

# **Public Work Projects**

**State of Louisiana**

**Mark A. Moses  
Assistant Commissioner  
Division of Administration  
&  
Director  
Facility Planning and Control**

When is a project a

**Public Works Project**

## **Public Works Projects Statutory Definitions**

According to RS 38:2211(12):

““Public work” means the erection, construction, alteration, improvement, or repair of any public facility or immovable property owned, used, or leased by a public entity.”

## Public Work Applies To?

*Public Entity*—means and includes the state of Louisiana, or any agency, board, commission, department, or public corporation of the state, created by the constitution or statute or pursuant thereto, or any political subdivision of the state, including but not limited to any political subdivision as defined in Article VI Section 44 of the Constitution of Louisiana, and any public housing authority, public school board, or any public officer whether or not an officer of a public corporation or political subdivision. "Public entity" shall not include a public body or officer where the particular transaction of the public body or officer is governed by the provisions of the model procurement code.

## **Public Works Projects Statutory Definitions**

According to RS 38:2212:

“All public work exceeding the contract limit ...to be done by a public entity shall be advertised and let by contract to the lowest responsible and responsive bidder who bid according to the bidding documents as advertised, and no such public work shall be done except as provided in this Part.”

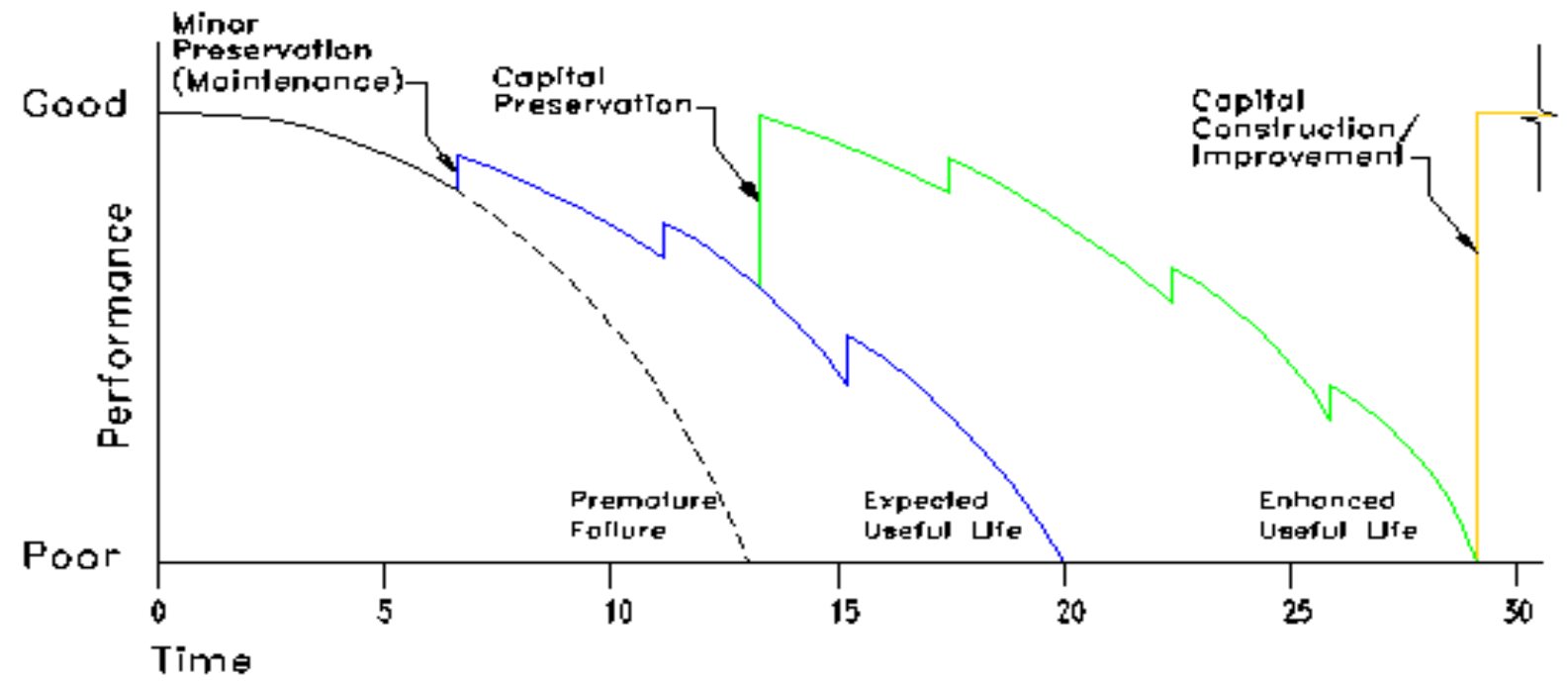
## Public Works Projects

### January 2017 Publication of the State Register

- **POTPOURRI**
- **Office of the Governor**
- **Division of Administration**
- **Office of Facility Planning and Control**
- Contract Limit Adjustment
- Pursuant to authority granted by Act 759 of the Regular Session of 2014, the Office of Facility Planning and Control within the Division of Administration has determined that, effective upon the date of this publication, except as provided in paragraphs (2) and (3) of R.S. 38:2212(C), the term *contract limit* as used in chapter 10 of title 38 (Public Bid Law) shall be equal to the sum of **\$152,550** per project, including labor, materials, and equipment as per the rates in the latest edition of the *Associated Equipment Dealers Rental Rate Book* and administrative overhead not to exceed fifteen percent. This limit was adjusted after applying the annual percentage increase in the Consumer Price Index in the preceding year.
- It is the responsibility of the approving authority to comply with all applicable requirements of R.S. 38:2212 in regards to the contract limit as adjusted herein.
