

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), (F)(2)(f), and (G)(7), 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), (F)(2)(f), and (G)(7) are hereby

14 enacted to read as follows:

15 §2225.2.4. Construction management at risk; public entity

16 * * *

17 B.

18 * * *

1 (5) "Selection review committee" means the committee appointed by the
2 owner to review the request for qualifications, score and rank 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

Proposed law retains present law and adds to the requirements of the RFQ to include the anticipated construction budget 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 be subject to the provisions of the Open Meetings Law pursuant to present law.

Proposed law specifies 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 construction management at risk 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 (G)(7))