

Amend CSHB 300 by adding the following appropriately numbered SECTION to ARTICLE I of the bill and renumbering subsequent SECTIONS of the article accordingly:

SECTION 1.____. (a) Section 2254.004(a), Government Code, is amended to read as follows:

(a) In procuring architectural, engineering, or land surveying services, a governmental entity, other than the Texas Department of Transportation using the alternative procedure under Section 2254.0045, shall:

(1) first select the most highly qualified provider of those services on the basis of demonstrated competence and qualifications; and

(2) then attempt to negotiate with that provider a contract at a fair and reasonable price.

(b) Subchapter A, Chapter 2254, Government Code, is amended by adding Section 2254.0045 to read as follows:

Sec. 2254.0045. ALTERNATIVE PROCEDURE FOR PROCURING ARCHITECTURAL, ENGINEERING, AND LAND SURVEYING SERVICES BY TEXAS DEPARTMENT OF TRANSPORTATION. (a) In this section, "department" means the Texas Department of Transportation.

(b) As an alternative to the procurement method prescribed by Section 2254.004, the department may procure architectural, engineering, or land surveying services using the procedure provided by this section.

(c) The department shall prepare and issue a request for qualifications.

(d) The department shall evaluate statements of qualifications and rank a reasonable number of the most highly qualified providers of architectural, engineering, or land surveying services on the basis of demonstrated competence, qualifications, and estimated delivery date.

(e) The department shall solicit competitive proposals from the providers selected under Subsection (d). The department shall include with the solicitation the information necessary for the solicited providers to submit a responsive competitive proposal.

(f) The department shall select the provider that submits the competitive proposal offering the best value for the department

on the basis of price, demonstrated competence, qualifications, and estimated delivery date.

(g) The department shall first attempt to negotiate a contract with the provider selected under Subsection (f). If the department is unable to negotiate a satisfactory contract with the selected provider or if the selected provider is released from the contract during the first three months of the contract, the department shall proceed to negotiate a contract with the next provider in the order of the ranking established by the department under Subsection (f) if that provider agrees to the terms of its original proposal.

(h) A rule of a professional licensing board prohibiting an architect, engineer, or land surveyor from submitting a competitive bid or proposal does not apply to a competitive proposal submitted under this section.

(c) Section 2254.0045, Government Code, as added by this section applies only to a contract for which requests for proposals or requests for qualifications are published or distributed on or after the effective date of this Act.