

By: Alvarado

S.B. No. 2172

A BILL TO BE ENTITLED

1 AN ACT

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

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

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

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

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

18 (c) A policy under this section must:

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

22 (2) provide that the private design professional be
23 notified in writing at the time the Texas Department of
24 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.