

By: Morrison

H.B. No. 2977

A BILL TO BE ENTITLED

AN ACT

1
2 relating to disposing of salvage personal property and purchasing
3 by navigation districts.

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

5 SECTION 1. Section 60.120(b), Water Code, is amended to
6 read as follows:

7 (b) Any contract, lease, or agreement entered into under
8 Subsection (a) of this section shall be approved by resolution of
9 the commission and shall be executed by the chairman, the executive
10 director of the district, or an authorized representative of the
11 executive director [~~and attested by the secretary of the~~
12 ~~commission~~].

13 SECTION 2. Section 60.153, Water Code, is amended to read as
14 follows:

15 Sec. 60.153. EXECUTION OF CONTRACTS. A contract entered
16 into by a district under this subchapter shall be approved by
17 resolution of the commission, executed by the presiding officer of
18 the commission, the executive director of the district, or an
19 authorized representative of the executive director, and duly
20 attested by the corporate seal of the district.

21 SECTION 3. Sections 60.403(a) and (b), Water Code, are
22 amended to read as follows:

23 (a) A port commission, authorized designated officer of the
24 port commission, the executive director of the district or the port

1 authority, or an authorized representative of the executive
2 director [~~or authorized designated employee of a port authority or~~
3 ~~district~~] may make routine purchases or contracts in an amount not
4 to exceed \$25,000.

5 (b) Before a purchase is made, a purchase order or other
6 form of precommitment approval must be signed by the executive
7 director of the district or the port authority or an authorized
8 representative of the executive director [~~the authorized~~
9 ~~designated officer~~]. For routine contracts or purchases, the
10 precommitment approval may be in the form of a list of approved
11 routine purchases or contracts signed by the executive director.
12 The signed list shall remain on file in the offices of the district
13 or port authority.

14 SECTION 4. Section 60.410(b), Water Code, is amended to
15 read as follows:

16 (b) If a change order involves an increase or decrease in
17 cost [~~of \$15,000 or~~] less than or equal to the amount authorized in
18 Section 60.403(a) for routine purchases or contracts, a port
19 commission may grant general authority to an employee to approve
20 the change order. However, the original contract price may not be
21 increased by more than 25 percent or decreased by 18 percent or more
22 without the consent of the contractor.

23 SECTION 5. Section 60.4125(a), Water Code, is amended to
24 read as follows:

25 (a) Notwithstanding the other provisions of this subchapter
26 or any other law, a district or port authority may make a purchase
27 or enter into a contract valued at [~~\$25,000 or~~] more than the amount

1 authorized in Section 60.403(a) for routine purchases or contracts
2 by any method available to a school district, including all
3 procedures and limitations, under Subchapter B, Chapter 44,
4 Education Code, that, in the opinion of the port commission,
5 provides the best value to the district or port authority.

6 SECTION 6. Section 60.454, Water Code, is amended to read as
7 follows:

8 Sec. 60.454. PURCHASING CONTRACT METHODS. Notwithstanding
9 any other provision of this chapter or other law, a district
10 contract valued at [~~\$25,000 or~~] more than the amount authorized in
11 Section 60.403(a) for routine purchases or contracts in the
12 aggregate for each 12-month period may be made by the method below
13 that, in the opinion of the district's commission, provides the
14 best value for the district:

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

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

20 (3) competitive sealed proposals for construction,
21 repair, rehabilitation, or alteration of a facility, and
22 nonconstruction items;

23 (4) a job order contract for the construction, repair,
24 rehabilitation, or alteration of a facility;

25 (5) a request for proposals, if the contract is for
26 items [~~services~~] other than construction services;

27 (6) competitive sealed bids;

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

3 (8) an interlocal contract as provided by Chapter 791,
4 Government Code;

5 (9) the reverse auction procedure as defined by
6 Section 2155.062(d), Government Code;

7 (10) a contract with the United States, including any
8 agency thereof; or

9 (11) a contract with this state, including an agency
10 of this state.

11 SECTION 7. Section 60.463(d), Water Code, is amended to
12 read as follows:

13 (d) The district shall prepare a request for competitive
14 sealed proposals that includes construction documents, selection
15 criteria, ~~[estimated budget,~~ project scope, schedule, and other
16 information that contractors may require to respond to the request.
17 The district shall state in the request for proposals the selection
18 criteria that will be used in selecting the successful offeror.

19 SECTION 8. Section 62.113, Water Code, is amended to read as
20 follows:

21 Sec. 62.113. FORM OF CONTRACTS. All contracts made by the
22 commission shall be in writing and signed by the contractors and at
23 least two of the commissioners, the executive director of the
24 district, or an authorized representative of the executive
25 director. ~~[A copy of the contract shall be filed with the county~~
26 ~~clerk.]~~

27 SECTION 9. Subchapter D, Chapter 62, Water Code, is amended

1 by adding Section 62.122 to read as follows:

2 Sec. 62.122. DISPOSITION OF SALVAGE OR SURPLUS PERSONAL
3 PROPERTY. The commission may periodically dispose of surplus or
4 salvage personal property in the same manner as the commissioners
5 court of a county under Subchapter D, Chapter 263, Local Government
6 Code.

7 SECTION 10. Section 63.172, Water Code, is amended to read
8 as follows:

9 Sec. 63.172. FORMAL REQUIREMENTS OF CONTRACT. [~~(a)~~] A
10 contract entered into by the district shall be in writing and signed
11 by the contractors and the commissioners, [or] any two of the
12 commissioners, the executive director of the district, or an
13 authorized representative of the executive director.

14 [~~(b) A copy of the contract shall be filed with the county~~
15 ~~clerk for reference.]~~

16 SECTION 11. (a) Except as provided by Subsection (b) of
17 this section, the changes in law made by this Act related to
18 contracts and purchases made by a navigation district or port
19 authority apply only to a contract entered into or purchase made on
20 or after the effective date of this Act. A contract entered into or
21 purchase made before the effective date of this Act is governed by
22 the law in effect on the date the contract was entered into or the
23 purchase was made, and that law is continued in effect for that
24 purpose.

25 (b) Sections 60.410 and 60.454, Water Code, as amended by
26 this Act, apply to a contract entered into before, on, or after the
27 effective date of this Act. A contract entered into by a navigation

1 district or port authority under one of those sections before the
2 effective date of this Act is validated in all respects as if the
3 contract were entered into as authorized by law.

4 SECTION 12. This Act takes effect immediately if it
5 receives a vote of two-thirds of all the members elected to each
6 house, as provided by Section 39, Article III, Texas Constitution.
7 If this Act does not receive the vote necessary for immediate
8 effect, this Act takes effect September 1, 2007.