

ACT No. 788

2024 Regular Session

HOUSE BILL NO. 794

BY REPRESENTATIVE GADBERRY

1 AN ACT

2 To amend and reenact R.S. 38:2318.1, relative to negotiations of architectural and
3 engineering professional services; to require political subdivisions and agencies to
4 negotiate for a fair and reasonable price with the most highly qualified firm selected
5 and then move to the next highly qualified selected firm if a contract cannot be
6 negotiated; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 38:2318.1 is hereby amended and reenacted to read as follows:

9 §2318.1. Louisiana "No Bidding of Architectural and Engineering Professional
10 Services" policy

11 A. It is the policy of the state of Louisiana, its political subdivisions, and
12 agencies to select architectural and engineering professional services on the basis of
13 competence and qualifications for a fair and reasonable price. Neither the state nor
14 any of its political subdivisions or agencies may select architects, engineers,
15 landscape architects, and land surveyors ~~wherein~~ where price or price-related
16 information is a factor in the selection.

17 B. A political subdivision or agency shall negotiate a contract for
18 professional services at a compensation rate the agency head determines is fair and
19 reasonable with the firm selected. If the political subdivision or agency is unable to
20 negotiate a satisfactory contract with that firm, the political subdivision or agency
21 shall formally terminate negotiations and then undertake negotiations with the next
22 selected firm, continuing the process until a contract is negotiated satisfactorily.

1 ~~B. C.~~ However, the provisions of this Section shall have no effect on and
2 shall not supersede any contract permitted pursuant to the provisions of Chapter 1
3 of Title 48 of the Louisiana Revised Statutes of 1950 relating to the authority for the
4 Department of Transportation and Development to enter into design-build contracts
5 or public-private partnership contracts, and the authority of the Louisiana
6 Transportation Authority to enter into public-private partnership contracts, R.S.
7 38:85, 2225.2.1, or 2225.2.2 relating to the authority for certain political subdivisions
8 to enter into design-build contracts, or R.S. 34:3523, relating to any port project that
9 a notice of intent is advertised for in accordance with R.S. 34:3523, prior to
10 December 31, 2020.

11 ~~E. D.~~ It is the policy of the state of Louisiana that all records, as defined in
12 R.S. 44:1(A)(2)(a), involved or dealing with the selection of architectural and
13 engineering professional services shall be open to the public in accord with the intent
14 of Article XII, Section 3 of the Constitution of Louisiana and R.S. 44:31.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____