

2025 Regular Session

HOUSE BILL NO. 566

BY REPRESENTATIVE TURNER

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

PUBLIC CONTRACTS: Establishes job order contracting as an alternative project delivery method applicable to deferred maintenance of public facilities by postsecondary education institutions for certain work types

1 AN ACT

2 To enact R.S. 17:3369.3(A)(8) and R.S. 38:2225.6, relative to job order contracting; to
3 create an alternative project delivery method for improvements for deferred
4 maintenance of public facilities by a postsecondary education institution; to provide
5 for definitions; to provide for selection methods for job order contracts; to provide
6 for an effective date; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 17:3369.3(A)(8) is hereby enacted to read as follows:

9 §3369.3. Authority of the board to execute agreements related to the finance of
10 deferred maintenance and capital improvements

11 A.

12 * * *

13 (8) Projects financed or constructed pursuant to the program established in
14 this Part may be executed through job order contracting in accordance with the
15 provisions of R.S. 38:2225.6.

16 * * *

17 Section 2. R.S. 38:2225.6 is hereby enacted to read as follows:

18 §2225.6. Job order contracting; postsecondary education institution

1 A. This Section establishes an alternative project delivery method for job
2 order contracts created specifically for improvements addressing deferred
3 maintenance of public facilities by a postsecondary education institution when the
4 work is of a recurring nature but the delivery times, type, and quantities of work
5 required are indefinite.

6 B. For purposes of this Section, the following terms shall have the following
7 meanings ascribed to them:

8 (1) "Public facility" or "public facilities" shall mean buildings, equipment,
9 utilities, site components, roads and streets, and other permanent property or
10 immovable property under the supervision and control of the board overseeing the
11 postsecondary education institution.

12 (2) "Project" shall mean improvements addressing deferred maintenance of
13 public facilities, including the complete renovation of buildings with significant
14 deferred maintenance needs; utility infrastructure; drainage, street, sidewalk, and site
15 infrastructure; the demolition of public facilities; and any other improvements to
16 address deferred maintenance needs. The term "project" does not include new
17 buildings or building additions, other than minor additions required for code
18 compliance or improved access to a public facility.

19 (3) "Evaluation committee" shall mean a group formed to assess the
20 qualifications of potential contractors or professionals who may be hired for
21 construction work on campus projects. The role of the committee is to evaluate and
22 select the most qualified candidates based on specific criteria.

23 C. A postsecondary education institution may award job order contracts for
24 deferred maintenance projects to a public facility if the work is of a recurring nature,
25 but the delivery times are indefinite and the indefinite quantities and orders are
26 awarded substantially on the basis of pre-described and pre-priced tasks.

27 D. The postsecondary education institution shall establish the maximum
28 aggregate contract price when it advertises the request for qualifications pursuant to

1 this Section. The institution may establish contractual unit prices for a job order
2 contract through one of the following methods:

3 (1) Specifying one or more published construction unit price books and the
4 applicable divisions or line items.

5 (2) Providing a list of work items and requiring the bidders to propose one
6 or more adjustment factors or multipliers to be applied to the price book or pre-
7 priced as the price proposal.

8 E. Before awarding any job order contract, the Louisiana Board of Regents
9 shall establish procedures for the development of plans, specifications,
10 qualifications, and other matters pertaining to the procedures for advertising,
11 reviewing, and selecting job order contractors.

12 F. At minimum, the following provisions shall apply to firms and contractors
13 providing or performing construction work under job order contracts:

14 (1) All engineering and surveying firms shall be licensed to perform services
15 by the Louisiana Professional Engineering and Land Surveying Board.

16 (2) All architectural firms shall be licensed to perform services by the
17 Louisiana State Board of Architectural Examiners.

18 (3) All contractors shall be licensed by the Louisiana State Licensing Board
19 for Contractors.

20 G. To ensure compliance with the established standards, all competitors shall
21 follow the qualification procedures set forth in this Subsection:

22 (1) A selection process utilizing a request for qualifications procedure
23 including a public announcement procedure for solicitation of interested job order
24 contract competitors and a procedure for requesting a statement of qualifications
25 from qualified firms or terms through electronic announcement and communications.

26 (2) The postsecondary education institution shall provide a request for
27 qualifications package to all job order contract competitors who submit a letter of
28 interest. All required information shall be identified in the request for qualifications
29 package and in the standard response forms. The response to a request for

1 qualifications package shall include a statement of qualifications that outlines
2 credentials and experience in areas of expertise specific to the project.

3 (3) The completed response form, along with any other required information,
4 shall be submitted by the deadline specified in the request for qualifications package.
5 Any response that fails to meet all requirements outlined in the request for
6 qualifications package shall not be considered. False or misrepresented information
7 provided in response to a request for qualifications package shall be grounds for
8 disqualification.

