

## **BILL ANALYSIS**

Senate Research Center

S.B. 1909  
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As Filed

### **DIGEST**

Currently, municipalities are prohibited from entering into design-build contracts. School districts have been able to enter the contracting scheme for public improvement projects, and the private sector has used design-built construction for many years. Design-build construction is a team of architects, engineers, contractors, and subcontractors working together rather than executing separate contracts. The benefits are fewer change orders, tighter cost controls, and more timely completion of the work. However, the only public entities authorized to enter into design-build contracts are school districts. H.B. 1909 authorizes municipalities to enter into the contracts for public improvement projects that are larger than \$50 million, and not for a separate public road, highway bridge, or utility project.

### **PURPOSE**

As proposed, S.B. 1909 authorizes municipalities to enter into design-build contracts for certain public improvement projects.

### **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 252C, Local Government Code, by adding Section 252.051, as follows:

Sec. 252.051. DESIGN-BUILD CONTRACTS FOR MUNICIPAL PUBLIC IMPROVEMENT PROJECTS OR FACILITIES. Defines “design-build contract,” “design-build firm,” and design criteria package.” Authorizes a municipality to use the design-build method for certain construction work on certain public building projects that have a total projected cost of \$50,000,000 or more. Requires the contracting municipality and the design-build firm to follow the procedures provided by this section. Authorizes the municipality to designate an engineer or architect to act as its representative, and to use a non-municipal employee if the architect or engineer is selected on certain competency qualifications. Requires the municipality to prepare a request for certain qualifications and the design criteria packages that includes more detailed information on the project or facility. Requires the services of an engineer or architect in helping to prepare the package to be provided in accordance with applicable law. Requires the municipality to evaluate proposals and select a design-build firm in certain phases. Requires the firm’s engineers or architects to complete the design and submit it for review before commencing construction. Requires an engineer and an architect to be responsible for compliance for requirements respective to certain statutes. Requires the municipality to provide or contract for inspection services, construction materials testing, and other verification services necessary for acceptance of the project or facility by the municipality. Requires the municipality to select those services as provided by Section 2254.004, Government Code. Requires the design-build firm to supply a signed and sealed set of construction documents for the project or facility to the municipality at the conclusion of construction. Provides that a payment or performance bond is not required for the portion of a design-build contract under this section that includes design services only.

SECTION 2. Amends Chapter 262, Local Government Code, by adding Section 262.024(a)(11), to add text regarding contracts let pursuant to procurement methodology authorized by Chapter 252C, Section 252.051.

SECTION 3. Effective date: September 1, 1999.  
Makes application of this Act prospective.

SECTION 4. Emergency clause.