

2026 Regular Session

HOUSE BILL NO. 856

BY REPRESENTATIVES FONTENOT AND THOMPSON

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AN ACT

To amend and reenact R.S. 44:4.1(B)(34) and to enact R.S. 48:250.5, relative to Indefinite Delivery, Indefinite Quantity construction contracts; to authorize the Department of Transportation and Development and the office of Louisiana highway construction, respectively, to use Indefinite Delivery, Indefinite Quantity (ID/IQ) contracting for certain projects; to provide for solicitation of single or multiple competitive low-bid and best value ID/IQ construction phase contracts including multiple work orders and multiple awards; to provide for definitions; to provide for procedures and requirements for procurement and contracting; to provide for confidentiality of the evaluation process; to provide contract term limits; to provide for rulemaking; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 44:4.1(B)(34) is hereby amended and reenacted to read as follows:

§4.1. Exceptions

* * *

B. The legislature further recognizes that there exist exceptions, exemptions, and limitations to the laws pertaining to public records throughout the revised statutes and codes of this state. Therefore, the following exceptions, exemptions, and limitations are hereby continued in effect by incorporation into this Chapter by citation:

* * *

(34) ~~R.S. 48:255.1~~ R.S. 48:250.5, 255.1

* * *

1 Section 2. R.S. 48:250.5 is hereby enacted to read as follows:

2 §250.5. Indefinite Delivery, Indefinite Quantity construction contracts

3 A. The legislature declares it to be in the public interest to increase
4 efficiency and improve operational readiness in the construction and maintenance
5 of state highways and bridges. Notwithstanding any other provision of law to the
6 contrary, the requirements of this Part, if the secretary or the executive director of
7 the office of Louisiana highway construction determines it is in the best interest of
8 the public, the department or office of Louisiana highway construction may
9 respectively procure and award indefinite delivery, indefinite quantity construction
10 contracts pursuant to the requirements of this Section for the maintenance,
11 preservation, reconstruction, rehabilitation, repair, and construction projects let by
12 the department and the office of Louisiana highway construction, respectively, and
13 related incidental work.

14 B. As used in this Section, the following terms shall have the following
15 meanings:

16 (1) "Best value" means a selection process in which proposals contain price
17 and qualitative components and award of one or multiple of the Indefinite Delivery,
18 Indefinite Quantity contract is based upon a combination of price and qualitative
19 considerations as provided in the solicitation documents.

20 (2) "Indefinite Delivery, Indefinite Quantity (ID/IQ)" means a method of
21 contracting that allows for delivery of an indefinite quantity of services over a fixed
22 duration under which delivery of specific construction and construction-related
23 services is authorized by work orders.

24 (3) "Indefinite Delivery, Indefinite Quantity (ID/IQ) construction contract"
25 means the principal contract awarded to an ID/IQ contractor pursuant to the
26 requirements of this Section.

27 (4) "Low bid" means a selection process in which proposals are evaluated
28 based on the proposed price from the lowest responsible bidder.

1 (5) "Multiple award" means an ID/IQ procurement where awards of ID/IQ
2 construction contracts for the same scope of services are made to multiple ID/IQ
3 contractors through a single procurement.

4 (6) "Single award" means an ID/IQ procurement where award of the ID/IQ
5 construction contract is made to a single ID/IQ contractor.

6 (7) "Work order" means a contract document issued for a definite scope of
7 work pursuant to an ID/IQ construction contract. A work order shall provide the
8 location, time, and scope of work required and authorizes the ID/IQ contractor to
9 deliver the scope of services described in the work order. It also provides required
10 pay items, quantities, and unit prices, as applicable.

11 C. For federal aid projects, the department and the office of Louisiana
12 highway construction, respectively, shall comply with all federal laws and
13 regulations that are conditions to federal participation, including but not limited to
14 provisions of 2 CFR 200 and 23 CFR Part 635, Subpart F, as amended. In the event
15 of a conflict between applicable required federal laws or regulations and the
16 provisions of Title 48 and any state rules or regulations, the federal laws or
17 regulations shall control on federal aid projects.