9 H. The postsecondary education institution shall establish an evaluation
10 committee to assess the responses to the request for qualifications, using at minimum
11 the following criteria:

12 (1) The professional training and experience of the contractor and key
13 personnel, specifically as it relates to the project under consideration.

14 (2) The capacity to complete the work within the specified time frame.

15 (3) Past performance on public projects of a similar nature to the one
16 described in the request for qualifications.

17 (4) Any project-specific criteria that may apply to the project needs.

18 (5) Any other material deemed important by the institution.

19 I. A postsecondary education institution may award job order contracts to
20 one or more job contractors in connection with each request for qualification.

21 J. The initial term for a job order contract shall not exceed two years. The
22 postsecondary education institution may renew the contract annually for not more
23 than three additional years.

24 K. An order for a job or project under a job order contract shall be signed by
25 both the representative of the educational institution and the contractor. The job
26 order may issued for either of the following:

27 (1) A fixed price, lump-sum contract based substantially on contractual unit
28 pricing applied to estimated quantities.

29 (2) A unit price order based on the quantities and line items delivered.

1 L. The job order contractor shall provide payment and performance bonds,
2 as required by law, based on the amount or estimated amount of any order.

3 M. A job order contract shall only be used to accomplish work for the
4 postsecondary education institution that awarded the contract unless:

5 (1) The request for qualifications for the job order contract specifically
6 provides for use by other persons.

7 (2) The educational institution enters into an interlocal or cooperative
8 purchasing agreement that provides otherwise.

9 N. The provisions of the Section shall supersede any conflicting provisions
10 of any other law, including, but not limited to the requirements of Chapter 10 of this
11 Title.

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

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 566 Engrossed

2025 Regular Session

Turner

Abstract: Authorizes job order contracts for certain deferred maintenance projects by postsecondary education institutions.

Proposed law authorizes projects financed or constructed pursuant to the program established in present law (R.S. 17:3369.1 through 3369.4) to be executed through job order contracting, an alternative project delivery method for deferred maintenance of public facilities by a postsecondary education institution when the work is of a recurring nature but the delivery times, type, and quantities of work required are indefinite.

Postsecondary Education Institutions

Proposed law, relative to the role of a postsecondary education institution, provides the following:

- (1) Authorizes an institution to award a job order contract for certain deferred maintenance projects.

- (2) Requires an institution to establish the maximum aggregate contract price when it advertises a request for qualifications (RFQ). Authorizes an institution to establish contractual unit prices for a job order contract through one of the following methods:
 - (a) Specifying one or more published construction unit price books and the applicable divisions or line items.
 - (b) Providing a list of work items and requiring the bidders propose one or more adjustment factors or multipliers to be applied to the price book or pre-priced as the price proposal.
- (3) Requires an institution to establish an evaluation committee to assess responses to an RFQ, using, at a minimum, the following criteria:
 - (a) The professional training and experience of the contractor and key personnel, specifically as it relates to the project under consideration.
 - (b) The capacity to complete the work within the specified time frame.
 - (c) Past performance on public projects of a similar nature to the one described in the RFQ.
 - (d) Any project-specific criteria that may apply to the project needs.
 - (e) Any other material deemed important by the institution.
- (4) Authorizes an institution to award job order contracts to one or more job contractors in connection with each RFQ.

Board of Regents

Proposed law requires the Bd. of Regents, prior to awarding a job order contract, to establish procedures for the development of plans, specifications, qualifications, and other matter pertaining to the procedures for advertising, reviewing, and selecting job order contractors.

Job Order Contractors

Proposed law, relative to firms and contractors providing or performing construction work under job order contracts, requires, at minimum, the following:

- (1) Engineering and surveying firms are required to be licensed to perform services by the La. Professional Engineering and Land Surveying Bd.
- (2) Architectural firms are required to be licensed to perform services by the La. State Bd. of Architectural Examiners.
- (3) Contractors are required to be licensed by the La. State Licensing Bd. for Contractors.

Proposed law requires all competitors to comply with certain qualification procedures.

Proposed law requires a contractor to provide payment and performance bonds based on the amount or estimated amount of an order.

Job Orders

Proposed law requires a representative of an institution and the contractor to sign the order for a job or project under a job order contract.

Proposed law authorizes an order to be issued for either of the following:

- (1) A fixed price, lump-sum contract based substantially on contractual unit pricing applied to estimated quantities.
- (2) A unit price order based on the quantities and line items delivered.

Proposed law specifies that a job order contract is required to only be used to accomplish work for an institution that awarded a contract unless:

- (1) The RFQ for the contract provides for use by other persons.
- (2) The institution enters into an interlocal or cooperative purchasing agreement that provides otherwise.

Proposed law defines "public facility" or "public facilities", "project", and "evaluation committee".

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

(Adds R.S. 17:3369.3(A)(8) and R.S. 38:2225.6)

Summary of Amendments Adopted by House

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

1. Make technical changes.