

AN ACT

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

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

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

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

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

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

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

(4) a personal or professional service;

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

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

(7) an item that can be obtained only from one source, 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 Bureau of Customs and
14 Border 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, including any
20 agency thereof, or from this state, including an agency of this
21 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, including any
21 agency thereof; or

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

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

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

1 (1) the 30th [~~seventh~~] day after the date of the award
2 of the contract; or

3 (2) the next scheduled commission meeting.

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

6 SUBCHAPTER Q. MISCELLANEOUS PROVISIONS

7 Sec. 60.501. SAFETY AND SECURITY PROCEDURES; NO NEW DUTIES.

8 The adoption and use by a district of a safety or security code,
9 policy, or manual does not create any new or additional legal duties
10 of the district not existing under common law or statutory law.

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

13 Sec. 62.121. CONTRACTS AND OBLIGATIONS TO ACCOMPLISH
14 DISTRICT PURPOSES AND EXERCISE DISTRICT POWERS. (a) A district
15 may enter into a contract with any person, including a municipality
16 or other political subdivision in a county adjacent to the
17 district, in order to accomplish any district purpose or exercise
18 any district power.

19 (b) As part of a contract under this section, a district may
20 issue obligations, including obligations secured by ad valorem
21 taxes, and use the proceeds of such obligations to provide a project
22 located in a county adjacent to the district that serves to
23 accomplish a district purpose or exercise a district power in such
24 county.

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

S.B. No. 1786

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1786 passed the Senate on May 10, 2005, by the following vote: Yeas 28, Nays 3.

Secretary of the Senate

I hereby certify that S.B. No. 1786 passed the House on May 20, 2005, by a non-record vote.

Chief Clerk of the House

Approved:

Date

Governor