

1 AN ACT

2 relating to rules and policies adopted by state agencies regarding  
3 engineering or architectural errors or omissions.

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

5 SECTION 1. Subchapter Z, Chapter 2252, Government Code, is  
6 amended by adding Section 2252.904 to read as follows:

7 Sec. 2252.904. CERTAIN RULES OR POLICIES OF STATE AGENCIES.

8 (a) In this section:

9 (1) "Contract" means a contract awarded by a state  
10 agency for general construction, an improvement, a service, or a  
11 public works project, including a contract subject to Section  
12 201.112, Transportation Code.

13 (2) "Private design professional" means an individual  
14 registered as an architect under Chapter 1051, Occupations Code, or  
15 an individual licensed as an engineer under Chapter 1001,  
16 Occupations Code, who provides professional architectural or  
17 engineering services.

18 (3) "State agency" means a board, commission, office,  
19 department, or other agency in the judicial or executive branch of  
20 state government.

21 (b) A rule or policy adopted by a state agency relating to  
22 the recovery of costs arising from an engineering or architectural  
23 error or omission by a private design professional on a project  
24 must:

1           (1) provide that the private design professional be  
2 notified at the time a problem with project plans or specifications  
3 is identified by the agency;

4           (2) provide an opportunity for the private design  
5 professional to be involved in the resolution of a problem  
6 identified under Subdivision (1);

7           (3) provide guidelines for distinguishing an error or  
8 omission from other reasons for the submission of a change order;

9           (4) provide a process for determining the cost of  
10 errors or omissions by private design professionals;

11           (5) provide for an evaluation of the totality of  
12 project services provided by private design professionals,  
13 including the level of quality, performance, and value provided  
14 over the term of the entire project;

15           (6) provide that an internal management review of the  
16 agency's claim for costs may be used, if available, without  
17 requiring that the claim be paid before the internal management  
18 review may be used;

19           (7) provide a process for tracking the cost of errors  
20 or omissions by agency employees; and

21           (8) recognize that some errors, omissions, or changes  
22 are likely to occur during a design and construction project.

23           SECTION 2. This Act takes effect September 1, 2007.

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President of the Senate

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Speaker of the House

I hereby certify that S.B. No. 924 passed the Senate on April 12, 2007, by the following vote: Yeas 31, Nays 0; and that the Senate adopted S.C.R. No. 85, recalling S.B. No. 924 from the Governor for reconsideration on May 22, 2007; and that the Senate concurred in House amendment to S.B. No. 924 on May 25, 2007, by the following vote: Yeas 30, Nays 0.

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Secretary of the Senate

I hereby certify that S.B. No. 924 passed the House, with amendment, on May 16, 2007, by the following vote: Yeas 144, Nays 0, two present not voting; and that the House adopted S.C.R. No. 85, recalling S.B. No. 924 from the Governor on May 22, 2007.

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Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

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Governor