HLS 23RS-486 ORIGINAL

2023 Regular Session

HOUSE BILL NO. 80

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BY REPRESENTATIVE GADBERRY

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

CONTRACTS: Provides relative to the prior approval process available to potential suppliers

1 AN ACT

To amend and reenact R.S. 38:2295(C)(1), relative to plans and specifications for public works; to change the length of time a prime design professional has to approve or deny a product submission; to remove the automatic approval of a product if the prime design professional fails to respond within the allotted time period; to authorize the prime design professional to extend the time period for approval or denial; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 38:2295(C)(1) is hereby amended and reenacted to read as follows:
§2295. Plans and specifications; required provisions

* * *

C.(1) A potential supplier may, but is not required to, submit a particular product for prior approval other than a product specified in the contract documents, no later than seven working days prior to the opening of bids. Within three five days, exclusive of holidays and weekends, after submission, the prime design professional shall furnish to both the public entity and the potential supplier written approval or denial of the product submitted. If the prime design professional fails to respond within the time period provided for in this Paragraph, the submitted product shall be considered approved. The time period may be extended by the prime design professional a maximum of ten additional days, exclusive of holidays

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

and weekends. In no way shall the failure of the design professional to respond be

2 <u>interpreted as approval.</u>

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 80 Original

2023 Regular Session

Gadberry

Abstract: Provides relative to the prior approval process available to potential suppliers for particular products.

<u>Present law</u> (R.S. 38:2295(C)(1)) authorizes a potential supplier to submit a product for prior approval, other than a product specified in the contract documents, no later than seven working days prior to the opening of bids. <u>Present law</u> requires the prime design professional provide written approval or denial of the product submitted within three days after submission, exclusive of holidays and weekends. Specifies that the submitted product will be deemed approved if the design professional fails to respond within the allotted time.

<u>Proposed law modifies present law</u> by removing the deemed approved provision. Also changes the required response time after a product is submitted to the prime design professional <u>from</u> three days <u>to</u> five days. Further authorizes the prime design professional to extend the approval or denial period by 10 additional days, exclusive of holidays and weekends. Clarifies that the failure to respond cannot be considered approval.

(Amends R.S. 38:2295(C)(1))