

AN ACT

relating to the adoption of a policy on the preclusion of private design professionals from contracting with the Texas Department of Transportation.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter F, Chapter 2261, Government Code, is amended by adding Section 2261.260 to read as follows:

Sec. 2261.260. TEXAS DEPARTMENT OF TRANSPORTATION PRECLUSION POLICY FOR PRIVATE DESIGN PROFESSIONALS. (a) In this section, "private design professional" has the meaning assigned by Section 2252.905.

(b) Before the Texas Department of Transportation may make a determination under this subchapter that a private design professional is precluded from performing a contract for architectural or engineering services or from participating in a procurement for those services, the department must adopt a written preclusion policy.

(c) A policy under this section must:

(1) be published or distributed in a manner that ensures that private design professionals in this state are aware of the policy;

(2) provide that the private design professional be notified in writing at the time the Texas Department of Transportation determines that a potential basis for preclusion

1 exists; and

2 (3) provide for an appeals process by which the
3 private design professional is given a reasonable amount of time to
4 establish that no basis for preclusion under the policy exists.

5 SECTION 2. The changes in law made by this Act apply only to
6 a contract entered into on or after the effective date of this Act.
7 A contract entered into before the effective date of this Act is
8 governed by the law in effect on the date the contract was entered
9 into, and the former law is continued in effect for that purpose.

10 SECTION 3. This Act takes effect September 1, 2023.

President of the Senate

Speaker of the House

I certify that H.B. No. 3989 was passed by the House on April 20, 2023, by the following vote: Yeas 142, Nays 4, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 3989 was passed by the Senate on May 17, 2023, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor