

By: Bailey

H.B. No. 507

A BILL TO BE ENTITLED

AN ACT

relating to the submission and opening of bids, proposals, and statements of qualifications for contracts involving school district facilities.

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

SECTION 1. Subchapter B, Chapter 44, Education Code, is amended by adding Section 44.0345 to read as follows:

Sec. 44.0345. SUBMISSION AND OPENING OF BIDS, PROPOSALS, AND STATEMENTS OF QUALIFICATIONS. (a) A request for bids, proposals, or qualifications by or on behalf of a school district that relates to a contract for products, materials, or labor to be used in the construction, rehabilitation, alteration, or repair of a district facility must require that all bids, proposals, or statements of qualifications be:

(1) submitted sealed; and

(2) delivered to specified district officers or personnel at a designated district office.

(b) A school district shall publicly:

(1) open all bids, proposals, or statements of qualifications that relate to a contract for products, materials, or labor to be used in the construction, rehabilitation, alteration, or repair of a district facility; and

(2) as each bid, proposal, or statement of qualifications is opened, read aloud:

1 (A) the name of the bidder or offeror; and

2 (B) the fee or price, if any, stated in the bid,
3 proposal, or statement of qualifications.

4 SECTION 2. Section 44.037(e), Education Code, is amended to
5 read as follows:

6 (e) A district using the construction manager-agent method
7 shall procure, in accordance with Section 44.0345 and other
8 applicable law and in any manner authorized by this chapter, a
9 general contractor, trade contractors, or subcontractors who will
10 serve as the prime contractor for their specific portion of the
11 work.

12 SECTION 3. Section 44.038, Education Code, is amended by
13 amending Subsections (f) and (i) and adding Subsection (m) to read
14 as follows:

15 (f) At each step, the district shall comply with Section
16 44.0345 ~~[receive, publicly open, and read aloud the names of the~~
17 ~~offerors. At the appropriate step, the district shall also read~~
18 ~~aloud the fees and prices, if any, stated in each proposal as the~~
19 ~~proposal is opened]~~. Within 45 days after the date of opening the
20 proposals, the district shall evaluate and rank each proposal
21 submitted in relation to the criteria set forth in the request for
22 proposals.

23 (i) The construction manager-at-risk and the district ~~[or~~
24 ~~its representative]~~ shall comply with Section 44.0345 in connection
25 with ~~[review]~~ all ~~[trade contractor or subcontractor]~~ bids or
26 proposals submitted by trade contractors or subcontractors to the
27 construction manager-at-risk or district. ~~[in a manner that does~~

1 ~~not disclose the contents of the bid or proposal during the~~
2 ~~selection process to a person not employed by the construction~~
3 ~~manager-at-risk, engineer, architect, or district. All bids or~~
4 ~~proposals shall be made public after the award of the contract or~~
5 ~~within seven days after the date of final selection of bids or~~
6 ~~proposals, whichever is later.]~~

7 (m) All bids submitted by the construction manager-at-risk
8 for work to be performed by the construction manager-at-risk must
9 comply with Section 44.0345.

10 SECTION 4. Section 44.039(e), Education Code, is amended to
11 read as follows:

12 (e) The district shall comply with Section 44.0345
13 ~~[receive, publicly open, and read aloud the names of the offerors~~
14 ~~and, if any are required to be stated, all prices stated in each~~
15 ~~proposal]~~. Within 45 days after the date of opening the proposals,
16 the district shall evaluate and rank each proposal submitted in
17 relation to the published selection criteria.

18 SECTION 5. Section 44.041(c), Education Code, is amended to
19 read as follows:

20 (c) The school district shall advertise for~~[, receive, and~~
21 ~~publicly open]~~ sealed proposals for job order contracts and comply
22 with Section 44.0345 in connection with those proposals.

23 SECTION 6. Section 44.0345, Education Code, as added by
24 this Act, and Sections 44.038, 44.039(e), and 44.041(c), Education
25 Code, as amended by this Act, apply only to a request for bids,
26 proposals, or qualifications by or on behalf of a school district
27 that relates to a contract for products, materials, or labor to be

1 used in the construction, rehabilitation, alteration, or repair of
2 a district facility that is published on or after September 1, 2007.
3 A request for bids, proposals, or qualifications by or on behalf of
4 a school district that relates to a contract for products,
5 materials, or labor to be used in the construction, rehabilitation,
6 alteration, or repair of a district facility that is published
7 before September 1, 2007, is governed by the law in effect on the
8 date the request is published, and the former law is continued in
9 effect for that purpose.

10 SECTION 7. This Act takes effect September 1, 2007.