

## **LEGISLATIVE BULLETIN- MARCH 3, 2021**

There was 8-9 pieces of legislation, but we condensed it into the following bills

- (1) R.S.38:2241.1 Substantial Completion Final Acceptance. A public entity shall not take use or occupy the public work or use or occupy the specified area of the public works for which it was intended until the substantial completion has been filed according to this section.

Part D is that the public entity's failure to comply with La. R.S.38:2241.1 shall be subject to a writ of mandamus.

- (2) R.S. 38:2191 Approved Plan Changes under a Mandamus hearing
  - (A) All public entities shall promptly pay all obligations "including approved plan changes," arising under public contracts when the obligation become due and payable under the contract. All progressive stage payments and final payment shall be paid when they respectively become due and payable under the contract.
  - (B) Kenneth Marcel mentioned that there are issues with progress payments being late for just about all the public owners for which he works.

- (3) RS:2212 Currently there is no specific legislation on when a change is made to a bid. It's been standard to scratch through the change and initial it, however we felt it necessary to be put in statue. Any timely change by a bidder, to the bid form prior to submittal shall be scratched through and initialed by the person who submits the bid. The change as initialed shall be binding. Part E (8) For the purpose of bids submitted electronically, the last timely submitted bid by each and any bidder shall be binding.

- (4) RS:2215 Case where the courts have set aside a mandamus ruling on award of a contract. We are saying once a court has ruled to award a contract that the mandamus hearing can't just be set aside by another court.

- (5) RS:2222 Time period for change orders applicable to writ of mandamus  
Change orders shall be executed and approved by the public entity no later than 30 days following the date of the proposed change order signed by the Owner or design professional of record. The date of the proposed change order is the day the public entity, design professional of record and the contractor agree to the extra work to be performed by that change order.

Other legislation working on....

Payments for final judgement against public entity – working on language, but will not be able to introduce this legislation this year. Plans are to introduce it next year. Once language is put together it will be circulated to the Board members.

FEMSA certification of gas line contractors.

There will be legislation by the design community that deals with designers being declare a public servant. The Ethics Committee has ruled that a design firm that works for a municipality becomes an employee of that municipality. However, under ethic rules that design firm once the project is complete, they will have to wait two years before they can work for that municipality again. The design firms would like to be exempt from this is a ruling.

There is an effort to totally re-do the State Plumbers Board. The legislation also deals with apprenticeship, ratios of journeymen and master plumber requirements.

Louisiana AGC is front and center with LCFOR on efforts to pass the GRIT Act to increase infrastructure in Louisiana.