- 
- Mark A. Moses
- Director

## **Public work includes:**

- Permanent Construction/Improvement (upgrading, renovating, improving, or building a public structure, facility, or system according to a plan or definite process).
- Acquisition/Installation of permanent equipment necessary to the functioning of a public facility.
- Permanent preservation (restoration to working order of faulty components or systems).
- Demolition of a public facility.





## **LA Constitution**

Article III, Sect. 16.C: ordinary operating expenses to be in general appropriations bill

Article VII, Sect. 11.C:  
comprehensive capital outlay budget

## **Statutes and Rules**

RS 39:2 – definition of capital outlays

RS 39:51 – general appropriations bill for ordinary operating expenditures

RS 39:101 – capital outlay bill for capital outlays

LAC Title 34 – instructions on what are or are not capital outlays (what should or should not be in capital outlay bill)

## **Capital Outlays (Title 39)**

- Real Estate
- Permanent
- Construction/Improvement
- Preservation
- Equipment

## **Examples of Capital Outlays that may fall within definition of Public Work (LAC)**

- acquisition or construction of buildings or other structures;
- site development and improvement;
- additions or expansions to existing facilities;
- major repair or renovation of existing facilities;
- installation, extension or replacement of utility systems or major building system components;
- roof replacement;
- asbestos abatement;
- fixed equipment which is connected to building utility systems;
- initial equipment and furnishings for new buildings. However, depending on the useful life of equipment and furnishings, a decision may be made to fund these items through alternate sources.

LAC Title 34, Part III sect 201

## What are not Capital Outlays (LAC)

- minor repairs or renovations such as painting, flooring, etc.
- minor roof repairs which do not extend life of roof
- repair or renovation of minor building components
- routine maintenance
- materials and supplies
- useful life < 20 years; value < \$50,000

## 1<sup>st</sup> Question – Is it permanent?

Permanent is ...

ADS Class Life  $\geq$  10 years

## 2<sup>nd</sup> Question – If permanent, is it major?

- Complex in nature requiring use of and coordination between different trades; **or**
- By statute requires professional services from registered architect, engineer, or landscape architect; **and**
- Cost  $>$  \$50,000

## Definitions:

Method of procurement will ultimately depend on

✂ **Major**

✂ **Minor**

## Definitions:

### Major:

1a. Complex in nature requiring the use of and coordination between different trades; or

