

By: Wentworth

S.B. No. 941

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to contracts by governmental entities for professional  
3 services relating to geoscience.

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

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

7 (2) "Professional services" means services:

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

- 10 (i) accounting;
- 11 (ii) architecture;
- 12 (iii) landscape architecture;
- 13 (iv) land surveying;
- 14 (v) medicine;
- 15 (vi) optometry;
- 16 (vii) professional engineering;
- 17 (viii) real estate appraising; ~~[or]~~
- 18 (ix) professional nursing; or
- 19 (x) professional geoscience; or

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

- 22 (i) a certified public accountant;
- 23 (ii) an architect;
- 24 (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, OR GEOSCIENTIST.

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

15 (a) In procuring architectural, engineering, [~~or~~] land  
16 surveying, or geoscientific services, a governmental entity shall:

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

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

22 (b) If a satisfactory contract cannot be negotiated with the  
23 most highly qualified provider of architectural, engineering, [~~or~~]  
24 land surveying, or geoscientific services, the entity shall:

25 (1) formally end negotiations with that provider;

26 (2) select the next most highly qualified provider;

27 and

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

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

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