

BILL ANALYSIS

Senate Research Center

H.B. 2581
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Business & Commerce
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Civil works contracting practices and procurement laws should promote competition by qualified contractors to ensure the best price and value for public dollars spent on infrastructure. Unfortunately, there are several deficiencies in current contracting standards. For instance, the inadequate weighting of pricing factors used in conjunction with competitive sealed proposals is serving to diminish competition and has led to overly subjective procurements and contract awards. H.B. 2581 seeks to address these issues and improve contracting and procurement processes for civil works and other construction projects by requiring the disclosure of scoring methodologies and bid evaluations and requiring the weighted value assigned to price for certain projects to be at least 50 percent of the total weighted value of all selection criteria.

H.B. 2581 amends current law relating to civil works projects and other construction projects of governmental entities.

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 2269.056(b), Government Code, to delete existing text requiring the governmental entity to publish in the request for proposals or qualifications for state agencies, a detailed methodology for scoring each criterion.

SECTION 2. Amends Subchapter B, Chapter 2269, Government Code, by adding Section 2269.060, as follows:

Sec. 2269.060. DOCUMENTS RELATED TO EVALUATION AND RANKING. (a) Authorizes an offeror who submits a bid, proposal, or response to a request for qualifications for a construction contract under Chapter 2269 (Contracting and Delivery Procedures for Construction Projects) to, after the contract is awarded, make a request in writing to the governmental entity to provide documents related to the evaluation of the offeror's submission.

(b) Requires the governmental entity, not later than the 30th day after the date a request is made under Subsection (a), to deliver to the offeror the documents relating to the evaluation of the submission including, if applicable, its ranking of the submission.

SECTION 3. Amends Section 2269.153, Government Code, as follows:

Sec. 2269.153. PREPARATION OF REQUEST. (a) Defines "civil works project."

(b) Creates this subsection from existing text and makes no further changes.

(c) Requires the weighted value assigned to price for civil works projects to be at least 50 percent of the total weighted value of all selection criteria, except as provided by Subsection (d).

(d) Authorizes the governmental entity, if the governing body of a governmental entity determines that assigning a lower weighted value to price is in the public interest, to assign to price a weighted value of not less than 36.9 percent of the total weighted value of all selection criteria.

SECTION 4. Amends Section 2269.155, Government Code, by adding Subsection (d), to require the governmental entity, not later than the seventh business day after the date the contract is awarded, to make the evaluations, including any scores, public and provide them to all offerors.

SECTION 5. Amends Section 2269.452(a), Government Code, to authorize Chapter 2269 to be enforced through an action for declaratory or injunctive relief filed not later than the 15th calendar day, rather than the 10th day, after the date on which the contract is awarded.

SECTION 6. Makes application of this Act prospective.

SECTION 7. Effective date: September 1, 2021.