2025 Regular Session

HOUSE BILL NO. 312

BY REPRESENTATIVE GADBERRY

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

PUBLIC CONTRACTS: Prohibits the state and any of its political subdivisions or agencies from using price or price-related information as a factor in the selection of architectural and engineering professional services for certain projects

1	AN ACT
2	To amend and reenact R.S. 38:2318.1(A) and (B), relative to negotiations for architectural
3	and engineering professional services; to prohibit the state and certain governmental
4	entities or persons they contract with from using price or price-related information
5	as a factor in the selection of specific architectural and engineering professionals for
6	projects using state or local funding; and to provide for related matters.
7	Be it enacted by the Legislature of Louisiana:
8	Section 1. R.S. 38:2318.1(A) and (B) are hereby amended and reenacted to read as
9	follows:
10	§2318.1. Louisiana "No Bidding of Architectural and Engineering Professional
11	Services" policy
12	A. It is the policy of the state of Louisiana and its political subdivisions and
13	agencies to select architectural and engineering professional services on the basis of
14	competence and qualifications for a fair and reasonable price. Neither For projects
15	using state or local funding, neither the state nor any of its political subdivisions, or
16	agencies, or persons they contract through may select architects, engineers,
17	landscape architects, and land surveyors where price or price-related information is
18	a factor in the selection.

1	B. A political subdivision or , agency, or persons they contract through shall
2	negotiate a contract for professional services at a compensation rate that the agency
3	head determines is fair and reasonable with the firm selected. If the political
4	subdivision or , agency, or persons they contract through is unable to negotiate a
5	satisfactory contract with that firm, the political subdivision or , agency, or persons
6	they contract through shall formally terminate negotiations and then undertake
7	negotiations with the next selected firm, continuing the process until a contract is
8	negotiated satisfactorily.
9	* * *

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: Provides that political subdivisions, agencies, or persons they contract with are prohibited from using price or price-related information as a factor in the selection of architects, engineers, landscape architects, and land surveyors.

<u>Present law</u> 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. Prohibits the state and its political subdivisions or agencies from selecting architects, engineers, landscape architects, and land surveyors from using price or price-related information as a factor in the selection.

<u>Proposed law</u> modifies <u>present law</u> by prohibiting political subdivisions, agencies, or persons they contract through from using price or price-related information as a factor in selecting architects, engineers, landscape architects, and land surveyors for projects using state or local funding.

<u>Proposed law</u> modifies <u>present law</u> by requiring subdivisions, agencies, or persons they contract through to negotiate for professional services at a rate that is fair and reasonable. Should the subdivisions, agencies, or persons they contract through be unable to properly negotiate the contract, it is required they formally terminate negotiations and undertake negotiations with the next firm, continuing the process until negotiated satisfactorily.

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

Summary of Amendments Adopted by House

- The Committee Amendments Proposed by <u>House Committee on Transportation</u>, <u>Highways and Public Works</u> to the <u>original</u> bill:
- 1. Make technical changes.

The House Floor Amendments to the engrossed bill:

- 1. Make technical changes.
- 2. Add persons the state or any of its political subdivisions or agencies contract through as an entity authorized to negotiate contracts for professional services and the compensation rate and formally terminate negotiations when necessary.