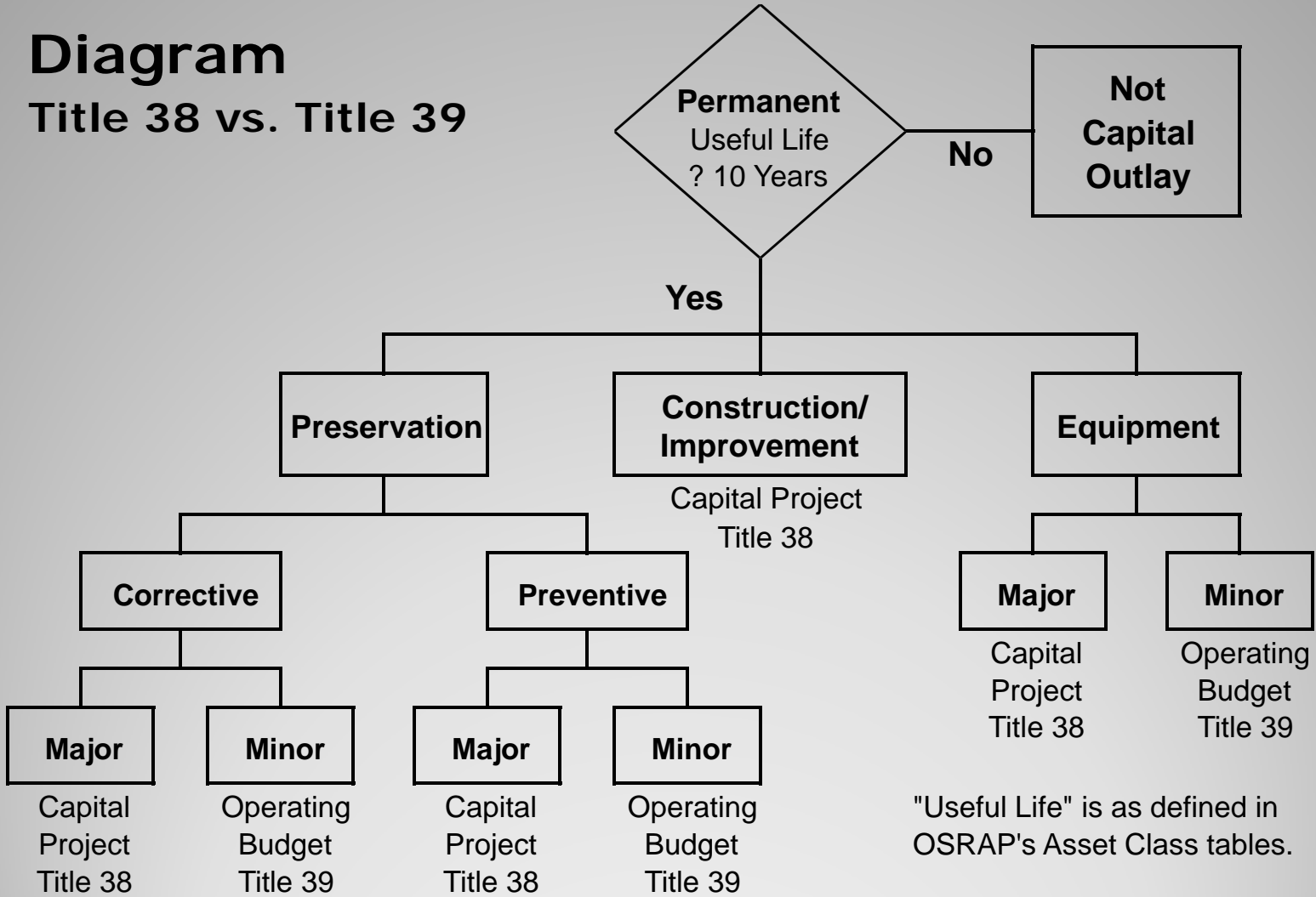
1b. By statute requiring the services of a professional architect, engineer or landscape architect; and

2. A cost greater than \$50,000.



# Diagram

## Title 38 vs. Title 39



"Useful Life" is as defined in OSRAP's Asset Class tables.

