

ACT No. 882

2026 Regular Session

HOUSE BILL NO. 1193

BY REPRESENTATIVES SAWYER AND BOURRIAQUE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

AN ACT

To amend and reenact R.S. 44:4.1(B)(35) and to enact R.S. 49:214.6.11, relative to Indefinite Delivery, Indefinite Quantity construction phase contracts; to authorize the Coastal Protection and Restoration Authority to use Indefinite Delivery, Indefinite Quantity (ID/IQ) contracting for certain projects; to provide for single or multiple competitive low-bid, best value, and qualifications based ID/IQ construction phase contracts; to provide for definitions; to provide for procedures and requirements for contracting; to provide for confidentiality of the evaluation process; to provide for contract term limits; to provide for rulemaking; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 44:4.1(B)(35) is hereby amended and reenacted to read as follows:

§4.1. Exceptions

* * *

B. The legislature further recognizes that there exist exceptions, exemptions, and limitations to the laws pertaining to public records throughout the revised statutes and codes of this state. Therefore, the following exceptions, exemptions, and limitations are hereby continued in effect by incorporation into this Chapter by citation:

* * *

(35) R.S. ~~49:220.25~~, 49:214.6.11, 220.25, 975.1, 980.1, 997, 1055

* * *

1 Section 2. R.S. 49:214.6.11 is hereby enacted to read as follows:

2 §214.6.11. Indefinite Delivery, Indefinite Quantity construction phase contracts

3 A. The legislature declares it to be in the public interest to increase
4 efficiency and improve operational readiness in performing integrated coastal
5 protection. Notwithstanding any other provision of law to the contrary, including but
6 not limited to the provisions of Titles 38 or 49 of the Louisiana Revised Statutes of
7 1950, if the authority determines it is in the best interest of the public, the authority
8 may procure and award Indefinite Delivery, Indefinite Quantity (ID/IQ) construction
9 phase contracts pursuant to the requirements of this Section in relation to integrated
10 coastal protection projects and related incidental work let or to be let by the
11 authority. Indefinite Delivery, Indefinite Quantity contracting is a method of
12 contracting that allows for delivery of an indefinite quantity of services over a fixed
13 duration.

14 B. As used in this Section, the following terms shall have the following
15 meanings:

16 (1) "Best value" means a selection process in which proposals contain price
17 and qualitative components and award of Indefinite Delivery, Indefinite Quantity
18 contracts based upon a combination of price and qualitative considerations as
19 provided in the solicitation documents and includes any selection process authorized
20 by applicable federal law.

21 (2) "Indefinite Delivery, Indefinite Quantity construction phase contract",
22 or "ID/IQ construction phase contract" means the contract awarded to an ID/IQ
23 contractor pursuant to the requirements of this Section.

24 (3) "Low bid" means a selection process in which proposals are awarded
25 based on the proposed price from the lowest responsive and responsible bidder.

26 (4) "Multiple award" means an ID/IQ procurement where awards of ID/IQ
27 construction phase contracts for the same scope of services are made to multiple
28 ID/IQ contractors through a single procurement.

29 (5) "Single award" means an ID/IQ procurement where award of the ID/IQ
30 construction phase contract is made to a single ID/IQ contractor.

1 (6) "Work order" means a contract document issued for a definite scope of
2 work pursuant to an ID/IQ construction phase contract. A work order provides the
3 location, time, and scope of work required and authorizes the ID/IQ contractor to
4 deliver the scope of services described in the work order. It also provides required
5 pay items, quantities, and unit prices, as applicable.

6 C. Where federal law applies, the authority shall comply with all applicable
7 federal laws or regulations including but not limited to 48 CFR Part 16, Subpart 16.5
8 and 48 CFR Part 216, Subpart 216.5, as amended. In the event of a conflict between
9 applicable required federal laws or regulations and the provisions of Titles 38 or 49
10 of the Louisiana Revised Statutes of 1950, or any other Louisiana rules or
11 regulations, the federal laws or regulations shall control.

