

1-1 By: Kacal (Senate Sponsor - Hancock) H.B. No. 2581  
1-2 (In the Senate - Received from the House May 10, 2021;  
1-3 May 11, 2021, read first time and referred to Committee on Business  
1-4 & Commerce; May 20, 2021, reported favorably by the following vote:  
1-5 Yeas 9, Nays 0; May 20, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED  
1-18 AN ACT

1-19 relating to civil works projects and other construction projects of  
1-20 governmental entities.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 2269.056(b), Government Code, is amended  
1-23 to read as follows:

1-24 (b) The governmental entity shall base its selection among  
1-25 offerors on applicable criteria listed for the particular method  
1-26 used. The governmental entity shall publish in the request for  
1-27 proposals or qualifications:

1-28 (1) the criteria that will be used to evaluate the  
1-29 offerors;

1-30 (2) the applicable weighted value for each criterion;  
1-31 and

1-32 (3) [~~for state agencies,~~] a detailed methodology for  
1-33 scoring each criterion.

1-34 SECTION 2. Subchapter B, Chapter 2269, Government Code, is  
1-35 amended by adding Section 2269.060 to read as follows:

1-36 Sec. 2269.060. DOCUMENTS RELATED TO EVALUATION AND RANKING.

1-37 (a) An offeror who submits a bid, proposal, or response to a  
1-38 request for qualifications for a construction contract under this  
1-39 chapter may, after the contract is awarded, make a request in  
1-40 writing to the governmental entity to provide documents related to  
1-41 the evaluation of the offeror's submission.

1-42 (b) Not later than the 30th day after the date a request is  
1-43 made under Subsection (a), the governmental entity shall deliver to  
1-44 the offeror the documents relating to the evaluation of the  
1-45 submission including, if applicable, its ranking of the submission.

1-46 SECTION 3. Section 2269.153, Government Code, is amended to  
1-47 read as follows:

1-48 Sec. 2269.153. PREPARATION OF REQUEST. (a) In this  
1-49 section, "civil works project" has the meaning assigned by Section  
1-50 2269.351.

1-51 (b) The governmental entity shall prepare a request for  
1-52 competitive sealed proposals that includes construction documents,  
1-53 selection criteria and the weighted value for each criterion,  
1-54 estimated budget, project scope, estimated project completion  
1-55 date, and other information that a contractor may require to  
1-56 respond to the request.

1-57 (c) Except as provided by Subsection (d), for civil works  
1-58 projects, the weighted value assigned to price must be at least 50  
1-59 percent of the total weighted value of all selection criteria.

1-60 (d) If the governing body of a governmental entity  
1-61 determines that assigning a lower weighted value to price is in the

2-1 public interest, the governmental entity may assign to price a  
2-2 weighted value of not less than 36.9 percent of the total weighted  
2-3 value of all selection criteria.

2-4 SECTION 4. Section 2269.155, Government Code, is amended by  
2-5 adding Subsection (d) to read as follows:

2-6 (d) Not later than the seventh business day after the date  
2-7 the contract is awarded, the governmental entity shall make the  
2-8 evaluations, including any scores, public and provide them to all  
2-9 offerors.

2-10 SECTION 5. Section 2269.452(a), Government Code, is amended  
2-11 to read as follows:

2-12 (a) This chapter may be enforced through an action for  
2-13 declaratory or injunctive relief filed not later than the 15th  
2-14 calendar [10th] day after the date on which the contract is awarded.

2-15 SECTION 6. The change in law made by this Act applies only  
2-16 to a contract for which a governmental entity first advertises or  
2-17 otherwise solicits bids, proposals, offers, or qualifications or  
2-18 makes a similar solicitation on or after the effective date of this  
2-19 Act. A contract for which a governmental entity first advertises or  
2-20 otherwise solicits bids, proposals, offers, or qualifications or  
2-21 makes a similar solicitation before the effective date of this Act  
2-22 is governed by the law in effect on the date the advertisement or  
2-23 solicitation is made, and that law is continued in effect for that  
2-24 purpose.

2-25 SECTION 7. This Act takes effect September 1, 2021.

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