

RÉSUMÉ DIGEST

ACT 205 (SB 111)

2021 Regular Session

Womack

Prior law required public entities to promptly pay all obligations arising under a public contract when they become due and payable.

New law retains this provision but includes payment of approved change orders.

Prior law required public work contracts exceeding contract limit as provided in prior law be advertised and let by contract to the lowest responsible and responsive bidder who bids according to the bidding documents as advertised. Required public entities advertising for public work use only the Louisiana Uniform Bid Form and that the bidding documents include specific information.

New law retains these provisions but requires that any change by a bidder to the bid prior to its submission be scratched through and initialed by the bidder or the person submitting the bid and that the change as initialed is binding.

New law provides that as to electronic bid submissions, the last timely submission by each and any bidder is binding.

Prior law required that an entity not act later than 45 days after the opening of bids to award the contract or reject all bids.

New law retains these provisions.

Prior law provided for recordation of certain change orders with the recorder of mortgages in the parish where the public work is to be done or if not a public work, then where the entity is domiciled. Required recordation of the original contract with the change order if not previously recorded.

New law retains these provisions but requires that change orders be processed and issued by the public entity no later than 40 days following final execution of the change order.

Prior law provided for acceptance of work by a governing authority not later than 30 calendar days after its completion or substantial completion of the work. Provided that if the public entity does not file an acceptance, then the contractor is to record an acceptance of the work not later than 45 calendar days after completion or substantial completion.

New law retains this provision.

Prior law provided the acceptance not be executed except upon recommendation of the design professional hired by the public entity whose recommendation may not be later than 30 calendar days after completion or substantial compliance.

New law retains this provision but requires that the acceptance as recommended by the design professional be made not later than 30 calendar days and requires that the public entity not take, use, or occupy the public work or use or occupy the specified area of the public work until substantial completion is filed unless an approved agreement of partial occupancy is executed between the public entity, the design professional of record, and the contractor. Provides that failure to comply is subject to a writ of mandamus.

Effective August 1, 2021.

(Amends R.S. 38:2191(A), 2212(B)(2), 2222, and 2241.1(C); adds R.S. 38:2212(E)(8) and 2241.1(D))