

## **BILL ANALYSIS**

Senate Research Center

C.S.H.B. 769  
By: Smith, Wayne (Janek)  
Natural Resources  
5/6/2005  
Committee Report (Substituted)

### **AUTHOR'S/SPONSOR'S STATEMENT OF INTENT**

The 78th Legislature, Regular Session, 2003, granted authority and set out guidelines for navigation districts and port authorities to select contractors for construction, maintenance, and repair projects using competitive sealed proposals (CSP). A CSP allows the authority or district to consider other qualifications for a contract other than the lowest bid. In the prescribed process, the port must complete its review of the proposals within 45 days after the CSP is opened. For the majority of proposals, 45 days is adequate to consider the CSPs. However, there occasionally are projects that are so large or complicated that 45 days does not give the authority or district sufficient time to consider all the qualifications and values.

C.S.H.B. 769 amends the Water Code to allow a port authority or navigation district to specify a deadline of not more than 90 days to evaluate and rank each proposal submitted in relation to the published selection criteria.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 60.463, Water Code, by adding Section (e-1), as follows:

(e-1) Authorizes the district, notwithstanding Subsection (e), if the district demonstrates 45 days is not sufficient time for thorough evaluation, to specify in the request for competitive sealed proposals a deadline, not later than the 90th day after the date of opening the proposals, to evaluate and rank each proposal submitted in relation to the published selection criteria.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: upon passage or September 1, 2005.