

2026 Regular Session

HOUSE BILL NO. 887

BY REPRESENTATIVE MCFARLAND

PUBLIC CONTRACT/BIDS: Provides for modifications to the Construction Management at Risk option in Public Bid Law

1 AN ACT

2 To amend and reenact R.S. 38:2225.2.4(B)(5) through (7), (E)(1), and (F)(1), (2)(e), (3)(a),  
3 and (4) and to enact R.S. 38:2225.2.4(B)(8) and (F)(7) through (9), relative to  
4 construction management at risk contracts; to modify the composition of the  
5 committee; to provide quorum requirements; to provide for definitions; to establish  
6 uniform rules for scoring, ranking, interviews, and presentations of proposers; to  
7 require public training and transparent advertising; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 38:2225.2.4(B)(5) through (7), (E)(1), and (F)(1), (2)(e), (3)(a) and  
10 (4) are hereby amended and reenacted and R.S. 38:2225.2.4(B)(8) and (F)(7) through (9) are  
11 hereby enacted to read as follows:

12 §2225.2.4. Construction management at risk; public entity

13 \* \* \*

14 B. When used in this Section, the following words and phrases have the  
15 meanings ascribed to them in this Section, unless the context indicates a different  
16 meaning:

17 \* \* \*

18 (5) "Selection review committee" means the committee appointed by the  
19 owner to review the request for qualifications, score, or rank of the proposers, and  
20 recommend award to a construction management at risk contractor. The committee  
21 shall consist of no more than five individuals appointed by the owner as follows:



1 or an assigned RFQ coordinator shall ~~inform~~ convene a public meeting held in  
2 accordance with the Open Meetings Law to inform the committee on the RFQ, the  
3 project, the scoring and ranking procedure, the conduct of the committee's  
4 responsibility, and any particulars of the project.

5 \* \* \*

6 F.(1) A request for qualifications, or RFQ, to award a contract for a  
7 construction management at risk contractor for preconstruction and construction  
8 services shall be advertised in the official journal of the owner and, if one exists, on  
9 the Internet website of the owner. ~~The RFQ~~ and shall be advertised at least two  
10 times within the thirty-day period prior to the deadline for receipt of responses. The  
11 RFQ shall also be advertised in the official journal of the state and posted on any  
12 project notification and electronic bidding system utilized by the public entity.

13 (2) The RFQ shall include the following as well as any other pertinent  
14 information limited to the qualifications of a proposer that the owner determines a  
15 proposer may need to submit in a response to an RFQ:

16 \* \* \*

17 (e) Total fees and compensation payable to the CMAR contractor for  
18 preconstruction services, which shall be established by the owner and shall not be  
19 requested from or offered by the proposers as part of their responses or interviews.

20 \* \* \*

21 (3) The RFQ may request that proposers include the following in response  
22 to the RFQ, as well as any other appropriate factors that would, in the opinion of the  
23 owner, demonstrate the capability of the proposer to perform the role of CMAR  
24 contractor:

25 (a) The proposer's surety. Audited financials shall not be required, as  
26 production of a payment and performance bond shall be sufficient to signify financial  
27 stability.

28 \* \* \*



1           (b) In the event that tied scores prevent a clear determination of the top three  
2           proposers, the selection review committee shall consider the highest scoring  
3           proposals and shall rank those proposals first, second, or third in order to eliminate  
4           the tie.

5           (8)(a) The selection review committee shall require in-person interviews and  
6           presentations from any proposer selected pursuant to Item (7)(a)(ii) of this  
7           Subsection, except in the event of an emergency declared by the governor, force  
8           majeure, or other good cause, documented in writing by the owner, in which case  
9           remote participation may be permitted.

10           (b) Following the completion of an interview and presentation, the selection  
11           review committee shall complete a new scoring and ranking form and shall consider  
12           both the previously submitted proposal and the additional information provided  
13           during the interview and presentation.

