

By: Thompson

H.B. No. 3107

A BILL TO BE ENTITLED

AN ACT

relating to the definition of facility.

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

SECTION 1. Section 271.111, Local Government Code, is amended to read as follows:

Sec. 271.111. DEFINITIONS. In this subchapter:

(1) "Architect" means an individual registered as an architect under Chapter 1051, Occupations Code.

(2) "Contractor" in the context of a contract for the construction, rehabilitation, alteration, or repair of a facility means a sole proprietorship, partnership, corporation, or other legal entity that assumes the risk for constructing, rehabilitating, altering, or repairing all or part of the facility at the contracted price.

(3) "Design-build contract" means a single contract with a design-build firm for the design and construction of a facility.

(4) "Design-build firm" means a partnership, corporation, or other legal entity or team that includes an engineer or architect and builder qualified to engage in building construction in Texas.

(5) "Design criteria package" means a set of documents that provides sufficient information to permit a design-build firm to prepare a response to a governmental entity's request for

1 qualifications and any additional information requested, including
2 criteria for selection. The design criteria package must specify
3 criteria the governmental entity considers necessary to describe
4 the project and may include, as appropriate, the legal description
5 of the site, survey information concerning the site, interior space
6 requirements, special material requirements, material quality
7 standards, conceptual criteria for the project, special equipment
8 requirements, cost or budget estimates, time schedules, quality
9 assurance and quality control requirements, site development
10 requirements, applicable codes and ordinances, provisions for
11 utilities, parking requirements, or any other requirement, as
12 applicable.

13 (6) "Engineer" means an individual licensed as an
14 engineer under Chapter 1001, Occupations Code.

15 (7) "Facility" means buildings the design and
16 construction of which are governed by accepted building codes or a
17 facility designed for skateboards, roller skates or in-line skates.

18 The term does not include:

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

25 (B) buildings or structures that are incidental
26 to projects that are primarily civil engineering construction
27 projects.

1 (8) "Fee" in the context of a contract for the
2 construction, rehabilitation, alteration, or repair of a facility
3 means the payment a construction manager receives for its overhead
4 and profit in performing its services.

5 (9) "General conditions" in the context of a contract
6 for the construction, rehabilitation, alteration, or repair of a
7 facility means on-site management, administrative personnel,
8 insurance, bonds, equipment, utilities, and incidental work,
9 including minor field labor and materials.

10 (10) "Governmental entity" means a municipality,
11 county, river authority, or defense base development authority
12 established under Chapter 378 as added by Chapter 1221, Acts of the
13 76th Legislature, Regular Session, 1999.

14 SECTION 2. This Act takes effect immediately if it receives
15 a vote of two-thirds of all the members elected to each house, as
16 provided by Section 39, Article III, Texas Constitution. If this
17 Act does not receive the vote necessary for immediate effect, this
18 act takes effect September 1, 2005.