

By: Gallegos

S.B. No. 1786

A BILL TO BE ENTITLED

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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. Sec. 60.412(a), 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 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 Transportation,
17 including the Maritime Administration; or

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

9 (4) a job order contract for the constructions,
10 repair, 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. This Act takes effect September 1, 2005.