

1-1 By: Wentworth S.B. No. 941
1-2 (In the Senate - Filed February 18, 2009; March 9, 2009,
1-3 read first time and referred to Committee on Natural Resources;
1-4 March 25, 2009, reported favorably by the following vote: Yeas 8,
1-5 Nays 0; March 25, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to contracts by governmental entities for professional
1-9 services relating to geoscience.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Subdivision (2), Section 2254.002, Government
1-12 Code, is amended to read as follows:

1-13 (2) "Professional services" means services:

1-14 (A) within the scope of the practice, as defined
1-15 by state law, of:

- 1-16 (i) accounting;
- 1-17 (ii) architecture;
- 1-18 (iii) landscape architecture;
- 1-19 (iv) land surveying;
- 1-20 (v) medicine;
- 1-21 (vi) optometry;
- 1-22 (vii) professional engineering;
- 1-23 (viii) real estate appraising; ~~or~~
- 1-24 (ix) professional nursing; or
- 1-25 (x) professional geoscience; or

1-26 (B) provided in connection with the professional
1-27 employment or practice of a person who is licensed or registered as:

- 1-28 (i) a certified public accountant;
- 1-29 (ii) an architect;
- 1-30 (iii) a landscape architect;
- 1-31 (iv) a land surveyor;
- 1-32 (v) a physician, including a surgeon;
- 1-33 (vi) an optometrist;
- 1-34 (vii) a professional engineer;
- 1-35 (viii) a state certified or state licensed
1-36 real estate appraiser; ~~or~~
- 1-37 (ix) a registered nurse; or
- 1-38 (x) a professional geoscientist.

1-39 SECTION 2. The heading to Section 2254.004, Government
1-40 Code, is amended to read as follows:

1-41 Sec. 2254.004. CONTRACT FOR PROFESSIONAL SERVICES OF
1-42 ARCHITECT, ENGINEER, ~~OR~~ SURVEYOR, OR GEOSCIENTIST.

1-43 SECTION 3. Subsections (a) and (b), Section 2254.004,
1-44 Government Code, are amended to read as follows:

1-45 (a) In procuring architectural, engineering, ~~or~~ land
1-46 surveying, or geoscientific services, a governmental entity shall:

1-47 (1) first select the most highly qualified provider of
1-48 those services on the basis of demonstrated competence and
1-49 qualifications; and

1-50 (2) then attempt to negotiate with that provider a
1-51 contract at a fair and reasonable price.

1-52 (b) If a satisfactory contract cannot be negotiated with the
1-53 most highly qualified provider of architectural, engineering, ~~or~~
1-54 land surveying, or geoscientific services, the entity shall:

1-55 (1) formally end negotiations with that provider;

1-56 (2) select the next most highly qualified provider;
1-57 and

1-58 (3) attempt to negotiate a contract with that provider
1-59 at a fair and reasonable price.

1-60 SECTION 4. The changes in law made by this Act apply only to
1-61 the selection of a provider of professional geoscientific services
1-62 or the award of a contract to provide professional geoscientific
1-63 services made on or after October 1, 2009.

1-64 SECTION 5. This Act takes effect September 1, 2009.

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