

By: Hamric

H.B. No. 2828

A BILL TO BE ENTITLED

1 AN ACT

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 and United  
12 States Customs and Border Protection;

13 (B) the United States Coast Guard;

14 (C) ~~[the United States Customs Service,~~

15 ~~[(D)]~~ the Federal Bureau of Investigation;

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

18 (E) ~~[(F)]~~ another federal, state, or local  
19 agency; or

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

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

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

1 of the district's commission, provides the best value for the  
2 district:

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

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

8 (3) competitive sealed proposals;

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

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

13 (6) competitive sealed bids;

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

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

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

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

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

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

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

27 (1) the 30th ~~[seventh]~~ day after the date of the award

1 of the contract; or

2 (2) the next scheduled commission meeting.

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

5 SUBCHAPTER Q. MISCELLANEOUS PROVISIONS

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

9 SECTION 5. This Act takes effect September 1, 2005.