

GREEN SHEET REDIGEST

HB 710

2022 Regular Session

Stefanski

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

-----

DIGEST

Present law 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 present law.

Present law defines the terms relative to the CMAR project.

Present law 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.

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

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

Proposed law 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.

Present law 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.

Proposed law retains present law and adds to the requirements of the RFQ to include the estimate of probable construction for costs for the project.

Present law 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. Present law 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.

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

Proposed law adds a provision that specifies if the construction management at risk winner of the proposer bid is found to be non-responsive, the contract may be awarded to the next highest scored and 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), (F)(2)(f) and (6))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Transportation, Highways and Public Works to the original 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.

#### Summary of Amendments Adopted by Senate

##### Committee Amendments Proposed by Senate Committee on Transportation, Highways, and Public Works to the engrossed bill

1. Make technical changes.
2. Removes 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. Adds a provision that specifies if the construction management at risk winner of the proposer bid is found to be non-responsive, the contract may be awarded to the next highest scored and ranked CMAR proposer.