18 D. Procurements pursuant to this Section may include single award or
19 multiple award ID/IQ construction contracts. The legislature authorizes the
20 department and the office of Louisiana highway construction to procure ID/IQ
21 contracts using low bid and best value methods, and to award such contracts and any
22 resulting work orders using low bid or best value, as specified in the solicitation
23 documents. All procurement documents issued by the department and the office of
24 Louisiana highway construction, respectively, including the NOI and RFP, shall
25 indicate whether a single award or multiple awards will be made. Materials
26 separately acquired by the department or office of Louisiana highway construction
27 may be provided to contractors for use under and as a condition of any ID/IQ
28 contract.

29 E. Procurement and award of ID/IQ construction contracts shall meet the
30 following requirements:

1 (1) Single award ID/IQ construction contracts procured on a low-bid basis
2 may be advertised and awarded using one of the following methods:

3 (a) In accordance with R.S. 48:252 and 255 for award to the lowest
4 responsive and responsible bidder.

5 (b) In accordance with the advertisement and award procedures set forth in
6 this Section.

7 (2) Multiple-award ID/IQ construction contracts may be procured on a low
8 bid or best value basis, as determined by the department and office of Louisiana
9 highway construction, respectively. Such procurements shall be conducted in
10 accordance with applicable Louisiana public bid and procurement laws including the
11 requirements for advertisements and the procedures set forth in this Section.

12 (3)(a) The procurement of any multiple-award ID/IQ construction contract
13 or a single award ID/IQ construction contract not advertised and awarded pursuant
14 to R.S. 48:252 and 255, shall commence with the department and the office of
15 Louisiana highway construction, respectively, issuing a "notice of intent" (NOI)
16 through advertisement on their designated webpages to request letters of interest
17 (LOI). The NOI shall be advertised for at least ten business days prior to the deadline
18 for submission of LOI and shall include a description of the ID/IQ services to be
19 procured. The department and the office of Louisiana highway construction may also
20 readvertise the NOI using additional media or publications and may readvertise as
21 necessary if the number of responses received is deemed insufficient to ensure
22 adequate competition.

23 (b) After the deadline for submission of LOI for a single-award or
24 multiple-award ID/IQ construction contract, the department and office of Louisiana
25 highway construction shall issue a Request for Proposals ("RFP") to all contractors
26 that submitted an LOI. The RFP shall include instructions for proposal preparation
27 and submission, a description of the evaluation methodology, and shall comply with
28 the requirements of this Section.

29 (c) Bid bonds in accordance with R.S. 48:253 shall be specified in the
30 department and the office of Louisiana highway construction's standard

1 specifications or special provisions. The department and the office of Louisiana
2 highway construction may waive the requirement for bid bonds for procurements
3 under this Section.

4 (4)(a) The assistant secretary for project delivery, with the concurrence of
5 the secretary or designee, and the executive director of the office of Louisiana
6 highway construction , respectively, shall establish an evaluation committee for
7 evaluation of proposals received in response to the RFP. The evaluation committee
8 may, in its discretion, be assisted by other departments and office of Louisiana
9 highway construction personnel and external advisors in the evaluation the
10 proposals.

11 (b) The evaluation committee shall evaluate the proposals and make a
12 recommendation of award to the secretary and executive director. The secretary,
13 executive director, or their designees, shall make the final determination of award.

14 (5) Prior to issuing a work order under a multiple-award ID/IQ construction
15 contract, the department and the office of Louisiana highway construction,
16 respectively, shall solicit competitive responses from the contractors awarded ID/IQ
17 contracts under the solicitation in accordance with procedures set forth in the ID/IQ
18 construction contract. The procurement documents or contract shall state the
19 procedures and selection criteria for issuance of work orders. Work orders shall be
20 awarded on a competitive low bid basis, or, where permitted by applicable law and
21 approved for use with federal funds, on a best value basis in which price is a
22 significant evaluation factor.

