

## **BILL ANALYSIS**

C.S.H.B. 1752  
By: Clardy  
State Affairs  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Concerns have been raised regarding the evaluation of bids for certain public works contracts that use the construction manager-at-risk delivery method. It has been suggested that this method may not be sufficiently transparent to the public and may allow such a manager discretion to select a bid other than the bid offering the lowest cost. C.S.H.B. 1752 seeks to address these concerns by specifically requiring price to be used as a weighted selection criterion in such a procurement process.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 1752 amends the Government Code to require a construction manager-at-risk to use the competitive bidding method or competitive sealed proposal method to consider a public work contract with a trade contractor or subcontractor in the manner required by state law for a governmental entity to consider a contract with a contractor. If a construction manager-at-risk uses the competitive sealed proposal method to consider such a contract, price must be one of the selection criteria, and the weighted value of price as a selection criterion must be 40 percent or more of the total weighted value of all the selection criteria. The bill removes as a condition for making all bids or proposals available to a governmental entity the condition that the entity request them. The bill changes the deadline for making bids or proposals available to the entity and to the public by replacing the requirement that they be made available after the later of the award of the contract or the seventh day after the date of final selection of bids or proposals with the requirement that they be made available not later than the seventh day after the later of the award of the contract or the date of final selection of bids or proposals.

### **EFFECTIVE DATE**

September 1, 2019.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 1752 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute changes the required weighted value of price as a selection criterion from at least half of the total weighted value of all of the selection criteria to 40 percent or more of that total weighted value.