

1-1 By: Davis S.B. No. 1866
1-2 (In the Senate - Filed March 11, 2011; March 24, 2011, read
1-3 first time and referred to Committee on State Affairs; May 5, 2011,
1-4 reported adversely, with favorable Committee Substitute by the
1-5 following vote: Yeas 7, Nays 1; May 5, 2011, sent to printer.)

1-6 COMMITTEE SUBSTITUTE FOR S.B. No. 1866 By: Duncan

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to the selection of providers of professional services by
1-10 governmental entities.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 2254.003, Government Code, is amended by
1-13 adding Subsection (a-1) to read as follows:

1-14 (a-1) Unless inconsistent with the criteria in Subsection
1-15 (a), a governmental entity selecting a provider of or awarding a
1-16 contract for professional services may consider:

1-17 (1) the impact on the entity's ability to comply with
1-18 laws, rules, or policies regarding, as applicable:

1-19 (A) historically underutilized or minority-owned
1-20 businesses;

1-21 (B) small business development programs; and

1-22 (C) any other contracting program approved by the
1-23 entity; and

1-24 (2) the location of the principal place of business of
1-25 a provider or a group or association of providers, if the governing
1-26 body of the entity determines that the location will affect how
1-27 efficiently or economically services would be provided.

1-28 SECTION 2. Subsection (a), Section 2254.004, Government
1-29 Code, is amended to read as follows:

1-30 (a) In procuring architectural, engineering, or land
1-31 surveying services, a governmental entity shall:

1-32 (1) first select the most highly qualified provider of
1-33 those services based on the factors listed in Sections 2254.003(a)
1-34 and (b) ~~[on the basis of demonstrated competence and~~
1-35 ~~qualifications]; and~~

1-36 (2) then attempt to negotiate with that provider a
1-37 contract at a fair and reasonable price.

1-38 SECTION 3. The changes in law made by this Act apply only to
1-39 a contract for which an invitation for offers, request for
1-40 proposals, request for qualifications, or other similar
1-41 solicitation is first published or distributed on or after the
1-42 effective date of this Act. A contract for which an invitation for
1-43 offers, request for proposals, request for qualifications, or other
1-44 similar solicitation is first published or distributed before the
1-45 effective date of this Act is governed by the law in effect at the
1-46 time the invitation, request, or other solicitation is published or
1-47 distributed, and the former law is continued in effect for that
1-48 purpose.

1-49 SECTION 4. This Act takes effect September 1, 2011.

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