

AN ACT

relating to contracts by governmental entities for professional services relating to geoscience and landscape architecture.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 2254.002(2), Government Code, is amended to read as follows:

(2) "Professional services" means services:

(A) within the scope of the practice, as defined by state law, of:

- (i) accounting;
- (ii) architecture;
- (iii) landscape architecture;
- (iv) land surveying;
- (v) medicine;
- (vi) optometry;
- (vii) professional engineering;
- (viii) real estate appraising; ~~or~~
- (ix) professional nursing; or
- (x) professional geoscience; or

(B) provided in connection with the professional employment or practice of a person who is licensed or registered as:

- (i) a certified public accountant;
- (ii) an architect;
- (iii) a landscape architect;

- 1 (iv) a land surveyor;
- 2 (v) a physician, including a surgeon;
- 3 (vi) an optometrist;
- 4 (vii) a professional engineer;
- 5 (viii) a state certified or state licensed
- 6 real estate appraiser; ~~or~~
- 7 (ix) a registered nurse; or
- 8 (x) a professional geoscientist.

9 SECTION 2. The heading to Section 2254.004, Government
10 Code, is amended to read as follows:

11 Sec. 2254.004. CONTRACT FOR PROFESSIONAL SERVICES OF
12 ARCHITECT, ENGINEER, ~~OR~~ SURVEYOR, LANDSCAPE ARCHITECT, OR
13 GEOSCIENTIST.

14 SECTION 3. Sections 2254.004(a) and (b), Government Code,
15 are amended to read as follows:

16 (a) In procuring architectural, engineering, ~~or~~ land
17 surveying, landscape architectural, or geoscientific services, a
18 governmental entity shall:

19 (1) first select the most highly qualified provider of
20 those services on the basis of demonstrated competence and
21 qualifications; and

22 (2) then attempt to negotiate with that provider a
23 contract at a fair and reasonable price.

24 (b) If a satisfactory contract cannot be negotiated with the
25 most highly qualified provider of architectural, engineering, ~~or~~
26 land surveying, landscape architectural, or geoscientific
27 services, the entity shall:

- 1 (1) formally end negotiations with that provider;
2 (2) select the next most highly qualified provider;
3 and
4 (3) attempt to negotiate a contract with that provider
5 at a fair and reasonable price.

6 SECTION 4. The changes in law made by this Act apply only to
7 the selection of a provider of professional geoscientific services
8 or the award of a contract to provide professional geoscientific
9 services made on or after October 1, 2009.

10 SECTION 5. This Act takes effect September 1, 2009.

President of the Senate

Speaker of the House

I certify that H.B. No. 2820 was passed by the House on May 11, 2009, by the following vote: Yeas 138, Nays 9, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 2820 was passed by the Senate on May 26, 2009, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor