

By: Turner

H.B. No. 2673

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the creation of an alternative procurement procedure
3 for architectural, engineering, or land surveying services by
4 certain governmental entities.

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

6 SECTION 1. Section 2254.004(a), Government Code, is amended
7 to read as follows:

8 (a) Unless using the alternative procedure provided by
9 Section 2254.0045, in [~~It~~] procuring architectural, engineering,
10 or land surveying services, a governmental entity shall:

11 (1) first select the most highly qualified provider of
12 those services on the basis of demonstrated competence and
13 qualifications; and

14 (2) then attempt to negotiate with that provider a
15 contract at a fair and reasonable price.

16 SECTION 2. Subchapter A, Chapter 2254, Government Code, is
17 amended by adding Section 2254.0045 to read as follows:

18 Sec. 2254.0045. ALTERNATIVE PROCEDURE FOR PROCURING
19 ARCHITECTURAL, ENGINEERING, AND LAND SURVEYING SERVICES. (a) As
20 an alternative to the procurement method prescribed by Section
21 2254.004, a governmental entity may procure architectural,
22 engineering, or land surveying services using the procedure
23 provided by this section.

24 (b) The governmental entity shall prepare and issue a

1 request for qualifications.

2 (c) The governmental entity shall evaluate statements of
3 qualifications and rank a reasonable number of the most highly
4 qualified providers of architectural, engineering, or land
5 surveying services on the basis of demonstrated competence,
6 qualifications, and estimated delivery date.

7 (d) The governmental entity shall solicit competitive
8 proposals from the providers selected under Subsection (c). The
9 governmental entity shall include with the solicitation the
10 information necessary for the solicited providers to submit a
11 responsive competitive proposal.

12 (e) The governmental entity shall select the provider that
13 submits the competitive proposal offering the best value for the
14 entity on the basis of price, demonstrated competence,
15 qualifications, and estimated delivery date.

16 (f) The governmental entity shall first attempt to
17 negotiate a contract with the provider selected under Subsection
18 (e). If the entity is unable to negotiate a satisfactory contract
19 with the selected provider or if the selected provider is released
20 from the contract during the first three months of the contract, the
21 entity shall proceed to negotiate a contract with the next provider
22 in the order of the ranking established by the entity under
23 Subsection (e) if that provider agrees to the terms of its original
24 proposal.

25 (g) A rule of a professional licensing board prohibiting an
26 architect, engineer, or land surveyor from submitting a competitive
27 bid or proposal does not apply to a competitive proposal submitted

1 under this section.

2 SECTION 3. This Act applies only to a contract for which
3 requests for proposals or requests for qualifications are published
4 or distributed on or after the effective date of this Act.

5 SECTION 4. This Act takes effect immediately if it receives
6 a vote of two-thirds of all the members elected to each house, as
7 provided by Section 39, Article III, Texas Constitution. If this
8 Act does not receive the vote necessary for immediate effect, this
9 Act takes effect September 1, 2005.