

BILL ANALYSIS

Senate Research Center
87R3745 ANG-F

S.B. 338
By: Powell
Education
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Construction contracts for public buildings in Texas contain general conditions, which are common across all projects, and special conditions, which are unique to a particular project.

For general conditions, state-building construction contracts use uniform general conditions, which are collaboratively developed every five years by a statutory workgroup and then adopted by the Texas Facilities Commission. [Government Code Chapter 2166, Subchapter G] The adoption of uniform general conditions (UGC)s ensures that public funds are used with maximum efficiency during the contracting, planning, and construction of state buildings. Although they are built with public funds under current law, school buildings are not covered by the UGCs. Interested parties assert that, like the state, school districts could similarly benefit from the adoption of UGCs.

S.B. 338 seeks to improve efficiency and cost-savings by allowing school districts to utilize UGCs in their construction contracts.

As proposed, S.B. 338 amends current law relating to the adoption of uniform general conditions for building construction contracts entered into by school districts and the composition of the committee that reviews uniform general conditions.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 44, Education Code, by adding Section 44.035, as follows:

Sec. 44.035. ADOPTION OF UNIFORM GENERAL CONDITIONS FOR SCHOOL DISTRICT BUILDING CONSTRUCTION CONTRACTS. Authorizes a school district to adopt uniform general conditions to be incorporated in all district building construction contracts after reviewing the uniform general conditions adopted by the Texas Facilities Commission (TFC) under Section 2166.302 (Adoption of Conditions), Government Code.

SECTION 2. Amends Section 2166.305(b), Government Code, to include in the membership of the committee required to review uniform general conditions, one individual appointed by TFC representing the Texas Association of School Boards and one individual appointed by TFC representing the Texas Association of School Administrators.

SECTION 3. Requires TFC, not later than December 1, 2021, to appoint two additional members to the committee in accordance with Section 2166.305(b), Government Code, as amended by this Act.

SECTION 4. Effective date: upon passage or September 1, 2021.