

2026 Regular Session

HOUSE BILL NO. 1207

BY REPRESENTATIVE DESHOTEL

PUBLIC CONTRACT/BIDS: Provides relative to selection of contractors by public entities

1 AN ACT

2 To enact R.S. 38:2212.11 and R.S. 48:251(E), relative to public bids for public work
3 contracts; to prevent public entities from limiting public works contracts based on
4 special qualifications; to prevent public entities from unduly limiting bidding
5 competition; to prevent the Department of Transportation from requiring proof of
6 certain experience or qualifications ; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 38:2212.11 is hereby enacted to read as follows:

9 §2212.11. Competitive bidding; limitations on experience requirements; alternate
10 qualifications

11 A.(1) Notwithstanding any provision of law to the contrary, a public entity
12 shall not require a contractor or subcontractor to provide proof of experience or
13 qualifications in performing public works that are unduly restrictive of competition
14 or that are tailored to a specific product, manufacturer, system, or prior project.

15 (2) No public entity shall require, as a condition of bidding or award, that a
16 contractor or subcontractor demonstrate prior experience installing a specific
17 proprietary material, product, or system.

18 B. Any experience or qualification requirement imposed by a public entity
19 shall:

20 (1) Be reasonably related to the scope and complexity of the project.

1 (4) The department shall provide an alternate method for contractors to
 2 demonstrate competency and qualify, consistent with the provisions of R.S.
 3 38:2212.11.

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 1207 Original

2026 Regular Session

Deshotel

Abstract: Eliminates certain limitations and additional requirements for bidding public works contracts.

Present law (R.S. 38:2212) provides for the requirements of public bid contracts for certain public works in the state of La.

Proposed law (R.S. 38:2212.11) prohibits public entities from requiring a contractor or subcontractor to provide proof of experience or qualifications in performing public works that are unduly restrictive of competition or that are tailored to a specific product, manufacturer, system, or prior project.

Proposed law prohibits public entities from requiring, as a condition of bidding or award, that a contractor or subcontractor demonstrate prior experience installing a specific proprietary material, product, or system.

Proposed law requires any experience or qualification requirement imposed by a public entity meet the following:

- (1) Be reasonably related to the scope and complexity of the project.
- (2) Not be used to unduly limit the pool of qualified bidders.
- (3) Be documented in writing, including a justification demonstrating the necessity of such requirement for public safety or project performance.

Proposed law requires public entities provide an alternate method for a contractor or subcontractor to demonstrate competency and qualify for bidding, including but not limited to:

- (1) Manufacturer or supplier certification.
- (2) Successful completion of relevant training programs.
- (3) Demonstration of comparable project experience.
- (4) Submission of a project-specific installation or performance plan.
- (5) Any other reasonable method that demonstrates the ability to perform the work in accordance with the project specifications.

Proposed law prohibits bidders from being disqualified solely for lack of prior experience with a specific proprietary product, material, or system if the bidder satisfies an alternate qualification method provided pursuant to proposed law.

Present law (R.S. 48:251) provides for certain bidding contract requirements for the construction or maintenance of, or improvements to, highways or other public works projects under the control of or advertised and let by the Dept. of Transportation and Development (DOTD).

Proposed law prohibits the DOTD from requiring a contractor or subcontractor provide proof of experience or qualifications in performing the DOTD projects as an additional requirement to be awarded a contract that are unduly restrictive of competition or tailored to a specific product, manufacturer, system, or prior project.

Proposed law prohibits the DOTD from requiring prior installation or use of a specific proprietary material, product, or system as a condition for bidding or award.

Proposed law requires the DOTD to ensure that all experience or qualification requirements are reasonably related to the project and not be used to limit competition.

Proposed law requires the DOTD to provide an alternate method for contractors to demonstrate competency and are qualified, consistent with the provisions of proposed law.

(Adds R.S. 38:2212.11 and R.S. 48:251(E))