

1-1 By: Nichols S.B. No. 1294  
 1-2 (In the Senate - Filed March 11, 2015; March 18, 2015, read  
 1-3 first time and referred to Committee on Transportation;  
 1-4 April 20, 2015, reported adversely, with favorable Committee  
 1-5 Substitute by the following vote: Yeas 7, Nays 2; April 20, 2015,  
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8	X			
1-9		X		
1-10				
1-11	X			
1-12		X		
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1294 By: Nichols

1-19 A BILL TO BE ENTITLED  
 1-20 AN ACT

1-21 relating to certain limitations on design-build contracts for  
 1-22 transportation infrastructure projects.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 223.241, Transportation Code, is amended  
 1-25 by adding Subdivision (3) to read as follows:

1-26 (3) "Highway project" means a single facility between  
 1-27 two defined points in a highway corridor.

1-28 SECTION 2. Section 223.242, Transportation Code, is amended  
 1-29 by adding Subsections (b-1), (f), and (g) and amending Subsections  
 1-30 (d) and (d-1) to read as follows:

1-31 (b-1) A design-build contract under this subchapter may  
 1-32 include a maintenance agreement requiring a design-build  
 1-33 contractor to maintain a project for an initial term of not longer  
 1-34 than five years. The maintenance agreement may authorize the  
 1-35 department, in its sole discretion, to exercise options extending  
 1-36 the term of the maintenance agreement for additional periods beyond  
 1-37 the initial maintenance term with each additional period being not  
 1-38 longer than five years. The department shall obtain pricing for the  
 1-39 maintenance work for each maintenance term. The department may  
 1-40 require separate pricing for the maintenance work to be performed  
 1-41 for each year of a maintenance term.

1-42 (d) The department may enter into a design-build contract  
 1-43 for a highway project with a construction cost estimate of \$250  
 1-44 [~~\$50~~] million or more to the department.

1-45 (d-1) The department may not enter into more than three  
 1-46 contracts under this section in each fiscal year. [~~This subsection~~  
 1-47 expires August 31, 2015.]

1-48 (f) The department shall not use the design-build method for  
 1-49 the construction, expansion, extension, rehabilitation,  
 1-50 alteration, or repair of a highway project if the project is  
 1-51 substantially designed by the department or another entity other  
 1-52 than the design-build contractor.

1-53 (g) The department shall not include more than one highway  
 1-54 project in a design-build contract.

1-55 SECTION 3. (a) Section 223.242(b-1), Transportation Code,  
 1-56 as added by this Act, applies only to a contract entered into on or  
 1-57 after the effective date of this Act. A contract entered into  
 1-58 before that date is governed by the law as it existed on the date the  
 1-59 contract was entered into, and that law is continued in effect for  
 1-60 that purpose.

2-1 (b) Sections 223.242(f) and (g), Transportation Code, as  
2-2 added by this Act, apply only to a highway project for which a  
2-3 request for qualifications is issued on or after the effective date  
2-4 of this Act. A highway project for which a request for  
2-5 qualifications is issued before the effective date of this Act is  
2-6 governed by the law in effect on the date the request for  
2-7 qualifications was issued, and that law is continued in effect for  
2-8 that purpose.

2-9 SECTION 4. This Act takes effect immediately if it receives  
2-10 a vote of two-thirds of all the members elected to each house, as  
2-11 provided by Section 39, Article III, Texas Constitution. If this  
2-12 Act does not receive the vote necessary for immediate effect, this  
2-13 Act takes effect on the 91st day after the last day of the  
2-14 legislative session.

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