

Amend HB 2899 (house committee printing) as follows:

(1) On page 1, line 6, between "SECTION 1." and "Title", insert "Subtitle Z,".

(2) On page 1, line 14, strike "entity," and substitute "entity"

(3) On page 2, strike lines 3 through 6 and substitute the following:

(3) "Governmental entity" means:

(A) the Texas Department of Transportation; or

(B) any political subdivision of the state that is acting under Chapter 284, 366, 370, or 431.

(4) On page 2, line 9, between "under" and "separate", insert "a".

(5) On page 2, lines 11-12, strike "OF CHAPTER TO GOVERNMENTAL ENTITIES".

(6) On page 2, line 17, strike "as defined by this chapter".

(7) On page 2, line 20, strike "that is" and substitute "to the extent".

(8) On page 2, line 24, between "under" and "separate", insert "a".

(9) On page 2, line 27, between "promise" and "in", insert "contained".

(10) On page 3, lines 1-2, strike "it conflicts with Subsection (a)" and substitute "that the covenant or promise conflicts with Subsection (a)".

(11) On page 3, between lines 2 and 3, insert the following:

(c) This section does not apply to a consultant retained in a separate contract by a governmental entity to expressly monitor the compliance with project specifications by another contactor with whom the governmental entity has entered into a contract.

(d) This section does not relieve a contractor from the contractor's obligations or liability under a contract with a governmental entity.

Sec. 473.004. ENGINEER'S OR ARCHITECT'S STANDARD OF CARE. A governmental entity may not require that engineering or architectural services be performed to a level of professional skill and care beyond the level that would be provided by an

ordinarily prudent engineer or architect with the same professional license and under the same or similar circumstances in a contract:

(1) for engineering or architectural services; or

(2) that contains engineering or architectural services as a component part.

(12) On page 3, line 8, strike "this chapter" and substitute "Chapter 473, Transportation Code, as added by this Act".