SLS 12RS-743 **REENGROSSED**

Regular Session, 2012

SENATE BILL NO. 338

BY SENATOR APPEL

PUBLIC CONTRACTS. Provides for time period between award and execution of certain public works contracts. (7/1/12)

AN ACT

To amend and reenact R.S. 38:2215(C) and to enact R.S. 38:2215(D) and (E), relative to certain public works; to provide for the time period between award of the contract and execution of the contract; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 38:2215(C) is hereby amended and reenacted and R.S. 38:2215(D) and (E) are hereby enacted to read as follows:

§2215. Time period for holding bids; issuance of work orders to commence work; exceptions

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C. **If the contractor has provided all necessary documents to the public entity within ten days of the opening of bids and no bid challenge has been submitted to the public entity, the contractor and public entity shall execute the contract not later than forty-five days from the public entity's acceptance of the lowest responsible bid.**

**D.** Upon the execution of the contract, the public entity, within thirty days



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thereafter, shall issue to the contractor a notice to proceed with the project. However, upon mutual consent by both parties, the notice to proceed may be extended.

~~D.~~ **E.** These provisions shall not be subject to waiver.

Section 2. This Act shall become effective on July 1, 2012; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on July 1, 2012, or on the day following such approval by the legislature, whichever is later.

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The original instrument was prepared by Jay Lueckel. The following digest, which does not constitute a part of the legislative instrument, was prepared by Allen Miller.

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DIGEST

Appel (SB 338)

Present law provides for the time period for holding bids and the issuance of work orders to commence work.

Proposed law retains present law and further provides that the contractor and public entity shall execute the contract not later than 45 days from the public entity's acceptance of the lowest responsible bid if the contractor has provided all necessary documents within 10 days of bid opening and no bid challenge has been filed with the public entity.

Effective July 1, 2012.

(Amends R.S. 38:2215(C); adds R.S. 38:2215(D) and (E))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Transportation, Highways, and Public Works to the original bill

1. Requires a public entity and a contractor to execute the contract not later than 45 days from the public entity's acceptance of the lowest responsible bid if the contractor has provided all necessary documents to the public entity within 10 days of the opening of bids and no bid protest has been filed.

Senate Floor Amendments to engrossed bill

1. Makes technical change from the term "no bid protest" to "no bid challenge"


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