

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
18 professional services at a compensation rate the agency head determines is fair and
19 reasonable with the most highly qualified firm selected. If the political subdivision

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

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

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

HB 794 Reengrossed

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Abstract: Requires political subdivisions and agencies to negotiate a compensation rate that the agency head determines is fair and reasonable 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 professional services at a compensation rate the agency head determines is fair and reasonable 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)

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Change requirement for political subdivisions or agencies to negotiate from a fair and reasonable price to professional services at a compensation rate the agency head determines is fair and reasonable.
2. Remove by the selection board qualification for the most highly qualified firm selected.