2021 Regular Session

ENROLLED

SENATE BILL NO. 111

BY SENATOR WOMACK

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

1	AN ACT
2	To amend and reenact R.S. 38:2191(A), 2212(B)(2), 2222, and 2241.1(C) and to enact R.S.
3	38:2212(E)(8) and 2241.1(D), relative to public contracts; to provide for timely
4	execution and approval of change orders; to provide for filing injunctions or
5	mandamus suits involving bids; to provide awarding bids after judicial
6	determinations of the lowest responsive and responsible bidder; to provide for
7	payments under a contract; and to provide for related matters.
8	Be it enacted by the Legislature of Louisiana:
9	Section 1. R.S. 38:2191(A), 2212(B)(2), 2222, and 2241.1(C) are hereby amended
10	and reenacted and R.S. 38:2212(E)(8) and 2241.1(D) are hereby enacted to read as follows:
11	§2191. Payments under contract
12	A. All public entities shall promptly pay all obligations including approved
13	change orders, arising under public contracts when the obligations become due and
14	payable under the contract. All progressive stage payments and final payments shall
15	be paid when they respectively become due and payable under the contract.
16	* * *
17	§2212. Advertisement and letting to lowest responsible and responsive bidder;
18	public work; electronic bidding; participation in mentor-protégé
19	program; exemptions
20	* * *
21	B. * * *
22	(2) Any public entity advertising for public work shall use only the Louisiana
23	Uniform Bid Form as promulgated in accordance with the Administrative Procedure
24	Act by the division of administration, office of facility planning and control. The
25	bidding documents shall require only the following information and documentation

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

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1	to be submitted by a bidder at the time designated in the advertisement for bid
2	opening: Bid Security or Bid Bond, Acknowledgment of Addenda, Base Bid,
3	Alternates, Signature of Bidder, Name, Title, and Address of Bidder, Name of Firm
4	or Joint Venture, Corporate Resolution or written evidence of the authority of the
5	person signing the bid, and Louisiana Contractors License Number, and on public
6	works projects where unit prices are utilized, a section on the bid form where the unit
7	price utilized in the bid shall be set forth including a description for each unit;
8	however, unit prices shall not be utilized for the construction of building projects,
9	unless the unit prices and their extensions are incorporated into the base bid or
10	alternates. Any timely change by a bidder to the bid prior to submission of the
11	bid shall be scratched through and initialed by the bidder or the person who
12	submits the bid. The change as initialed shall be binding.
13	* * *
14	E.(1) * * * *
15	(8) For the purpose of bids submitted electronically, the last timely bid
16	submission by each and any bidder shall be binding.
16 17	submission by each and any bidder shall be binding.
17	* * *
17 18	* * * §2222. Change orders; recordation
17 18 19	* * * §2222. Change orders; recordation <u>A.</u> Each change order to a public works contract or to a contract for materials
17 18 19 20	* * * * §2222. Change orders; recordation <u>A.</u> Each change order to a public works contract or to a contract for materials and supplies which adds an amount of ten percent or more of the original contract
17 18 19 20 21	* * * * \$2222. Change orders; recordation <u>A.</u> Each change order to a public works contract or to a contract for materials and supplies which adds an amount of ten percent or more of the original contract amount and which additional amount is at least ten thousand dollars or all change
 17 18 19 20 21 22 	* * * * \$2222. Change orders; recordation <u>A.</u> Each change order to a public works contract or to a contract for materials and supplies which adds an amount of ten percent or more of the original contract amount and which additional amount is at least ten thousand dollars or all change orders to a contract aggregating to an amount of twenty percent or more of the
 17 18 19 20 21 22 23 	* * * * §2222. Change orders; recordation <u>A.</u> Each change order to a public works contract or to a contract for materials and supplies which adds an amount of ten percent or more of the original contract amount and which additional amount is at least ten thousand dollars or all change orders to a contract aggregating to an amount of twenty percent or more of the original contract amount and which additional amount is at least ten thousand dollars
 17 18 19 20 21 22 23 24 	* * * *
 17 18 19 20 21 22 23 24 25 	* * * * \$2222. Change orders; recordation <u>A.</u> Each change order to a public works contract or to a contract for materials and supplies which adds an amount of ten percent or more of the original contract amount and which additional amount is at least ten thousand dollars or all change orders to a contract aggregating to an amount of twenty percent or more of the original contract amount and which additional amount is at least ten thousand dollars shall be recorded by the public entity which entered into the contract in the office of the recorder of mortgages in the parish where the work is to be done or, if not a
 17 18 19 20 21 22 23 24 25 26 	* * * *
 17 18 19 20 21 22 23 24 25 26 27 	* * * *

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1	B. Change orders shall be processed and issued by the public entity no
2	later than forty days following final execution of the change order.
3	* * *
4	§2241.1. Acceptance of governing authority
5	* * *
6	C. Any public entity that does not file for recordation an acceptance of public
7	work, shall require the contractor to have recorded in the office of the recorder of
8	mortgages, in the parish where the work has been done, an acceptance of such work
9	or of any specified area of such work, not later than forty-five calendar days after the
10	date of completion or substantial completion of the work. This acceptance shall not
11	be executed except upon the recommendation of the design professional hired by the
12	public entity whose recommendation may shall be made not later than thirty calendar
13	days after the date of completion or substantial completion of such public work. \underline{A}
14	public entity shall not take, use, or occupy the public work or use or occupy the
15	specified area of the public work for which it was intended until the substantial
16	completion has been filed pursuant to this Section, unless an approved
17	agreement of partial occupancy is executed between the public entity, the design
18	professional of record, and the contractor.
19	D. The public entity's failure to comply with the provisions of this
20	Section shall be subject to a writ of mandamus.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____