

2021 Regular Session

HOUSE BILL NO. 220

BY REPRESENTATIVE GREGORY MILLER

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

PUBLIC CONTRACTS: Provides relative to public works contracts

1 AN ACT

2 To amend and reenact R.S. 38:2215(A), relative to contracts for public works; to require the  
3 award of a public works contract within a specified time after judgment determining  
4 the lowest responsible and responsive bidder; to restrict the application of suspensive  
5 appeals for certain public works awards resulting from certain court actions; and to  
6 provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 38:2215(A) is hereby amended and reenacted to read as follows:

9 §2215. Time period for holding bids; issuance of work orders to commence work;  
10 exceptions

11 A.(1) A public entity shall act not later than forty-five calendar days after the  
12 date of opening bids to award such public works contract to the lowest responsible  
13 and responsive bidder or to reject all bids. However, the public entity and the lowest  
14 responsible and responsive bidder, by mutually written consent, may agree to extend  
15 the deadline for award by one or more extensions of thirty calendar days.

16 (2) If an interested party or bidder files for an injunction or writ of  
17 mandamus, a public entity shall act not later than forty-five days after the date of the  
18 judgment by a Louisiana district court determining the lowest responsible and  
19 responsive bidder to award such public works contract in accordance with the

1 judgment. Any judgment issued by a Louisiana district court mandating the award  
2 of a public works contract shall not be subject to a suspensive appeal.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 220 Original

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Gregory Miller

**Abstract:** Provides a specified time period after judicial determination for a public works contract to be awarded. Prohibits judgments awarded from an injunction or writ of mandamus for public works contracts from suspensive appeals.

Present law requires a public entity act not later than 45 calendar days after the date opening bids to award the public works contract to the lowest responsible and responsive bidder or to reject all bids. Present law authorizes the public entity and the lowest responsible and responsive bidder to extend the deadline for award by one or more extensions of 30 calendar days by a mutually written agreement.

Present law requires the lowest responsible and responsive bidder and the public entity to execute the contract not later than 60 calendar days after the date of the public entity's award of the contract to the lowest responsible and responsive bidder if the lowest responsible and responsive bidder has timely provided all documents required by present law and no injunction or temporary restraining order is in effect.

Present law requires the contractor to issue notice to move forward with the project or work order not later than 30 calendar days following the date of execution of the contract by both parties, whichever execution date is later. Present law authorizes the public entity and the contractor to extend the deadline to issue notice to move forward upon a mutual written consent.

Present law prohibits the application of present law when the contract will either be financed by bonds which are required to be sold after opening bids on the contract, by federal or other funds in whole or in part which will not be readily available at the time bids are opened, or on contracts requiring a poll of the Legislature of La. before funds are available for the contract. Present law requires any time limit stipulated in present law be mentioned in the bidding documents for the project and in the official advertisement of bids required in accordance with present law.

Proposed law retains present law and requires that a public entity, in the event of an interested party or bidder who files for an injunction or writ of mandamus, act not later than 45 calendar days after the date of a judgment by a La. district court determining the lowest responsible and responsive bidder to award a public works contract in accordance with said judgment.

Proposed law specifies that any judgment issued by a La. district court mandating the award of a public works contract is not subject to a suspensive appeal.

(Amends R.S. 38:2215(A))