

AN ACT

relating to the use of competitive sealed proposals for certain construction projects.

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

SECTION 1. Section 252.043, Local Government Code, is amended by amending Subsection (d) and adding Subsection (d-1) to read as follows:

(d) Except as provided by Subsection (d-1), the ~~[The]~~ contract must be awarded to the lowest responsible bidder if the competitive sealed bidding requirement applies to the contract for construction of:

(1) highways, roads, streets, bridges, utilities, water supply projects, water plants, wastewater plants, water and wastewater distribution or conveyance facilities, wharves, docks, airport runways and taxiways, drainage projects, or related types of projects associated with civil engineering construction; or

(2) buildings or structures that are incidental to projects that are primarily civil engineering construction projects.

(d-1) A contract for construction of a project described by Subsection (d) that requires an expenditure of \$1.5 million or less may be awarded using the competitive sealed proposal procedure prescribed by Section 271.116.

SECTION 2. Sections 271.116(a) and (c), Local Government

1 Code, are amended to read as follows:

2 (a) In selecting a contractor through competitive sealed  
3 proposals for construction, rehabilitation, alteration, or repair  
4 services for a facility or for construction of a project to which  
5 Section 252.043(d-1) applies [~~through competitive sealed~~  
6 ~~proposals~~], a governmental entity shall follow the procedures  
7 prescribed by this section.

8 (c) The governmental entity shall provide or contract for,  
9 independently of the contractor, the inspection services, the  
10 testing of construction materials engineering, and the  
11 verification testing services necessary for acceptance of the  
12 facility or project by the governmental entity. The governmental  
13 entity shall select those services for which it contracts in  
14 accordance with Section 2254.004, Government Code, and shall  
15 identify them in the request for proposals.

16 SECTION 3. This Act takes effect immediately if it receives  
17 a vote of two-thirds of all the members elected to each house, as  
18 provided by Section 39, Article III, Texas Constitution. If this  
19 Act does not receive the vote necessary for immediate effect, this  
20 Act takes effect September 1, 2005.

H.B. No. 2661

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President of the Senate

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Speaker of the House

I certify that H.B. No. 2661 was passed by the House on April 26, 2005, by a non-record vote.

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Chief Clerk of the House

I certify that H.B. No. 2661 was passed by the Senate on May 25, 2005, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor