



PUBLIC WORKS FOR POLITICAL SUBDIVISION AND LOCAL GOVERNMENT

**Greater than \$250,000
Includes Labor, Materials & Equipment**

Public Entity to:

- Estimate the construction cost or obtain estimate from Project Designer
- May not proceed if estimate exceeds projected budget

\$250,000 or Less

May be undertaken by Public Entity through its Employees

(Recommended)

- Obtain RFP or
- Obtain (3) Phone Bids

ADVERTISEMENT (Recommended)

- 30 days before Opening of RFP via internet or formal publication
- Written notice of RFP mailed to persons/corporations w/related services

ADVERTISEMENT

- 1st Advertisement must occur at least 25 days before Opening Bids, & not occur on a Saturday, Sunday or Legal Holiday
- 3 times at least once a week in a newspaper in the locality & may be published on the website

Requirements for Mandatory Pre-Bid Conference

- Shall be noted in the 1st advertisement with Date, Time & Place & noted in the bid documents
- If Bidder fails to appear, he/she is disqualified

Disqualifications of Nonresponsive and/or Responsible Bidder

Public Entity shall:

- Give written notice of reasons to Bidder with the opportunity to be heard at an informal hearing

Criteria for Informal Hearing

- Shall be conducted prior to award of public work
- Shall be an administrative remedy that must exhausted prior to any legal action taken by disqualified Bidder
- Shall be conducted by the Public Entity not later than 5 business days after date of notice
- Ruling shall be issued not later than 5 business days after the date of hearing
- No award of the contract shall be made by Public Entity prior to the expiration of at least 5 working days following issuance of the decision
- Disqualified Vendor has the right to seek redress in a Court of law

If not a Responsible/Responsive Bidder

DELIVERY OF SEALED BIDS

- Hand Delivery, certified mail or electronic submission
May not accept or take bids submitted on a USPS designated Holiday

BID OPENING

- May be extended up to 30 days without further advertisement

Rejection of All Bids

Public Entity may reject any and all bids for just cause. Just cause includes but not limited to:

- The Public Entity's unavailability of sufficient funds
- The failure of any bidder to submit a bid within an established threshold
- A substantial change by the public entity
- A determination by the public entity not to build the proposed public work within 12 months
- The disqualification by the public entity of all bidders

DEADLINE FOR SUBMISSION OF REQUIRED DOCUMENTATION FROM APPARENT LOWEST BIDDER

- Bidding Documents are to be received from Apparent Low Bidder within 10 days after bid opening
- Bidding documents shall include Louisiana Uniform Public Works Bid Form, Affidavit of Attestation & E-Verification Form

Requirements for Change Order

- Shall be in writing or via electronically & signed by Contractor & Public Entity, or Design Representative
- May not occur within 72 hours of Bid Opening (Requires extension of bid opening)

IF ALL QUALIFICATIONS HAVE BEEN MET

AWARD OF CONTRACT

- Public Entity shall award Contract no later than 45 calendar days from Opening of Bids to lowest Responsible/Responsive Bidder *(may be extended through agreement in 30 day increments)* {or reject all Bids *(for just cause)*}

Execution of Contract

- No Later than 60 Calendar Days after Bid is awarded

Notice to Proceed with Contract

- 30 Day written Notice to proceed must be given to Contractor upon execution of contract

Change to Contract

Within Scope of Contract

- Must be negotiated to the Public's best interest if less than the threshold limit

Outside Scope of Contract

- Let out for bid if more than the threshold limit

Bidder Remains Disqualified



MATERIALS AND SUPPLIES FOR POLITICAL SUBDIVISION AND LOCAL GOVERNMENT

Less than \$1,000 **Recommended**

- Documentation of at least 3 Verbal Quotes

\$1,000 - \$29,999 **Recommended**

- Obtain documentation of at least 3 Written or Electronic Quotes

\$30,000 - \$60,000 **Mandatory**

- Obtain at least 3 quotes: telephone, fax, email, or any other printable form
- Obtain written confirmation of accepted offer
- If selecting other than the lowest quote, written documentation must be included in file supporting why selection was in the best interest of the public entity

Exceeds \$60,000

ADVERTISEMENT

- 1st Advertisement at least 15 days before Opening Bids, & may not occur on a Saturday, Sunday or Legal Holiday
- 2 times at least once a week in Newspaper in locality & may be published electronically
- Plans/Specifications shall be available to Bidders the day of 1st Ad & until 24 hours before Bid Open date

Rejection of All Bids

- Public Entity may reject any and all bids for just cause.

