

## **BILL ANALYSIS**

Senate Research Center

S.B. 583  
By: Ratliff  
Education  
3-24-97  
As Filed

### **DIGEST**

Currently, state law allows school districts to choose from a list of purchasing methods, including competitive bidding, competitive sealed proposals, requests for proposals, and design-build contracts. The reference to design-build may have created confusion since prior to the recodification of the Education Code, a series of opinions issued by the attorney general held that public entities in Texas could not utilize design-build procedures because the practice was found to be incompatible with law prohibiting competitive bidding for professional services. This bill establishes procedural guidelines by which a school district can utilize design-build contracts for permanent improvements.

### **PURPOSE**

As proposed, S.B. 583 establishes procedural guidelines by which a school district can utilize design-build contracts for permanent improvements.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 44B, Education Code, by adding Section 44.0311, as follows:

Sec. 44.0311. DESIGN-BUILD CONTRACTS FOR FACILITIES. Defines "architect," "design-build contract," "design-build firm," "design criteria package," "engineer," and "facility." Requires the contracting school district and the design-build firm to follow procedures as outlined by Subsections (c) through (j), in entering into a contract for the construction of a facility using design-build delivery procedures. Requires the district to designate an engineer or architect to act as its exclusive representative and sets forth requirements of the engineer or architect. Requires the engineer or architect to prepare a request for qualifications, including information to be included, and to prepare a design criteria package. Requires the district to publish the request for qualifications in a certain manner. Requires the district to evaluate proposals and select a design-build firm in two phases and sets forth the requirements of each phase. Requires the firm's engineers or architects to complete the design, meeting certain requirements, following selection of a design-build firm under Subsection (f). Requires an engineer to have responsibility for compliance with the engineering design requirements and all other requirements of the Texas Engineering Practice Act. Requires the district's engineer or architect to be responsible for advising the district as to whether the project complies with the originally developed scope, design, and criteria. Requires the design-build firm to supply a signed and sealed record of the project, as constructed, to the district at the conclusion of construction.

SECTION 2. Effective date: September 1, 1997.

SECTION 3. Emergency clause.