

# ACT No. 88

2025 Regular Session

HOUSE BILL NO. 566

BY REPRESENTATIVES TURNER, AMEDEE, BOYER, BRASS, ILLG, MIKE  
JOHNSON, AND OWEN

## AN ACT

To enact R.S. 17:3369.3(A)(8) and R.S. 38:2225.6, relative to job order contracting; to create an alternative project delivery method for improvements for deferred maintenance of public facilities by a postsecondary education institution; to provide for definitions; to provide for selection methods for job order contracts; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:3369.3(A)(8) is hereby enacted to read as follows:

§3369.3. Authority of the board to execute agreements related to the finance of deferred maintenance and capital improvements

A.

\* \* \*

(8) Projects financed or constructed pursuant to the program established in this Part may be executed through job order contracting in accordance with the provisions of R.S. 38:2225.6.

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Section 2. R.S. 38:2225.6 is hereby enacted to read as follows:

§2225.6. Job order contracting; postsecondary education institution

A. This Section establishes an alternative project delivery method for job order contracts created specifically for improvements addressing deferred maintenance of public facilities by a postsecondary education institution when the

1        work is of a recurring nature but the delivery times, type, and quantities of work  
2        required are indefinite.

3                B. For purposes of this Section, the following terms shall have the following  
4        meanings ascribed to them:

5                (1) "Public facility" or "public facilities" shall mean buildings, equipment,  
6        utilities, site components, roads and streets, and other permanent property or  
7        immovable property under the supervision and control of the board overseeing the  
8        postsecondary education institution.

9                (2) "Project" shall mean improvements addressing deferred maintenance of  
10       public facilities, including the complete renovation of buildings with significant  
11       deferred maintenance needs; utility infrastructure; drainage, street, sidewalk, and site  
12       infrastructure; the demolition of public facilities; and any other improvements to  
13       address deferred maintenance needs. The term "project" does not include new  
14       buildings or building additions, other than minor additions required for code  
15       compliance or improved access to a public facility.

16               (3) "Evaluation committee" shall mean a group formed to assess the  
17       qualifications of potential contractors or professionals who may be hired for  
18       construction work on campus projects. The role of the committee is to evaluate and  
19       select the most qualified candidates based on specific criteria.

20               C. A postsecondary education institution may award job order contracts for  
21       deferred maintenance projects to a public facility if the work is of a recurring nature,  
22       but the delivery times are indefinite and the indefinite quantities and orders are  
23       awarded substantially on the basis of pre-described and pre-priced tasks.

24               D. The postsecondary education institution shall establish the maximum  
25       aggregate contract price when it advertises the request for qualifications pursuant to  
26       this Section. The institution may establish contractual unit prices for a job order  
27       contract through one of the following methods:

28               (1) Specifying one or more published construction unit price books and the  
29       applicable divisions or line items.

1                   (2) Providing a list of work items and requiring the bidders to propose one  
2                   or more adjustment factors or multipliers to be applied to the price book or pre-  
3                   priced as the price proposal.

4                   E. Before awarding any job order contract, the Louisiana Board of Regents  
5                   shall establish procedures for the development of plans, specifications,  
6                   qualifications, and other matters pertaining to the procedures for advertising,  
7                   reviewing, and selecting job order contractors.

8                   F. At minimum, the following provisions shall apply to firms and contractors  
9                   providing or performing construction work under job order contracts:

10                  (1) All engineering and surveying firms shall be licensed to perform services  
11                  by the Louisiana Professional Engineering and Land Surveying Board.

12                  (2) All architectural firms shall be licensed to perform services by the  
13                  Louisiana State Board of Architectural Examiners.

14                  (3) All contractors shall be licensed by the Louisiana State Licensing Board  
15                  for Contractors.

16                  G. To ensure compliance with the established standards, all competitors shall  
17                  follow the qualification procedures set forth in this Subsection:

18                  (1) A selection process utilizing a request for qualifications procedure  
19                  including a public announcement procedure for solicitation of interested job order  
20                  contract competitors and a procedure for requesting a statement of qualifications  
21                  from qualified firms or terms through electronic announcement and communications.

22                  (2) The postsecondary education institution shall provide a request for  
23                  qualifications package to all job order contract competitors who submit a letter of  
24                  interest. All required information shall be identified in the request for qualifications  
25                  package and in the standard response forms. The response to a request for  
26                  qualifications package shall include a statement of qualifications that outlines  
27                  credentials and experience in areas of expertise specific to the project.

28                  (3) The completed response form, along with any other required information,  
29                  shall be submitted by the deadline specified in the request for qualifications package.

30                  Any response that fails to meet all requirements outlined in the request for

1 qualifications package shall not be considered. False or misrepresented information  
2 provided in response to a request for qualifications package shall be grounds for  
3 disqualification.

4 H. The postsecondary education institution shall establish an evaluation  
5 committee to assess the responses to the request for qualifications, using at minimum  
6 the following criteria:

7 (1) The professional training and experience of the contractor and key  
8 personnel, specifically as it relates to the project under consideration.

9 (2) The capacity to complete the work within the specified time frame.

10 (3) Past performance on public projects of a similar nature to the one  
11 described in the request for qualifications.

12 (4) Any project-specific criteria that may apply to the project needs.

13 (5) Any other material deemed important by the institution.

14 I. A postsecondary education institution may award job order contracts to  
15 one or more job contractors in connection with each request for qualification.

16 J. The initial term for a job order contract shall not exceed two years. The  
17 postsecondary education institution may renew the contract annually for not more  
18 than three additional years.

19 K. An order for a job or project under a job order contract shall be signed by  
20 both the representative of the educational institution and the contractor. The job  
21 order may issued for either of the following:

22 (1) A fixed price, lump-sum contract based substantially on contractual unit  
23 pricing applied to estimated quantities.

24 (2) A unit price order based on the quantities and line items delivered.

25 L. The job order contractor shall provide payment and performance bonds,  
26 as required by law, based on the amount or estimated amount of any order.

27 M. A job order contract shall only be used to accomplish work for the  
28 postsecondary education institution that awarded the contract unless the request for  
29 qualifications for the job order contract specifically provides for use by other

postsecondary education institutions under the supervision and control of the  
management board.

N. The provisions of the Section shall supersede any conflicting provisions  
of any other law, including, but not limited to the requirements of Chapter 10 of this  
Title.

Section 3. This Act shall become effective upon signature by the governor or, if not  
signed by the governor, upon expiration of the time for bills to become law without signature  
by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
vetoed by the governor and subsequently approved by the legislature, this Act shall become  
effective on the day following such approval.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_