

2022 Regular Session

SENATE BILL NO. 127

BY SENATOR CARTER

PUBLIC CONTRACTS. Provides for certain advertising requirements for small purchase bids. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 48:205 (A) and (B), relative to certain advertising requirements  
3 for small purchase bids; to provide for technical corrections; and to provide for  
4 related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 48:205 (A) and (B) are hereby amended and reenacted to read as  
7 follows:

8 §205. Bids

9 A. ~~When~~ **Except as otherwise provided in this Chapter, when** the purchase  
10 exceeds twenty-five thousand dollars; **or exceeds a higher dollar amount**  
11 **established by the governor's most recent and effective executive order relative**  
12 **to small purchase procedures,** the department, ~~except as otherwise provided in this~~  
13 ~~Chapter,~~ shall give reasonable notice through the chief purchasing agent by  
14 advertising and:

15 (1) by written notice mailed to persons ~~which~~ **who** furnish the class of  
16 commodities involved, or

17 (2) by notice sent through an electronic interactive environment to persons

1           ~~which~~ **who** furnish the class of commodities involved.  
2           B. ~~Such purchases shall, except~~ **Except** as otherwise provided in this Chapter,  
3           **such purchases shall** be made only on award to the lowest responsible bidder in  
4           response to requests for bids published in the state. Requests for bids shall be  
5           published ~~not less than ten days~~ **ten days or more** prior to the date set for opening  
6           the bids. The published advertisement and the specifications shall fix the exact place  
7           and time for presenting and opening of the bids. The presenting and opening of the  
8           bids shall be publicly performed on that day. Bids will be publicly read whenever  
9           interested parties are present. The practice of dividing proposed or needed purchases  
10          into separate installments of less than twenty-five thousand dollars each **or the**  
11          **higher effective amount determined by the governor's executive order,** for the  
12          purpose of evading this provision is expressly prohibited.

13                                   \*       \*       \*

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

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The original instrument and the following digest, which constitutes no part  
of the legislative instrument, were prepared by Archana D. Cadge.

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DIGEST  
SB 127 Original                                   2022 Regular Session                                   Carter

Present law requires DOTD to give reasonable notice when a purchase exceeds \$25,000 through the chief purchasing agent by advertising and by written notice mailed to persons who furnish the class of commodities involved or give notice sent through an electronic interactive environment to persons who furnish the class of commodities involved.

Proposed law retains present law and adds the option for the department to allow small purchase bids when the amount exceeds \$25,000 or a higher dollar amount listed as determined by the governor's most current and effective executive order, with the option of whichever dollar amount is higher.

Present law provides requests for bids shall be published not less than ten days prior to the date set for opening the bids.

Present law prohibits the practice of dividing proposed or needed purchases into separate installments of less than twenty-five thousand dollars each.

Proposed law retains present law and creates a prohibition of dividing proposed or needed purchases into separate installments of the dollar amount set by the governor's most recent and effective executive order.

Proposed law provides for technical corrections.

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

(Amends R.S. 48:205 (A) and (B))