DELIVERY OF SEALED BIDS

- Hand Delivery, certified mail or electronic submission
- May not accept or take bids submitted on a USPS designated Holiday

IF ALL QUALIFICATIONS HAVE BEEN MET

- Contract is awarded to the lowest **Responsible/Responsive Bidder** through execution of contract, initiation of purchase order



**Purchasing Computers and Software by
Political Subdivisions
R.S. 38:2234 et seq.**

**Request for Proposal (RFP) Process
(R.S. 38:2237)**

Public Notice

Notice of the RFP shall be given at least thirty (30) days prior to the date scheduled for opening the RFP. This notice may be given to the general public via available electronic media.

Written Notice

Written notice of the RFP shall be mailed to persons and corporations who are known to be in a position to furnish the equipment, systems, and related services.

RFP Requirements

The RFP will:

- Indicate the relative importance of price and other evaluation factors;
- Clearly define the tasks to be performed under the contract;
- List the functional specifications;
- Explain the criteria to be used in evaluating the proposals, and
- The time frames within which the work must be completed.

Award

An award shall be made to the responsible offeror whose proposal is determined, in writing, by the governing authority of the political subdivision to be the most advantageous, considering price and other evaluation factors set forth in the RFP. Please note: unlike the provisions of the Public Bid Law, the governing authority does not have to select the *lowest* proposal. It selects the most advantageous proposal based on the evaluation factors outlined in the RFP.

Rejection of Proposals

The governing authority of the political subdivision may reject all proposals if doing so is deemed to be in its best interest.

Contract Requirements

If vendors submit written proposals, the proposals of the successful vendor must be incorporated into the final contract.

Remember, whether or not a political subdivision decides to use this RFP process for telecommunication and data processing systems is completely at their option. That is, they are not required to use this exception but may choose to make such purchases in accordance with the Public Bid Law or off of state contract. However, if the Public Bid Law is used instead of this process, written notice of that fact must be given to all bidders, and that notice must clarify that the Public Bid Law is being used and not the RFP exception.



Public Works

Total Cost of Project	Public Bid Requirements
\$250,000 or Less *	<ul style="list-style-type: none"> ➤ Recommended to be done through a Request for Proposals (RFP) Process and/or solicitation of at least three bids ➤ Prudent business person standard
Greater than \$250,000 *	<ul style="list-style-type: none"> ➤ 1st Advertisement must occur at least 25 days before Opening Bids ➤ Advertise three times in a paper of general locality (at least once a week) & may be published on the website ➤ First ad shall not occur on a Saturday, Sunday, or USPS Designated Holiday

* Beginning February 2025, and every year thereafter, the Office of Facility Planning and Control will review and adjust the contract limit in accordance with the Consumer Price Index (CPI) through rule-making promulgated in the January Louisiana Register.



Purchase of Materials and Supplies

Cost of Purchase	Public Bid Requirements
Less than \$1,000	<ul style="list-style-type: none"> ➤ Recommended: Obtain and document at least three verbal quotes
\$1,000 - \$29,999	<ul style="list-style-type: none"> ➤ Recommended: Obtain three written quotes
\$30,000 - \$60,000	<ul style="list-style-type: none"> ➤ Obtain at least three telephone, fax, or email quotes ➤ Obtain written confirmation of the accepted offer
Exceeds \$60,000	<ul style="list-style-type: none"> ➤ Advertise two times at least 15 days before opening of bids ➤ First ad shall not occur on a Saturday, Sunday, or USPS Designated Holiday ➤ Open bids or cancel of all bids



