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Clarifications on Erroneous Allegations Regarding DDD Award of Sidewalk Cleaning Contract

NEW ORLEANS (June 10, 2011) – It has come to our attention that information has been distributed regarding the DDD’s recent award of its Sidewalk Cleaning Services contract that is factually incorrect and may be confusing and/or misleading. These materials suggest that the award of this contract should be governed by Public Bid laws. The Downtown Development District of New Orleans (DDD) is a political subdivision of the State of Louisiana, created under LSA-R.S. 33:2740.3. As a political subdivision of the State of Louisiana, the DDD is subject to the Louisiana Public Bid Law when procuring public contracts involving public works and materials and supplies. The Request for Proposals for Sidewalk Cleaning Services, RFP No. 2011-50-02, issued by the DDD, is a service contract, not a public work. Both the Louisiana courts and the Louisiana Attorney General have held that contracts for services, professional or otherwise, are not subject to the requirements of the Public Bid Lawⁱ.

While not subject to the Louisiana Bid Law when procuring service contracts, the DDD has specific procurement policies dealing with service contracts. Those procurement policies provide guidelines and criteria for selecting the most advantageous proposal for the DDD. While price can be one criterion in evaluating a proposal, it is not the only criterion used to determine the most responsive proposal.

In connection with the recent RFP for Sidewalk Cleaning Services, the DDD received proposals from six vendors. Using specific guidelines and criteria under its procurement policies, the DDD evaluated all six proposals based on quality of proposed service plan, experience with type of work to be performed, cost, and other factors. The DDD found the proposal from Block-by-Block to be the most advantageous to the DDD and its constituents.

ABOUT THE DDD

Commissioned by the State Legislature in 1974, the Downtown Development District (DDD) is America’s oldest Business Improvement District. Funded by a special property tax, the DDD provides enhanced services in economic development, cleaning, and public safety. The DDD is bounded by Claiborne, the Mississippi River, the Pontchartrain Expressway, and Iberville Street. For more information, visit www.neworleansdowntown.com.

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ⁱ See *Lafourche Parish Water District No. 1 v. Carl Heck Engineers, Inc.*, 346 So.2d 769 (La. App. 1st Cir. 1977), and *BFI, Inc. v. City of Monroe*, 465 So.2d 882 (La. App. 2nd Cir. 1985). See also La. Atty. Gen. Op. Nos. 81-10, 04-0275, 04-0284, 90-48, and 88-266.