

Regular Session, 2013

SENATE BILL NO. 65

BY SENATOR MURRAY

PUBLIC CONTRACTS. Exempts the New Orleans Aviation Board from certain restrictions on the use of construction managers or third-party consultants. (8/1/13)

1 AN ACT

2 To amend and reenact R.S. 38:2212(A)(3)(g), relative to construction managers or third-
3 party consultants employed by a public entity; to remove certain restrictions on the
4 use of construction managers or third-party consultants by the New Orleans Aviation
5 Board in Orleans Parish; and to provide for related matters.

6 Notice of intention to introduce this Act has been published.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 38:2212(A)(3)(g) is hereby amended and reenacted to read as
9 follows:

10 §2212. Advertisement and letting to lowest responsible bidder; public work;
11 electronic bidding; participation in mentor-protégé program;
12 exemptions

13 A.(1) * * *

14 (3)(a) * * *

15 (g)(i) No construction manager or any other third-party consultant employed
16 by a public entity may manage a construction project as a general contractor or act
17 in the role of the general contractor to oversee, direct, or coordinate individual trade

1 contractors on behalf of the public entity, or accept bids or itself bid on the public
2 work or components of the public work with respect to which the manager or
3 consultant is employed or contracted to manage or consult.

4 (ii) The provisions of Item (i) of this Subparagraph shall not apply to the
5 initial construction of a hospital, medical facility, or a combination of both,
6 constructed by the Orleans Hospital Service District, but shall apply to the
7 construction of any additions or modifications of a hospital, medical facility, or a
8 combination of both, constructed by the Orleans Hospital Service District following
9 the completion of the initial construction. The provisions of this Item shall not
10 relieve the Orleans Hospital Service District from complying with all other
11 applicable provisions of this Title.

12 (iii) **The provisions of Item (i) of this Subparagraph shall not apply to the**
13 **initial construction of an airport terminal and related support facility, aviation**
14 **facility, or any combination thereof, constructed by the New Orleans Aviation**
15 **Board, but shall apply to the construction of any additions or modifications of**
16 **an airport terminal and related support facility, aviation facility, or any**
17 **combination thereof, constructed by the New Orleans Aviation Board following**
18 **the completion of the initial construction. The provisions of this Item shall not**
19 **relieve the New Orleans Aviation Board from complying with all other**
20 **applicable provisions of this Title and Federal Aviation Administration**
21 **guidelines.**

22 (iv) All construction contracts on public works shall be opened in a public
23 meeting. All subcontractors bidding on the project shall be invited to the meeting
24 and the general contractor shall list in the bid documents who the subcontractors will
25 be on the project.

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

DIGEST

Murray (SB 65)

Present law prohibits a construction manager or any other third-party consultant employed by a public entity from managing a construction project as a general contractor or acting in the role of the general contractor to oversee, direct, or coordinate individual trade contractors on behalf of the public entity, or accepting bids or itself bid on the public work or components of the public work with respect to which the manager or consultant is employed or contracted to manage or consult.

Present law exempts the Orleans Hospital Service District (OHSD) from the general prohibition in present law, relative to the initial construction of a hospital, medical facility, or a combination of both and further provides that the OHSD is not relieved from complying with all other applicable provisions of Title 38.

Proposed law exempts the New Orleans Aviation Board (NOAB) from the general prohibition in present law, relative to the initial construction of an airport terminal and related support facility, aviation facility, or any combination thereof, and further provides that NOAB is not relieved from complying with all other applicable provisions of Title 38 and Federal Aviation Administration (FAA) guidelines.

Proposed law retains present law that requires that all construction contracts on public works be opened in a public meeting and that all subcontractors bidding on the project be invited to the meeting and that the general contractor list in the bid documents who the subcontractors will be on the project.

Effective August 1, 2013.

(Amends R.S. 38:2212(A)(3)(g))

Summary of Amendments Adopted by Senate

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

1. Requires NOAB to comply with FAA guidelines.