

Regular Session, 2014

HOUSE BILL NO. 908

BY REPRESENTATIVE COX

PUBLIC CONTRACTS: Requires government contractors to document equal pay practices

1 AN ACT

2 To amend and reenact R.S. 38:2212(A)(1)(b)(ii)(bb) and to enact R.S. 38:2212.11, relative
3 to the Public Bid Law; to require documentation of equal pay practices by employers
4 contracting with a public entity; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 38:2212(A)(1)(b)(ii)(bb) is hereby amended and reenacted and R.S.
7 38:2212.11 is hereby enacted to read as follows:

8 §2212. Advertisement and letting to lowest responsible bidder; public work;
9 electronic bidding; participation in mentor-protégé program; exemptions

10 A.(1)

11 * * *

12 (b)

13 * * *

14 (ii)

15 * * *

16 (bb) Other documentation and information required including but not limited
17 to the low bidder's attestation pursuant to R.S. 38:2212.10, 2212.11, and 2227 shall
18 be furnished by the low bidder within ten days after the bid opening. The ten-day
19 period shall not be altered or waived by any public entity except the governing
20 authority of any publicly owned commercial aviation airport, the Sewerage and

1 Water Board of New Orleans, and all agencies of the City of New Orleans, including
2 but not limited to the Regional Transit Authority and the New Orleans Aviation
3 Board, who shall require that the other documentation and information referred to
4 in this Subitem be furnished by the two lowest bidders three days after the bid
5 opening.

6 * * *

7 §2212.11. Documentation of equal pay in public contracts

8 A. A public entity may not enter into a contract for goods or services with
9 any private employer unless the private employer complies with all of the following:

10 (1) Provides a sworn affidavit attesting that the pay practices of the private
11 employer comply with R.S. 23:661 through 669.

12 (2) Complies with R.S. 23:661 through 669 during the term of the contract;
13 and

14 (3) Maintains and makes available its records pursuant to R.S. 23:668 at
15 reasonable times upon notice from the contracting public entity.

16 B. A private employer shall require all subcontractors to satisfy the
17 requirements listed in Subsection A of this Section.

18 C. A public entity contracting with a private employer that is in violation of
19 the provisions of this Section shall require the employer to comply with the
20 provisions of this Section within a reasonable period of time. A private employer
21 that fails to meet such requirement is subject to cancellation of any public contract.

22 D. A private employer penalized in accordance with this Section has the
23 right to appeal to the appropriate agency, department, or other public entity
24 sanctioning the employer.

25 E. Under this Section, a private employer is subject to cancellation of a
26 contract pursuant to Subsection C of this Section for the actions of a subcontractor
27 only if the private employer had actual knowledge of the subcontractor's failure to
28 comply.

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)]

Cox

HB No. 908

Abstract: Requires documentation of equal pay practices.

Present law requires the low bidder to a public contract to submit certain documentation and information within 10 days after the bid opening.

Proposed law retains present law and adds verification of equal pay practices to the documentation and information that must be submitted under present law.

Proposed law provides that a public entity may not enter a contract for goods or services with a private employer unless the private employer:

- (1) Provides a sworn affidavit attesting compliance with proposed law;
- (2) Complies with proposed law during the term of the contract; and
- (3) Maintains and makes available its records required under proposed law at reasonable times upon notice from the contracting public entity.

Proposed law provides that a private employer must require subcontractors to fulfill all equal pay requirements under proposed law.

Proposed law provides that a public entity contracting with a private employer that is in violation of proposed law must require the employer to comply with proposed law within a reasonable amount of time and that a private employer that fails to meet such a requirement is subject to termination of any public contract.

Proposed law provides that a private employer penalized in accordance with proposed law has the right to appeal to the appropriate agency, department, or other public entity sanctioning the employer.

Proposed law provides that the actions of a subcontractor in violation of proposed law will subject a private employer to the penalties associated with public contracts under proposed law only if the private employer had actual knowledge of the subcontractor's failure to comply with proposed law.

(Amends R.S. 38:2212(A)(1)(b)(ii)(bb); Adds R.S. 38:2212.11)