

2025 Regular Session

HOUSE BILL NO. 566

BY REPRESENTATIVE TURNER

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

PUBLIC CONTRACTS: Establishes job order contracting as an alternative project delivery method applicable to deferred maintenance of public facilities by post-secondary educational institutions for certain work types

1 AN ACT

2 To enact R.S. 17:3369.3(A)(8) and R.S. 38:2225.6, relative to job order contracting; to
3 create an alternative project delivery method for improvements for deferred
4 maintenance of public facilities by a post-secondary educational institution; to
5 provide for definitions; to provide for selection methods for job order contracts; to
6 provide for an effective date; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 17:3369.3(A)(8) is hereby enacted to read as follows:

9 §3369.3. Authority of the board to execute agreements related to the finance of
10 deferred maintenance and capital improvements

11 A.

12 * * *

13 (8) Projects financed or constructed pursuant to the program established in
14 this Part may be executed through job order contracting in accordance with the
15 provisions of R.S. 38:2225.6.

16 * * *

17 Section 2. R.S. 38:2225.6 is hereby enacted to read as follows:

18 §2225.6. Job order contracting; post-secondary educational institution

1 A. This Section establishes an alternative project delivery method hereinafter
2 referred to as "job order contracting" or "JOC" created specifically for improvements
3 addressing deferred maintenance of public facilities by a post-secondary educational
4 institution when the work is of a recurring nature but the delivery times, type, and
5 quantities of work required are indefinite.

6 B. For purposes of this Section, the following terms shall have the following
7 meanings ascribed to them:

8 (1) "Public facility" or "public facilities" shall mean buildings, equipment,
9 utilities, site components, roads and streets, and other permanent property or
10 immovable property under the supervision and control of the board overseeing the
11 post-secondary educational institution.

12 (2) "Project" shall mean improvements addressing deferred maintenance of
13 public facilities, including the complete renovation of buildings with significant
14 deferred maintenance needs; utility infrastructure; drainage, street, sidewalk, and site
15 infrastructure; the demolition of public facilities; and any other improvements to
16 address deferred maintenance needs. The term "project" does not include new
17 buildings or building additions, other than minor additions required for code
18 compliance or improved access to a public facility.

19 (3) "Evaluation committee" shall mean a group formed to assess the
20 qualifications of potential contractors or professionals who may be hired for
21 construction work on campus projects. The role of the committee is to evaluate and
22 select the most qualified candidates based on specific criteria.

23 C. A post-secondary educational institution may award job order contracts
24 for deferred maintenance projects to a public facility if the work is of a recurring
25 nature, but the delivery times are indefinite and the indefinite quantities and orders
26 are awarded substantially on the basis of pre-described and pre-priced tasks.

27 D. The post-secondary educational institution shall establish the maximum
28 aggregate contract price when it advertises the request for qualifications pursuant to

1 this Section. The institution may establish contractual unit prices for a job order
2 contract through one of the following methods:

3 (1) Specifying one or more published construction unit price books and the
4 applicable divisions or line items.

5 (2) Providing a list of work items and requiring the bidders propose one or
6 more adjustment factors or multipliers to be applied to the price book or pre-priced
7 as the price proposal.

8 E. Before awarding any job order contract, the Louisiana Board of Regents
9 shall establish procedures for the development of plans, specifications,
10 qualifications, and other matters pertaining to the procedures for advertising,
11 reviewing, and selecting job order contractors.

12 F. At minimum, the following provisions shall apply to firms and contractors
13 providing or performing construction work under job order contracts:

14 (1) All engineering and surveying firms shall be licensed to perform services
15 by the Louisiana Professional Engineering and Land Surveying Board.

16 (2) All architectural firms shall be licensed to perform services by the
17 Louisiana State Board of Architectural Examiners.

18 (3) All contractors shall be licensed by the Louisiana State Licensing Board
19 for Contractors.

20 G. To ensure compliance with the established standards, all competitors shall
21 follow the qualification procedures set forth in this Subsection:

22 (1) A selection process utilizing a request for qualifications procedure
23 including a public announcement procedure for solicitation of interested job order
24 contract competitors and a procedure for requesting a statement of qualifications
25 from qualified firms or terms through electronic announcement and communications.

26 (2) The post-secondary educational institution shall provide a request for
27 qualifications package to all job order contract competitors who submit a letter of
28 interest. All required information shall be identified in the request for qualifications
29 package and in the standard response forms. The response to a request for

1 qualifications package shall include a statement of qualifications that outlines
2 credentials and experience in areas of expertise specific to the project.

3 (3) The completed response form, along with any other required information,
4 must be submitted by the deadline specified in the request for qualifications package.
5 Any response that fails to meet all requirements outlined in the request for
6 qualifications package shall not be considered. False or misrepresented information
7 provided in response to a request for qualifications package shall be grounds for
8 disqualification.

