HLS 11RS-930 **ORIGINAL**

Regular Session, 2011

HOUSE BILL NO. 493

BY REPRESENTATIVE LORUSSO

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

PUBLIC CONTRACT/BIDS: Provides relative to the procurement of services by public entities that are not subject to the State Procurement Code

AN ACT

To enact R.S. 38:2212.10, relative to the procurement of services; to provide for public entities that are not subject to the State Procurement Code; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 38:2212.10 is hereby enacted to read as follows:

§2212.10. Procurement of services

A. The procurement of services by public entities not covered by Title 39 of the Louisiana Revised Statutes of 1950 are not required to be bid under the Public Bid Law.

B.(1) Such public entities may establish rules or criteria governing the procurement of services. Such rules may be applicable to all procurement or may be individually established for individual procurement decisions.

(2) If a public entity establishes rules or criteria governing the procurement of services, such entity shall adhere to such rules or criteria.

C.(1) In the event that a public entity fails to adhere to its established rules or criteria, an aggrieved party may seek to enforce such rules or criteria through mandamus in an action filed in the judicial district in which the public entity is domiciled.



CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

(2) Damages recoverable by an aggrieved person in any action brought pursuant to this Section, or otherwise asserted at law, shall be limited exclusively to reasonable costs incurred in connection with the solicitation, including proposal preparation costs.

(3) In no event shall damages include attorney fees or any incidental, indirect, special, or consequential damages, including but not limited to loss of use, revenue or profit whether reasonably certain or not.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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Lorusso HB No. 493

**Abstract:** Provides relative to the procurement of services by public entities that are not subject to the State Procurement Code.

Proposed law provides that public entities not covered by Title 39 of the Louisiana Revised Statutes of 1950 are not bound by the Public Bid Law for the procurement of services.

Proposed law allows public entities to establish rules for governing the procurement of services either applicable to all procurement or for individual procurement decisions. Further provides that the public entity must adhere to such rules as are established.

Proposed law provides for an aggrieved party to seek enforcement of such rules through mandamus filed in the judicial district in which the public entity is domiciled should the entity fail to adhere to such rules. Further provides that recoverable damages shall be limited to reasonable costs incurred, including proposal preparation costs. Disallows recovery of attorney fees or other certain damages, including but not limited to loss of use, revenue or profit.

(Adds R.S. 38:2212.10)



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