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GOVERNMENT CONTRACTS - LOUISIANA

Ramelli Janitorial Service, Inc. v. H&O Investments, LLC

Court of Appeal of Louisiana, Fifth Circuit - September 21, 2022 - 350 So.3d 191 - 22-265 (La.App. 5 Cir. 9/21/22)

Unsuccessful bidder for grass-cutting contract with parish brought action against parish and successful bidder, seeking declaratory and injunctive relief on ground that contract violated public bid law and seeking damages from successful bidder for unfair trade practices and from parish for detrimental reliance.

The District Court denied successful bidder's peremptory exceptions of prescription, no cause of action, and no right of action. Successful bidder filed application for supervisory writ.

The Court of Appeal held that contract was service contract, not public works contract, and thus public bid law's section providing for injunctive relief regarding public works contracts that were contrary to provisions of public bid law's part governing letting of contracts did not apply.

Grass-cutting contract with parish was "service contract," not "public works contract," and thus public bid law's section providing for injunctive relief regarding public works contracts that were contrary to provisions of public bid law's part governing letting of contracts did not apply; contract did not concern erection, construction, alteration, improvement, or repair of any public facility or immovable property.

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