.S. 34:3523, prior to  
19 December 31, ~~2015~~ **2020**.

20 \* \* \*

21 Section 2. R.S. 48:250.4 is hereby enacted to read as follows:

22 **§250.4. Public-private partnership projects**

23 **A. Notwithstanding any law to the contrary or the requirements of this**  
24 **Part, if the secretary determines it is in the best interest of the taxpayers, the**  
25 **Department of Transportation and Development, with approval of the House**  
26 **and Senate transportation, highways, and public works committees, may solicit**

1           proposals for and enter into contracts for public-private partnership projects  
 2           for a transportation facility, provided the department shall comply with the  
 3           provisions of R.S. 48:2084 through 2084.15 that are applicable to public-private  
 4           partnership projects of the Louisiana Transportation Authority. However, R.S.  
 5           48:256.3 and 48:256.5 shall be applicable in the same manner as any other  
 6           department projects.

7           B.(1) Twenty-five percent of public-private partnership projects  
 8           undertaken by the department shall be located outside the boundaries of a  
 9           metropolitan planning area, as defined in 23 U.S.C. 134.

10           (2) Solicitations for public-private partnership projects outside the  
 11           boundaries of any metropolitan planning area, as defined in 23 U.S.C. 134, shall  
 12           be subject to the approval of the House and Senate committee on agriculture,  
 13           forestry, aquaculture and rural development in addition to the approval of the  
 14           House and Senate committees on transportation, highways and public works.

15           C. The department shall not receive an unsolicited proposal for a  
 16           public-private partnership project.

17           Section 3. This Act shall become effective upon signature by the governor or, if not  
 18           signed by the governor, upon expiration of the time for bills to become law without signature  
 19           by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
 20           vetoed by the governor and subsequently approved by the legislature, this Act shall become  
 21           effective on the day following such approval.

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

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 SPEAKER OF THE HOUSE OF REPRESENTATIVES

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

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