

BILL ANALYSIS

C.S.H.B. 3188
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Urban Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Informed observers assert the need for certain water utilities to enter into contracts for a greater number of civil works projects than currently allowed in order to finish projects on time and within budget. C.S.H.B. 3188 seeks to address this issue by increasing the maximum number of civil works projects into which certain water utilities may independently enter in any fiscal year and to clarify a deadline relating to the submission of a proposal by a design-build firm.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 3188 amends the Government Code to increase from two to four the maximum number of civil works projects into which a municipally owned water utility with a separate governing board appointed by the governing body of a municipality with a population of 500,000 or more may independently enter in any fiscal year.

C.S.H.B. 3188 replaces the requirement, under provisions relating to design-build procedures for a combination of technical and cost proposals, that a design-build firm submit a proposal not later than the 180th day after the date a governmental entity makes a public request for proposals from selected firms with the requirement that a response to a request for detailed proposals be submitted on or before the earlier of the time for submission as requested by the governmental entity or the 180th day after the date the governmental entity makes a public request for proposals from selected firms.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3188 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 2269.354(a), Government Code, is amended.

No equivalent provision.

No equivalent provision.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Same as introduced version.

SECTION 2. Section 2269.361(a), Government Code, is amended to read as follows:

(a) A governmental entity shall request proposals from design-build firms identified under Section 2269.359(c). A response to a request for detailed proposals must be submitted on or before the earlier of the time for submission as requested by the governmental entity or [A firm must submit a proposal not later than] the 180th day after the date the governmental entity makes a public request for the proposals from the selected firms. The request for proposals must include:

- (1) a design criteria package;
- (2) if the project site is identified, a geotechnical baseline report or other information that provides the design-build firm minimum geotechnical design parameters to submit a proposal;
- (3) detailed instructions for preparing the technical proposal and the items to be included, including a description of the form and level of completeness of drawings expected; and
- (4) the relative weighting of the technical and price proposals and the formula by which the proposals will be evaluated and ranked.

SECTION 3. Section 2269.361(a), Government Code, as amended by this Act, applies only to a contract awarded on or after the effective date of this Act.

SECTION 4. Same as introduced version.