

By: Hamric

H.B. No. 2828

Substitute the following for H.B. No. 2828:

By: Phillips

C.S.H.B. No. 2828

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the powers and duties of a navigation district or port
3 authority.

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

5 SECTION 1. Section 60.412(a), Water Code, is amended to
6 read as follows:

7 (a) A contract for a purchase is exempt from the
8 requirements of Sections 60.404 and 60.405 [~~of this code~~] if a
9 contract is for the purchase of:

10 (1) an item that must be purchased in a case of public
11 calamity if it is necessary to make the purchase promptly to relieve
12 the necessity of the citizens or to preserve the property of the
13 district or port authority;

14 (2) an item necessary to preserve or protect the
15 public health or the safety of the residents of the district or port
16 authority;

17 (3) an item made necessary by unforeseen damage to the
18 property of the district or port authority;

19 (4) a personal or professional service;

20 (5) any work performed and paid for by the day as the
21 work progresses;

22 (6) any land or right-of-way;

23 (7) an item that can be obtained only from one source,
24 including:

1 (A) items for which competition is precluded
2 because of the existence of patents, copyrights, secret processes,
3 or natural monopolies;

4 (B) films, manuscripts, or books;

5 (C) public utility services; and

6 (D) captive replacement parts or components for
7 equipment; ~~or~~

8 (8) any item necessary to secure a district or port
9 authority during a period of heightened security as determined by:

10 (A) the federal Department of Homeland Security,
11 including the Transportation Security Administration;

12 (B) the United States Coast Guard;

13 (C) ~~the~~ United States Customs and Border
14 Protection ~~Service~~;

15 (D) the Federal Bureau of Investigation;

16 (E) the federal Department of Transportation,
17 including the Maritime Administration; or

18 (F) another federal, state, or local agency; or

19 (9) an item from the United States or from this state,
20 including an agency of this state.

21 SECTION 2. Section 60.454, Water Code, is amended to read as
22 follows:

23 Sec. 60.454. PURCHASING CONTRACT METHODS. Notwithstanding
24 any other provision of this chapter or other law, a district
25 contract valued at \$25,000 or more in the aggregate for each
26 12-month period may be made by the method below that, in the opinion
27 of the district's commission, provides the best value for the

1 district:

2 (1) a design-build contract to construct,
3 rehabilitate, alter, or repair facilities;

4 (2) a contract to construct, rehabilitate, alter, or
5 repair facilities that involves using a construction manager-agent
6 or construction manager-at-risk;

7 (3) competitive sealed proposals;

8 (4) a job order contract for the construction, repair,
9 rehabilitation, or alteration of a facility;

10 (5) a request for proposals, if the contract is for
11 services other than construction services;

12 (6) competitive sealed bids;

13 (7) a catalog purchase as provided by Subchapter B,
14 Chapter 2157, Government Code;

15 (8) an interlocal contract as provided by Chapter 791,
16 Government Code; ~~or~~

17 (9) the reverse auction procedure as defined by
18 Section 2155.062(d), Government Code;

19 (10) a contract with the United States; or

20 (11) a contract with this state, including an agency
21 of this state.

22 SECTION 3. Section 60.459(c), Water Code, is amended to
23 read as follows:

24 (c) The district shall document the basis of its selection
25 and shall make the evaluations public not later than the later of:

26 (1) the 30th ~~seventh~~ day after the date of the award
27 of the contract; or

1 (2) the next scheduled commission meeting.

2 SECTION 4. Chapter 60, Water Code, is amended by adding
3 Subchapter Q to read as follows:

4 SUBCHAPTER Q. MISCELLANEOUS PROVISIONS

5 Sec. 60.501. SAFETY PROCEDURES; IMMUNITY FROM SUIT. A
6 district that adopts a safety or security code, policy, or manual
7 may not be sued for noncompliance with that code, policy, or manual.

8 SECTION 5. Subchapter D, Chapter 62, Water Code, is amended
9 by adding Section 62.121 to read as follows:

10 Sec. 62.121. CONTRACTS WITH POLITICAL SUBDIVISIONS IN
11 COUNTIES ADJACENT TO DISTRICT. (a) A district may contract with
12 any person in a county adjacent to the district or with a county
13 adjacent to the district to exercise a district power for any
14 district purpose.

15 (b) As part of a contract under this section, a district
16 may:

17 (1) issue bonds, including bonds secured by ad valorem
18 taxation; and

19 (2) use proceeds from bonds issued by the district to
20 finance a project that serves a district purpose in a county
21 adjacent to the district.

22 SECTION 6. This Act takes effect September 1, 2005.