

SENATE BILL NO. 200

BY SENATOR CORTEZ AND REPRESENTATIVES ADAMS, TERRY BROWN,
CARPENTER, MARCELLE, NORTON, PIERRE, POPE AND WHITE

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

1 AN ACT

2 To enact R.S. 38:2211.2, relative to public contracts; to provide for a pilot program to
3 authorize local governmental subdivisions and political subdivisions to use the A+B
4 bid method to determine the lowest responsive bidder in contracts for public works
5 under certain conditions; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 38:2211.2 is hereby enacted to read as follows:

8 **§2211.2. A+B bidding; pilot program; public works contracts let by local**
9 **governmental subdivision or political subdivision**

10 **A.(1) A pilot program is hereby established to authorize local**
11 **governmental subdivisions or political subdivisions to use the A+B bidding**
12 **method to determine the lowest responsive bidder on a contract for public**
13 **works.**

14 **(2) At least sixty days prior to inclusion of A+B bidding in the bidding**
15 **documents for a contract to be let for public works, a local governmental**
16 **subdivision or a political subdivision shall deliver written notification of the**
17 **proposed project by name and description of the project, together with the**
18 **reason it deems such method to be in the public interest and beneficial to the**
19 **owner, to the House and Senate transportation, highways, and public works**
20 **committees for review and approval. The pilot program is limited to fifteen**
21 **projects. If the project is approved by the committees, the owner shall submit**
22 **in writing to the chairmen of the House and Senate committees on**
23 **transportation, highways, and public works the name and address of the lowest**
24 **responsive bidder awarded the contract, together with the bid values of the A+B**

1 components. Upon completion and acceptance of the project, the owner shall
2 submit in writing to the chairmen of the House and Senate committees on
3 transportation, highways, and public works a project report that includes the
4 final project cost and an evaluation of whether or not contract times were
5 reduced, costs were acceptable, and quality was maintained by use of the A+B
6 bid method.

7 B. When used in this Section, the following words and phrases have the
8 meanings ascribed to them in this Section, unless the context indicates a
9 different meaning:

10 (1) "A+B bidding" means cost plus time bidding that factors time plus
11 cost to determine the low bid. Under the A+B method, each submitted bid has
12 two components where "A" is the traditional bid for the contract items and is
13 the dollar amount for all work to be performed under the contract, and "B" is
14 a "bid" of the total number of calendar days required to complete the project,
15 as estimated by the bidder. Bid days are multiplied by a user cost, furnished by
16 the project owner, and added to the "A" component to obtain the total bid. The
17 bid for award to the lowest responsive bidder is based on a combination of the
18 bid for the contract items and the associated cost of time.

19 (2) "Owner" means a "local governmental subdivision" or a "political
20 subdivision" as defined in La. Const. Art. VI, Sec. 44(1) and (2).

21 C. Notwithstanding any other provision of law to the contrary, a local
22 governmental subdivision or a political subdivision may specify in its bidding
23 documents for a public work the A+B bidding method to determine the lowest
24 responsive bidder as set forth in this Section. Bidding documents may contain
25 alternates, which allow for different materials currently approved by the local
26 governmental subdivision or political subdivision, or methods of construction.
27 The bidding documents shall specify whether the low bid will be determined
28 based on the lowest bid cost, or the lowest combination of bid cost plus
29 construction time. If construction time is utilized as a factor to determine the
30 lowest responsive bidder, then its value and use in the determination of the

1 lowest responsive bidder shall be specified by the owner in the bidding
2 documents.

3 D. The provisions of this Section shall supersede any conflicting
4 provisions of any law, including but not limited to the requirements of Chapter
5 10 of this Title, but the provisions of such Chapter shall otherwise be applicable
6 to such contracts.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____