

Westlaw

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Office of the Attorney General
State of Louisiana

Opinion No. 85-18

January 11, 1985

12-A Contractors

90-A-1(a) Public Funds & Contracts Construction

Project managers who will not engage in the construction of a public work need not be a licensed contractor.

Mr. Roger Magendie
Director
Office of Facility Planning and Control
P.O. Box 44095
Baton Rouge, Louisiana 70804

Dear Mr. Magendie:

This is in response to your request for an opinion relative to whether a **project manager** must be a licensed contractor under R.S. 37:2150-2163.

R.S. 37:21B1 makes it unlawful to engage in the business of contracting, as defined by R.S. 37:2157 without having qualified as a contractor (acquiring a license from the State Licensing Board for Contractors).

R.S. 37:2157A defines a contractor, for the purposes of licensing as:

... any person, firm, partnership, copartnership, association, corporation, or other organization, or any combination thereof, who undertakes, attempts, or submits a bid or offer to construct, supervise, superintend, oversee, direct or in any manner assume charge of the construction, alteration, repair, improvement, movement, demolition, putting up, tearing down, or furnishing labor, material, or equipment and installing same for any building, highway, road, railroad, sewer, grating, excavation, pipeline, public utility structure, project, development, housing or housing development, improvement, or any other construction undertaking for which the cost of same is fifty thousand dollars or more.

Your letter indicates that the “ **project manager** ” will perform observation functions and serve as the on-site representative of the owner. This suggests that he would be doing what the actual “owner” or his representative would be doing in a private sector construction project and certainly an owner cannot be required to be a licensed contractor in order to observe the construction and represent his own interests. As a representative of the owner, the “ **project manager** ” clearly will not be supervising, directing or in charge of the construction which is the undertaking of the contractor, not the owner. Under these circumstances, the **project manager** is not re-

quired to be a licensed contractor under R.S. 37:2150-2163.

In further support of this opinion, it is our understanding that a licensed contractor will be in direct charge of the construction aspect of the projects in question and that the contractor, and not the **project manager**, will be charged with those duties and responsibilities outlined in R.S. 37:2157A.

In light of the foregoing, it is the opinion of this office that the **project manager**, as described by your letter dated January 9, 1985, does not have to be a licensed contractor.

Very truly yours,
William J. Guste, Jr.
Attorney General

BY Glenn R. Ducote
Assistant Attorney General

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