

GREEN SHEET REDIGEST

HB 1193

2026 Regular Session

Sawyer

**CONTRACTS/BIDS: Provides for Indefinite Delivery, Indefinite Quantity construction phase contracts.**

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DIGEST

Proposed law (R.S. 49:214.6.11(A)) declares that improving efficiency in readiness in performing integrated coastal protection is in the best interest of public. Authorizes the Coastal Protection and Restoration Authority (CPRA) to award Indefinite Delivery, Indefinite Quantity (ID/IQ) construction phase contracts in relation to integrated coastal protection projects and related incidental work let or to be let by the authority.

Proposed law (R.S. 49:214.6.11(B)) defines "Best value", "ID/IQ construction phase contract", "Low bid", "Multiple award", "Single award", and "Work order" for purposes of proposed law.

Proposed law (R.S. 49:214.6.11(C)) requires CPRA to comply with all applicable federal regulations for projects governed by federal law and provides that federal regulations control in the event of a conflict with state law or rules.

Proposed law (R.S. 49:214.6.11(D)) authorizes CPRA procurement to include single award or multiple award ID/IQ construction phase contracts. Further authorizes CPRA to use low bid, best value, or qualification based contracts. Provides that materials separately acquired by the authority may be provided to contractors for the use and as a condition of any contractor for integrated coastal protection projects.

Proposed law (R.S. 49:214.6.11(E)) requires procurement and award of ID/IQ construction phase contracts meet the following requirements:

- (1) Single award ID/IQ construction phase contracts awarded on a low bid basis shall follow either the advertisement for low bid contracts pursuant to present law (R.S. 38:2212) or the requirements for advertisements pursuant to proposed law. Specifies that if a single-award, low-bid ID/IQ construction phase contract is advertised pursuant to present law, the award may also be made pursuant to those provisions. Specifies that if award is made pursuant to present law, the authority is not required to follow the provisions of proposed law. Single award ID/IQ construction phase contracts awarded on best value basis shall follow the requirements for advertisement and procedures in proposed law.
- (2) Multiple award ID/IQ construction phase contracts shall be awarded on a qualifications basis and shall follow the requirements for advertisement and procedures in proposed law.
- (3) Requires CPRA to issue a "notice of intent" (NOI) through advertisement on its designated webpage to request letters of interest (LOI) prior to awarding any multiple award or single award ID/IQ contracts not advertised. Requires all notices to be advertised at least 10 business days before receipt of responses and include a description of the ID/IQ services. Authorizes the CPRA to readvertise the NOI using additional media or publications if the number of responses received is deemed insufficient to encourage competition.

Requires the CPRA to issue a "request for qualifications" (RFQ) to contractors that submit an LOI for a multiple award ID/IQ construction phase contract. Further requires that the RFP include instructions for preparing and submitting proposals and evaluation criteria. Additionally, requires that the RFQ comply with proposed law.

Requires that bid security be specified in the CPRA's standard specifications or special provisions. Authorizes the CPRA to waive the requirement for bid security for procurement under proposed law.

- (4) Requires the executive director to establish an evaluation committee to review proposals for ID/IQ construction phase contracts. Provides for the evaluation committee to recommend an award to the executive director. The authority makes the final determination of the award.

The proposals, statements of qualification, and evaluation committee records shall not be available for public inspection until the contract is entered into or the procurement is cancelled. The meetings of the evaluation committee shall not be subject to the Open Meetings Law.

- (5) Requires bids to be solicited prior to issuing a work order under a multiple award ID/IQ construction phase contract. Further requires that the work order be issued to the lowest responsible bidder.

Proposed law (R.S. 49:214.6.11(F)) authorizes CPRA to include the following items in its procurement documents or contracts:

- (1) Payment of mobilization or demobilization costs and the method for determining mobilization and demobilization reimbursement if the CPRA opts to award those costs separately from individual work orders.
- (2) The method for determining price escalation or de-escalation.
- (3) Special provisions specific to ID/IQ construction phase contracts.
- (4) Unit pricing or lists of work items specific to ID/IQ construction phase contracts.
- (5) A minimum dollar value of services that the CPRA is obligated to order.
- (6) Statement of procedures and selection criteria the authority will use in issuing work orders.
- (7) Any other information, terms, or requirements the authority deems necessary to include.

