The original instrument was prepared by Thomas L. Tyler. The following digest, which does not constitute a part of the legislative instrument, was prepared by Ann S. Brown.

DIGEST 2021 Regular Session

Womack

<u>Present law</u> requires public entities to promptly pay all obligations arising under a public contract when they become due and payable.

<u>Proposed law</u> retains this provision but includes payment of approved change orders.

<u>Present law</u> requires public work contracts exceeding contract limit as provided in <u>present law</u> be advertised and let by contract to the lowest responsible and responsive bidder who bids according to the bidding documents as advertised. Requires public entities advertising for public work use only the Louisiana Uniform Bid Form and that the bidding documents include specific information.

<u>Proposed law</u> retains these provisions but requires that any change by a bidder to the bid prior to its submission be scratched through and initialed by the bidder or the person submitting the bid and that the change as initialed is binding.

<u>Proposed law</u> provides that as to electronic bid submissions, the last timely submission by each and any bidder is binding.

<u>Present law</u> requires that an entity not act later than 45 days after the opening of bids to award the contract or reject all bids.

Proposed law retains these provisions.

SB 111 Reengrossed

<u>Present law</u> provides for recordation of certain change orders with the recorder of mortgages in the parish where the public work is to be done or if not a public work, then where the entity is domiciled. Requires recordation of the original contract with the change order if not previously recorded.

<u>Proposed law</u> retains these provisions but requires that change orders be processed and issued by the public entity no later than 40 days following final execution of the change order.

<u>Present law</u> provides for acceptance of work by a governing authority not later than 30 calendar days after its completion or substantial completion of the work. Provides that if the public entity does not file an acceptance, then the contractor is to record an acceptance of the work not later than 45 calendar days after completion or substantial completion.

Proposed law retains this provision.

Present law provides the acceptance not be executed except upon recommendation of the design

professional hired by the public entity whose recommendation may not be later than 30 calendar days after completion or substantial compliance.

<u>Proposed law</u> retains this provision but requires that the acceptance as recommended by the design professional be made not later than 30 calendar days and requires that the public entity not take, use, or occupy the public work or use or occupy the specified area of the public work until substantial completion is filed unless an approved agreement of partial occupancy is executed between the public entity, the design professional of record, and the contractor. Provides that failure to comply is subject to a writ of mandamus.

Effective August 1, 2021.

(Amends R.S. 38:2191(A), 2212(B)(2), 2215(A), 2222, and 2241.1(C); adds R.S. 38:2212(E)(8) and 2241.1(D))

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

- 1. Changes "plan changes" to the correct term "change orders".
- 2. Specifies that any changes to a bid shall be initialed by the bidder or the person submitting the bid.
- 3. Removes proposed language that provided that if an interested party or bidder files for an injunction or mandamus, the public entity shall not act later than 45 days after the date of a district court judgment determining the lowest responsible and responsive bidder to award the contract in accordance with the judgment. Provided that the district court judgment mandating the award is not subject to a suspensive appeal.
- 4. Changes the term "executed and approved" to "processed and issued" regarding change orders.
- 5. Adds additional time for the processing and issuing of change orders from 30 days to 40 days following final execution of the change order.
- 6. Removes proposed language that provided that the date of the change order is the day the public entity, design professional of record, and the contractor agree to the extra work to be performed under the change order.
- 7. Adds proposed language that provides for partial occupancy of a specified area of public work if there is an approved agreement between the public entity, the design professional of record, and the contractor.

8. Makes technical changes.