

1-1 By: Chisum, Chavez (Senate Sponsor - Wentworth) H.B. No. 2820  
1-2 (In the Senate - Received from the House May 12, 2009;  
1-3 May 13, 2009, read first time and referred to Committee on  
1-4 Administration; May 20, 2009, reported favorably by the following  
1-5 vote: Yeas 5, Nays 0; May 20, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to contracts by governmental entities for professional  
1-9 services relating to geoscience and landscape architecture.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 2254.002(2), Government Code, is amended  
1-12 to read as follows:

1-13 (2) "Professional services" means services:

1-14 (A) within the scope of the practice, as defined  
1-15 by state law, of:

- 1-16 (i) accounting;
- 1-17 (ii) architecture;
- 1-18 (iii) landscape architecture;
- 1-19 (iv) land surveying;
- 1-20 (v) medicine;
- 1-21 (vi) optometry;
- 1-22 (vii) professional engineering;
- 1-23 (viii) real estate appraising; ~~[or]~~
- 1-24 (ix) professional nursing; or
- 1-25 (x) professional geoscience; or

1-26 (B) provided in connection with the professional  
1-27 employment or practice of a person who is licensed or registered as:

- 1-28 (i) a certified public accountant;
- 1-29 (ii) an architect;
- 1-30 (iii) a landscape architect;
- 1-31 (iv) a land surveyor;
- 1-32 (v) a physician, including a surgeon;
- 1-33 (vi) an optometrist;
- 1-34 (vii) a professional engineer;
- 1-35 (viii) a state certified or state licensed  
1-36 real estate appraiser; ~~[or]~~
- 1-37 (ix) a registered nurse; or
- 1-38 (x) a professional geoscientist.

1-39 SECTION 2. The heading to Section 2254.004, Government  
1-40 Code, is amended to read as follows:

1-41 Sec. 2254.004. CONTRACT FOR PROFESSIONAL SERVICES OF  
1-42 ARCHITECT, ENGINEER, ~~[OR]~~ SURVEYOR, LANDSCAPE ARCHITECT, OR  
1-43 GEOSCIENTIST.

1-44 SECTION 3. Sections 2254.004(a) and (b), Government Code,  
1-45 are amended to read as follows:

1-46 (a) In procuring architectural, engineering, ~~[or]~~ land  
1-47 surveying, landscape architectural, or geoscientific services, a  
1-48 governmental entity shall:

1-49 (1) first select the most highly qualified provider of  
1-50 those services on the basis of demonstrated competence and  
1-51 qualifications; and

1-52 (2) then attempt to negotiate with that provider a  
1-53 contract at a fair and reasonable price.

1-54 (b) If a satisfactory contract cannot be negotiated with the  
1-55 most highly qualified provider of architectural, engineering, ~~[or]~~  
1-56 land surveying, landscape architectural, or geoscientific  
1-57 services, the entity shall:

1-58 (1) formally end negotiations with that provider;

1-59 (2) select the next most highly qualified provider;  
1-60 and

1-61 (3) attempt to negotiate a contract with that provider  
1-62 at a fair and reasonable price.

1-63 SECTION 4. The changes in law made by this Act apply only to  
1-64 the selection of a provider of professional geoscientific services

2-1 or the award of a contract to provide professional geoscientific  
2-2 services made on or after October 1, 2009.

2-3 SECTION 5. This Act takes effect September 1, 2009.

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