



Legislative Bulletin for LAGC's Legislative Council 4-23-2022
Prepared by Capitol Partners

LAGC's legislative program for the 2022 Regular Session consists of:

SB 271, Sen. Womack, that makes changes to the Public Works Act, by (1) defining "working days" as days Monday through Friday, except for legal holidays, or a declared natural disaster; (2) stating that any additional item request, not currently included in the 11 mentioned items in the law: shall be void and not considered in the award of the contract, unless required by Federal or State statute or rule; and (3) all bidders' information shall be available upon request, either no sooner than 9 working days following the bid opening or after the recommendation of award by the public entity or design professional. The bill was heard and passed Senate Transportation last week.

SB 474, Sen. Womack and Sen. McMath, addresses "change order" issues the industry is having with public entities. The legislation would reduce time a public entity shall pay the contractor after the date the public entity approves the application for payment for completion, from the current 60-days to thirty days. It would provide that a change order be executed within thirty days of the discover of the work covered by the change order, including any progressive stage payment, and it shall be made no later than thirty days from the completion of that work. If for any reason the execution of the agreed upon change order or any payment of the work performed is delayed, the public owner shall pay the contractor daily general conditions as covered in the contract which shall be distributed on a pro rate share with any subs or material supplier involved in the work. Finally, if the public entity fails to pay timely the matter shall be subject to mandamus to compel payment and shall be liable for reasonable attorney fees and interest at one-half percent accumulated daily, not to exceed fifteen percent, of the amount of the change order. Any interest received shall be disbursed on a prorated basis among the contractor and subs. Finally, the contractor shall not be required to provide any schedule updates incorporating a change order until the change order is executed.

The City of New Orleans, the League of Cities (the larger cities), Facility Planning, and LMA and Police Jury Associations, have very strong objections to the legislation. We met earlier with the LMA and Police Jury, and will be meeting with all of the groups in the early part of next week to see if we can find any common ground. **SB 474 IS TO BE HEARD BY THE SENATE TRANSPORTATION, THIS THURSDAY, APRIL 28.**

HB 710, Stefanski, making some necessary changes to the Louisiana Construction Management at Risk law, has been approved by the House of Representatives, by a unanimous vote. The bill requires the Selection Committee to sign an ethics statement before any hearings; it requires the public owner or their representative to instruct the Selection Committee on the project; it requires the RFQ to include the "probable estimated construction cost"; and allows that should the selected proposer be declare

non-responsive or non-responsible, that the public owner may award to the second highest proposer. It now awaits further action by the Senate Transportation Committee. We will keep you informed.

Other issues or bills being supported by LAGC:

- Requiring that the one-time funding coming to Louisiana as a result of congressional actions resulting from disasters and infrastructure funding through congress' recent actions be utilized exclusively for one-time expenditures, such as roads, bridges, levee, flooding, water and sewer. We're assisting legislators with legislation that they have introduced to lock up that funding.
- **SB 429**, Womack, addressing "punch lists" by requiring that whenever a public entity occupies or uses the public works, the punch list shall be furnished to the contractor within ten days of substantial completion as defined in current law, and may be amended by the design profession or the public entity up to fourteen days after.
- **SB 681**, Schexnayder, that would address the issue of state and local sales taxes since the constitutional amendment was defeated in the polls earlier, received approval by the House Ways & Means Committee, but now is being opposed by local government and the sheriffs. It was returned to the House calendar and awaits further action.

LAGC has opposed and testified, along with ABC, against HB 487, Rep. Riser, that would require a contractor bidding on state construction projects to designate no less than two percent of man-hours in any apprentice able occupation to registered apprentices. LABI, ABC, and other business groups also were in opposition. It was voluntarily deferred.

We are attaching to this report a TRACK REPORT on all legislation we are supporting, opposing, or monitoring (watching to see if anything bad may be amended into bills), and where those bills are in the process. You may click on the "Bill Number" to read the actual document if you wish. Please e-mail me any questions you may have.

Derrell Cohoon

Bill List for Review: <https://www.lanews bureau.com/clients/0314/208172320224.html>