Qualified Group Purchasing

	Hospitals R.S. 38:2212.1(G)	School Boards R.S. 38:2212.1(N)	Public Safety Authorities R.S. 38:2212.1(P)
What is allowed	Any hospital owned or operated by a hospital service district, a municipality, the state or other public entity may enter into an agreement with one or more qualified group purchasing organizations for the purchase of materials and supplies.	Any public school district or public school may enter into an agreement with one or more qualified group purchasing organizations (as defined below) for the purchase of materials, equipment, and supplies, including any installation thereof.	Any municipal or parish fire department, volunteer fire department, fire protection district, municipal police department, or related public safety department or agency, including but not limited to any municipal ambulance service, parish ambulance service, or ambulance service district (“public safety authorities”) may enter into an agreement with one or more qualified group purchasing organizations (as defined below) for the purchase of materials, equipment, and supplies, including any installation thereof.
What is a “qualified group purchasing organization”	An organization, whether for profit or not for profit, which has contracts for the sale of materials and supplies with at least 15 hospitals within the United States.	An organization, whether for profit or not for profit, (1) of which two or more Louisiana public school districts are members <u>and</u> (2) which solicits proposals or bids from vendors of materials, equipment, or supplies of the type and nature as may be purchased by a public school district or public school	An organization, whether for profit or not for profit, (1) of which two or more Louisiana public safety authorities as named above are participating or voting members <u>and</u> (2) which solicits proposals or bids from vendors of materials, equipment, or supplies of the type and nature as may be purchased by any such public safety authorities.
Price list requirements for qualified bidding	<p>Agreements shall require:</p> <ul style="list-style-type: none"> that the qualified group purchasing organization submit a price list for those materials and supplies offered by it; and that the prices quoted on the list shall remain in effect for a stated period of time not less than three months. <p>Price list shall thereafter be considered for all purposes to be a valid and binding bid by the qualified group purchasing organization during the effective period of the agreement, and no additional bid by the qualified group purchasing organization shall be necessary.</p>	<p>Agreements shall require:</p> <ul style="list-style-type: none"> that the qualified group purchasing organization submit a price list for those materials, equipment and supplies offered by it, and the prices quoted on the list remain in effect for a stated period of time not less than three months. <p>Price list shall thereafter be considered for all purposes to be a valid and binding bid by the qualified group purchasing organization during the effective period of the agreement, and no additional bid by the qualified group purchasing organization shall be necessary.</p>	<p>Agreements shall require:</p> <ul style="list-style-type: none"> that the qualified group purchasing organization submit a price list for those materials, equipment and supplies it offers; and the prices quoted on the list shall remain in effect for a stated period of time not less than three months. <p>Price list shall be considered a valid and binding bid by the qualified group purchasing organization during the effective period of the agreement and no additional bid by the qualified group purchasing organization is necessary.</p>



Qualified Group Purchasing

	Hospitals R.S. 38:2212.1(G)	School Boards R.S. 38:2212.1(N)	Public Safety Authorities R.S. 38:2212.1(P)
Direct purchase requirements without bidding	<p>A hospital owned by the state may purchase equipment from a qualified group purchasing organization if the price is less than that for the same or comparable equipment on the state bid list. For that equipment not contained on the state bid list, the Louisiana Department of Health shall, pursuant to the Administrative Procedure Act, promulgate rules containing a mechanism for determining that the purchase of the equipment through a qualified group without bidding is cost effective and is in the best interest of the state. Until said rules become effective, no equipment not contained on the state bid list shall be purchased from qualified group purchasing organizations without complying with all other applicable laws.</p>	<p>A school board may purchase materials, equipment, or supplies directly from or through a qualified group purchasing organization if <u>either</u>:</p> <ol style="list-style-type: none"> (1) the price is less than that for the same or substantially similar materials, equipment, or supplies on the state contract or bid list; <u>or</u> (2) if the same or substantially similar materials, equipment, or supplies are not under state contract or on the state bid list. <p>Nothing in this Paragraph shall be construed to authorize a school board to purchase materials, equipment, or supplies from or through an entity or vendor other than a qualified group purchasing organization as defined in this Subsection without using a procurement process otherwise provided by state law.</p>	<p>A public safety authority may purchase materials, equipment, or supplies directly from or through a qualified group purchasing organization if <u>either</u>:</p> <ol style="list-style-type: none"> (1) the price is less than that for the same or substantially similar materials, equipment, or supplies on the state contract or bid list; <u>or</u> (2) if the same or substantially similar materials, equipment, or supplies are not under state contract or on the state bid list. <p>Nothing contained in this Subsection shall be construed to authorize a municipal or public fire department, fire protection district, ambulance service, or ambulance service district to purchase materials, equipment, or supplies from or through an entity or vendor other than a qualified group purchasing organization as defined in this Subsection without using a procurement process otherwise provided by state law.</p>