14           (c) The selection review committee shall apply the following scoring and  
15           ranking procedures for interviews and presentations:

16           (i) Each member of the selection review committee shall assign a ranking of  
17           first, second, or third to each proposer for each section of the score sheet. For each  
18           section of the score sheet, first place shall receive three points, second place shall  
19           receive two points, and third place shall receive one point. The points for each  
20           section shall be totaled to determine a total score for each proposer. Proposers shall  
21           then be ranked in descending order, with the highest total score representing the  
22           highest ranking.

23           (ii) The proposer receiving the highest total score based on the interview and  
24           presentation scoring shall be recommended in writing to the owner by the selection  
25           review committee.

26           (iii) In the event that tied scores prevent a clear determination of the  
27           successful proposer, the selection review committee shall consider both the  
28           submitted proposals and the interviews and presentations and shall rank each  
29           proposer first, second, or third to eliminate the tie.



RFQ, the project, the scoring and ranking procedure, the committee's duties, and any relevant particulars of the project.

Proposed law modifies present law by requiring that, prior to receiving and evaluating proposals, the owner, the owner's representative, or an assigned RFQ coordinator shall convene a public training meeting held in accordance with the Open Meetings Law to inform the committee on the RFQ, the project, the scoring and ranking procedure, the committee's duties, and any relevant particulars of the project.

Present law requires that an RFQ to award a contract for a CMAR contractor for preconstruction and construction services be advertised in the official journal of the owner and, if available, on the owner's website and be advertised at least twice within the 30-day period preceding the deadline for receipt of responses.

Proposed law retains present law but requires that the RFQ also be advertised in the official journal of the state and posted on any project notification or electronic bidding system utilized by the public entity.

Present law requires that the RFQ include information limited to the qualifications of a proposer, including total fees and compensation payable to the CMAR contractor for preconstruction services, as well as any other pertinent information the owner determines necessary.

Proposed law retains present law and clarifies that total fees and compensation payable to the CMAR contractor for preconstruction services be established by the owner and not be requested from, or offered by, proposers as part of their responses or interviews.

Present law provides that the RFQ may request that proposers include information the owner deems appropriate to demonstrate the proposer's capability to perform as a CMAR contractor, including the proposer's surety.

Proposed law retains present law and prohibits the requirement of audited financials.

Present law requires the selection review committee, within 90 days after the RFQ response deadline, to submit a written recommendation to the owner on contract award. Provides that the committee's findings are public records and Open Meetings Law exceptions apply to meetings where individual proposers are interviewed.

Proposed law retains present law and requires that after all interviews or presentations, the selection review committee enter executive session for discussion, then reconvene in an open meeting to publish each proposer's scores and identify the recommended awardee.

Proposed law provides for scoring and ranking procedures for all proposals. Requires each member to rank proposers first, second, or third for each section of the score sheet, with points assigned as follows: first, three; second, two; third, one. Further requires that section points be totaled to determine the top three proposals, with the highest total score ranking highest. Additionally, requires that the top three proposers be granted in-person interviews, or if only one or two meet minimum criteria, all be interviewed and requires the committee to rank tied proposals first, second, or third to resolve any ties.

Proposed law provides for scoring and ranking procedures for interviews and presentations. Requires the selection review committee to conduct in-person interviews for proposers selected, except that remote participation may be permitted for emergencies or other good cause documented in writing by the owner. Further requires each member to rank proposers first, second, or third for each section of the score sheet, with points assigned as follows: first, three; second, two; third, one, and that section points be totaled to determine total scores. Additionally, requires that the proposer with the highest total score be recommended

in writing to the owner, and requires the committee to rank tied proposals first, second, or third to resolve any ties.

Proposed law prohibits the RFQ, responses, or interviews from considering a proposer's fee, compensation, or general conditions before a contractor is selected. Requires the selection review committee to evaluate, score, rank, and recommend solely based on qualifications and RFQ factors, excluding price, fee, or general conditions until selection.

(Amends R.S. 38:2225.2.4(B)(5)-(7), (E)(1), and (F)(1), (2)(e), (3)(a), and (4); Adds R.S. 38:2225.2.4(B)(8) and (F)(7)-(9))