

Regular Session, 2010

SENATE BILL NO. 735

BY SENATOR MOUNT

PROCUREMENT CODE. Authorizes DOTD to advertise for and receive bids for procurement of materials and supplies which are component parts of any road, highway, bridge or appurtenance thereto electronically. (8/15/10)

1 AN ACT

2 To amend and reenact R.S. 48:205, relative to purchases by the Department of
3 Transportation and Development; to authorize notice of requests for bids and receipt
4 of bids through a secure electronic interactive environment; and to provide for
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 48:205 is hereby amended and reenacted to read as follows:

8 §205. Bids

9 A. When the purchase exceeds twenty-five thousand dollars, the department,
10 except as otherwise provided in this Chapter, shall give reasonable notice through
11 the chief purchasing agent by advertising or by notice sent through a secure
12 electronic interactive environment and by written notice mailed or sent through
13 a secure electronic environment to persons which furnish the class of commodities
14 involved ; ~~or by notice sent through electronic interactive environment to persons~~
15 ~~which furnish the class of commodities involved.~~

16 B. ~~Such purchases shall, except as otherwise provided in this Chapter, Except~~
17 as otherwise provided in Part XII of Chapter 1 of Title 48 of the Revised

1 **Statutes of Louisiana of 1950, such purchases shall** be made only ~~on award to~~
 2 **from** the lowest responsible bidder in response to requests for bids ~~published in~~
 3 **noticed by** the state. Requests for bids shall be ~~published~~ **noticed** not less than ten
 4 days prior to the date set for opening the bids. The ~~published advertisement notice~~
 5 and the specifications shall fix the exact place, **the time,** and time for presenting and
 6 opening of **and the manner for receiving** the bids. The presenting and opening of
 7 the bids shall be publicly performed on that day. **Bids may be received in any**
 8 **manner specified in the bid notice, including through a secure electronic**
 9 **interactive environment, by mail, or by direct delivery.** Bids ~~will~~ **shall** be
 10 publicly read whenever interested parties are present. The practice of dividing
 11 proposed or needed purchases into separate installments of less than twenty-five
 12 thousand dollars each for the purpose of evading this provision is **shall be** expressly
 13 prohibited.

14 C. If, in the judgment of the secretary, no satisfactory bid has been received
 15 in any case, he may reject all bids. In such case, he shall ~~advertise for~~ **solicit** new
 16 bids as provided in this Section. Until a satisfactory contract is awarded, he may
 17 authorize the purchasing agent to make such open market purchases of the
 18 commodities involved as are urgently required to meet the requirements for not more
 19 than thirty days.

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

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

DIGEST

Present law R.S. 39:1572(a)(1) exempts DOTD from central purchasing for procurement of materials and supplies that will become a component part of any road, highway, bridge, or appurtenance thereto.

Present law requires DOTD to give reasonable notice when the purchase exceeds \$25,000 through the chief purchasing agent by advertising and by written notice mailed or sent through an electronic environment to persons which furnish the class of commodities involved.

Present law requires DOTD, except as otherwise provided in this Chapter, to procure purchases only from the lowest responsible bidder. Provides that requests for bids shall be published not less than 10 days prior to the date set for opening bids. Provides that the advertisement and specifications fix the exact place and time for presenting and opening of bids. Provides that bids will be publicly read whenever interested parties are present. Prohibits dividing of proposed purchases to evade the \$25,000 threshold for competitive bids.

Proposed law retains present law and adds that the notice of request for bids may be sent through a secure electronic interactive environment.

Proposed law retains present law and adds that the notice shall fix the manner for receiving bids and that bids may be received in any manner specified in the bid notice, including through a secure electronic interactive environment, by mail or direct delivery.

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

(Amends R.S. 48:205)