

GREEN SHEET REDIGEST

HB 887

2026 Regular Session

McFarland

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

DIGEST

Present law (R.S. 38:2225.2.4(B)(5)) defines a "selection review committee" as a committee appointed by the owner to review request for qualifications (RFQs), score and rank proposers, and recommend a construction management at risk (CMAR) contractor, consisting of up to five members: a design professional not involved in the project, a licensed contractor not involved in the project, the owner's representative, and two members at large.

Proposed law modifies present law by changing the composition of the committee to include one representative of the owner, one design professional, one principal or employee of a 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. 382225.4(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.

Proposed law provides if any provision of proposed law is determined to conflict with requirements for grants obtained from federal funds, the remaining provisions of proposed law will not be affected.

(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), and (I))

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.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Transportation, Highways, and Public Works to the engrossed bill

1. Adds severability clause.