

Regular Session, 2010

HOUSE BILL NO. 718

BY REPRESENTATIVE HINES

PUBLIC CONTRACT/BIDS: Disqualifies bidders convicted of certain crimes

1 AN ACT

2 To enact R.S. 38:2227, relative to bidders for public contracts; to disqualify bidders who
3 have been convicted of certain crimes; and to provide for related matters.

4 Be it enacted by the Legislature of Louisiana:

5 Section 1. R.S. 38:2227 is hereby enacted to read as follows:

6 §2227. Exclusion of certain contractors from bidding

7 A. A bidder shall be deemed to not be a "responsible bidder" and shall be
8 disqualified pursuant to R.S. 38:2212(J), if such bidder has been convicted of, or has
9 entered a plea of guilty or nolo contendere to any of the following state crimes or
10 equivalent federal crimes:

11 (1) Theft (R.S. 14:67).

12 (2) Identity Theft (R.S. 14:67.16).

13 (3) Theft of a business record (R.S. 14:67.20).

14 (4) False accounting (R.S. 14:70).

15 (5) Issuing worthless checks (R.S. 14:71).

16 (6) Bank fraud (R.S. 14:71.1).

17 (7) Forgery (R.S. 14:72).

18 (8) Public bribery (R.S. 14:118).

19 (9) Corrupt influencing (R.S. 14:120).

20 (10) Contractors; misapplication of payments (R.S. 14:202).

21 (11) Home improvement fraud (R.S. 14:202.1).

22 (12) Money laundering (R.S. 14:230).

1 B. In addition, if the entity submitting the bid is a partnership, corporation,
2 association, limited liability company, or other legal entity and any individual
3 partner, incorporator, director, organizer, or member of such entity has been
4 convicted of, or has entered a plea of guilty or nolo contendere to any of the crimes
5 or equivalent federal crimes listed in Subsection A of this Section, the bidder shall
6 be deemed to not be a "responsible bidder".

7 C. The public entity shall require each bidder, to include with all other
8 bidding documents, all evidence that he, if a sole proprietor, or any individual
9 partner, incorporator, director, organizer, or member of the bidding entity has been
10 convicted of, or has entered a plea of guilty or nolo contendere to any of the crimes
11 or equivalent federal crimes listed in Subsection A of this Section.

12 D. Bidders shall be given the same opportunity for notice of and reasons for
13 disqualification and hearing as provided for in R.S. 38:2212(J).

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)]

Hines

HB No. 718

Abstract: Disqualifies contractors who have been convicted of certain crimes.

Proposed law provides that a contractor shall be considered to not be a "responsible bidder" and disqualified if he has been convicted of certain state crimes or equivalent federal crimes. The crimes are as follows: theft; identity theft; theft of a business record; false accounting; issuing worthless checks; bank fraud; forgery; public bribery; corrupt influencing; contractors; misapplication of payments; home improvement fraud; money laundering.

Proposed law provides that if any individual partner, incorporator, director, organizer, or member of a bidding entity has been convicted or has plead to the same crimes, the bidding entity shall be disqualified.

Proposed law requires bidders, to include with all bidding documents, all evidence that he, if a sole proprietor, or any individual partner, incorporator, director, organizer, or member of the bidding entity has been convicted of, or has entered a plea of guilty or nolo contendere to such crimes.

Proposed law provides notice and reasons for disqualification and hearing as provided in the present law.

(Adds R.S. 38:2227)