

By: Carona  
(Flynn)

S.B. No. 176

Substitute the following for S.B. No. 176:

By: Harper-Brown

C.S.S.B. No. 176

A BILL TO BE ENTITLED

AN ACT

relating to contracts for certain professional services and the  
distribution of certain consultants' reports.

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

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

(d) This section does not prohibit an entity from making  
multiple awards under a request for qualifications, provided that  
the terms and conditions are noted in the request for  
qualifications, the selection of providers is based on demonstrated  
competence and qualifications, the contracts are negotiated  
sequentially, and the work is distributed on an equitable basis as  
set out in the request for qualifications.

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

Sec. 2254.041. DISTRIBUTION OF CONSULTANT REPORTS. (a) A  
consulting services contract must include provisions that allow the  
state agency contracting with the consultant and any other state  
agency and the legislature, at the contracting state agency's  
discretion, to distribute the consultant report, if any, and to  
post the report on the agency's Internet website or the website of a  
standing committee of the legislature.

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

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

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

11           (1) the state agency entered into negotiations for the  
12 consulting services contract before the effective date of this Act;  
13 and

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

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