

BILL ANALYSIS

Senate Research Center
77R584 SB-D

S.C.R. 1
By: Wentworth
Jurisprudence
1/19/2001
As Filed

DIGEST

R.C. Crawford and Crawford Heavy and Marine Construction Limited (CHMCL) alleges that on October 14, 1991, they submitted a bid and were subsequently issued a contract for work to be performed for the Texas Department of Transportation (TxDOT) to repair a roadway between Katy and Houston, Texas. The contract for repair was eventually terminated and R.C. Crawford and CHMCL and TxDOT entered into a dispute over money owed to R.C. Crawford and CHMCL for work completed and other damages. An administrative hearing was held, and shortly after the hearing R.C. Crawford discovered that TxDOT had withheld evidence from R.C. Crawford and the attorneys for CHMCL. R.C. Crawford and the attorneys of CHMCL did not have an opportunity to review the withheld material prior to the hearing, and the withheld material could have had significant influence on the facts of the case presented by R.C. Crawford and CHMCL. Eventually the administrative law judge made a ruling in favor of R.C. Crawford and CHMCL based only on the information as it was presented by R.C. Crawford and their attorneys before they were aware of the information withheld by TxDOT, and the ruling, based on the record before the discovery of the withheld evidence, was rejected by R.C. Crawford and CHMCL. As a result of the actions of TxDOT, R.C. Crawford lost his bonding capacity, and eventually lost his business, namely CHMCL, and R.C. Crawford and CHMCL are entitled to recover compensation for the work performed, lost bonding damages, attorney's fees, and all other damages as allowed by law except exemplary or punitive damages.

PURPOSE

As proposed, S.C.R. 1 submits the following resolutions:

Grants R.C. Crawford and Crawford Heavy and Marine Construction Limited (CHMCL) permission to sue the State of Texas and the Texas Department of Transportation (TxDOT) subject to Chapter 107 (Permission to Sue the State), Civil Practice and Remedies Code. Requires the suit authorized by this resolution to be brought in Travis County and prohibits the total of all damages awarded in the suit authorized by this resolution, including any court costs, and any prejudgment interest awarded under law, from exceeding \$3 million, plus the addition to that amount of any attorney's fees. Prohibits R.C. Crawford and CHMCL from pleading an amount in excess of that amount in a suit authorized by this resolution. Provides that this is the total amount that may be recovered with respect to the contract that is the subject of this resolution in all actions brought with respect to that contract. Provides that the executive director of TxDOT be served process as provided by Section 107.002(a) (3) (Effect of Grant of Permission), Civil Practice and Remedies Code.