23 (6) Proposals received by the department and the office of Louisiana
24 highway construction and the evaluation committee's records, including the
25 evaluation committee's findings, grading, score sheets, and recommendations, shall
26 not be public records until the ID/IQ construction contract has been fully executed
27 or the procurement has been cancelled. Following contract execution or cancellation,
28 such records shall be subject to disclosure in accordance with applicable public
29 records laws. Proprietary, confidential, trade secret, or otherwise protected
30 information will remain exempt to the extent permitted by law. The meetings of the

1 evaluation committee will not be subject to the Open Meetings Law in Title 44 of the
2 Louisiana Revised Statutes.

3 F. The department and the office of Louisiana highway construction may
4 include the following items in their procurement documents or contracts:

5 (1) The method for determining price escalation or de-escalation procedures
6 when warranted by particular circumstances.

7 (2) Special provisions specific to ID/IQ construction contracts.

8 (3) Unit pricing or lists of work items specific to the ID/IQ construction
9 contract.

10 (4) A minimum quantity or dollar value if the department and the office of
11 Louisiana highway construction opts to set a minimum.

12 (5) A statement of procedures and selection criteria the department and
13 office of Louisiana highway construction shall use in issuing work orders.

14 (6) Any other information, terms, or requirements the department and the
15 office of Louisiana highway construction deem necessary to include in procurement
16 documents or contracts.

17 G. The term of the initial ID/IQ construction contract and any optional
18 contract extensions shall not exceed five years. The duration of the initial term and
19 the terms of individual contract extensions shall be determined by the department
20 and the office of Louisiana highway construction, respectively. The ID/IQ
21 construction contract shall serve as the underlying agreement that establishes the
22 general terms and conditions governing the relationship between the department and
23 the office of Louisiana highway construction, respectively, and the selected bidder.
24 Execution of the ID/IQ construction contract shall not authorize work or serve as a
25 notice to proceed.

26 H. Payment bonds under R.S. 48:256.3, performance bonds under R.S.
27 48:255(D), retainage bonds under R.S. 48:256.1, the minimum required warranty
28 period under R.S. 48:251, and the general requirements of Part XIII of Chapter 1 of
29 this Title shall apply to the value and completion of work under an individual work
30 order rather than the value and completion of all work under the ID/IQ construction

1 contract unless otherwise specified in the ID/IQ construction contract or the
2 individual work order, or otherwise provided in a special provision of the department
3 and the office of Louisiana highway construction, respectively. The issuance of
4 payment, performance, and retainage bonds shall be required at the time of execution
5 of an individual work order unless otherwise specified by the ID/IQ construction
6 contract, the individual work order, or a special provision developed by the
7 department and the office of Louisiana highway construction, respectively.
8 Stipulated damages apply to individual work orders and shall be calculated by the
9 required completion date of an individual work order. Required insurance policies
10 and the extent and type of coverage required shall be as determined by the
11 department and the office of Louisiana highway construction, respectively. This
12 Subsection shall also apply to low bid ID/IQ contracts as advertised and awarded
13 pursuant to R.S. 48:252 and R.S. 48:255.

14 I. This Section shall not apply to engineering and design service contracts
15 or other consulting contracts of the department and the office of Louisiana highway
16 construction, respectively, authorized by this Part or federal aid projects governed
17 by 23 CFR Part 172, except that these services may be included in ID/IQ
18 construction contracts to the extent that they support the construction of projects.

19 J. Except as otherwise provided in this Section, the provisions of this Part
20 shall apply to ID/IQ construction contracting. In the event of a conflict, the
21 provisions of this Section shall prevail and shall supersede any conflicting provision
22 of state law.

23 K. The department and the office of Louisiana highway construction,
24 respectively, may establish guidelines, standard specifications, special provisions,
25 handbooks, or other required documents for elements of ID/IQ construction phase
26 contracting not explicitly provided for in this Section or otherwise subject to the
27 Administrative Procedure Act.

28 L. The department and the office of Louisiana highway construction,
29 respectively, may promulgate rules and regulations to implement and enforce the

1 provisions of this Section in accordance with the provisions of the Administrative
2 Procedure Act.

3 Section 2. This Act shall become effective upon signature by the governor or, if not
4 signed by the governor, upon expiration of the time for bills to become law without signature
5 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
6 vetoed by the governor and subsequently approved by the legislature, this act shall become
7 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____