

By: Kacal

H.B. No. 2581

A BILL TO BE ENTITLED

AN ACT

relating to civil works projects and other construction projects of governmental entities.

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

SECTION 1. Section 2269.056(b), Government Code, is amended to read as follows:

(b) The governmental entity shall base its selection among offerors on applicable criteria listed for the particular method used. The governmental entity shall publish in the request for proposals or qualifications:

(1) the criteria that will be used to evaluate the offerors;

(2) the applicable weighted value for each criterion; and

(3) ~~[for state agencies,]~~ a detailed methodology for scoring each criterion.

SECTION 2. Subchapter B, Chapter 2269, Government Code, is amended by adding Section 2269.060 to read as follows:

Sec. 2269.060. DOCUMENTS RELATED TO EVALUATION AND RANKING.

(a) An offeror who submits a bid, proposal, or response to a request for qualifications for a construction contract under this chapter may, after the contract is awarded, make a request in writing to the governmental entity to provide documents related to the evaluation of the offeror's submission.

1        (b) Not later than the 30th day after the date a request is  
2 made under Subsection (a), the governmental entity shall deliver to  
3 the offeror the documents relating to the evaluation of the  
4 submission including, if applicable, its ranking of the submission.

5        SECTION 3. Section 2269.153, Government Code, is amended to  
6 read as follows:

7        Sec. 2269.153. PREPARATION OF REQUEST. (a) In this  
8 section, "civil works project" has the meaning assigned by Section  
9 2269.351.

10        (b) The governmental entity shall prepare a request for  
11 competitive sealed proposals that includes construction documents,  
12 selection criteria and the weighted value for each criterion,  
13 estimated budget, project scope, estimated project completion  
14 date, and other information that a contractor may require to  
15 respond to the request.

16        (c) Except as provided by Subsection (d), for civil works  
17 projects, the weighted value assigned to price must be at least 50  
18 percent of the total weighted value of all selection criteria.

19        (d) If the governing body of a governmental entity  
20 determines that assigning a lower weighted value to price is in the  
21 public interest, the governmental entity may assign to price a  
22 weighted value of not less than 36.9 percent of the total weighted  
23 value of all selection criteria.

24        SECTION 4. Section 2269.155, Government Code, is amended by  
25 adding Subsection (d) to read as follows:

26        (d) Not later than the seventh business day after the date  
27 the contract is awarded, the governmental entity shall make the

1 evaluations, including any scores, public and provide them to all  
2 offerors.

3 SECTION 5. Section 2269.452(a), Government Code, is amended  
4 to read as follows:

5 (a) This chapter may be enforced through an action for  
6 declaratory or injunctive relief filed not later than the 15th  
7 calendar [~~10th~~] day after the date on which the contract is awarded.

8 SECTION 6. The change in law made by this Act applies only  
9 to a contract for which a governmental entity first advertises or  
10 otherwise solicits bids, proposals, offers, or qualifications or  
11 makes a similar solicitation on or after the effective date of this  
12 Act. A contract for which a governmental entity first advertises or  
13 otherwise solicits bids, proposals, offers, or qualifications or  
14 makes a similar solicitation before the effective date of this Act  
15 is governed by the law in effect on the date the advertisement or  
16 solicitation is made, and that law is continued in effect for that  
17 purpose.

18 SECTION 7. This Act takes effect September 1, 2021.