

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1297
By: Powell
Education
4/22/2019
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Construction contracts for public buildings in Texas contain general conditions, which are common across all projects, and special conditions, which are unique to a particular project. For general conditions, state building construction contracts use uniform general conditions, which are collaboratively developed every five years by a statutory workgroup and then adopted by the Texas Facilities Commission. [Subchapter G, Chapter 2166, Government Code]. The adoption of uniform general conditions (UGC)s ensure that public funds are used with maximum efficiency during the contracting, planning, and construction of state buildings. Under current law, although they are built with public funds, school buildings are not covered by the UGCs. Interested parties assert that, like the state, school districts could similarly benefit from the adoption of UGCs.

S.B. 1297 seeks to improve efficiency and cost-savings by allowing school districts to utilize UGCs in their construction contracts. As filed, the bill would amend the Education Code to require the Texas Education Agency, after reviewing the uniform general conditions adopted by the Texas Facilities Commission, to adopt uniform general conditions that may be incorporated in all building construction contracts made by school districts. (Original Author's/Sponsor's Statement of Intent)

C.S.S.B. 1297 amends current law relating to the adoption of uniform general conditions for building construction contracts entered into by school district and the composition of the committee that reviews uniform general conditions.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 44, Education Code, by adding Section 44.035, as follows:

Sec. 44.035. ADOPTION OF UNIFORM GENERAL CONDITIONS FOR SCHOOL DISTRICT BUILDING CONSTRUCTION CONTRACTS. Authorizes a school district, after reviewing the uniform general conditions adopted by the Texas Facilities Commission (TFC) under Section 2166.302 (Adoption of Conditions), Government Code, to adopt uniform general conditions to be incorporated in all district building construction contracts.

SECTION 2. Section 2166.305(b), Government Code, as follows:

(b) Requires a committee appointed by TFC to perform the review. Provides that the committee consists of certain individuals, including one individual appointed by TFC representing the Texas Association of School Boards and one individual appointed by TFC representing the Texas Association of School Administrators.

SECTION 3. Requires TFC, not later than December 1, 2019, to appoint two additional members to the committee in accordance with Section 2166.305(b), Government Code, as amended by this Act.

SECTION 4. Effective date: upon passage or September 1, 2019.