

Regular Session, 2011

HOUSE BILL NO. 365

BY REPRESENTATIVES HOWARD AND DOWNS

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

PUBLIC CONTRACT/BIDS: Revises public bid provisions

1 AN ACT

2 To amend and reenact R.S. 38:2212(A)(1)(b)(ii)(aa) and (bb) and (3)(c)(ii) and to enact R.S.  
3 38:2212(T), relative to the public bid law; to make changes to requirements for the  
4 bid form; to specify what prices are utilized for the construction of a building in  
5 conjunction with public bid; to require who shall submit other documentation in  
6 addition to a bid form and when that documentation shall be submitted; and to  
7 provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 38:2212(A)(1)(b)(ii)(aa) and (bb) and (3)(c)(ii) are hereby amended  
10 and reenacted and R.S. 38:2212(T) is hereby enacted to read as follows:

11 §2212. Advertisement and letting to lowest responsible bidder; public work;  
12 electronic bidding; participation in mentor-protégé program; exemption

13 A.(1)

14 \* \* \*

15 (b)

16 \* \* \*

17 (ii)(aa) The division of administration, office of facility planning and control,  
18 shall develop and prescribe through the promulgation of rules and regulations in  
19 accordance with the Administrative Procedure Act the bid form necessary to obtain  
20 the information and to implement the sections of the bid form provided for in this  
21 Item to be utilized for the public bid of public works projects. The bid form  
22 developed shall require only the information necessary to determine the lowest

1 bidder and the following sections and information: Bid Security or Bid Bond,  
 2 Acknowledgment of Addenda, ~~Base Bid~~, Alternates, Bid Total, Signature of Bidder,  
 3 Name, Title, and Address of Bidder, Name of Firm or Joint Venture, Corporate  
 4 Resolution, and Louisiana Contractors License Number, and on public works  
 5 projects where unit prices are utilized, a section on the bid form where the unit price  
 6 utilized in the bid shall be set forth; however, unit prices shall not be utilized for the  
 7 construction of a building, unless the unit price is incorporated into the bid total.

8 (bb) Other documentation and information required shall be furnished by ~~all~~  
 9 ~~bidders at a later date and time, in accordance with the Bidding Documents~~ the low  
 10 bidder within ten days after the bid opening. The ten-day period shall not be altered  
 11 or waived by any public entity.

12 \* \* \*

13 (3)

14 \* \* \*

15 (c)

16 \* \* \*

17 (ii) The bid form shall contain Bid Security or Bid Bond, Acknowledgment  
 18 of Addenda, Base Bid, Alternates, ~~Bid Total~~, Signature of Bidder, Name, Title, and  
 19 Address of Bidder, Name of Firm or Joint Venture Corporate Resolution, and  
 20 Louisiana Contractors License Number, and on public works projects where unit  
 21 prices are utilized, their inclusion in the bid form; however, unit prices shall not be  
 22 utilized for the construction of a building, unless the unit price is incorporated into  
 23 the bid total. Other documentation required shall be furnished by the low bidder ten  
 24 days after the bid opening ~~all bidders at a later date and time, in accordance with the~~  
 25 ~~Bidding Documents~~. The division of administration, office of facility planning and  
 26 control, shall develop and prescribe the necessary bid form for public works projects  
 27 for public bid purposes and implement the provisions of this Section of the bid form  
 28 in accordance with the Administrative Procedure Act.

29 \* \* \*

- 1                    T. Bid specifications for a public work, other than the construction of a  
 2                    building, may utilize unit prices.

### 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)]

Howard

HB No. 365

**Abstract:** Revises requirements for public bid form and who shall submit other documentation and information after a public bid opening and when that documentation shall be submitted.

Present law requires the public bid form for public works projects to be developed by the division of administration, office of facility planning and control, to require a bid total.

Proposed law deletes that the public bid form for public works projects developed by the division of administration, office of facility planning and control, requires a bid total.

Present law requires that other documentation and information required for submitting a public bid shall be furnished by all bidders at a later date and time, in accordance with the bidding documents.

Proposed law deletes current law and requires that other documentation and information required for submitting a public bid shall be furnished by the low bidder 10 days within the bid opening. This requirement shall not be altered or waived by any public entity.

Proposed law provides that unit prices shall not be utilized for the construction of a building unless the unit price is incorporated into the bid total.

(Amends R.S. 38:2212(A)(1)(b)(ii)(aa) and (bb) and (3)(c)(ii); Adds R.S. 38:2212(T))

#### Summary of Amendments Adopted by House

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

1. Present law required the bid form to require alternates. Restored requirement.
2. Provided that unit prices shall not be utilized for the construction of a building unless the unit price is incorporated into the bid total.
3. Other documentation and information required to be submitted by the low bidder shall be furnished within 10 days after the bid opening rather than 10 days after the bid opening.
4. The 10-day period for the low bidder submitting other documentation shall not be altered or waived by any public entity.