2022 Regular Session

HOUSE BILL NO. 710

BY REPRESENTATIVE STEFANSKI

CONTRACTORS/CONSTRUCTION: Provides relative to the provisions of construction management at risk (CMAR)

1	AN ACT				
2	To amend and reenact R.S. 38:2225.2.4(B)(5)(introductory paragraph), (E), and (F)(4) and				
3	to enact R.S. 38:2225.2.4(B)(7) and (F)(2)(f), relative to the provisions of				
4	construction management at risk project delivery method; to provide for the				
5	"selection review committee" definition to include ranking proposers; to provide for				
6	the requirements of the selection review committee members; to provide for the				
7	procedures of the selection review committee; to provide for the requirements of the				
8	request for qualifications; to exempt the selection review committee meetings from				
9	the Open Meetings Law; to provide for the procedure of a nonresponsive				
10	construction management at risk bid winner; and to provide for related matters.				
11	Be it enacted by the Legislature of Louisiana:				
12	Section 1. R.S. 38:2225.2.4(B)(5)(introductory paragraph), (E), and (F)(4) are				
13	hereby amended and reenacted and R.S. 38:2225.2.4(B)(7) and (F)(2)(f) are hereby enacted				
14	to read as follows:				
15	§2225.2.4. Construction management at risk; public entity				
16	* * *				
17	В.				
18	* * *				

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

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 as follows:
5	* * *
6	(7) All selection review committee members shall be required to sign an
7	ethics statement prior to commencement of any committee meeting.
8	* * *
9	E.(1) Prior to the selection committee conducting business, the owner, the
10	owner's representative, or an assigned RFQ coordinator, shall inform the committee
11	on the RFQ, the project, the scoring and ranking procedure, the conduct of the
12	committee's responsibility and any particulars of the project.
13	(2) The owner shall select and contract with a design professional for design
14	services in the manner provided for by law.
15	* * *
16	F.
17	* * *
18	(2) The RFQ shall include the following as well as any other pertinent
19	information limited to the qualifications of a proposer that the owner determines a
20	proposer may need to submit in a response to an RFQ:
21	* * *
22	(f) The anticipated construction budget for the project.
23	* * *
24	(4) Within ninety days after the deadline for responses to the RFQ, a
25	selection review committee chosen by the owner and identified in the RFQ shall
26	make a written recommendation to the owner as to which proposer should be
27	awarded the contract. The results of the selection review committee, inclusive of its
28	findings, grading, score sheets, and recommendations, shall be available for review
29	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). If the public
3	entity is unable to negotiate a contract with the highest ranked CMAR proposer, the
4	public entity may award the contract to the next highest ranked CMAR proposer.
5	* * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 710 Engrossed	2022 Regular Session	Stefanski
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Abstract: Modifies the requirements and procedures for the construction management at risk project delivery method, including the request for qualifications, selection review committee members, and all selection review committee meetings.

<u>Present law</u> creates an alternative project delivery method known as construction management at risk (CMAR) for use by a public entity to award a contract to construct public works when deemed in the public interest, beneficial to the owner, and in accordance with the procedures of <u>present law</u>.

Present law defines the terms relative to the CMAR project.

<u>Present law</u> defines the term "selection review committee" as the committee appointed by the owner to review the request for qualification, score or rank of the proposers, and recommend award to a construction management at risk contractor.

<u>Proposed law</u> retains <u>present law</u> and adds to the "selection review committee" definition the committee appointed by the owner to review the rank of the proposers.

<u>Proposed law</u> requires the selection review committee members to sign an ethics statement prior to commencement of any committee meeting.

<u>Proposed law</u> requires the selection committee be informed prior to the conducting of on the request for qualifications (RFQ), the project, the scoring and ranking procedure, the conduct of the committee's responsibility and any particulars of the project by the owner, or the owner's representative, or an assigned RFQ coordinator.

<u>Present law</u> requires the RFQ include certain pertinent information on the qualifications of the proposer that the owner determines a proposer may need to submit in a response to an RFQ.

<u>Proposed law</u> retains <u>present law</u> and adds to the requirements of the RFQ to include the anticipated construction budget for the project.

<u>Present law</u> specifies that within 90 days after the deadline for responses to the RFQ, a selection review committee chosen by the owner and identified in the RFQ make a written recommendation to the owner as to which proposer should be awarded the contract. <u>Present law</u> further specifies the results of the selection review committee, inclusive of its findings, grading, score sheets, and recommendations, be available for review by all proposers and will be deemed public records.

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<u>Proposed law</u> retains <u>present law</u> and specifies that the selection review committee meetings where individual proposers will be interviewed will not be subject to the Open Meetings Law.

<u>Proposed law</u> specifies if the public entity is unable to negotiate a contract with the highest ranked CMAR proposer, the public entity may award the contract to the next highest ranked CMAR proposer.

(Amends R.S. 38:2225.2.4(B)(5)(intro. para.), (E), and (F)(4); Adds R.S. 38:2225.2.4(B)(7) and (F)(2)(f))

Summary of Amendments Adopted by House

- The Committee Amendments Proposed by <u>House Committee on Transportation</u>, <u>Highways and Public Works</u> to the <u>original</u> bill:
- 1. Make technical changes.
- 2. Add a provision that specifies if the public entity is unable to negotiate a contract with the highest ranked CMAR proposer, the public entity may award the contract to the next highest ranked CMAR proposer.
- 3. Remove a provision that specified if the construction management at risk winner of the proposer bid is found to be nonresponsive, the contract must be awarded to the next highest scored and ranked CMAR proposer.