

2016 Regular Session

HOUSE BILL NO. 1044

BY REPRESENTATIVE ZERINGUE

PUBLIC CONTRACTS: Provides an exception to the prohibition on closed specification of products for construction of certain integrated coastal protection projects

1 AN ACT

2 To amend and reenact R.S. 38:2290, relative to the construction of public buildings or  
3 projects; to provide for exceptions to the prohibition on closed specification of a  
4 product used in the construction of a public building or project; and to provide for  
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 38:2290 is hereby amended and reenacted to read as follows:

8 §2290. Closed specification prohibited; exception

9 A. No architect or engineer, either directly or indirectly, shall submit a  
10 closed specification of a product to be used in the construction of a public building  
11 or project, unless all products other than the one specified would detract from the  
12 utility of the building, or except in those cases where a particular material is required  
13 to preserve the historical integrity of the building or the uniform appearance of an  
14 existing structure, or is required as part of an integrated coastal protection project,  
15 as defined in R.S. 49:214.2(11); , for the evaluation of new and improved integrated  
16 coastal protection technologies.

17 B. A closed specification shall not be submitted or authorized when any  
18 person or group of persons possess the right to exclusive distribution of the specified  
19 product, unless the product is required to expand or extend an existing system  
20 presently operating at the facility or site, or if a specified product is required as part

1        of an integrated coastal protection project, as defined in R.S. 49:214.2(11); for the  
2        evaluation of new and improved integrated coastal protection technologies.  
3        However, no such closed specifications shall be allowed until rules have been  
4        promulgated by the division of administration after oversight by the Senate and  
5        House Committees on Transportation, Highways and Public Works and other  
6        appropriate legislative committees.

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#### 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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HB 1044 Engrossed

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**Abstract:** Provides an exception to the prohibition of closed specification of products to be used in the construction of public buildings or projects for products required as part of an integrated coastal protection project for the evaluation of new and improved integrated coastal protection technologies.

Present law prohibits an architect or engineer from submitting a closed specification of a product to be used in the construction of public buildings or projects unless all products other than the one specified would detract from the utility of the building or projects, or in cases where a particular material is required for historical integrity of the building or the uniform appearance of an existing structure.

Proposed law retains present law and further authorizes an exception for products required as part of an integrated coastal protection project for the evaluation of new and improved integrated coastal protection technologies.

Present law prohibits closed specification of a product when a person or group of persons have the right to exclusive distribution of the product except when the product is required to expand or extend an existing system operating on the public facility or site.

Proposed law retains present law but authorizes an exception for products required as part of an integrated coastal protection project for the evaluation of new and improved integrated coastal protection technologies.

(Amends R.S. 38:2290)

#### Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Transportation, Highways and Public Works to the original bill:

1. Add an exception for closed specifications in proposed law that are required to be part of an integrated coastal protection project which is for the evaluation of new and improved integrated coastal protection technologies.