

1-1 By: Nichols S.B. No. 808
 1-2 (In the Senate - Filed February 13, 2019; March 1, 2019,
 1-3 read first time and referred to Committee on Business & Commerce;
 1-4 May 9, 2019, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 8, Nays 0; May 9, 2019, sent
 1-6 to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16			X	
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 808 By: Nichols

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the construction manager-at-risk method of contracting
 1-22 for governmental construction projects.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 2269.255(a), Government Code, is amended
 1-25 to read as follows:

1-26 (a) A construction manager-at-risk shall publicly advertise
 1-27 for bids or proposals and receive bids or proposals from trade
 1-28 contractors or subcontractors for the performance of all major
 1-29 elements of the work other than the minor work that may be included
 1-30 in the general conditions. Except as otherwise provided by this
 1-31 subchapter, a construction manager-at-risk shall use the
 1-32 competitive bidding method or competitive sealed proposal method to
 1-33 consider a contract with a trade contractor or subcontractor in the
 1-34 manner required by this chapter for a governmental entity to
 1-35 consider a contract with a contractor. If a construction
 1-36 manager-at-risk uses the competitive sealed proposal method to
 1-37 consider a contract with a trade contractor or subcontractor:

- 1-38 (1) price must be one of the selection criteria; and
- 1-39 (2) the weighted value of price as a selection
- 1-40 criterion must be 40 percent or more of the total weighted value of
- 1-41 all of the selection criteria.

1-42 SECTION 2. Section 2269.256(a), Government Code, is amended
 1-43 to read as follows:

1-44 (a) The construction manager-at-risk shall review all trade
 1-45 contractor or subcontractor bids or proposals in a manner that does
 1-46 not disclose the contents of the bid or proposal during the
 1-47 selection process to a person not employed by the construction
 1-48 manager-at-risk, architect, engineer, or governmental entity. All
 1-49 bids or proposals shall be made available to the governmental
 1-50 entity ~~[on request]~~ and to the public not later than the seventh day
 1-51 after the later of the award of the contract or [the seventh day
 1-52 after] the date of final selection of bids or proposals.

1-53 SECTION 3. Sections 2269.255(a) and 2269.256(a),
 1-54 Government Code, as amended by this Act, apply only in relation to a
 1-55 contract for which a construction manager-at-risk first advertises
 1-56 bids or proposals on or after the effective date of this Act.

1-57 SECTION 4. This Act takes effect September 1, 2019.

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