

By: Chisum, Chavez

H.B. No. 2820

Substitute the following for H.B. No. 2820:

By: Solomons

C.S.H.B. No. 2820

A BILL TO BE ENTITLED

AN ACT

relating to contracts by governmental entities for professional services relating to geoscience and landscape architecture.

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

SECTION 1. Section 2254.002(2), Government Code, is amended to read as follows:

(2) "Professional services" means services:

(A) within the scope of the practice, as defined by state law, of:

- (i) accounting;
- (ii) architecture;
- (iii) landscape architecture;
- (iv) land surveying;
- (v) medicine;
- (vi) optometry;
- (vii) professional engineering;
- (viii) real estate appraising; ~~or~~
- (ix) professional nursing; or
- (x) professional geoscience; or

(B) provided in connection with the professional employment or practice of a person who is licensed or registered as:

- (i) a certified public accountant;
- (ii) an architect;
- (iii) a landscape architect;

- 1 (iv) a land surveyor;
- 2 (v) a physician, including a surgeon;
- 3 (vi) an optometrist;
- 4 (vii) a professional engineer;
- 5 (viii) a state certified or state licensed
- 6 real estate appraiser; ~~or~~
- 7 (ix) a registered nurse; or
- 8 (x) a professional geoscientist.

9 SECTION 2. The heading to Section 2254.004, Government  
10 Code, is amended to read as follows:

11 Sec. 2254.004. CONTRACT FOR PROFESSIONAL SERVICES OF  
12 ARCHITECT, ENGINEER, ~~OR~~ SURVEYOR, LANDSCAPE ARCHITECT, OR  
13 GEOSCIENTIST.

14 SECTION 3. Sections 2254.004(a) and (b), Government Code,  
15 are amended to read as follows:

16 (a) In procuring architectural, engineering, ~~or~~ land  
17 surveying, landscape architectural, or geoscientific services, a  
18 governmental entity shall:

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

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

24 (b) If a satisfactory contract cannot be negotiated with the  
25 most highly qualified provider of architectural, engineering, ~~or~~  
26 land surveying, landscape architectural, or geoscientific  
27 services, the entity shall:

- 1           (1) formally end negotiations with that provider;  
2           (2) select the next most highly qualified provider;  
3 and  
4           (3) attempt to negotiate a contract with that provider  
5 at a fair and reasonable price.

6           SECTION 4. The changes in law made by this Act apply only to  
7 the selection of a provider of professional geoscientific services  
8 or the award of a contract to provide professional geoscientific  
9 services made on or after October 1, 2009.

10          SECTION 5. This Act takes effect September 1, 2009.