

Allowing geoscientists and landscape architects to be hired based on qualifications rather than price

HB 2820 by Chisum (Wentworth)

[Return to Table of Contents](#)

DIGEST: HB 2820 would have amended the Texas Professional Services Procurement Act by expanding the definition of “professional services” to include the practice of professional geoscience by a professional geoscientist. The bill also would have added geoscientists and landscape architects to the list of professional service providers for which a governmental entity would have to select first the most highly qualified provider and attempt to negotiate a fair and reasonable price before selecting the next most highly qualified provider.

GOVERNOR’S REASON FOR VETO:

“House Bill No. 2820 would expand the definition of professional services to include geoscientists and landscape architects. The bidding procedure for professional services requires selection based on qualifications without regard to price. This bill would prevent price-based competition for services by geoscientists and landscape architects, and therefore does not guarantee the best value for taxpayers when government entities contract for these services.”

RESPONSE: **Rep. Warren Chisum**, the bill’s author, had no comment on the veto.

Sen. Jeff Wentworth, the Senate sponsor, said: “This bill was thoroughly vetted by two legislative committees in public hearings where arguments both in favor of and opposed to the bill were heard, and the bill passed the Senate by a vote of 31-0 and the House of Representatives by a vote of 138-9. Whoever on the governor’s staff recommended that he veto it is less knowledgeable about the bill than the 181 members of the Legislature, and the governor should not have vetoed it.

“In some cases a ‘buy’ decision can be based on price alone, but the acquisition of certain services may be better served if additional factors are considered. Such is the case of House Bill 2820, relating to contracts by governmental entities for professional services relating to geoscience and landscape architecture.

“Certain products and services, such as pencils or street sweeping, are fairly static in workmanship and component. Other products and services, such as an automobile or subterranean mapping, are more complex, and a more sophisticated consumer would consider more than price before entering into an agreement to acquire these goods or services. The same would apply to landscape architects, who design and install many of the commercial and residential irrigation systems today.

“House Bill 2820 and my Senate companion legislation would have included professional geoscientists and landscape architects among those professional

services that governmental entities may first consider professional qualifications when acquiring services and not have to make a decision based solely on price. HB 2820 would not have prevented price-based competition. If the most qualified service firm does not negotiate an acceptable price, the governmental entity may go to the second most qualified firm.

“I believe the consumer gets what he pays for, and I am disappointed that the selection of a provider of geoscientist or landscape architecture services must make the selection based on price over qualification, especially when public health and safety may be impacted.”

NOTES: The HRO analysis of HB 2820 appeared in the May 11 *Daily Floor Report*.