

Regular Session, 2009

HOUSE BILL NO. 801

BY REPRESENTATIVE SIMON

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

PUBLIC CONTRACT/BIDS: Provides with respect to restriction on bids or proposals for public contracts by certain contractors participating in the development of the bid specifications or request for proposals

1 AN ACT

2 To amend and reenact R.S. 38:2212.7 and R.S. 39:1496.2 and 1594.3, relative to
3 procurement; to provide exceptions in the prohibition of bids or proposals for public
4 contracts by certain contract consultants; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 38:2212.7 is hereby amended and reenacted to read as follows:

7 §2212.7. Limitations on consultants competing for contracts

8 (A) Any person contracting with an agency for the purposes of developing
9 bidding documents, requests for proposals, or any other type of solicitation related
10 to a specific procurement shall be prohibited from bidding, proposing, or otherwise
11 competing for award of that procurement. Such persons shall further be prohibited
12 from participating as subcontractors related to the award of that procurement.

13 (B) For the purposes of this Section, the following activities shall not be
14 considered "developing bidding documents, requests for proposals, or any other type
15 of solicitation":

16 (1) architectural and engineering programming;

17 (2) master planning;

18 (3) budgeting;

19 (4) feasibility analysis;

(5) constructability review;

(6) furnishing specification data or other product information; or

(7) any other services that do not establish selection qualifications or

evaluation criteria for the procurement of an architect or engineer.

Section 2. R.S. 39:1496.2 and 1594.3 are hereby amended and reenacted to read as follows:

§1496.2. Limitations on consultants competing for contracts

(A) Any person contracting with an agency for the purposes of developing bidding documents, requests for proposals, or any other type of solicitation related to a specific procurement shall be prohibited from bidding, proposing, or otherwise competing for award of that procurement. Such persons shall further be prohibited from participating as subcontractors related to the award of that procurement.

(B) For the purposes of this Section, the following activities shall not be considered "developing bidding documents, requests for proposals, or any other type of solicitation":

(1) architectural and engineering programming:

(2) master planning;

(3) budgeting;

(4) feasibility analysis;

(5) constructability review;

(6) furnishing specification data or other product information; or

(7) any other services that do not establish selection qualifications or

evaluation criteria for the procurement of an architect or engineer.

* * *

§1594.3. Limitations on consultants competing for contracts

(A) Any person contracting with an agency for the purposes of developing bidding documents, requests for proposals, or any other type of solicitation related to a specific procurement shall be prohibited from bidding, proposing, or otherwise

1 competing for award of that procurement. Such persons shall further be prohibited
 2 from participating as subcontractors related to the award of that procurement.

3 (B) For the purposes of this Section, the following activities shall not be
 4 considered "developing bidding documents, requests for proposals, or any other type
 5 of solicitation":

6 (1) architectural and engineering programming;

7 (2) master planning;

8 (3) budgeting;

9 (4) feasibility analysis;

10 (5) constructability review;

11 (6) furnishing specification data or other product information; or

12 (7) any other services that do not establish selection qualifications or
 13 evaluation criteria for the procurement of an architect or engineer.

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)]

Simon

HB No. 801

Abstract: Provides exceptions for the prohibition of contractors competing for contracts for which they developed the bid specifications or request for proposal.

Present law prohibits a contractor who holds a contract with an agency to develop bid specifications or request for proposals to compete for the same contract.

Proposed law retains present law and provides exceptions for architectural and engineering programming, master planning, budgeting, feasibility analysis, constructability review, furnishing specification data or other product information, or any other services that do not establish selection qualifications or evaluation criteria for the procurement of an architect or engineer.

(Amends R.S. 38:2212.7 and R.S. 39:1496.2 and 1594.3)

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Appropriations to the original bill.

1. Adds additional exceptions to the prohibition of contractors competing for contracts for which they developed the bid specifications or request for proposal.