

By: Hall

S.B. No. 826

A BILL TO BE ENTITLED

AN ACT

relating to the requirements for request for proposals for design-build contracts for highway projects.

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

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

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

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

1 (9) [~~(10)~~] available geotechnical or other
2 information related to the project;

3 (10) [~~(11)~~] the status of any environmental review of
4 the project;

5 (11) [~~(12)~~] detailed instructions for preparing the
6 technical proposal required under Subsection (d), including a
7 description of the form and level of completeness of drawings
8 expected;

9 (12) [~~(13)~~] the relative weighting of the technical
10 and cost proposals required under Subsection (d) and the formula by
11 which the proposals will be evaluated and ranked; and

12 (13) [~~(14)~~] the criteria to be used in evaluating the
13 technical proposals, and the relative weighting of those criteria.

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

17 SECTION 2. Section [370.406](#)(a), Transportation Code, is
18 amended to read as follows:

19 (a) An authority shall issue a request for detailed
20 proposals to proposers qualified or short-listed under Section
21 [370.405](#). A request for detailed proposals must include:

- 22 (1) information on the overall project goals;
- 23 (2) the authority's cost estimates for the
24 design-build portion of the work;
- 25 (3) materials specifications;
- 26 (4) special material requirements;
- 27 (5) [~~a schematic design approximately 30 percent~~]

1 ~~complete;~~

2 ~~[(6)]~~ known utilities, provided that an authority is
3 not required to undertake an effort to locate utilities;

4 (6) ~~[(7)]~~ quality assurance and quality control
5 requirements;

6 (7) ~~[(8)]~~ the location of relevant structures;

7 (8) ~~[(9)]~~ notice of any rules or goals adopted by the
8 authority pursuant to Section [370.183](#) relating to awarding
9 contracts to disadvantaged businesses;

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

12 (10) ~~[(11)]~~ the status of any environmental review of
13 the project;

14 (11) ~~[(12)]~~ detailed instructions for preparing the
15 technical proposal required under Subsection (c), including a
16 description of the form and level of completeness of drawings
17 expected;

18 (12) ~~[(13)]~~ the relative weighting of the technical
19 and cost proposals required under Subsection (c) and the formula by
20 which the proposals will be evaluated and ranked, provided that the
21 formula shall allocate at least 70 percent of the weighting to the
22 cost proposal; and

23 (13) ~~[(14)]~~ the criteria and weighting for each
24 element of the technical proposal.

25 SECTION 3. The change in law made by this Act applies only
26 to a contract entered into on or after the effective date of this
27 Act. A contract entered into before the effective date of this Act

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1 is governed by the law in effect when the contract was entered into,
2 and the former law is continued in effect for that purpose.

3 SECTION 4. This Act takes effect August 31, 2015.