

By: Nichols  
(Clardy)

S.B. No. 808

A BILL TO BE ENTITLED

AN ACT

relating to the construction manager-at-risk method of contracting  
for governmental construction projects.

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

SECTION 1. Section 2269.255(a), Government Code, is amended  
to read as follows:

(a) A construction manager-at-risk shall publicly advertise  
for bids or proposals and receive bids or proposals from trade  
contractors or subcontractors for the performance of all major  
elements of the work other than the minor work that may be included  
in the general conditions. Except as otherwise provided by this  
subchapter, a construction manager-at-risk shall use the  
competitive bidding method or competitive sealed proposal method to  
consider a contract with a trade contractor or subcontractor in the  
manner required by this chapter for a governmental entity to  
consider a contract with a contractor. If a construction  
manager-at-risk uses the competitive sealed proposal method to  
consider a contract with a trade contractor or subcontractor:

- (1) price must be one of the selection criteria; and
- (2) the weighted value of price as a selection  
criterion must be 40 percent or more of the total weighted value of  
all of the selection criteria.

SECTION 2. Section 2269.256(a), Government Code, is amended  
to read as follows:

1           (a) The construction manager-at-risk shall review all trade  
2 contractor or subcontractor bids or proposals in a manner that does  
3 not disclose the contents of the bid or proposal during the  
4 selection process to a person not employed by the construction  
5 manager-at-risk, architect, engineer, or governmental entity. All  
6 bids or proposals shall be made available to the governmental  
7 entity [~~on request~~] and to the public not later than the seventh day  
8 after the later of the award of the contract or [~~the seventh day~~  
9 ~~after~~] the date of final selection of bids or proposals.

10           SECTION 3. Sections     2269.255(a)     and     2269.256(a),  
11 Government Code, as amended by this Act, apply only in relation to a  
12 contract for which a construction manager-at-risk first advertises  
13 bids or proposals on or after the effective date of this Act.

14           SECTION 4. This Act takes effect September 1, 2019.