

Bill Number: TX81RHB 2820

Date: 05-28-2009

ENROLLED

1 AN ACT
2 relating to contracts by governmental entities for professional
3 services relating to geoscience and landscape architecture.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 2254.002(2), Government Code, is amended
6 to read as follows:

7 (2) "Professional services" means services:

8 (A) within the scope of the practice, as defined
9 by state law, of:

- 10 (i) accounting;
- 11 (ii) architecture;
- 12 (iii) landscape architecture;
- 13 (iv) land surveying;
- 14 (v) medicine;
- 15 (vi) optometry;
- 16 (vii) professional engineering;
- 17 (viii) real estate appraising; ~~or~~
- 18 (ix) professional nursing; or
- 19 [\(x\) professional geoscience; or](#)

20 (B) provided in connection with the professional
21 employment or practice of a person who is licensed or registered as:

- 22 (i) a certified public accountant;

23 (ii) an architect;

24 (iii) a landscape architect;

1

- 1 (iv) a land surveyor;
2 (v) a physician, including a surgeon;
3 (vi) an optometrist;
4 (vii) a professional engineer;
5 (viii) a state certified or state licensed

6 real estate appraiser; ~~or~~

7 (ix) a registered nurse; or

8 (x) a professional geoscientist.

9 SECTION 2. The heading to Section 2254.004, Government
10 Code, is amended to read as follows:

11 Sec. 2254.004. CONTRACT FOR PROFESSIONAL SERVICES OF
12 ARCHITECT, ENGINEER, ~~OR~~ SURVEYOR, LANDSCAPE ARCHITECT, OR
13 GEOSCIENTIST.

14 SECTION 3. Sections 2254.004(a) and (b), Government Code,
15 are amended to read as follows:

16 (a) In procuring architectural, engineering, ~~or~~ land
17 surveying, landscape architectural, or geoscientific services, a
18 governmental entity shall:

19 (1) first select the most highly qualified provider of
20 those services on the basis of demonstrated competence and
21 qualifications; and

22 (2) then attempt to negotiate with that provider a
23 contract at a fair and reasonable price.

24 (b) If a satisfactory contract cannot be negotiated with the

- 25 most highly qualified provider of architectural, engineering, [~~or~~]
- 26 land surveying, [landscape architectural, or geoscientific](#)
- 27 services, the entity shall:

2

- 1 (1) formally end negotiations with that provider;
- 2 (2) select the next most highly qualified provider;
- 3 and
- 4 (3) attempt to negotiate a contract with that provider
- 5 at a fair and reasonable price.

6 SECTION 4. The changes in law made by this Act apply only to
 7 the selection of a provider of professional geoscientific services
 8 or the award of a contract to provide professional geoscientific
 9 services made on or after October 1, 2009.

10 SECTION 5. This Act takes effect September 1, 2009.

 President of the Senate Speaker of the House

I certify that H.B. No. 2820 was passed by the House on May
 11, 2009, by the following vote: Yeas 138, Nays 9, 1 present, not
 voting.

 Chief Clerk of the House

I certify that H.B. No. 2820 was passed by the Senate on May
 26, 2009, by the following vote: Yeas 31, Nays 0.

 Secretary of the Senate

APPROVED: _____

Date

Governor

3