9 H. The post-secondary educational institution shall establish an evaluation
10 committee to assess the responses to the request for qualifications, using at minimum
11 the following criteria:

12 (1) The professional training and experience of the contractor and key
13 personnel, specifically as it relates to the project under consideration.

14 (2) The capacity to complete the work within the specified time frame.

15 (3) Past performance on public projects of a similar nature to the one
16 described in the request for qualifications.

17 (4) Any project-specific criteria that may apply to the project needs.

18 (5) Any other material deemed important by the institution.

19 I. A post-secondary educational institution may award job order contracts to
20 one or more job contractors in connection with each request for qualification.

21 J. The initial term for a job order contract shall not exceed two years. The
22 post-secondary educational institution may renew the contract annually for not more
23 than three additional years.

24 K. An order for a job or project under a job order contract shall be signed by
25 both the representative of the educational institution and the contractor. The job
26 order may issued for either of the following:

27 (1) A fixed price, lump-sum contract based substantially on contractual unit
28 pricing applied to estimated quantities.

29 (2) A unit price order based on the quantities and line items delivered.

Proposed law authorizes a post-secondary institution to award JOC for deferred maintenance projects to a public facility if the work is of a recurring nature, but the delivery times are indefinite and the indefinite quantities and orders are awarded substantially on the basis of pre-described and pre-priced tasks.

Proposed law requires post-secondary institutions establish the maximum aggregate contract price when advertising the request for qualifications. Additionally, authorizes the institution to establish contractual unit prices for a JOC through one of the following methods:

- (1) Specifying one or more published construction unit price books and the applicable divisions or line items.
- (2) Providing a list of work items and requiring the bidders propose one or more adjustment factors or multipliers to be applied to the price book or pre-priced as the price proposal.

Proposed law requires the La. Board of Regents to establish procedures for the development of plans, specifications, qualifications, and other matter pertaining to the procedures for advertising, reviewing, and selecting job order contractors, before awarding any job order contract.

Proposed law specifies that, at minimum, the following provisions apply to firms and contractors providing or performing construction work under job order contracts:

- (1) All engineering and surveying firms must be licensed to perform services by the La. Professional Engineering and Land Surveying Board.
- (2) All architectural firms must be licensed to perform services by La. State Board of Architectural Examiners.
- (3) All contractors must be licensed by the La. State Licensing Board for Contractors.

Proposed law requires all competitors follow the qualification procedures set forth in proposed law to ensure compliance with the established standards:

- (1) A selection process utilizing a request for qualifications (RFQ) procedure including a public announcement procedure for solicitation of interested job order contract competitors and a procedure for requesting a statement of qualifications from qualified firms or terms through electronic announcement and communications.
- (2) The post-secondary educational institution must provide a RFQ package to all job order contract competitors who submit a letter of interest. Specifies that all required information must be identified in the RFQ package and in the standard response forms. Specifies that the response to a RFQ package must include a statement of qualifications that outline credentials and experience in areas of expertise specific to the project.
- (3) The completed response form, along with any other required information, must be submitted by the deadline specified in the RFQ package. Specifies that any response that fails to meet all requirements outlined in the RFQ package cannot be considered. Specifies that false or misrepresented information provided in response to a RFQ package will be grounds for disqualification.

Proposed law requires that the post-secondary educational institution establish an evaluation committee to assess the responses to the RFQ, using, at minimum, the following criteria:

- (1) The professional training and experience of the contractor and key personnel, specifically as it relates to the project under consideration.

- (2) The capacity to complete the work within the specified time frame.
- (3) Past performance on public projects of a similar nature to the one described in the RFQ.
- (4) Any project-specific criteria that may apply to the project needs.
- (5) Any other material deemed important by the institution.

Proposed law authorizes a post-secondary educational institution to award job order contracts to one or more job contractors in connection with each RFQ.

Proposed law specifies that the initial term for a job order contract cannot exceed two years. Additionally, authorizes the post-secondary educational institution to renew the contract annually not to exceed three additional years.

Proposed law requires that an order for a job or project under a job order contract be signed by both the representative of the educational institution and the contractor and the order may be issued for either of the following:

- (1) A fixed price, lump-sum contract based substantially on contractual unit pricing applied to estimated quantities.
- (2) A unit price order based on the quantities and line items delivered.

Proposed law requires that the job order contractor provide payment and performance bonds, as required by law, based on the amount or estimate amount of any order.

Proposed law specifies that a job order contract can only be used to accomplish work for the post-secondary educational institution that awarded the contract unless:

- (1) The RFQ for the job order contract specifically provides for use by other persons.
- (2) The educational institution enters into a interlocal or cooperative purchasing agreement that provides otherwise.

Proposed law specifies that proposed law supersedes any conflicting provisions of any other law, including, but not limited to the requirement of present law.

Effective upon the signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 17:3369.3(A)(8) and R.S. 38:2225.6)