2021 Regular Session

HOUSE BILL NO. 323

## BY REPRESENTATIVE GADBERRY

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana. ARCHITECTS: Provides relative to the selection of architectural and engineering services

1	AN ACT
2	To amend and reenact R.S. 38:2318.1(A) and (C), relative to architectural and engineering
3	professional services; to require the selection of architectural and engineering
4	professional services based on competence and qualifications; to prohibit the
5	selection of architectural and engineering professional services based on price; to
6	provide for public records; to provide for applicability; and to provide for related
7	matters.
8	Be it enacted by the Legislature of Louisiana:
9	Section 1. R.S. 38:2318.1(A) and (C) are hereby amended and reenacted to read as
10	follows:
11	PART VII-A. LOUISIANA "NO BIDDING OF <del>DESIGN</del>
12	ARCHITECTURAL AND ENGINEERING
13	PROFESSIONAL SERVICES" POLICY
14	§2318.1. Louisiana "No Bidding of Design Architectural and Engineering
15	Professional Services" policy
16	A. It is the policy of the state of Louisiana, its political subdivisions, and
17	agencies to select providers of design architectural and engineering professional
18	services on the basis of competence and qualifications for a fair and reasonable price.
19	Neither the state nor any of its political subdivisions or agencies may select providers

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1	of design services architects, engineers, landscape architects, and land surveyors		
2	wherein price or price-related information is a factor in the selection.		
3	* * *		
4	C. It is the policy of the state of Louisiana that all records, as defined in R.S.		
5	44:1(A)(2)(a), involved or dealing with the selection of design architectural and		
6	engineering professional services shall be open to the public in accord with the intent		
7	of Louisiana Constitution Article XII, Section 3, and R.S. 44:31.		

## DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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Abstract: Changes the applicability from prohibiting price as a factor in selecting design professional services to prohibiting price as a factor in selecting architectural and engineering professional services.

<u>Present law</u> specifies that state policy is to select providers of design professional services on the basis of competence and qualifications for a fair and reasonable price.

<u>Present law</u> prohibits the selection of design professional services where price or pricerelated information is a factor in the selection.

<u>Present law</u> declares that state policy is that all records regarding the selection of design professional services shall be open to the public in accordance with <u>present law</u> regarding the right to examine public records.

<u>Proposed law</u> retains <u>present law</u> but changes the applicability <u>from</u> design professional services <u>to</u> architectural, engineering, and land surveyor professional services.

(Amends R.S. 38:2318.1(A) and (C))

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Add land surveyors to the list of applicable professional services.