

1-1 By: Krusee (Senate Sponsor - Ogden) H.B. No. 2661
1-2 (In the Senate - Received from the House April 27, 2005;
1-3 April 29, 2005, read first time and referred to Committee on
1-4 Intergovernmental Relations; May 19, 2005, reported favorably by
1-5 the following vote: Yeas 5, Nays 0; May 19, 2005, sent to
1-6 printer.)

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to the use of competitive sealed proposals for certain
1-10 construction projects.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 252.043, Local Government Code, is
1-13 amended by amending Subsection (d) and adding Subsection (d-1) to
1-14 read as follows:

1-15 (d) Except as provided by Subsection (d-1), the [The]
1-16 contract must be awarded to the lowest responsible bidder if the
1-17 competitive sealed bidding requirement applies to the contract for
1-18 construction of:

1-19 (1) highways, roads, streets, bridges, utilities,
1-20 water supply projects, water plants, wastewater plants, water and
1-21 wastewater distribution or conveyance facilities, wharves, docks,
1-22 airport runways and taxiways, drainage projects, or related types
1-23 of projects associated with civil engineering construction; or

1-24 (2) buildings or structures that are incidental to
1-25 projects that are primarily civil engineering construction
1-26 projects.

1-27 (d-1) A contract for construction of a project described by
1-28 Subsection (d) that requires an expenditure of \$1.5 million or less
1-29 may be awarded using the competitive sealed proposal procedure
1-30 prescribed by Section 271.116.

1-31 SECTION 2. Sections 271.116(a) and (c), Local Government
1-32 Code, are amended to read as follows:

1-33 (a) In selecting a contractor through competitive sealed
1-34 proposals for construction, rehabilitation, alteration, or repair
1-35 services for a facility or for construction of a project to which
1-36 Section 252.043(d-1) applies [~~through competitive sealed~~
1-37 ~~proposals~~], a governmental entity shall follow the procedures
1-38 prescribed by this section.

1-39 (c) The governmental entity shall provide or contract for,
1-40 independently of the contractor, the inspection services, the
1-41 testing of construction materials engineering, and the
1-42 verification testing services necessary for acceptance of the
1-43 facility or project by the governmental entity. The governmental
1-44 entity shall select those services for which it contracts in
1-45 accordance with Section 2254.004, Government Code, and shall
1-46 identify them in the request for proposals.

1-47 SECTION 3. This Act takes effect immediately if it receives
1-48 a vote of two-thirds of all the members elected to each house, as
1-49 provided by Section 39, Article III, Texas Constitution. If this
1-50 Act does not receive the vote necessary for immediate effect, this
1-51 Act takes effect September 1, 2005.

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