

## **BILL ANALYSIS**

S.B. 338  
By: Powell  
Public Education  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Construction contracts entered into by the state use uniform general conditions, which are collaboratively developed every five years and then adopted by the Texas Facilities Commission (TFC). The adoption of uniform general conditions ensures that public funds are used with maximum efficiency during the contracting, planning, and construction of state buildings. Although they are built with public funds, public school buildings are not subject to the uniform general conditions under current law. It has been suggested, however, that public school districts could benefit from the adoption of the conditions by establishing more predictability, allocating risk more collaboratively, attracting more bidders, making risks more insurable, and lowering bid amounts, all of which would contribute to lowering construction costs. S.B. 338 seeks to make these benefits available to districts by giving them the option of adopting the uniform general conditions and adding representatives of their interests to the relevant TFC committee.

### **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**

S.B. 338 amends the Education Code to authorize a public school district, after reviewing the uniform general conditions adopted by the Texas Facilities Commission (TFC) for state building construction contracts, to adopt uniform general conditions to be incorporated in all district building construction contracts.

S.B. 338 amends the Government Code to add one individual representing the Texas Association of School Boards and one individual representing the Texas Association of School Administrators to the membership of the committee appointed by the TFC to perform the required periodic review of the TFC uniform general conditions. The bill requires the TFC to appoint those additional members not later than December 1, 2021.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2021.