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 DIGEST
 

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SB 195 Engrossed

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 present law.

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 present law 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 requires that present law provisions relative to the payment of a bond and the process for the payment of the claim of a contractor be applicable in the same manner as any other department projects. 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)

#### Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Transportation, Highways and Public Works to the engrossed bill:

1. Require present law provisions relative to the payment of a bond and the process for the payment of a claim be applicable in the same manner as any other department projects.