

BILL ANALYSIS

S.B. 1331
By: Ratliff
State Affairs
Committee Report (Amended)

BACKGROUND AND PURPOSE

Currently, provisions in the Government Code relating to construction manager-at-risk and construction manager-agency are not parallel to provisions in the Education Code. The purposes of Senate Bill 1331 are to align the Education Code and Government Code provisions, to add language to the Government Code which authorizes the Texas Building and Procurement Commission to use a construction manager-agent method for a project, and to modify the Education Code and Government Code sections relating to the selection of a construction manager-at-risk.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, institution, or agency.

ANALYSIS

Senate Bill 1331 amends Chapter 2166, Government Code, to authorize the Texas Building and Procurement Commission (TBPC) to use the construction manager-agent method for a project.

The bill defines "construction manager-agent" and describes certain required and permissible methods of procuring the services of, and contracting with, a construction manager-agent.

The bill amends the Government Code to provide that TBPC's engineer or architect for a project may not serve as the construction manager-at-risk, unless the engineer or architect is hired to serve as the construction manager-at-risk under a separate or concurrent procurement. The bill also amends the Education Code to include the same provision for school districts and institutions of higher education.

EFFECTIVE DATE

September 1, 2003. The changes in law made by this Act apply only to a construction project for which a bid, proposal, offer, or qualification, as applicable, is first advertised or otherwise solicited on or after September 1, 2003.

EXPLANATION OF AMENDMENTS

Committee Amendment No. 1 amends Section 44.040 of the Education Code to require a school district to select or designate an engineer or architect to prepare construction documents for the construction, rehabilitation, alteration, or repair of a facility. The selected or designated engineer or architect has full responsibility for complying with Chapter 1001 (Engineers) and Chapter 1051 (Architects), Occupations Code, as applicable.

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