

2022 Regular Session

SENATE BILL NO. 271

BY SENATOR WOMACK AND REPRESENTATIVE ROMERO

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

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AN ACT

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

Be it enacted by the Legislature of Louisiana:

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

§2211. Definitions

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

\* \* \*

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

\* \* \*

1           §2212. Advertisement and letting to lowest responsible and responsive bidder;  
 2                           public work; electronic bidding; participation in mentor-protégé  
 3                           program; exemptions; subpoena

4   \*       \*       \*

5           B.   \*       \*       \*

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

25   \*       \*       \*

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

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

10 \* \* \*

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

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The original instrument was prepared by Curry J. Lann. The following digest,  
 which does not constitute a part of the legislative instrument, was prepared  
 by Archana Cadge.

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DIGEST

SB 271 Engrossed 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 unless the requirement is mandated by state or federal requirements.

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 nine working days following the bid opening and otherwise retains present law.

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

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))

Summary of Amendments Adopted by Senate

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

1. Provides that "working days" excludes times of a declared emergency.
2. Provides that additional federal and state requirements maybe added to an advertisement.
3. Increases the number of days a bidder's information is available from seven to nine working days following bid opening.