

By: Flynn

H.B. No. 2605

Substitute the following for H.B. No. 2605:

By: Harper-Brown

C.S.H.B. No. 2605

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to contracts for certain professional services and the  
3 distribution of certain consultants' reports.

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

5 SECTION 1. Section 2254.004, Government Code, is amended by  
6 adding Subsection (d) to read as follows:

7 (d) Notwithstanding the process described by this section  
8 to select and negotiate with providers, a governmental entity may  
9 award multiple contracts for architectural, engineering, or land  
10 surveying services under a single request for qualifications if:

11 (1) the request for qualifications:

12 (A) contains the terms of the contracts; and

13 (B) provides for the equitable distribution of  
14 the services to be performed among the multiple contracts;

15 (2) the selection of providers of those services is  
16 based on demonstrated competence and qualifications;

17 (3) the contracts are negotiated sequentially; and

18 (4) the services to be performed are distributed on an  
19 equitable basis among the multiple contracts.

20 SECTION 2. Subchapter B, Chapter 2254, Government Code, is  
21 amended by adding Section 2254.041 to read as follows:

22 Sec. 2254.041. DISTRIBUTION OF CONSULTANT REPORTS. (a) A  
23 consulting services contract must include provisions that allow the  
24 state agency contracting with the consultant and any other state

1 agency and the legislature, at the contracting state agency's  
2 discretion, to distribute the consultant report, if any, and to  
3 post the report on the agency's Internet website or the website of a  
4 standing committee of the legislature.

5 (b) This section does not affect the application of Chapter  
6 552 to a consultant's report.

7 SECTION 3. (a) Except as provided by Subsection (b) of  
8 this section, Section 2254.041, Government Code, as added by this  
9 Act, applies only to a consulting services contract entered into on  
10 or after the effective date of this Act. A consulting services  
11 contract entered into before the effective date of this Act is  
12 governed by the law in effect on the date the contract is entered  
13 into, and that law is continued in effect for that purpose.

14 (b) Section 2254.041, Government Code, as added by this Act,  
15 does not apply to a consulting services contract entered into on or  
16 after the effective date of this Act if:

17 (1) the state agency entered into negotiations for the  
18 consulting services contract before the effective date of this Act;  
19 and

20 (2) the contract is executed before December 31, 2013.

21 SECTION 4. This Act takes effect immediately if it receives  
22 a vote of two-thirds of all the members elected to each house, as  
23 provided by Section 39, Article III, Texas Constitution. If this  
24 Act does not receive the vote necessary for immediate effect, this  
25 Act takes effect September 1, 2013.