

2024 Regular Session

HOUSE BILL NO. 794

BY REPRESENTATIVE GADBERRY

PUBLIC CONTRACTS: Requires a political subdivision or agency negotiate a fair and reasonable contract with the most highly qualified firm for architectural and engineering professional services

1 AN ACT

2 To amend and reenact R.S. 38:2318.1, relative to negotiations of architectural and  
3 engineering professional services; to require political subdivisions and agencies to  
4 negotiate for a fair and reasonable price with the most highly qualified firm selected  
5 and then move to the next highly qualified selected firm if a contract cannot be  
6 negotiated; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 38:2318.1 is hereby amended and reenacted to read as follows:

9 §2318.1. Louisiana "No Bidding of Architectural and Engineering Professional  
10 Services" policy

11 A. It is the policy of the state of Louisiana, its political subdivisions, and  
12 agencies to select architectural and engineering professional services on the basis of  
13 competence and qualifications for a fair and reasonable price. Neither the state nor  
14 any of its political subdivisions or agencies may select architects, engineers,  
15 landscape architects, and land surveyors ~~wherein~~ where price or price-related  
16 information is a factor in the selection.

17 B. A political subdivision or agency shall negotiate a contract for a fair and  
18 reasonable price with the most highly qualified firm selected by the selection board.

19 If the political subdivision or agency is unable to negotiate a satisfactory contract

1 with that firm, the political subdivision or agency shall formally terminate  
 2 negotiations and then undertake negotiations with the next most qualified of the  
 3 selected firms, continuing the process until a contract is negotiated satisfactorily.

4 ~~B. C.~~ However, the provisions of this Section shall have no effect on and  
 5 shall not supersede any contract permitted pursuant to the provisions of Chapter 1  
 6 of Title 48 of the Louisiana Revised Statutes of 1950 relating to the authority for the  
 7 Department of Transportation and Development to enter into design-build contracts  
 8 or public-private partnership contracts, and the authority of the Louisiana  
 9 Transportation Authority to enter into public-private partnership contracts, R.S.  
 10 38:85, 2225.2.1, or 2225.2.2 relating to the authority for certain political subdivisions  
 11 to enter into design-build contracts, or R.S. 34:3523, relating to any port project that  
 12 a notice of intent is advertised for in accordance with R.S. 34:3523, prior to  
 13 December 31, 2020.

14 ~~C. D.~~ It is the policy of the state of Louisiana that all records, as defined in  
 15 R.S. 44:1(A)(2)(a), involved or dealing with the selection of architectural and  
 16 engineering professional services shall be open to the public in accord with the intent  
 17 of Article XII, Section 3 of the Constitution of Louisiana and R.S. 44:31.

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#### 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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HB 794 Engrossed

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**Abstract:** Provides for political subdivisions and agencies to negotiate for a fair and reasonable price with the most highly qualified firm selected and then move to the next highly qualified selected firm if a contract cannot be negotiated until a contract is successfully negotiated.

Present law establishes a policy for the state, its political subdivisions, and its agencies to select architectural and engineering professional services based on competence and qualifications for a fair and reasonable price.

Present law provides that the state and its political subdivisions or agencies cannot select architects, engineers, landscape architects, and land surveyors using price or price-related information as a factor in the selection.

Proposed law retains present law and requires that a political subdivision or agency negotiate a contract for a fair and reasonable price with the most highly qualified firm and if it cannot

negotiate a contract with that firm, it should begin negotiating with the next most qualified firm and repeat until a contract is successfully negotiated.

Present law excludes certain contracts that are authorized under present law.

Present law requires records defined by present law dealing with the selection of architectural and engineering services to be public records.

(Amends R.S. 38:2318.1)