

By: Uresti

H.B. No. 3938

A BILL TO BE ENTITLED

AN ACT

1
2 relating to requirements for procuring the services of a
3 commissioning agent related to a school district contract for
4 construction services.

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

6 SECTION 1. Subchapter B, Chapter 44, Education Code, is
7 amended by adding Section 44.0333 to read as follows:

8 Sec. 44.0333. PROCUREMENT OF COMMISSIONING AGENT SERVICES
9 RELATED TO SCHOOL DISTRICT CONTRACTS FOR CONSTRUCTION SERVICES.

10 (a) In this section, "commissioning agent" means a person who, in
11 connection with a school district construction contract:

12 (1) is retained by the school district to verify that a
13 construction project and building systems conform to the district's
14 requirements and the architects' and engineers' design
15 specifications; and

16 (2) is responsible for leading and managing the design
17 or construction process and works closely with the design,
18 construction, or operational teams throughout the design,
19 construction, or post-construction phases of a construction
20 project.

21 (b) Notwithstanding any other law, including Section
22 2269.058, Government Code, and Subchapters E and F, Chapter 2269,
23 Government Code, a school district is subject to procurement
24 procedures that require the request for and submission of a bid when

1 selecting the services of a commissioning agent.

2 SECTION 2. Section 44.0333, Education Code, as added by
3 this Act, applies only to a contract for the services of a
4 commissioning agent for which a school district first advertises or
5 makes a solicitation on or after the effective date of this Act. A
6 contract for the services of a commissioning agent for which a
7 school district first advertises or makes a solicitation before the
8 effective date of this Act is governed by the law in effect when the
9 advertisement or solicitation is made, and the former law is
10 continued in effect for that purpose.

11 SECTION 3. This Act takes effect September 1, 2017.