

2020 Second Extraordinary Session

HOUSE BILL NO. 65

BY REPRESENTATIVE MCFARLAND

PROCUREMENT: Exempts the office of state parks in the Department of Culture, Recreation and Tourism from certain public works provisions (Item #57)

1 AN ACT

2 To amend and reenact R.S. 38:2212(C)(1) and to enact R.S. 38:2212(C)(5), relative to public
3 works projects; to increase the "contract limit" for certain public works projects; to
4 provide a date for the annual adjustment of the "contract limit" for certain public
5 works; to provide exceptions to the "contract limit for certain public works; to
6 provide an effective date; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 38:2212(C)(1) is hereby amended and reenacted and R.S.
9 38:2212(C)(5) is hereby enacted to read as follows:

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

13 * * *

14 C.(1) Except as provided in Paragraphs (2), (3), ~~and (4)~~, and (5) of this
15 Subsection, the term "contract limit" as used in this Section shall be equal to the sum
16 of two hundred fifty thousand dollars per project, including labor, materials, and
17 equipment as per the rates in the latest edition of the Associated Equipment Dealers
18 Rental Rate Book and administrative overhead not to exceed fifteen percent,
19 provided that beginning February 1, 2025, and annually on February first of each
20 subsequent year, the office of facility planning and control within the division of

1 administration shall adjust the "contract limit" by an amount not to exceed the annual
2 percentage increase in the Consumer Price Index in the preceding year. The office
3 of facility planning and control within the division of administration shall publish the
4 new contract limit for public works contracts in the Louisiana Register in January of
5 each year.

6 * * *

7 (5)(a) For public work to repair, replace, maintain, or improve existing
8 facilities and infrastructure on the holdings of the office of state parks, within the
9 Department of Culture, Recreation and Tourism, the term "contract limit" shall be
10 equal to the sum of five hundred thousand dollars per project, including labor,
11 materials, and equipment as per the rates in the latest edition of the Associated
12 Equipment Dealers Rental Rate Book and administrative overhead not to exceed
13 fifteen percent, provided that beginning February 1, 2025, and annually on February
14 first of each subsequent year, the office of facility planning and control within the
15 division of administration shall adjust the "contract limit" by an amount not to
16 exceed the annual percentage increase in the Consumer Price Index in the preceding
17 year. The office of facility planning and control within the division of administration
18 shall publish the new contract limit for public works contracts let by the office of
19 state parks in the Louisiana Register in January of each year.

20 (b) The "contract limit" as contemplated in this Paragraph shall not apply to
21 repairs, including replacements or improvements, administered by the office of
22 facility planning and control that are necessary to address damage caused by a
23 natural or manmade disaster.

24 * * *

25 Section 2. This Act shall become effective upon signature by the governor or, if not
26 signed by the governor, upon expiration of the time for bills to become law without signature
27 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
28 vetoed by the governor and subsequently approved by the legislature, this Act shall become
29 effective on the day following such approval.

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)]

HB 65 Original

2020 Second Extraordinary Session

McFarland

Abstract: Creates an exemption for the office of state parks in the Dept. of Culture, Recreation and Tourism from certain public works and increases the contract limit.

Present law requires advertisement and letting to the lowest responsible and responsive bidder for all public work exceeding the contract limit, including labor and materials.

Present law requires, with certain exceptions, the term "contract limit" be equal to the sum of \$250,000 per project, including labor, materials, and equipment as per the rates in the latest edition of the Associated Equipment Dealers Rental Rate Book and administrative overhead not to exceed 15%. Requires the office of facility planning and control within the division of administration to adjust the "contract limit" by an amount not to exceed the annual percentage increase in the Consumer Price Index (CPI) in the preceding year beginning Feb. 1, 2025, and annually on Feb. 1st of each subsequent year.

Present law requires the office of facility planning and control within the division of administration to publish the new contract limit for public works contracts let by the office of state parks in the La. Register in Jan. of each year.

Proposed law adds an exception to the "contract limit" definition for public work regarding work to repair, replace, maintain, or improve existing facilities and infrastructure on the holdings of the office of state parks, within the Dept. of Culture, Recreation and Tourism.

Proposed law requires the "contract limit" to be equal to the sum of \$500,000 per project, including labor, materials, and equipment as per the rates in the latest edition of the Associated Equipment Dealers Rental Rate Book and administrative overhead not to exceed 15%.

Proposed law requires the office of facility planning and control within the division of administration to adjust the "contract limit" by an amount not to exceed the annual percentage increase in the CPI in the preceding year beginning Feb. 1, 2025, and annually on Feb. 1st of each subsequent year.

Proposed law requires the office of facility planning and control within the division of administration to publish the new contract limit for public works contracts let by the office of state parks in the La. Register in Jan. of each year.

Proposed law provides an exception to the "contract limit" regarding repairs, including replacements or improvements, administered by the office of facility planning and control for damage caused by a natural or manmade disaster.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 38:2212(C)(1); Adds R.S. 38:2212(C)(5))