

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, score sheets, interviews, and presentations of
7 proposers; to require public training and transparent advertising; and to provide for
8 related matters.

9 Be it enacted by the Legislature of Louisiana:

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

13 §2225.2.4. Construction management at risk; public entity

14 * * *

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

18 * * *

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

5 ~~(a) One design professional in the discipline of but not involved in the~~
6 ~~project.~~

7 ~~(b) One licensed contractor in the discipline of but not involved in the~~
8 ~~project.~~

9 ~~(c) One representative of the owner.~~

10 ~~(d) Two members at large.~~

11 (a) One representative of the owner.

12 (b) One design professional in the relevant discipline not involved in the
13 project.

14 (c) One principal or employee of a licensed contractor in the relevant
15 discipline not involved in the project.

16 (d) Two members shall also be professionals in the relevant disciplines not
17 involved in the project, either design professionals or principals/employees of
18 licensed contractors.

19 (6) Proposal discussion, scoring and ranking of submitted proposals,
20 interviews, presentations, scoring and ranking following interviews and
21 presentations, and the publication of scores and recommendation by the selection
22 review committee to the owner may occur only at a meeting at which a quorum is
23 present. A quorum shall consist of the owner's representative, at least one design
24 professional in the relevant discipline not involved in the project, and at least one
25 principal or employee of a licensed contractor in the relevant discipline not involved
26 in the project.

27 ~~(6)~~ (7) All other terms shall have the meanings as provided for in R.S.
28 38:2211.

1 (a) The proposer's surety. Audited financials shall not be required, as
2 production of a bonding commitment letter, dated within thirty days of the proposal
3 due date, for a payment and performance bond equivalent to the maximum estimated
4 project cost shall be sufficient to establish financial stability.

5 * * *

6 (4)(a) Within ninety days after the deadline for responses to the RFQ, a
7 selection review committee chosen by the owner and identified in the RFQ shall
8 make a written recommendation to the owner as to which proposer should be
9 awarded the contract. The results of the selection review committee, inclusive of its
10 findings, grading, score sheets, and recommendations, shall be available for review
11 by all proposers and shall be deemed public records. The exceptions to the Open
12 Meetings Law are applicable to the selection review committee meetings where
13 individual proposers will be interviewed pursuant to ~~R.S. 42:17(A)(10)~~ R.S.
14 42:17(A)(11).

15 (b) Upon conclusion of all interviews or presentations, the selection review
16 committee shall enter into the executive session pursuant to R.S. 42:17(A)(11) for
17 the purpose of discussion. At the conclusion of such executive session, the selection
18 review committee shall reconvene in an open meeting, announce and publish each
19 proposer's scores, and identify the proposer it recommends for award to the owner.

20 * * *

21 (7)(a) The selection review committee shall apply the following scoring and
22 ranking procedures for all proposals:

23 (i) For submitted proposals, each selection review committee member shall
24 assign a ranking of first, second, or third for each section of the score sheet. For each
25 section of the score sheet, the following point values shall be assigned to each rank:
26 first place shall receive three points, second place shall receive two points, and third
27 place shall receive one point. The points assigned for each section shall then be
28 totaled to derive a total score for the top three proposals. Scoring shall be in
29 descending order, with the highest total score representing the best score.

1 (ii) After scoring and ranking the submitted proposals, the selection review
2 committee shall grant an in-person interview and presentation to the three proposers
3 whose proposals achieve the highest scores and meet the minimum criteria. If only
4 one or two proposers meet the minimum criteria, interviews shall be granted to all
5 such proposers.

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

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

15 (b) Following the completion of an interview and presentation, the selection
16 review committee shall complete a new score sheet form and shall consider both the
17 previously submitted proposal and the additional information provided during the
18 interview and presentation.

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

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

28 (ii) The proposer receiving the highest total on the score sheet shall be
29 recommended in writing to the owner by the selection review committee.

licensed contractor, and the remaining two must also be qualified professionals in the relevant fields, all of whom must not be involved in the project.

Proposed law provides that all committee actions, including discussion, scoring and ranking of proposals, interviews, presentations, and publication of scores and recommendations, may occur only at a meeting at which a quorum is present. Requires a quorum to consist of the owner's representative, at least one design professional, and one principal or employee of a licensed contractor in the relevant discipline not involved in the project.

Present law (R.S. 38:2225.2.4(E)(1)) requires that, prior to conducting business, the selection committee be informed by the owner, the owner's representative, or an assigned request RFQ coordinator regarding the 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 convene a public 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 (R.S. 38:2225.4(F)(1)) requires that the 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 (R.S. 38:2225.4(F)(2)) 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 (R.S. 38:2225.4(F)(3)) 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 if production of a bonding commitment letter, dated within 30 days of the proposal due date, for a payment and performance bond equivalent to the maximum estimated project cost is submitted.

Present law (R.S. 38:2225.4(F)(4)) 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. Requires the committee complete a new score sheet after the interview and presentation. 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 on the score sheet 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))

Summary of Amendments Adopted by House

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

1. Modify present law by changing from "scoring, ranking" to "score sheets" to establish uniform rules required by proposers.
2. Modify present law by changing from audited financials not be required if production of a payment and performance bond is provided to signify financial stability to audited financials not be required if production of a bonding commitment letter, dated within thirty days of the proposal due date, for a payment and performance bond equivalent to the maximum estimated project cost is sufficient to establish financial stability.
3. Modify present law by changing from requiring the selection review committee complete a new scoring and ranking form to requiring the selection review committee complete a new score sheet.
4. Modify present law by changing from requiring the proposer receiving the highest total score based on the interview and presentation scoring to requiring the proposer receiving the highest total on the score sheet be recommended to the owner by the committee.