

2021 Regular Session

SENATE BILL NO. 207

BY SENATOR WHITE

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

TRANSPORTATION/DEV DEPT. Provides relative to the subpoena of DOTD contractors.  
(8/1/21)

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AN ACT

To amend and reenact R.S. 38:2212(B)(2), R.S. 48:255.4, 256.1(A)(1), and 950, to enact R.S. 39:1554(D)(9) and 2212(A)(1)(c), and to repeal R.S. 48:252 through 255, and 255.6 through 256, relative to public contracts and the Department of Transportation and Development; to provide for exemptions from the procurement code; to provide for information required for competitive bids; to remove certain exceptions to prohibition of cost-plus contracts; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 38:2212 (B)(2) is hereby amended and reenacted and R.S. 38:2212(A)(1)(c) is hereby enacted to read as follows:

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

A.(1) \* \* \*

**(c) The provisions of this Section shall not apply to the Department of Transportation and Development contracts.**

\* \* \*



1        ~~lettings~~ for the construction, improvement, maintenance, or repair of any road,  
 2        highway, bridge, or appurtenance thereto or any other Department of Transportation  
 3        and Development facility, providing for the retainage of amounts constituting a  
 4        percentage of the gross value of the completed work as may be provided for in the  
 5        contract. Retained amounts for projects which cost less than five hundred thousand  
 6        dollars shall not exceed ten percent of the gross value of the completed work.  
 7        Retained amounts for projects which cost five hundred thousand dollars or more  
 8        shall not exceed five percent of the gross value of the completed work.

\*        \*        \*

10        §950. Letting of bridge contracts

11        ~~All bridges constructed by the Department of Transportation and~~  
 12        ~~Development pursuant to this Part shall be by public contract let to the lowest~~  
 13        ~~responsible bidder pursuant to the provisions of R.S. 48:252. All contracts entered~~  
 14        into by the Department of Transportation and Development in connection with the  
 15        building of ~~these~~ bridges shall be in writing and in conformity with the requirements  
 16        of the department.

\*        \*        \*

18        Section 3. R.S. 39:1554(D)(9) is hereby enacted to read as follows:

19        §1554. Application of this Chapter

\*        \*        \*

21        D. Exclusions.        \*        \*        \*

\*        \*        \*

23        **(9) The provisions of this Chapter shall not apply to the Department of**  
 24        **Transportation and Development contracts.**

\*        \*        \*

26        Section 4. R.S. 48:252 through 255 and 255.6 through 256 are hereby repealed in  
 27        their entirety.

