

By: Simmons

H.B. No. 3109

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the requirements for request for proposals for  
3 design-build contracts for highway projects and the scope of and  
4 limitation on design-build contracts.

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

6 SECTION 1. Sections 223.246(a) and (b), Transportation  
7 Code, are amended to read as follows:

8 (a) The department shall issue a request for proposals to  
9 proposers short-listed under Section 223.245. A request for  
10 proposals must include:

- 11 (1) information on the overall project goals;
- 12 (2) publicly available cost estimates for the  
13 design-build portion of the project;
- 14 (3) materials specifications;
- 15 (4) special material requirements;
- 16 (5) ~~[a schematic design approximately 30 percent~~  
17 ~~complete,~~
- 18 ~~[(6)]~~ known utilities, provided that the department is  
19 not required to undertake an effort to locate utilities;
- 20 (6) ~~[(7)]~~ quality assurance and quality control  
21 requirements;
- 22 (7) ~~[(8)]~~ the location of relevant structures;
- 23 (8) ~~[(9)]~~ notice of any rules or goals adopted by the  
24 department relating to awarding contracts to disadvantaged

1 business enterprises or small business enterprises;

2 (9) [~~(10)~~] available geotechnical or other  
3 information related to the project;

4 (10) [~~(11)~~] the status of any environmental review of  
5 the project;

6 (11) [~~(12)~~] detailed instructions for preparing the  
7 technical proposal required under Subsection (d), including a  
8 description of the form and level of completeness of drawings  
9 expected;

10 (12) [~~(13)~~] the relative weighting of the technical  
11 and cost proposals required under Subsection (d) and the formula by  
12 which the proposals will be evaluated and ranked; and

13 (13) [~~(14)~~] the criteria to be used in evaluating the  
14 technical proposals, and the relative weighting of those criteria.

15 (b) The formula used to evaluate proposals under Subsection  
16 (a)(12) [~~(a)(13)~~] must allocate at least 70 percent of the  
17 weighting to the cost proposal.

18 SECTION 2. Section 370.401(d), Transportation Code, is  
19 repealed.

20 SECTION 3. Section 370.406(a), Transportation Code, is  
21 amended to read as follows:

22 (a) An authority shall issue a request for detailed  
23 proposals to proposers qualified or short-listed under Section  
24 370.405. A request for detailed proposals must include:

25 (1) information on the overall project goals;

26 (2) the authority's cost estimates for the  
27 design-build portion of the work;

- 1 (3) materials specifications;
- 2 (4) special material requirements;
- 3 (5) [~~a schematic design approximately 30 percent~~  
4 ~~complete,~~
- 5 ~~(6)~~ known utilities, provided that an authority is  
6 not required to undertake an effort to locate utilities;
- 7 (6) [~~(7)~~] quality assurance and quality control  
8 requirements;
- 9 (7) [~~(8)~~] the location of relevant structures;
- 10 (8) [~~(9)~~] notice of any rules or goals adopted by the  
11 authority pursuant to Section 370.183 relating to awarding  
12 contracts to disadvantaged businesses;
- 13 (9) [~~(10)~~] available geotechnical or other  
14 information related to the project;
- 15 (10) [~~(11)~~] the status of any environmental review of  
16 the project;
- 17 (11) [~~(12)~~] detailed instructions for preparing the  
18 technical proposal required under Subsection (c), including a  
19 description of the form and level of completeness of drawings  
20 expected;
- 21 (12) [~~(13)~~] the relative weighting of the technical  
22 and cost proposals required under Subsection (c) and the formula by  
23 which the proposals will be evaluated and ranked, provided that the  
24 formula shall allocate at least 70 percent of the weighting to the  
25 cost proposal; and
- 26 (13) [~~(14)~~] the criteria and weighting for each  
27 element of the technical proposal.

1           SECTION 4. The change in law made by this Act applies only  
2 to a contract entered into on or after the effective date of this  
3 Act. A contract entered into before the effective date of this Act  
4 is governed by the law in effect when the contract was entered into,  
5 and the former law is continued in effect for that purpose.

6           SECTION 5. This Act takes effect August 31, 2015.