

SENATE SUMMARY OF HOUSE AMENDMENTS

SB 308 By Senator McPherson**KEYWORD AND SUMMARY AS RETURNED TO THE SENATE**

TRANSPORTATION/DEV DEPT. Provides for the selection of certain consultants by DOTD. (gov sig)

SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL

1. Proposed law requires, rather than authorizes, DOTD to send electronic notices to firms on its solicitation lists and to speciality firms.

DIGEST OF THE SENATE BILL AS RETURNED TO THE SENATE

Present law prescribes the policy of DOTD applicable to the retaining of consultants for construction and preconstruction engineering services, research, planning, environmental, and other DOTD activities by a competitive and noncompetitive process.

Proposed law retains present law, but excludes design-build consultants from the provisions of present law.

Present law provides that conditions which warrant retaining consultants are the magnitude, complexity, or time requirement of a project. Provides that the decision of a need for using consultants be made by the chief engineer or the assistant secretary of public works hurricane flood protection, and intermodal transportation of DOTD based upon recommendation of the appropriate section head.

Proposed law retains present law and adds the assistant secretary for operations and the assistant secretary for planning and programming to those authorized to retain consultants.

Present law provides that the approval includes not only the obvious components of a project, but ancillary components identified at any time during the life of the project. Present law requires an additional selection process be used for ancillary components when the total of such ancillary components amounts to more than 50% of the original contract.

Proposed law retains present law but increases the requirement for an additional selection process to 75% of the original contract.

Present law requires that the intention of selecting a consultant be advertised through the Daily Journal of Commerce, the Baton Rouge State Times, a DOTD solicitation list, and other media as determined by the department for a minimum of 14 days prior to the deadline for receipt of responses.

Proposed law removes the requirement of advertising in certain media and requires the advertisement to be posted on the DOTD website for a minimum of 10 business days prior to the deadline for receipt of responses. Proposed law requires DOTD to send electronic notices to firms on its solicitation lists and to speciality firms. Further authorizes the publication in additional media or publications if the response to the first solicitation is inadequate.

Proposed law requires consultants doing business with the LA Transportation Research Center (LTRC) to comply with the LTRC Manual of Research Procedures. Requires consultants doing business with DOTD to maintain audit records with segregate job costs as prescribed by DOTD's audit section.

Present law requires compliance with the Civil Rights Act of 1964 by both contractors and department personnel when selecting consultants. Proposed law retains these provisions and requires DOTD to ensure a maximum opportunity is afforded to socially and economically disadvantaged individuals.

Present law creates an evaluation committee within DOTD to evaluate and recommend responding applicants to the secretary of DOTD for consulting work on construction and pre-construction engineering service, planning, environmental, and related activity projects.

Proposed law provides for the consultant contract services administrator or his authorized designee to select evaluation team members from DOTD personnel who possess experience and qualifications relevant to services to be performed for the projects.

Present law authorizes the LTRC policy committee to evaluate and recommend responding applicants to the secretary of DOTD for consulting work on research projects.

Present law establishes evaluation criteria to be used by the evaluation committee and the LTRC in making recommendation.

Present law requires the secretary or his designee to document the reasons why the first ranked consultant was not chosen if none of the firms on the short list are out-of-state firms.

Proposed law requires the secretary or his designee to document his reasons why the first ranked consultant was not chosen regardless if the consultant is from out of state or not. Further, removes the authorization for the secretary or his designee to pick from the short list without an explanation of his choice.

Proposed law requires LTRC to utilize the selection criteria and weighting factors in the LTRC Manual of Research Procedures and any special evaluation criteria and weighing factors specified in the advertisement to evaluate responses to RFP's for research consultants. All written records produced during the evaluation and selection process are public records.

Present law provides for noncompetitive negotiation selections in special and rare circumstances where the necessary expertise is available from limited sources, the extension of services is required from an earlier satisfactorily completed contract, or a project requires immediate action. Present law requires the section head to receive approval from the assistant secretary of public works, hurricane flood protection, and intermodal transportation of DOTD to determine whether a consultant is needed for certain projects.

Present law provides for a small engineering consultant program for employment on selected department projects to provide opportunities for small engineering consultants who possess minimal experience on department projects to gain experience in the performance of preconstruction engineering services on selected dept. projects. Restricts the estimated cost of projects to not exceed \$500,000.

Proposed law removes the \$500,000 restriction and limits the contract fee to no more than the federal highway administration small purchase limit.

Present law authorizes DOTD to utilize either cost plus fixed fee with a maximum limitation or lump sum contract for either competitive or noncompetitive selections.

Proposed law retains present law and authorizes DOTD to use cost per unit of work or specific rates of compensation, in addition to cost plus fix fee and lump sum.

Present law specifies the selected firm has 10 days from being notified by DOTD of their selection to execute the contract and if such firm fails to execute the contract, DOTD is required to select another firm from the original respondents.

Proposed law allows the selected firm 10 business days to execute and return the contract to DOTD. If such firm fails to return the executed contract to DOTD, DOTD may select another firm from the original list or republish the notice of intent.

Present law requires the project control engineer to maintain a solicitation list of consultant firms who may receive copies of notices for services and requires DOTD to mail notices to each of those firms for all advertised work.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 48:285, 286(A)(1) and (B), 287, 288, 289(B), 290(B)(intro para), 290(C)(intro para) and (D), 291, 292(B)(intro para), 292.1(B), 293, and 294)

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