2021 Regular Session

HOUSE BILL NO. 220

1

BY REPRESENTATIVE GREGORY MILLER

2	To amend and reenact R.S. 38:2215(A), relative to contracts for public works; to require the
3	award of a public works contract within a specified time after judgment determining
4	the lowest responsible and responsive bidder; to restrict the application of suspensive
5	appeals for certain public works awards resulting from certain court actions; and to
6	provide for related matters.
7	Be it enacted by the Legislature of Louisiana:
8	Section 1. R.S. 38:2215(A) is hereby amended and reenacted to read as follows:
9	§2215. Time period for holding bids; issuance of work orders to commence work;
10	exceptions
11	A.(1) A public entity shall act not later than forty-five calendar days after the
12	date of opening bids to award such public works contract to the lowest responsible
13	and responsive bidder or to reject all bids. However, the public entity and the lowest
14	responsible and responsive bidder, by mutually written consent, may agree to extend
15	the deadline for award by one or more extensions of thirty calendar days.
16	(2)(a) Expeditious Trial on the Merits. If an interested party or bidder files
17	for an injunction or writ of mandamus, they shall receive a trial on the requested
18	relief in the district court within thirty calendar days of the filing of the suit. The
19	district court shall render a final judgment not more than fifteen calendar days after
20	the conclusion of the trial. A public entity shall award a public works contract in
21	accordance with the judgment of a Louisiana court determining the lowest
22	responsible and responsive bidder no later than forty-five days after such judgment,
23	unless a timely suspensive appeal is filed.

AN ACT

(b) Public Entity's Right to Suspensive Appeal. Unless waived, only the public entity may take a suspensive appeal within fifteen calendar days of the rendition of the final judgment of the district court. The suspensive appeal of the public entity shall be returnable to the appropriate appellate court not more than fifteen calendar days from the rendition of the final judgment of the district court. The suspensive appeal of the public entity shall be expedited and heard no later than thirty calendar days from the return day of the appeal. The appellate court shall render its ruling on the merits within thirty calendar days of the return day of the appeal.

(c) Under no circumstance may an awarded bidder agree to relinquish or to compromise its award status in favor of another bidder.

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APPROVED:

GOVERNOR OF THE STATE OF LOUISIANA