

2016 Regular Session

SENATE BILL NO. 195

BY SENATOR CORTEZ

TRANSPORTATION/DEV DEPT. Authorizes DOTD to solicit and enter into public-private partnership contracts. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 38:2318.1(B) and to enact R.S. 48:250.4, relative to the
3 Department of Transportation and Development; to authorize the use of public-
4 private partnership contracts by the department for certain transportation projects;
5 to provide for procedure; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 38:2318.1(B) is hereby amended and reenacted to read as follows:

8 §2318.1. Louisiana "No Bidding of Design Professional Services" policy

9 * * *

10 B. However, the provisions of this Section shall have no effect on and shall
11 not supersede any contract permitted pursuant to the provisions of Chapter 1 of Title
12 48 of the Louisiana Revised Statutes of 1950 relating to the authority for the
13 Department of Transportation and Development to enter into design-build contracts
14 or public-private partnership contracts, and the authority of the Louisiana
15 Transportation Authority to enter into public-private partnership contracts, R.S.
16 38:85, 2225.2.1, or 2225.2.2 relating to the authority for certain political subdivisions
17 to enter into design-build contracts, or R.S. 34:3523, relating to any port project that

1 a notice of intent is advertised for in accordance with R.S. 34:3523, prior to
2 December 31, ~~2015~~ **2020**.

3 * * *

4 Section 2. R.S. 48:250.4 is hereby enacted to read as follows:

5 **§250.4. Public-private partnership projects**

6 **Notwithstanding any law to the contrary or the requirements of this**
7 **Part, if the secretary determines it is in the best interest of the taxpayers, the**
8 **Department of Transportation and Development, with approval of the House**
9 **and Senate transportation, highways, and public works committees, may solicit**
10 **proposals for and enter into contracts for public-private partnership projects**
11 **for a transportation facility, provided the department shall comply with the**
12 **provisions of R.S. 48:2084 through 2084.15 that are applicable to public-private**
13 **partnership projects of the Louisiana Transportation Authority. The**
14 **department shall not receive an unsolicited proposal for a public-private**
15 **partnership project.**

16 Section 3. This Act shall become effective upon signature by the governor or, if not
17 signed by the governor, upon expiration of the time for bills to become law without signature
18 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
19 vetoed by the governor and subsequently approved by the legislature, this Act shall become
20 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Sharon F. Lyles.

DIGEST

SB 195 Original 2016 Regular Session Cortez

Present law provides that it is the policy of Louisiana that the state, agencies and political subdivisions select providers of design professional services on the basis of competence and qualifications for a fair and reasonable price. Further prohibits the use of price or price related information as a factor in the selection process. Present law makes an exception to state policy for design-build contracts let by DOTD and certain political subdivisions, public-private partnership contracts let by the Louisiana Transportation Authority and certain port projects.

Proposed law adds to the exception in present law public-private partnership contracts entered into by DOTD and corrects the sunset date for design-build port projects to conform

to R.S. 34:3523.

Present law authorizes the Louisiana Transportation Authority (LTA) to enter into public-private partnership contracts for the construction of qualified transportation facility projects. Provides a process for approval of both solicited and unsolicited projects by LTA. Authorizes LTA to adopt guidelines that include criteria for selecting among competitive proposals, timelines for selecting proposals, and for negotiating a comprehensive agreement. Provides for approval of a service contract and authorizes the dedication of public property to the project. Present law specifically provides for the powers and duties of private entities who are parties to such agreements and the required elements of the comprehensive agreement. Present law also provides for funding, material default and remedies, acquisition of property and projects, procurement, utility crossings, police powers and dedication of assets upon termination of the agreement.

Proposed law retains present law and authorizes DOTD to solicit proposals for and enter into contracts for public-private partnership projects for a transportation facility, provided the department shall comply with the provisions of R.S. 48:2084 through 2084.15 that are applicable to public-private partnership projects of the LTA when the secretary determines a public-private partnership is in the best interest of taxpayers and with approval of the House and Senate transportation, highways, and public works committees. Proposed law prohibits the department from receiving an unsolicited proposal for a public-private partnership project.

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

(Amends R.S. 38:2318.1(B); adds R.S. 48:250.4)