

Regular Session, 2009

ACT No. 433

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.

Section 2. R.S. 39:1496.2 and 1594.3 are hereby amended and reenacted to read as follows:

§1496.2. Limitations on consultants competing for contracts

(A) Any person contracting with an agency for the purposes of developing bidding documents, requests for proposals, or any other type of solicitation related to a specific procurement shall be prohibited from bidding, proposing, or otherwise competing for award of that procurement. Such persons shall further be prohibited from participating as subcontractors related to the award of that procurement.

(B) For the purposes of this Section, the following activities shall not be considered "developing bidding documents, requests for proposals, or any other type of solicitation":

(1) architectural and engineering programming.

(2) master planning.

(3) budgeting.

(4) feasibility analysis.

(5) constructability review.

(6) furnishing specification data or other product information.

(7) any other services that do not establish selection qualifications or evaluation criteria for the procurement of an architect or engineer.

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§1594.3. Limitations on consultants competing for contracts

(A) Any person contracting with an agency for the purposes of developing bidding documents, requests for proposals, or any other type of solicitation related to a specific procurement shall be prohibited from bidding, proposing, or otherwise competing for award of that procurement. Such persons shall further be prohibited from participating as subcontractors related to the award of that procurement.

(B) For the purposes of this Section, the following activities shall not be considered "developing bidding documents, requests for proposals, or any other type of solicitation":

(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

APPROVED: _____