SLS 21RS-246 **ENGROSSED**

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 subpoenas of DOTD contractors and public entities advertising for public work. (8/1/21)

AN ACT

To amend and reenact R.S. 38:2212(B)(2), and to enact R.S. 38:2212(A)(1)(c) and R.S. 48:252(I), relative to public contracts; to provide relative to applicability to contracts of the Department of Transportation and Development; to provide for information required by bidding documents; to provide for acknowledgment of compliance with subpoenas from the Louisiana Legislature and its committees; 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.

* * *

Coding: Words which are ~~struck through~~ are deletions from existing law; words in **boldface type and underscored** are additions.

B. * * *

(2) Any public entity advertising for public work shall use only the Louisiana Uniform Bid Form as promulgated in accordance with the Administrative Procedure Act by the division of administration, office of facility planning and control. The bidding documents shall require only the following information and documentation to be submitted by a bidder at the time designated in the advertisement for bid opening: Bid Security or Bid Bond, Acknowledgment of Addenda, Base Bid, Alternates, Signature of Bidder, Name, Title, and Address of Bidder, Name of Firm or Joint Venture, Corporate Resolution or written evidence of the authority of the person signing the bid, ~~and~~ Louisiana Contractors License Number, **and Acknowledgment of Compliance with Legislative Subpoena of the Louisiana House of Representatives, Louisiana State Senate, Legislative Committees, Joint Legislative Committees, or Legislative Sub-Committees,** and on public works projects where unit prices are utilized, a section on the bid form where the unit price utilized in the bid shall be set forth including a description for each unit; however, unit prices shall not be utilized for the construction of building projects, unless the unit prices and their extensions are incorporated into the base bid or alternates.

* * *

Section 2. R.S. 48:252(I) is hereby enacted to read as follows:

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

* * *

(I) All contracts of the department shall contain provisions that require a contractor to agree to comply with a subpoena issued by the Louisiana Legislature or any of its committees.

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Xavier I. Alexander.

DIGEST

SB 207 Engrossed 2021 Regular Session White

Present law (Title 38) requires public work, including labor and materials, exceeding the contract limit undertaken by a public entity to be advertised and awarded by written contract to the lowest responsible bidder who bids according to the bidding documents as advertised.

Proposed law excludes the La. Dept. of Transportation and Development (DOTD) from Title 38 provisions of advertising and awarding to the lowest bidder for public work contracts; DOTD advertises and awards public works contracts pursuant to provisions in Title 48.

Proposed law (Title 38) provides that an acknowledgment of compliance with a legislative subpoena shall be submitted with bidding documents for all public work contracts.

Proposed law (Title 48) provides that all DOTD contracts shall require a contractor to agree to comply with a legislative subpoena.

Effective August 1, 2021.

(Amends R.S. 38:2212(B)(2); adds R.S. 38:2212(A)(1)(c) and R.S. 48:252(I))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Transportation, Highways, and Public Works to the original bill

1. Adds provision to DOTD contracts requiring compliance to legislative subpoena.

2. Removes prohibition of cost plus contracts.

3. Removes language prohibiting DOTD from the Procurement Code.

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