

ACT No. 680

2026 Regular Session

HOUSE BILL NO. 887

BY REPRESENTATIVE MCFARLAND

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), (F)(7) through (9), and (I), 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; to provide for
8 severability, and to provide for 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), (F)(7) through (9), and
12 (I) are 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 * * *

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

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

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

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

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

11 * * *

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

15 * * *

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

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

24 * * *

25 (4)(a) Within ninety days after the deadline for responses to the RFQ, a
 26 selection review committee chosen by the owner and identified in the RFQ shall
 27 make a written recommendation to the owner as to which proposer should be
 28 awarded the contract. The results of the selection review committee, inclusive of its
 29 findings, grading, score sheets, and recommendations, shall be available for review
 30 by all proposers and shall be deemed public records. The exceptions to the Open

1 Meetings Law are applicable to the selection review committee meetings where
 2 individual proposers will be interviewed pursuant to ~~R.S. 42:17(A)(10)~~ R.S.
 3 42:17(A)(11).

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

9 * * *

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

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

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

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

28 (8)(a) The selection review committee shall require in-person interviews and
 29 presentations from any proposer selected pursuant to Item (7)(a)(ii) of this
 30 Subsection, except in the event of an emergency declared by the governor, force

1 majeure, or other good cause, documented in writing by the owner, in which case
2 remote participation may be permitted.

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

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

9 (i) Each member of the selection review committee shall assign a ranking of
10 first, second, or third to each proposer for each section of the score sheet. For each
11 section of the score sheet, first place shall receive three points, second place shall
12 receive two points, and third place shall receive one point. The points for each
13 section shall be totaled to determine a total score for each proposer. Proposers shall
14 then be ranked in descending order, with the highest total score representing the
15 highest ranking.

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

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

22 (iv) The proposer with the most points after application of the procedures in
23 this Section shall be recommended in writing to the owner by the selection review
24 committee. The scoring determinations of the selection review committee shall be
25 final, except as provided in Subsection D of this Section.

26 (9) Neither the RFQ nor any response thereto, nor any interview or
27 presentation shall require, request, permit, or consider any proposer's proposed fee,
28 compensation, or general conditions amounts for preconstruction or construction
29 services prior to the selection of a construction management at risk contractor. The
30 selection review committee shall base its evaluation, scoring, ranking, and