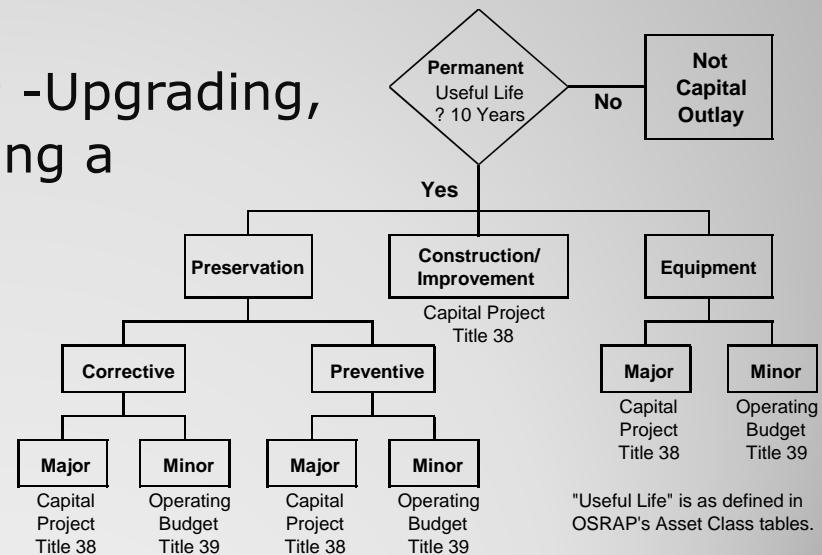
# Short Definitions

**Preservation** – Restoration to working order of faulty components or systems.

**Corrective** – Unscheduled activities to restore to working order prematurely failed components or systems.

**Preventive** – Scheduled activities to prevent failure and maximize the useful life of the building.

**Construction/Improvement** -Upgrading, renovating, improving or building a structure, facility or system according to a plan or definite process.



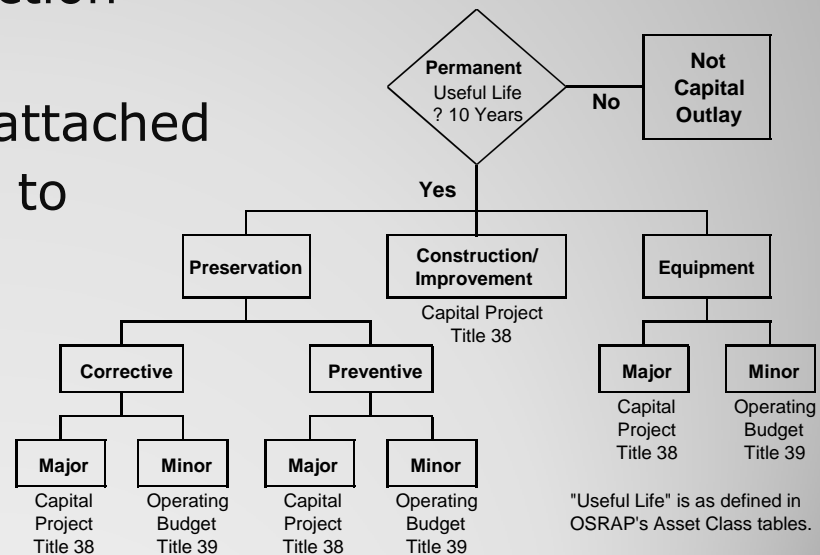
# Short Definitions

## Equipment:

**Built-in Equipment** – Permanently attached to the building and without which the building will not function.

**Fixed Equipment** – Attached to the building to secure it and contributing to the function of the building.

**Movable Equipment** – Not attached to the building but necessary to the function of the building.



# **LOUISIANA UNIFORM PUBLIC WORK BID FORM**

Includes a  
**UNIT PRICE FORM**

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 38:2212.

**HISTORICAL NOTE:** Promulgated by the Office of the Governor, Division of Administration, Office of Facility Planning and Control, LR 35:1522 (August 2009), amended LR 41:336 (February 2015).

**Questions?**

**Mark A. Moses**  
**Assistant Commissioner**  
**Division of Administration**  
**&**  
**Director**  
**Facility Planning and Control**

225 342-0849

mark.moses@la.gov

<http://www.doa.louisiana.gov/fpc/fpc.htm>