

AN ACT

relating to local government contracts with private entities for civil works projects and improvements to real property.

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

SECTION 1. Subchapter Z, Chapter 271, Local Government Code, is amended by adding Section 271.908 to read as follows:

Sec. 271.908. LOCAL GOVERNMENT CONTRACTS WITH PRIVATE ENTITIES FOR CIVIL WORKS PROJECTS AND IMPROVEMENTS TO REAL PROPERTY. (a) In this section, "civil works project" and "local governmental entity" have the meanings assigned by Section 271.181.

(b) A local governmental entity may contract with a private entity to act as the local governmental entity's agent in the design, development, financing, maintenance, operation, or construction, including oversight and inspection, of:

(1) a civil works project; or

(2) an improvement to real property.

(c) A local governmental entity contracting under this section shall:

(1) select the private entity based on the private entity's qualifications and experience; and

(2) enter into a project development agreement with the private entity.

(d) The selected private entity shall comply with:

(1) Chapters 1001 and 1051, Occupations Code;

1           (2) all laws relating to procurement of professional  
2 services under Chapter 2254, Government Code; and

3           (3) all laws relating to procurement under this  
4 chapter that apply to the local governmental entity that selected  
5 the private entity.

6           SECTION 2. This Act applies only to a contract entered into  
7 on or after the effective date of this Act. A contract entered into  
8 before the effective date of this Act is governed by the law in  
9 effect when the contract was entered into, and the former law is  
10 continued in effect for that purpose.

11           SECTION 3. This Act takes effect immediately if it receives  
12 a vote of two-thirds of all the members elected to each house, as  
13 provided by Section 39, Article III, Texas Constitution. If this  
14 Act does not receive the vote necessary for immediate effect, this  
15 Act takes effect September 1, 2011.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 2729 was passed by the House on May 13, 2011, by the following vote: Yeas 144, Nays 0, 1 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 2729 on May 25, 2011, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 2729 on May 28, 2011, by the following vote: Yeas 147, Nays 0, 1 present, not voting.

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Chief Clerk of the House

H.B. No. 2729

I certify that H.B. No. 2729 was passed by the Senate, with amendments, on May 21, 2011, by the following vote: Yeas 31, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 2729 on May 28, 2011, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor