

Regular Session, 2013

HOUSE BILL NO. 556

BY REPRESENTATIVE WESLEY BISHOP

PUBLIC CONTRACTS: Provides relative to contracts let by certain entities for capital projects in Orleans Parish

1 AN ACT

2 To enact R.S. 38:2225.2.3, relative to public contracts in Orleans Parish; to provide for the
3 use of the competitive sealed proposal method in Orleans Parish by certain entities
4 for certain projects; to provide for definitions; and to provide for related matters.

5 Notice of intention to introduce this Act has been published
6 as provided by Article III, Section 13 of the Constitution of
7 Louisiana.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 38:2225.2.3 is hereby enacted to read as follows:

10 §2225.2.3. Competitive sealed proposal method; authorized use by the Orleans
11 Parish School Board and Recovery School District for certain projects in
12 Orleans Parish

13 A. Notwithstanding any provision to the contrary, the following public
14 entities may use the competitive sealed proposal method, in the construction,
15 reconstruction, rehabilitation, alteration, or repair, for any building or structure in
16 Orleans Parish which has been destroyed or damaged by Hurricane Katrina,
17 Hurricane Rita, or both, or any public building or structure in Orleans Parish that is
18 to be constructed or repaired to meet a homeland security or criminal justice need

1 pursuant to a hurricane recovery plan: the Orleans Parish School Board and the
2 Recovery School District. This authority shall extend until July 1, 2015.

3 B. For purposes of this Section:

4 (1) "Competitive sealed proposal method" means a method by which a
5 governmental entity requests proposals for construction, rehabilitation, alteration, or
6 repair of a building or structure, ranks the offers, negotiates as prescribed, and then
7 contracts with a general contractor for the work.

8 (2) "Competitive sealed contractor" means the entity which is responsible
9 for delivering the project construction based on the best value as set forth in the bid
10 selection criteria.

11 C. Whenever a public entity resolves to construct or repair any public
12 building or structure through the competitive sealed proposal method pursuant to this
13 Section, it shall do the following:

14 (1) Adopt a list of projects for which a contractor will be selected through
15 the competitive sealed proposal method.

16 (2) Adopt procedures for developing plans, specifications, qualifications, and
17 other matters pertaining to procedures for adverting, reviewing, and selecting
18 contractors using the competitive sealed proposal method, and letting such contracts.

19 (3) The procedures adopted pursuant to this Section shall include, at a
20 minimum:

21 (a) All contractors performing construction work for the projects undertaken
22 using the competitive sealed proposal method shall be licensed by the State
23 Licensing Board for Contractors.

24 (b) Public announcement procedures for solicitation of interested
25 competitive sealed contractors.

26 (c) All notices of intent to select a competitive sealed contractor shall be
27 advertised a minimum of thirty days prior to the deadline for receipt of responses and
28 shall contain a brief description of the project, the required scope of services, and
29 sufficient information for competitive sealed contractors to determine their interest.

1 D. The public entity shall select or designate an architect or engineer, duly
2 licensed to do business in the state, to prepare construction documents for a project
3 to be constructed utilizing the competitive sealed proposal method. If the engineer
4 or architect is not a full-time employee of the public entity, the public entity shall
5 select the engineer or architect as provided by all applicable laws.

6 E. The public entity shall prepare and publish a request for competitive
7 sealed proposals that includes the construction documents, selection criteria, and the
8 weighted value for each criterion, estimated budget, project scope, estimated project
9 completion date, and other information that may be required for a contractor to
10 respond to the request.

11 F. The public entity shall provide or contract for, independently of the
12 competitive sealed contractor, the inspection services, the testing of construction
13 materials engineering, and the verification testing services necessary for acceptance
14 of the facility or project by the public entity. The public entity shall select those
15 services for which it contracts in accordance with all applicable state laws, and shall
16 identify them in the request for proposals.

17 G. The public entity shall receive, publically open, and read aloud the names
18 of the competitive sealed contractors that offered a proposal, and if any are required
19 to be stated, all prices stated in each proposal. The public entity shall avoid
20 disclosing the contents of each proposal that may be subject to final negotiations
21 with the selected offeror or offerors. Not later than forty-five days after the date on
22 which the proposals are opened, the public entity shall evaluate and rank each
23 proposal submitted in relation to the published selection criteria.

24 H. (1) The public entity shall select the offeror or offerors that provide the
25 best value for the entity based on the selection criteria in the request for proposal and
26 the weighted value for those criteria in the request for proposals and its ranking
27 evaluation.

28 (2) The public entity shall first attempt to negotiate scope, time
29 modifications, or price with the selected offeror or offerors for the purpose of

1 addressing cost reasonableness and bringing the project within budget. After these
 2 negotiations, all selected offeror or offerors shall be given the opportunity to submit
 3 best and final offers. The the public entity shall negotiate a contract with the selected
 4 offeror whose final offer provides the best value.

5 (3) If the public entity is unable to negotiate and award a satisfactory
 6 contract with the offeror whose final offer provides the best value as provided in
 7 Paragraph 2 of this Subsection, the public entity shall, formally and in writing, end
 8 negotiations with that offeror and proceed to the next offeror in the order of the
 9 selection ranking until a contract is awarded or all proposals are rejected.

10 I. The provisions of this Section shall supercede any conflicting provisions
 11 of any law, including but not limited to the requirements of Chapter 10 of this Title.

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)]

Wesley Bishop

HB No. 556

Abstract: Authorizes the Recovery School District and the Orleans Parish School Board to use the competitive sealed proposal method to contract out work to be done on certain hurricane damaged property in Orleans Parish until July 1, 2015.

Proposed law authorizes the Recovery School District and the Orleans Parish School Board to use the competitive sealed proposal method to contract out work to be done on certain hurricane damaged property in Orleans Parish until July 1, 2015.

Proposed law defines "competitive sealed proposal method" and "competitive sealed contractor" for purposes of proposed law.

Proposed law provides that to construct or repair any public building or structure through the competitive sealed proposal method, a public entity shall adopt a list of projects for which a contractor will be selected through the competitive sealed proposal method.

Proposed law further requires that the public entity adopt procedures for developing plans, specifications, qualifications, and other matters pertaining to procedures for adverting, reviewing, and selecting contractors using the competitive sealed proposal method, and letting such contracts and provides for minimum requirements for all adopted procedures.

Proposed law requires that the public entity shall select or designate a architect or engineer to prepare construction documents for a project to be constructed pursuant to proposed law.

Proposed law provides the method by which proposals shall be opened and how a competitive sealed contractor shall be selected and awarded a contract.

Proposed law supercedes conflicting provisions of law relative to bidding for public contracts for entities and work listed in proposed law.

(Adds R.S. 38:2225.2.3)