

Regular Session, 2011

SENATE BILL NO. 94

BY SENATOR NEVERS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

PUBLIC CONTRACTS. Provides a preference for materials produced, manufactured, or fabricated in Louisiana used in public works. (8/15/11)

AN ACT

To enact R.S. 38:2213.1, relative to public works; to provide for a preference for materials produced, manufactured, or fabricated in Louisiana used in public works; to provide for definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 38:2213.1 is hereby enacted to read as follows:

**§2213.1. Preference given for materials produced, manufactured, or fabricated in Louisiana used in public works**

**A. Notwithstanding any other provision of law to the contrary, a contractor submitting a bid to a public entity for a public work under the provisions of this Chapter shall use in his bid on the public work and his construction of the public work materials produced, manufactured, or fabricated in Louisiana, provided all of the following conditions are met:**

**(1) The materials produced, manufactured, or fabricated in Louisiana are equal or better than equal in quality to materials produced, manufactured, or fabricated outside Louisiana and available to the contractor.**

**(2) The cost of the materials produced, manufactured, or fabricated in**

Louisiana is equal to or less than the cost of materials produced, manufactured, or fabricated outside Louisiana and available to the contractor.

B. As used in this Section, the following terms shall have the following meanings:

(1) "Materials" means the elements, constituents, or substances of which a public work is made and that are physically incorporated into the public work.

(2) "Third party" means any person, partnership, association, foundation, corporation, or other legal entity that is not a public entity as defined in this Chapter.

C. The provisions of this Section shall apply to any contractor who bids on and constructs a building or other structure for a third party that under the terms of a memorandum of understanding or other contractual agreement with a public entity is intended to be used for a public purpose.

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

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#### DIGEST

Proposed law provides that a contractor submitting a bid to a public entity for a public work under the provisions of present law shall use in his bid on the work and his construction of the public work materials produced, manufactured, or fabricated in Louisiana, provided all of the following conditions are met:

- (1) The Louisiana materials are equal or better than equal in quality to materials produced, manufactured, or fabricated outside Louisiana and available to the contractor.
- (2) The cost of the Louisiana materials is equal to or less than the cost of the materials produced, manufactured, or fabricated outside Louisiana and available to the contractor.

Provides that proposed law applies to any contractor who bids on and constructs a building or other structure for a third party that under the terms of a memorandum of understanding or other contractual agreement with a public entity is intended to be used for a public purpose.

Defines "materials" to mean the elements, constituents, or substances of which a public work can be made and that are physically incorporated into the public work.

Defines "third party" to mean any person, partnership, association, foundation, corporation, or other legal entity that is not a public entity as defined in present law.

Effective on August 15, 2011.

(Adds R.S. 38:2213.1)