

BILL ANALYSIS

Senate Research Center
82R18294 VOO-F

C.S.S.B. 1866
By: Davis
State Affairs
5/3/2011
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Professional Services Procurement Act requires an entity, in retaining professionals to perform services subject to the Act, which generally includes any area for which a state license is required, to identify the most highly qualified proposed provider on the basis of demonstrated competence and qualifications, then try to negotiate a contract with that provider. If the entity is unable to do so, the entity is to notify the provider that it is terminating negotiations and moving to the next most highly qualified provider. Selection of a provider of professional services on the basis of competitive bidding is prohibited.

C.S.S.B. 1866 amends current law relating to the selection of providers of professional services by governmental entities.

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 Section 2254.003, Government Code, by adding Subsection (a-1), as follows:

(a-1) Authorizes a governmental entity selecting a provider of or awarding a contract for professional services, unless inconsistent with the criteria in Subsection (a) (relating to prohibiting a governmental entity from selecting a provider on the basis of competitive bids and sets forth appropriate conditions for selecting a provider), to consider:

(1) the impact on the entity's ability to comply with laws, rules, or policies regarding, as applicable historically underutilized or minority-owned businesses; small business development programs; and any other contracting program approved by the entity; and

(2) the location of the principal place of business of a provider or a group or association of providers, if the governing body of the entity determines that the location will affect how efficiently or economically services would be provided.

SECTION 2. Amends Section 2254.004(a), Government Code, as follows:

(a) Requires a governmental entity, in procuring architectural, engineering, or land surveying services, to:

(1) first select the most highly qualified provider of those services based on the factors listed in Subsection 2254.003(a) and (b) (relating to prohibiting the professional fees under the contract from exceeding any maximum provided by law), rather than requiring a governmental entity, in procuring architectural, engineering, or land surveying services, to first select the most highly qualified provider of those services on the basis of demonstrated competence and qualifications; and

(2) Makes no change to this subdivision.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2011.