Proposed law (R.S. 49:214.6.11(G)) limits the term of the initial ID/IQ construction phase contract to a maximum of five years, but the contract may authorize extensions up to an additional five years. However the total of the initial term and any optional contract extensions shall not exceed 10 years with the duration of the initial term and the terms of individual contract extensions to be determined by the CPRA. Prohibits execution of the ID/IQ construction phase contract from authorizing work or serving as a notice to proceed.

Proposed law (R.S. 49:214.6.11(H)) requires performance bonds pursuant to present law. The bonds shall apply to the value and completion of work pursuant to individual work orders rather than the value and completion of all work under the ID/IQ construction phase contract unless otherwise specified.

Proposed law (R.S. 49:214.6.11(I)) prohibits proposed law from applying to architect and engineer service contracts or other consulting contracts of CPRA authorized by state law or projects governed by federal law, except that architect and engineer services may be included to support the construction phase of projects. Further provides that proposed law shall not apply to design-build contracting.

Proposed law (R.S. 49:214.6.11(J)) specifies that except as otherwise provided in proposed law, the provisions in Titles 38 and 49 of present law do apply to ID/IQ construction phase contracts. Further specifies that in the event of a conflict, the provisions of proposed law prevails and supersedes any conflicting provision of state law.

Proposed law (R.S. 49:214.6.11(K)) authorizes the CPRA to promulgate rules and regulations to implement and enforce the provisions of proposed law in accordance with the provisions of the Administrative Procedure Act.

Proposed law (R.S. 44:4.1(B)(35)) adds the procurement of ID/IQ contracts to the list of exceptions to public records law.

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

(Amends R.S. 44:4.1(B)(35); Adds R.S. 49:214.6.11)

#### Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Appropriations to the original bill:

1. Remove ID/IQ supply contracts from proposed law.
2. Remove the definitions for "Indefinite Delivery, Indefinite Quantity" and "Purchase Order".
3. Remove reference to Title 39 when addressing a conflict between federal laws and regulations and certain titles in the Louisiana Revised Statutes of 1950.
4. Authorize procurement pursuant to proposed law to be single award or multiple award.
5. Authorize the CPRA to use low bid, best value, or qualification based contracting methods. Also allows CPRA to use materials separately acquired by the agency to be provided to contractors in an ID/IQ contract.
6. Provide for requirements for advertisements and procedures for the selection of ID/IQ contracts.
7. Change the requirement that an NOI shall be advertised a minimum number of days from ten days to ten business days.
8. Add the procedure for the RFQs from vendors.
9. Establish an evaluation process for best value single award ID/IQ construction phase contracts and statements of qualifications for multiple award ID/IQ construction phase contracts.
10. Authorize architect and engineer services to be included in an ID/IQ contract to the extent they support the construction phase of the project.
11. Remove the authority of CPRA to establish guidelines, standard specifications, special provisions, or handbooks not explicitly provided for by proposed law.
12. Add exception to the public records law for certain documents and records of the authority and evaluation committee and exempts meetings of the evaluation committee from Open Meetings Law.
13. Make technical changes.

The Committee Amendments Proposed by House Committee on House and Governmental Affairs to the engrossed bill:

1. Make technical changes.
2. Provide that the proposals and statements of qualification received by the authority and the evaluation committee's records, including the evaluations committee's findings, grading, score sheet, and recommendation, shall not be available for public inspection until a certain time.
3. Provide that proposed law shall not apply to design-build contracting.

The House Floor Amendments to the reengrossed bill:

1. Exempt procurement by CPRA of certain materials, services, and supplies from the provisions of the La. Procurement Code.
2. Make technical changes.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Finance to the re-engrossed bill

1. Removes exemption for procurement by CPRA of certain materials, services, and supplies from the provisions of the La. Procurement Code.
2. Makes technical changes.