

By: Brimer

S.B. No. 924

Substitute the following for S.B. No. 924:

By: Smith of Harris

C.S.S.B. No. 924

A BILL TO BE ENTITLED

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.