

By: Brown

H.B. No. 3676

A BILL TO BE ENTITLED

AN ACT

relating to procuring contracts for certain professional services by a governmental entity.

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

SECTION 1. Section 2254.004, Government Code, is amended to read as follows:

Sec. 2254.004. CONTRACT FOR PROFESSIONAL SERVICES OF ARCHITECT, ENGINEER, OR SURVEYOR. ~~[(a)]~~ In procuring architectural, engineering, or land surveying services, a governmental entity shall:

(1) base its choice on demonstrated competence, knowledge, and qualifications and on the reasonableness of the proposed fee for the services ~~[first select the most highly qualified provider of those services on the basis of demonstrated competence and qualifications]~~; and

(2) if other considerations are equal, give preference to a provider of those services whose principal place of business is in this state or who will manage the contract wholly from an office in this state ~~[then attempt to negotiate with that provider a contract at a fair and reasonable price]~~.

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

~~[(1) formally end negotiations with that provider,~~

1           ~~[(2) select the next most highly qualified provider,~~  
2 ~~and~~  
3           ~~[(3) attempt to negotiate a contract with that~~  
4 ~~provider at a fair and reasonable price.~~

5           ~~[(c) The entity shall continue the process described in~~  
6 ~~Subsection (b) to select and negotiate with providers until a~~  
7 ~~contract is entered into.]~~

8           SECTION 2. (a) This Act applies only to a contract or a  
9 construction or other public works project for which a governmental  
10 entity first advertises or otherwise requests bids, proposals,  
11 offers, or qualifications, or makes a similar solicitation, on or  
12 after the effective date of this Act.

13           (b) A contract or a construction or other public works  
14 project for which a governmental entity first advertises or  
15 otherwise requests bids, proposals, offers, or qualifications, or  
16 makes a similar solicitation, before the effective date of this Act  
17 is governed by the law as it existed immediately before the  
18 effective date of this Act, and that law is continued in effect for  
19 that purpose.

20           SECTION 3. This Act takes effect September 1, 2011.