12 D. Procurements pursuant to this Section may include single award or
13 multiple award ID/IQ construction phase contracts. The authority may use low bid,
14 best value, or qualifications-based contracting methods as set forth in Subsection E
15 of this Section. Materials separately acquired by the authority may be provided to
16 contractors for use pursuant to and as a condition of any contract for an integrated
17 coastal protection project.

18 E. Procurement and award ID/IQ construction phase contracts shall meet the
19 following requirements:

20 (1)(a) Single award ID/IQ construction phase contracts awarded on a low
21 bid basis shall follow either the advertisement for low bid contracts set forth in R.S.
22 38:2212 or the requirements for advertisements set forth in this Section. If a
23 single-award, low-bid ID/IQ construction phase contract is advertised pursuant to
24 R.S. 38:2212, an award may also be made pursuant to R.S. 38:2212. If an award is
25 made pursuant to R.S. 38:2212, the authority shall not be required to follow the
26 provisions of this Subsection.

27 (b) Single award ID/IQ construction phase contracts awarded on a best value
28 basis shall follow the requirements for advertisements and the procedures set forth
29 in this Subsection.

1 (2) Multiple award ID/IQ construction phase contracts shall be awarded on
2 a qualifications basis and shall follow the requirements for advertisements and the
3 procedures set forth in this Subsection.

4 (3)(a) Prior to the award of any multiple award ID/IQ construction phase
5 contract or a single award ID/IQ construction phase contract not advertised pursuant
6 to R.S. 38:2212, the authority shall issue a "notice of intent", hereafter referred to in
7 this Section as "NOI", through advertisement on its designated webpage to request
8 letters of interest, hereafter referred to in this Section as "LOI". The NOI shall be
9 advertised a minimum of ten business days prior to the deadline for receipt of
10 responses. The NOI shall contain a description of the ID/IQ services to be procured.
11 The authority may additionally advertise the NOI via additional media or
12 publications, and may readvertise by any of the foregoing means to solicit additional
13 responses if the authority deems the number of responses received to be inadequate
14 to encourage competition.

15 (b)(i) After expiration of the deadline to submit an LOI for a single award
16 ID/IQ construction phase contract, the authority shall issue "request for proposals",
17 hereafter referred to in this Section as "RFP", to contractors that submit an LOI. The
18 RFP shall include instructions for development and submittal of proposals, a
19 description of how proposals shall be evaluated, and shall comply with the
20 requirements of this Section.

21 (ii) After expiration of the deadline to submit an LOI for multiple award
22 ID/IQ construction phase contract, the authority shall issue a request for
23 qualifications, hereafter referred to in this Section as "RFQ", to contractors that
24 submit an LOI. The RFQ shall include instructions for development and submission
25 of qualifications, a description of how qualifications shall be evaluated, and shall
26 comply with the requirements of this Section.

27 (c) Bid security required by R.S. 38:2218 or by the authority shall be
28 specified in the authority's standard specifications or special provisions. The
29 authority may waive the requirement for bid security for procurement under this
30 Section.

1 (4)(a) The executive director shall establish an evaluation committee for
2 evaluation of proposals for best value single award ID/IQ construction phase
3 contracts and statements of qualification for multiple award ID/IQ construction
4 phase contracts received by the authority. The evaluation committee may be assisted
5 by other authority personnel and external advisors in the evaluation of such proposals
6 and statements of qualification.

7 (b) The evaluation committee shall evaluate such proposals and statements
8 of qualification on the basis of the criteria identified in the RFP or RFQ which may
9 include general and project-specific criteria, such as:

10 (i) Experience of the contractor and of key personnel related to the project
11 or type of work under consideration.

12 (ii) Past performance on authority projects.

13 (iii) Ability to obtain all bonding and insurance requirements.

14 (iv) Any project-specific criteria that may apply to project needs.

