Regular Session, 2009

HOUSE BILL NO. 801

BY REPRESENTATIVES SIMON AND WILLIAMS

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

1	AN ACT
2	To amend and reenact R.S. 38:2212.7 and R.S. 39:1496.2 and 1594.3, relative to
3	procurement; to provide exceptions in the prohibition of bids or proposals for public
4	contracts by certain contract consultants; and to provide for related matters.
5	Be it enacted by the Legislature of Louisiana:
6	Section 1. R.S. 38:2212.7 is hereby amended and reenacted to read as follows:
7	§2212.7. Limitations on consultants competing for contracts
8	(A) Any person contracting with an agency for the purposes of developing
9	bidding documents, requests for proposals, or any other type of solicitation related
10	to a specific procurement shall be prohibited from bidding, proposing, or otherwise
11	competing for award of that procurement. Such persons shall further be prohibited
12	from participating as subcontractors related to the award of that procurement.
13	(B) For the purposes of this Section, the following activities shall not be
14	considered "developing bidding documents, requests for proposals, or any other type
15	of solicitation":
16	(1) architectural and engineering programming.
17	(2) master planning.
18	(3) budgeting.
19	(4) feasibility analysis.
20	(5) constructability review.
21	(6) furnishing specification data or other product information.
22	(7) any other services that do not establish selection qualifications or
23	evaluation criteria for the procurement of an architect or engineer.

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

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1	Section 2. R.S. 39:1496.2 and 1594.3 are hereby amended and reenacted to read as
2	follows:
3	§1496.2. Limitations on consultants competing for contracts
4	(A) Any person contracting with an agency for the purposes of developing
5	bidding documents, requests for proposals, or any other type of solicitation related
6	to a specific procurement shall be prohibited from bidding, proposing, or otherwise
7	competing for award of that procurement. Such persons shall further be prohibited
8	from participating as subcontractors related to the award of that procurement.
9	(B) For the purposes of this Section, the following activities shall not be
10	considered "developing bidding documents, requests for proposals, or any other type
11	of solicitation":
12	(1) architectural and engineering programming.
13	(2) master planning.
14	(3) budgeting.
15	(4) feasibility analysis.
16	(5) constructability review.
17	(6) furnishing specification data or other product information.
18	(7) any other services that do not establish selection qualifications or
19	evaluation criteria for the procurement of an architect or engineer.
20	* * *
21	§1594.3. Limitations on consultants competing for contracts
22	(A) Any person contracting with an agency for the purposes of developing
23	bidding documents, requests for proposals, or any other type of solicitation related
24	to a specific procurement shall be prohibited from bidding, proposing, or otherwise
25	competing for award of that procurement. Such persons shall further be prohibited
26	from participating as subcontractors related to the award of that procurement.
27	(B) For the purposes of this Section, the following activities shall not be
28	considered "developing bidding documents, requests for proposals, or any other type
29	of solicitation":
30	(1) architectural and engineering programming.

1	(2) master planning.
2	(3) budgeting.
3	(4) feasibility analysis.
4	(5) constructability review.
5	(6) furnishing specification data or other product information.
6	(7) any other services that do not establish selection qualifications or
7	evaluation criteria for the procurement of an architect or engineer.
	SPEAKER OF THE HOUSE OF REPRESENTATIVES
	PRESIDENT OF THE SENATE
	GOVERNOR OF THE STATE OF LOUISIANA

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APPROVED: