

1-1 By: Gallegos S.B. No. 1786
1-2 (In the Senate - Filed March 11, 2005; March 30, 2005, read
1-3 first time and referred to Committee on Intergovernmental
1-4 Relations; April 26, 2005, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 5, Nays 0;
1-6 April 26, 2005, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1786 By: Deuell

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the powers and duties of a navigation district or port
1-11 authority.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subsection (a), Section 60.412, Water Code, is
1-14 amended to read as follows:

1-15 (a) A contract for a purchase is exempt from the
1-16 requirements of Sections 60.404 and 60.405 [~~of this code~~] if a
1-17 contract is for the purchase of:

1-18 (1) an item that must be purchased in a case of public
1-19 calamity if it is necessary to make the purchase promptly to relieve
1-20 the necessity of the citizens or to preserve the property of the
1-21 district or port authority;

1-22 (2) an item necessary to preserve or protect the
1-23 public health or the safety of the residents of the district or port
1-24 authority;

1-25 (3) an item made necessary by unforeseen damage to the
1-26 property of the district or port authority;

1-27 (4) a personal or professional service;

1-28 (5) any work performed and paid for by the day as the
1-29 work progresses;

1-30 (6) any land or right-of-way;

1-31 (7) an item that can be obtained only from one source,
1-32 including:

1-33 (A) items for which competition is precluded
1-34 because of the existence of patents, copyrights, secret processes,
1-35 or natural monopolies;

1-36 (B) films, manuscripts, or books;

1-37 (C) public utility services; and

1-38 (D) captive replacement parts or components for
1-39 equipment; [~~or~~]

1-40 (8) any item necessary to secure a district or port
1-41 authority during a period of heightened security as determined by:

1-42 (A) the federal Department of Homeland Security,
1-43 including the Transportation Security Administration;

1-44 (B) the United States Coast Guard;

1-45 (C) the United States Bureau of Customs and
1-46 Border Protection [~~Service~~];

1-47 (D) the Federal Bureau of Investigation;

1-48 (E) the federal Department of Transportation,
1-49 including the Maritime Administration; or

1-50 (F) another federal, state, or local agency; or

1-51 (9) an item from the United States, including any
1-52 agency thereof, or from this state, including an agency of this
1-53 state.

1-54 SECTION 2. Section 60.454, Water Code, is amended to read as
1-55 follows:

1-56 Sec. 60.454. PURCHASING CONTRACT METHODS. Notwithstanding
1-57 any other provision of this chapter or other law, a district
1-58 contract valued at \$25,000 or more in the aggregate for each
1-59 12-month period may be made by the method below that, in the opinion
1-60 of the district's commission, provides the best value for the
1-61 district:

1-62 (1) a design-build contract to construct,
1-63 rehabilitate, alter, or repair facilities;

2-1 (2) a contract to construct, rehabilitate, alter, or
2-2 repair facilities that involves using a construction manager-agent
2-3 or construction manager-at-risk;

2-4 (3) competitive sealed proposals;

2-5 (4) a job order contract for the construction, repair,
2-6 rehabilitation, or alteration of a facility;

2-7 (5) a request for proposals, if the contract is for
2-8 services other than construction services;

2-9 (6) competitive sealed bids;

2-10 (7) a catalog purchase as provided by Subchapter B,
2-11 Chapter 2157, Government Code;

2-12 (8) an interlocal contract as provided by Chapter 791,
2-13 Government Code; ~~[or]~~

2-14 (9) the reverse auction procedure as defined by
2-15 Section 2155.062(d), Government Code;

2-16 (10) a contract with the United States, including any
2-17 agency thereof; or

2-18 (11) a contract with this state, including an agency
2-19 of this state.

2-20 SECTION 3. Subsection (c), Section 60.459, Water Code, is
2-21 amended to read as follows:

2-22 (c) The district shall document the basis of its selection
2-23 and shall make the evaluations public not later than the later of:

2-24 (1) the 30th ~~seventh~~ day after the date of the award
2-25 of the contract; or

2-26 (2) the next scheduled commission meeting.

2-27 SECTION 4. Chapter 60, Water Code, is amended by adding
2-28 Subchapter Q to read as follows:

2-29 SUBCHAPTER Q. MISCELLANEOUS PROVISIONS

2-30 Sec. 60.501. SAFETY PROCEDURES; IMMUNITY FROM SUIT. A
2-31 district that adopts a safety or security code, policy, or manual
2-32 may not be sued for noncompliance with that code, policy, or manual.

2-33 SECTION 5. Subchapter D, Chapter 62, Water Code, is amended
2-34 by adding Section 62.121 to read as follows:

2-35 Sec. 62.121. CONTRACTS AND OBLIGATIONS TO ACCOMPLISH
2-36 DISTRICT PURPOSES AND EXERCISE DISTRICT POWERS. (a) A district
2-37 may enter into a contract with any person, including a municipality
2-38 or other political subdivision in a county adjacent to the
2-39 district, in order to accomplish any district purpose or exercise
2-40 any district power.

2-41 (b) As part of a contract under this section, a district may
2-42 issue obligations, including obligations secured by ad valorem
2-43 taxes, and use the proceeds of such obligations to provide a project
2-44 located in a county adjacent to the district that serves to
2-45 accomplish a district purpose or exercise a district power in such
2-46 county.

2-47 SECTION 6. This Act takes effect September 1, 2005.

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