

2022 Regular Session

SENATE BILL NO. 271

BY SENATOR WOMACK

CONTRACTS. Provides relative to bidding requirements on public works projects. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 38:2212(B)(2) and (H) and to enact R.S. 38:2211(A)(15),
3 relative to bidding requirements on public works projects; to prohibit additional
4 requirements for information requested by public entities; to provide relative to
5 bidders' information on public bids; to provide for definitions; and to provide for
6 related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 38:2212(B)(2) and (H) are hereby amended and reenacted and R.S.
9 38:2211(A)(15) is hereby enacted to read as follows:

10 §2211. Definitions

11 A. As used in this Chapter unless the context clearly indicates otherwise, the
12 following terms shall mean:

13 * * *

14 (15) "Working days", for the purposes of this Part, means the days
15 Monday through Friday, excluding recognized holidays.

16 * * *

17 §2212. Advertisement and letting to lowest responsible and responsive bidder;

1 public work; electronic bidding; participation in mentor-protégé
2 program; exemptions; subpoena

3 * * *

4 B. * * *

5 (2) Any public entity advertising for public work shall use only the Louisiana
6 Uniform Bid Form as promulgated in accordance with the Administrative Procedure
7 Act by the division of administration, office of facility planning and control. The
8 bidding documents shall require only the following information and documentation
9 to be submitted by a bidder at the time designated in the advertisement for bid
10 opening: Bid Security or Bid Bond, Acknowledgment of Addenda, Base Bid,
11 Alternates, Signature of Bidder, Name, Title, and Address of Bidder, Name of Firm
12 or Joint Venture, Corporate Resolution or written evidence of the authority of the
13 person signing the bid, and Louisiana Contractors License Number, and on public
14 works projects where unit prices are utilized, a section on the bid form where the unit
15 price utilized in the bid shall be set forth including a description for each unit;
16 however, unit prices shall not be utilized for the construction of building projects,
17 unless the unit prices and their extensions are incorporated into the base bid or
18 alternates. **If a public entity adds any additional requirements for information,**
19 **the requirements shall be void and not considered in the award of the contract.**

20 Any timely change by a bidder to the bid prior to submission of the bid shall be
21 scratched through and initialed by the bidder or the person who submits the bid. The
22 change as initialed shall be binding.

23 * * *

24 H. Every public entity intending to advertise a public work for bids shall
25 estimate the probable construction costs of such public work or obtain such estimate
26 from the project designer prior to advertising such public work for bids. No public
27 entity shall advertise a public work for bids unless funds that meet or exceed the
28 estimate of the probable construction costs have been budgeted by the public entity
29 for the project. The estimate of probable construction costs for the project shall be

1 made available at the time of bid opening, either by posting such estimate
 2 electronically or announcing aloud such estimate at the bid opening. Any and all
 3 bidders' information shall be available upon request, either no sooner than **fourteen**
 4 **seven** days following the bid opening or after the recommendation of award by the
 5 public entity or the design professional, whichever occurs first, and the requester
 6 shall pay reasonable reproduction costs. The provisions of this Subsection shall not
 7 apply to the Department of Transportation and Development.

8 * * *

9 Section 2. This Act shall become effective upon signature by the governor or, if not
 10 signed by the governor, upon expiration of the time for bills to become law without signature
 11 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 12 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 13 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Curry Lann.

| | | |
|-----------------|----------------------|--------|
| | DIGEST | |
| SB 271 Original | 2022 Regular Session | Womack |

Present law (R.S. 38:2211) requires any public entity advertising for public work to use only the Louisiana Uniform Bid Form and specifically provides for the required information and documentation to be submitted by a bidder.

Proposed law retains present law.

Proposed law voids any additional requirements for information requested by a public entity and prohibits the additional requirements from being considered in the award of the contract.

Present law requires all bidders' information on public bids to be made available upon request, either no sooner than fourteen days following the bid opening or after the recommendation of award by the public entity or the design professional, whichever occurs first, with the requester responsible for payment of reasonable reproduction costs.

Proposed law shortens the request time from no sooner than fourteen days to no sooner than seven days following the bid opening and otherwise retains present law.

Proposed law defines "working days" as the days Monday through Friday, excluding recognized holidays.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 38:2212(B)(2) and (H); adds R.S. 38:2211(A)(15))