

BILL ANALYSIS

Senate Research Center
86R2932 SOS-F

S.B. 1297
By: Powell
Education
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Construction contracts for public buildings in Texas contain general conditions, which are common across all projects, and special conditions, which are unique to a particular project. For general conditions, state building construction contracts use uniform general conditions, which are collaboratively developed every five years by a statutory workgroup and then adopted by the Texas Facilities Commission (Subchapter G, Chapter 2166, Government Code). The adoption of uniform general conditions (UGC)s ensure that public funds are used with maximum efficiency during the contracting, planning, and construction of state buildings. Under current law, although they are built with public funds, school buildings are not covered by the UGCs. Interested parties assert that, like the state, school districts could similarly benefit from the adoption of UGCs.

S.B. 1297 seeks to improve efficiency and cost-savings by allowing school districts to utilize UGCs in their construction contracts. As filed, the bill would amend the Education Code to require the Texas Education Agency, after reviewing the uniform general conditions adopted by the Texas Facilities Commission, to adopt uniform general conditions that may be incorporated in all building construction contracts made by school districts.

As proposed, S.B. 1297 amends current law relating to requirements for building construction contracts entered into by public school districts.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Education Agency in SECTION 1 (Section 44.035, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 44, Education Code, by adding Section 44.035, as follows:

Sec. 44.035. ADOPTION OF UNIFORM GENERAL CONDITIONS FOR SCHOOL DISTRICT BUILDING CONSTRUCTION CONTRACTS. (a) Requires the Texas Education Agency (TEA) by rule, after reviewing the uniform general conditions adopted by the Texas Facilities Commission (TFC) under Section 2166.302 (Adoption of Conditions), Government Code, to adopt uniform general conditions to be incorporated in all building construction contracts made by school districts.

(b) Requires TEA, not later than the 180th day after the date TFC adopts additional uniform general conditions or amends the uniform general conditions adopted under Section 2166.302, Government Code, to review those additions or amendments and TEA's uniform general conditions for school district building construction contracts and modify the conditions for school district building construction contracts as TEA considers appropriate.

SECTION 2. Requires TEA by rule, not later than the 180th day after the effective date of this Act, to adopt the initial uniform general conditions applicable to building construction contracts made by school districts as provided by Section 44.035(a), Education Code, as added by this Act.

SECTION 3. Effective date: upon passage or September 1, 2019.