

By: Nichols

S.B. No. 1294

A BILL TO BE ENTITLED

AN ACT

relating to certain limitations on design-build contracts for transportation infrastructure projects.

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

SECTION 1. Section 223.242, Transportation Code, is amended by amending Subsections (d) and (d-1) and adding Subsections (b-1) and (f) to read as follows:

(b-1) A design-build contract under this subchapter may not require a design-build contractor to maintain a project for a term longer than five years. This subsection does not prohibit a design-build contractor from agreeing to additional terms of maintenance for periods of five years or less through a contract renewal or extension.

(d) The department may enter into a design-build contract for a highway project with a construction cost estimate of \$250 [~~\$50~~] million or more to the department.

(d-1) The department may not enter into more than three contracts under this section in each fiscal year. [~~This subsection expires August 31, 2015.~~]

(f) The department shall not use the design-build method for the construction, expansion, extension, rehabilitation, alteration, or repair of a highway project if the project is designed by a person or entity other than the design-build contractor.

1 SECTION 2. (a) Section 223.242(b-1), Transportation Code,
2 as added by this Act, applies only to a contract entered into on or
3 after the effective date of this Act. A contract entered into
4 before that date is governed by the law as it existed on the date the
5 contract was entered into, and that law is continued in effect for
6 that purpose.

7 (b) Section 223.242(f), Transportation Code, as added by
8 this Act, applies only to a highway project for which a request for
9 qualifications is issued on or after the effective date of this Act.
10 A highway project for which a request for qualifications is issued
11 before the effective date of this Act is governed by the law in
12 effect on the date the request for qualifications was issued, and
13 that law is continued in effect for that purpose.

14 SECTION 3. This Act takes effect immediately if it receives
15 a vote of two-thirds of all the members elected to each house, as
16 provided by Section 39, Article III, Texas Constitution. If this
17 Act does not receive the vote necessary for immediate effect, this
18 Act takes effect on the 91st day after the last day of the
19 legislative session.