

Public Works Contracts and Projects in accordance with Louisiana Public Bid Law (R.S. 38:2211–2296)

I. Overview

Public Works Contracts involve the erection, construction, alteration, improvement, or repair of public facilities or immovable property owned, used, or leased by a public entity. These projects are subject to Louisiana’s Public Bid Law and typically follow the design–bid–build method using public funds.

- Contract Limit: Public works projects not exceeding \$260,000 do not require formal advertisement or bidding.
- Contract Threshold: Projects over \$260,000 must be publicly advertised and awarded to the lowest responsive and responsible bidder.

To determine total project cost, include:

- Cost of materials
- Cost of labor, including wages and benefits
- Supervision and overhead
- Equipment use

II. Projects over \$260,000

For contracts over \$260,000, advertisements must be placed:

- Once per week for three (3) consecutive weeks
- In the official journal of the state and the Natchitoches Times
- The first advertisement shall appear at least twenty-five (25) days prior to the bid opening date.

III. Projects Under \$260,000

For contracts below \$260,000 must:

- Be completed using university personnel, outside contractors, or
- Follow simplified quote procedures but must still follow Title 38 guidelines as deemed appropriate.

IV. Responsibilities and Required Approvals

Before initiating a project, the Facilities and Plant Operations Director will determine the method of procurement. Requests must be submitted to the Contracts & Data Administrator at publicworks@nsula.edu and include:

- Full description of the project
- Total cost including labor, materials, and equipment
- Funding source and confirmation of availability

V. Non-Competitive Procurement Under Title 38

If proceeding without formal competitive bidding, the following conditions must be met:

- The project must fall below the current statutory threshold for public advertisement and sealed bidding
- The use of non-competitive procurement must be justified and documented in the project file
- Work shall not be artificially divided or segmented to avoid competitive bidding requirements
- Contractor qualifications must be verified, including active status with the Louisiana Secretary of State
- Contractors performing work over \$50,000 must be properly licensed by the Louisiana State Licensing Board for Contractors (Louisiana Revised Statute 37:2150.1), and the license number must appear on all applicable documentation
- Pricing must be determined to be fair and reasonable, and supporting documentation shall be maintained

VI. Written Contract and Bonding Requirements

- Contracts over \$5,000 must be in written form and signed (R.S. 38:2241(A))
- Contracts over \$25,000 require a Performance and Payment Bond ($\geq 50\%$ of contract value) (R.S. 38:2241)
 - Bond must be filed in the parish mortgage records within 30 days of work starting
- Surety bonds and insurance must comply with R.S. 38:2219
 - Must be issued by a licensed LA company or one on the U.S. Treasury list
 - Company must have A-rating or better from A.M. Best

VII. Change Orders

In accordance with R.S. 38:2222, all change orders shall be in writing and approved prior to the commencement of the work. All approved change orders shall be incorporated into the final contract amount and documented in the Notice of Acceptance.

VIII. Contract Filing and Close-Out

The Contract & Data Administrator will be responsible for the following Public Works recordation and close-out procedures:

- File original signed contract and purchase order copy with the recorder of mortgages
- Request a Clear Lien Certificate 45 days after Notice of Acceptance
- Retainage may only be released after receipt of Clear Lien Certificate

IX. Additional Oversight and Facility Planning

When Performance Bonds, Project Recordation, and Lien filing are required, the Director of Facilities and Plant Operations is responsible for full compliance. This includes:

- Oversight of architects/designers
- Construction management
- Issuance of Notice to Proceed
- Project close-out in accordance with State Facility Planning and Control rules

The Contract & Data Administrator is responsible for administrative execution of contract-related functions, including recordation, lien tracking, and supporting documentation associated with these processes.

X. Approval Requirements for Large Projects

Approval requirements for Public Works projects shall be determined based on applicable provisions of Louisiana Public Bid Law, funding source, and University policy.

- Projects shall comply with all competitive solicitation requirements and approval processes prior to contract execution.
- Projects funded through Capital Outlay shall adhere to all applicable State Facility Planning and Control (FP&C) requirements, including approvals and designer selection, when applicable
- Additional approvals may be required from University administration, governing boards, or State oversight agencies depending on project scope, funding, and statutory requirements
- No project shall proceed without obtaining all required approvals prior to issuance of a Notice to Proceed

XI. Payment Procedures for Public Works Projects

Payment for Public Works projects shall be made in accordance with contract terms and applicable provisions of Louisiana Public Bid Law and University policy.

- Invoices for Public Works projects shall be submitted to publicworks@nsula.edu.
- Payments shall be made only after work has been performed and verified.
- Contractors may submit progress payment applications based on work completed.
- Payment requests must be reviewed and approved by Facilities and Plant Operations prior to processing.
- Retainage, when applicable, shall be withheld in accordance with contract terms and state law.
- Final payment shall not be issued until:
 - Work is complete
 - Notice of Acceptance has been filed
 - Clear Lien Certificate has been received