15 (c) The evaluation committee shall make a recommendation of award to the
16 executive director. The authority shall make the final determination of award.

17 (d) The proposals and statements of qualification received by the authority
18 and the evaluation committee's records, including the evaluations committee's
19 findings, grading, score sheets, and recommendations, shall not be available for
20 public inspection until the ID/IQ construction phase contract has been entered into
21 or the procurement has been cancelled. The meetings of the evaluation committee
22 shall not be subject to the Open Meetings Law.

23 (5) Prior to issuing a work order pursuant to a multiple award ID/IQ
24 construction phase contract, the authority shall request, in writing, bids from the
25 contractors awarded the contract. The authority shall issue the work order to the
26 lowest responsive bidder.

27 F. The authority may include the following items in its procurement
28 documents or contracts:

29 (1) Payment of mobilization or demobilization costs and the method for
30 determining mobilization and demobilization reimbursement if the authority opts to
31 award those costs separately from individual work orders.

1 (2) The method for determining price escalation or de-escalation procedures
 2 when warranted by particular circumstances.

3 (3) Special provisions specific to the ID/IQ construction phase contract.

4 (4) Unit pricing or lists of work items specific to the ID/IQ construction
 5 phase contract.

6 (5) A minimum dollar value of services that the authority is obligated to
 7 order.

8 (6) A statement of procedures and selection criteria the authority shall use
 9 in issuing work orders.

10 (7) Any other information, terms, or requirements the authority deems
 11 necessary to include in its procurement documents or contracts.

12 G. The term of the initial ID/IQ construction phase contract shall not exceed
 13 five years, but the contract may authorize extensions up to an additional five years.
 14 The total of the initial term and any optional contract extensions shall not exceed ten
 15 years. The duration of the initial term and the terms of individual contract extensions
 16 shall be determined by the authority. The ID/IQ construction phase contract shall
 17 serve as the underlying agreement that establishes the general terms and conditions
 18 governing the relationship between the authority and the selected bidder. Execution
 19 of the ID/IQ construction phase contract shall not authorize work or serve as a notice
 20 to proceed.

21 H. Performance bonds under R.S. 38:2216 shall apply to the value and
 22 completion of work under an individual work order rather than the value and
 23 completion of all work under the ID/IQ construction phase contract unless otherwise
 24 specified in the ID/IQ construction phase contract or the individual work order, or
 25 otherwise provided in a special provision. The requirement of issuance of
 26 performance bonds shall be at the time of execution of an individual work order
 27 unless otherwise specified by the ID/IQ construction phase contract , the individual
 28 work order, or a special provision developed by the authority. Stipulated damages
 29 apply to individual work orders and shall be calculated by the required completion

1 date of an individual work order. Insurance policies and the extent and type of
2 coverage required shall be as determined by the authority.

3 I.(1) This Section shall not apply to architect and engineer service contracts
4 or other consulting contracts of the authority authorized by Chapter 10 of Title 38 of
5 the Louisiana Revised Statutes of 1950, Chapter 17 of Title 39 of the Louisiana
6 Revised Statutes of 1950, or to projects governed by 48 CFR Parts 36 and 236,
7 except that architect and engineer services may be included in these contracts to the
8 extent that they support the construction phase of projects.

9 (2) This Section shall not apply to design-build contracting.

10 J. Except as otherwise provided in this Section, the provisions of Titles 38
11 and 49 of the Louisiana Revised Statutes of 1950 shall apply to ID/IQ construction
12 phase contracts. In the event of a conflict, the provisions of this Section shall prevail
13 and shall supersede any conflicting provision of state law.

14 K. The authority may promulgate rules and regulations to implement and
15 enforce the provisions of this Section in accordance with the provisions of the
16 Administrative Procedure Act.

17 Section 3. This Act shall become effective upon signature by the governor or, if not
18 signed by the governor, upon expiration of the time for bills to become law without signature
19 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
20 vetoed by the governor and subsequently approved by the legislature, this act shall become
21 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____